

Pinkney H. Walker 1858-1885

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The son of Kentucky attorney Joseph G. and Martha Scott Walker, Pinkney

Houston Walker was born in Adair County, on June 18, 1815. He attended area schools



and worked on his father's farm, and at age seventeen, he became a store clerk. Two years later, in 1834, Walker left Kentucky and settled in Rushville, Illinois, "at that time one of the most thriving and promising of the interior towns of the State."¹

After clerking in a Rushville mercantile business for four years, Walker moved to Macomb, Illinois, where he studied law in the office of an uncle, Cyrus Walker. Examined for the bar by Supreme

Court justices Samuel Lockwood and Thomas Browne,² Walker opened an office in Macomb and in 1840, formed a partnership with his uncle. On June 2 of that year, Pinkney Walker married Susan McCroskey, an Adair County, Kentucky, native and daughter of Rushville merchant James McCroskey. They became the parents of five daughters and four sons.³ In 1848, the family moved from Macomb to Rushville, and Walker partnered with the well-respected attorney Robert S. Blackwell in 1851.⁴

Future Supreme Court justice Damon G. Tunnick studied under Walker's tutelage. "Though his office was small," Tunnick recalled years later, "consisting of but a single room for himself, several students and a good law library, his uniform kindness

and cheerfulness made all feel at home, and that they were never in the way, but always welcome there. His great fondness for the law, the delight he took in discussing it, and explaining its intricacies, as well as the kind, encouraging words he ever had for the beginner, rendered him not only a most valuable instructor, but caused him to be revered and loved by all who were so fortunate as to receive the benefit of his fostering care.”⁵

In 1853, Walker won election as judge of the Fifth Judicial Circuit, comprising Schuyler, Pike, Brown, McDonough, Cass, and Mason counties. He remained in that position until April 1858, when Governor William H. Bissell appointed him to fill a vacancy on the Illinois Supreme Court, replacing Onias C. Skinner, who had resigned his position.

Popularly elected to the Supreme Court position in June 1858 for a nine-year term, Walker served as Chief Justice from January 1864 to June 1867. He was reelected for another nine-year term in 1867, and he was again Chief Justice from June 1874 to June 1875.⁶

Among his numerous opinions, Walker delivered the Supreme Court decision reversing an 1856 breach of warranty ruling. In the Edgar County Circuit Court, John Crabtree had won a judgment against William Kile and his partner, who sold Crabtree eighty-one warranted healthy cattle, many of which died of disease en route to the New York beef market. In *Crabtree v. Kile et al.*, Crabtree’s attorneys argued that he had “sustained great damage by the said breach of the warranty of the plaintiffs, and incurred necessarily heavy expenses in doctoring and taking care of the cattle, and by the delays occasioned in consequence of the diseased condition of the cattle.”

Walker presented the Supreme Court opinion that Crabtree “had the undoubted right to rely upon the warranty, and to act in good faith upon the supposition that they were sound until the disease manifested itself; and then he had a right to sell them for the best price he could obtain for such cattle”:

He was not bound to change his purposes and delay his trip for weeks, months, or even longer, to see if those attacked with the disease would recover, nor was he bound to find a speculator and dealer in diseased cattle, affected with milk-sickness. If he acted in good faith and with prudence in freighting the cattle, he had a right to recover the expenses incurred on those that died or manifested disease, which they had when purchased, before reaching New York. But after discovering that they were diseased, it became his duty to dispose of them without incurring further expense, and if he did so, such expense would not be the proximate and natural consequence of the breach of warranty, and would not be recoverable.⁷

Justice Walker delivered the Court opinion in an 1860 medical malpractice case. Dr. Powers Ritchey had treated Keziah West for a fractured and dislocated wrist, promising to examine her injury the following day. Ritchey failed to perform the reexamination, and West’s wrist healed improperly. An Adams County Circuit Court jury found Ritchey guilty of malpractice and awarded West \$700 in damages.

