

Frederic R. DeYoung
1924-1934

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When he was a child, Justice Frederic R. DeYoung exclaimed to his friends and family that he wanted to be a judge. There were times in his life, however, that few would have thought



he could have achieved that ambition. His parents were both natives of the Netherlands, from which they emigrated as children, settling in Chicago. When Frederic was born on September 12, 1875, his parents were living on Fifteenth Street near Blue Island Avenue, one of the most ethnically-mixed neighborhoods in the city of Chicago. When he was five years old, the family moved farther south to the ethnically Dutch village of Roseland, which would be annexed to Chicago over a decade later. A few years

later, the family moved to the town of South Holland, which was the center of Dutch settlement in the Chicago area. His father, Peter DeYoung, who had been born in Dordrecht Zuid in the Netherlands, obtained an appointment as postmaster for the town. Frederic attended the Christian School and later the Brennan School. He left school altogether at age twelve when the family moved back to the west side of Chicago in 1887. He never completed his primary and secondary education.¹

Back in the heart of the city he went to work for two dollars a week for a local jeweler who, in spite of DeYoung's young age, entrusted him with carrying jewels and money around the city for two dollars a week. In 1890 at the age of fifteen, he started working at the nearby Pullman train car factory as a timekeeper. He left there to enroll at the Bryant and Stratton Business College. He was unable to continue his courses there because of his health. In response his father sent him to Europe during 1893 where he was while the Pullman Strike occurred back home. Upon his return to the United States he enrolled at the Northern Indiana Normal School, now Valparaiso University. He graduated from there in 1895 then entered Northwestern University Law School from which he received his Bachelor of Laws degree in 1897 at the age of twenty-two.²

While attending college in Valparaiso he met Miriam Cornell from nearby Boone Grove, Indiana. After graduation from law school and settling in his law career he married her in 1901 on his twenty-sixth birthday. The young couple established their home in the southern Cook County village of Harvey, where they would live until his election to the Supreme Court almost twenty-five years later. The marriage produced a son, Herbert, and a daughter, Ruth. Herbert followed his father into the law profession. Years later, Herbert was admitted to the bar while his father served as Chief Justice of Supreme Court.³ Daughter Ruth also had a notable career. After her graduation from Smith College and marriage to Herbert Kohler, the manufacturer of plumbing products, she enjoyed more than ten years as a *Chicago Tribune* and WGN radio commentator on women's issues.⁴

As a law student and new attorney he was associated with the law office of I. T. Greenacre, a venerated and long-standing member of the local bar. In his private practice, he was also associated with a number of locally prominent attorneys, including former state

representative Louis J. Pierson. Through these connections, DeYoung became involved in politics as a Republican. In 1907, he was elected city attorney for Harvey. He was reelected twice and served until 1919. In 1914, he was elected to the House of Representatives for the Forty-ninth and Fiftieth General Assemblies for the south suburban Seventh District. He was reelected for a second two-year term in 1916 during which time he was the chairman of the committee on the judiciary. At the end of his second term, he decided to run for judge of the Cook County probate court rather than continuing his legislative career. He lost this race to the incumbent Democratic judge Henry Horner, who was to become Governor in the next decade. Rather than return to private practice he secured appointment as the first assistant attorney for the Sanitary District of Chicago. He was yet able to realize his childhood ambition to become a judge in 1921 when Governor Frank O. Lowden appointed him to fill a vacancy in the Cook County circuit court. In 1923, he was elected judge of the Superior Court of Cook County, but held that position for less than a year due to his election to the Supreme Court in June 1924. He was reelected for a second term in 1933, but this term was cut short by his sudden death.⁵

As a practicing attorney and judge, he was interested in solving problems in the state's outdated and cumbersome judicial system. DeYoung was instrumental in bringing about statutory changes through his service on regional and statewide council established to address those issues. The work of the bench and bar culminated in the Civil Practice Act of 1933. Before that he had served as a delegate to the unsuccessful constitutional convention in 1922 where he was the Chairman of the Committee on the Judicial Department. Following years of preliminary work and holding the convention itself, the state's voters declined to adopt a new constitution.⁶

As a lawyer and a jurist he had a reputation for prodigious amounts of work. During his ten years on the Supreme Court he authored more than 440 opinions, which were known for their “uniformly high legal quality and their simple clearness of expression, but above all for their manifest respect for principles.”⁷ Two of his opinions had profound consequences for Illinois courts.

People v. Bruner in 1933 overturned a law that had been in effect since 1827, when the state’s legislature and judiciary were less than ten years old.⁸ The statute allowed juries in criminal cases to determine law as well as facts. In his majority opinion, DeYoung held that the hundred-year old law was unconstitutional by infringing on the right of judges to interpret the law. The role of the jury, he argued, was simply to determine matters of guilt or innocence. The *Chicago Tribune* stated that DeYoung’s opinion was “the biggest step forward in criminal procedure in the last fifty years.”⁹ A second opinion, also pertaining to criminal law, affected the rights of defendants. In *People v. Fisher*, DeYoung wrote that in a felony trial where the plea is not guilty the defendant can waive a jury trial and have the cause heard and determined by the judge.¹⁰

A third opinion, involving land use, had nationwide consequences. In *City of Aurora v. Burns*, DeYoung wrote the first opinion supporting the constitutionality of zoning.¹¹ His opinion was quoted at some length by the United States Supreme Court in the landmark *Village of Euclid v. Ambler Realty Company*, which established the constitutionality of land use zoning nationwide.¹²

On November 16, 1934, shortly after serving ten full years on the Supreme Court, Frederic DeYoung died from a stroke while walking in downtown Chicago. His friends, colleagues, and all those looking forward to his continuing on the bench at least until the

expiration of his term in 1942, were shocked to learn that DeYoung's brilliant career had come to an end at age fifty-seven. His funeral was held in his home at 480 Kimbark in Chicago. His honorary pallbearers included the Justices of the Supreme Court, former Governors Dunne, Deneen, and Lowden. Governor Henry Horner, who had defeated DeYoung for a seat on the bench years before, was also in attendance. Burial followed at Oak Lawn Cemetery.¹³

¹ 359 Ill. 11-26; *Chicago Bar Record*, v. 16, no.5 (1934-1935), pp. 212-213.

² *Ibid.*

³ 359 Ill. 11-26.

⁴ *Chicago Tribune*, June 6, 1940, p. 26.

⁵ 359 Ill. 11-26; *Chicago Bar Record*, v. 16, no.5 (1934-1935), pp. 212-213.

⁶ *Ibid.*; *Chicago Tribune*, January 6, p. 5.

⁷ Charles P. Megan, representing the Chicago Bar Association at memorial services held for DeYoung, December 12, 1934, *359 Illinois Reports* 14.

⁸ 343 Ill. 146.

⁹ *Chicago Tribune*, February 19, 1933, p. 4.

¹⁰ 340 Ill. 250. Both opinions are noted in *Chicago Bar Record*, v. 16, no.5 (1934-1935), pp. 212-213.

¹¹ 319 Ill. 84.

¹² 272 U.S. 365.

¹³ *Chicago Tribune*, November 18, 1934, p. 18.