The Court Archive:
Illinois' First Case

John A. Lupton
© Illinois Supreme Court Historic Preservation Commission
February 2019

Illinoisans approved the first state Constitution in August 1818, and the first General Assembly met in October 1818. These two pre-statehood events set up the structure for the how the state would operate. In 1819, the new state of Illinois finally implemented the workings of a new government.

The General Assembly had created a schedule for the newly created circuit courts to meet. There were four circuits—each presided over by a Supreme Court justice, who traveled among the counties in his circuit. Jackson County was the first county scheduled to hold a term in the new state, on April 5, 1819. However, an unexpected murder resulted in a special term being called in St. Clair County in March 1819.

Timothy Bennett's horse would frequently escape its corral and destroy Alphonso Stuart's crops, creating animosity between the two men. One of Stuart's farmhands tried to scare Bennett's horse away by shooting it with beans. After seeing the injured horse, Bennett became enraged and challenged Stuart to a duel. While duels were not common, people challenged others to duels when they perceived an affront to their reputation. The person challenged chose the weapons—swords, rifles, but most commonly pistols.

Bennett's seconds, Jacob Short and Nathan Fike, arranged with Stuart to hold a "sham" duel, in which both rifles contained only powder so that neither man would perish in the duel. However, immediately before the duel, held in February 1819, Bennett placed a ball in his rifle. When the duel commenced, he shot Stuart, killing him instantly.

Bennett was arrested for Stuart's murder, and the case, *People v. Bennett, Short, & Fike*, was the first case to be heard in the new state and tried during a special term held on March 8, 1819, in the newly created St. Clair County Circuit Court with Supreme Court Justice John Reynolds presiding.

Bennett was jailed in a log cabin and escaped before the trial date. The case continued against Short and Fike, who were found not guilty. Eventually, Bennett was apprehended in 1821 and brought back to Belleville. He was represented by Missouri attorney (and future long-time U.S.

Senator) Thomas H. Benton, who ironically had killed a man in an 1817 duel. In the Bennett case, a jury found him guilty of the murder and sentenced him to hang. Bennett was executed in July 1821.

Despite being the first case docketed in the new State of Illinois, murder cases were extremely rare in early Illinois legal history. Justice Reynolds noted that there was not much violence in Illinois. Very few murder cases actually led to convictions as juries often reduced verdicts to manslaughter—or found defendants not guilty in self-defense or heat-of-the moment killings. In Bennett's case, however, the jury found him guilty because he purposefully gained an unfavorable advantage over Stuart. The jury's decision also helped establish a clear precedent that dueling would not be tolerated in the new state and participation in a duel was an automatic disqualification from holding public office. Despite the disqualification clause, several politicians still participated in duels, but some never came to fruition. Future Illinois Governor William Bissell accepted a challenge from future Confederate States President Jefferson Davis in the early 1850s, and Abraham Lincoln famously accepted a challenge from State Auditor (and later Illinois Supreme Court justice) James Shields in the early 1840s. Neither of these duels took place because their seconds intervened.