Abraham Lincoln represented Ritchey in an appeal to the Illinois Supreme Court. “When a person assumes the profession of physician and surgeon,” Justice Walker wrote in affirming the lower court judgment, “he must, in its exercise, be held to employ a reasonable amount of care and skill. For any thing short of that degree of skill in his

practice, the law will hold him responsible for any injury which may result from its absence.”⁸

Walker transitioned to the new 1870 Constitution, assuming his Supreme Court position from the Fourth Judicial District, which comprised twelve counties in western Illinois. Justice John Scholfield recollected that before the Appellate Courts had been created in 1877, the work of the Supreme Court was very busy. In 1873, the court met in Ottawa to hear a great number of cases, working from eight in the morning to nine or ten at night. After the term ended, the justices were charged with writing opinions during the six-week vacation between the terms at Ottawa and Springfield. Scholfield reported that Walker wrote sixty-two opinions in those six weeks and read them in conference at Springfield.⁹ Walker was elected without opposition for a third Supreme Court term in 1876, and again served as Chief Justice from 1879 to 1880.

In *Ruggles v. People*, on appeal from the Bureau County Circuit Court, Walker ruled in 1878 in what is considered among the Illinois Supreme Court’s most significant decisions. Morgan Lewis boarded a Chicago, Burlington and Quincy train at Buda, intending to ride six miles to Neponset. The ticket office was closed, so he offered the conductor, Neal Ruggles, the sum of eighteen cents (3 cents per mile). Ruggles refused, demanding instead twenty cents, the regular fare charged by the CB&Q between the two towns, “which had been fixed by the board of directors and officers of said railroad company several years prior thereto.” After Lewis refused to pay the additional amount, Ruggles stopped the train and unsuccessfully attempted to remove him. Lewis claimed that under the state law entitled “An act to establish a reasonable maximum rate of

charges for the transportation of passengers on railroads in this State,” approved April 15, 1871, he had the right to be carried from Buda to Neponset for eighteen cents.

Arriving in Neponset, Lewis had Ruggles arrested for assault and battery. A Bureau County justice of the peace found Ruggles guilty and fined him \$10 and costs. Ruggles appealed to the circuit court, which affirmed the judgment. Ruggles then took an appeal to the Illinois Supreme Court, arguing that the legislative act “fixing the rate of fare to be paid by persons traveling on the road is unconstitutional and void.” Walker affirmed the guilty verdict and \$10 fine, citing examples of legislative regulation, “as applicable to the police power of the State to the full extent that natural persons are subject to its control.” This case, he concluded, involved “the construction of a provision of the constitution of the United States, and that court having decided it, we must be governed by and give force to it. It is, therefore, unnecessary to further discuss the question.”¹⁰

Walker died at his Rushville home on February 7, 1885, having been on the Court two months short of twenty-seven years—one of the longest serving Illinois Supreme Court justices in history.¹¹ He was buried in the Rushville City Cemetery. “Said to have written more opinions than any other Supreme Court judge in the United States,” according to court historian Ralph M. Snyder,” Walker’s opinions appear in ninety-four volumes of *Illinois Reports*.¹²

¹ *Biographical Encyclopaedia of Illinois of the Nineteenth Century* (Philadelphia: Galaxy Pub. Co., 1895), 440; John M. Palmer ed., *The Bench and Bar of Illinois; Historical and Reminiscent* (Chicago: Lewis Pub. Co., 1899), 54-55.

² *Rushville Times*, 12 February 1885, 4.

³ Emma Siggins White, *Genealogy of the Descendants of John Walker of Wigton, Scotland . . .* (Kansas City: Tiernan-Dart Print. Co., 1902), 377, 381.

⁴ *History of McDonough County, Ill.*, (Springfield, IL: Continental Hist. Co., 1885), 335.

⁵ 113 Ill. 19.

⁶ *History of McDonough County, Ill.*, 336.

⁷ *Crabtree v. Kile et al.*, 21 Ill. 180 (1859).

⁸ *Ritchey v. West*, 23 Ill. 385 (1860).

⁹ 113 Ill. 26.

¹⁰ *Ruggles v. People*, 91 Ill. 256 (1878); Ralph M. Snyder, "Ten Significant Decisions of the Illinois Supreme Court," *John Marshall Law Quarterly*, 5 (June 1940), 442.

¹¹ *Rushville Times*, 4; Palmer, 54.

¹² Snyder, 442.