

## Onias C. Skinner 1855-1858

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A New York native, Onias Childs Skinner was born in Floyd, Oneida County, in 1817, the son of Onias and Tirza Bell Skinner. “A cabin boy on the Erie Canal, a sailor on the lakes,” as a young man Skinner moved west, farming in Peoria County, Illinois, from 1836 to 1839.<sup>1</sup> Then he began the study of law in Greenville, Ohio under future Congressman Hiram Bell and was admitted to the bar.

Skinner returned to Illinois in 1840, practicing law in Carthage, the seat of Hancock County.

Three years later, he married Adeline McCormas Dorsey, the daughter of Judge James M. Dorsey, in Greenville, Ohio.<sup>2</sup>



The couple moved to Quincy in 1844. “As a lawyer,” wrote a local historian, “he was the most daring, speculative and successful litigant that ever practiced at the Adams County bar.”<sup>3</sup> A member of a Hancock County anti-Mormon organization, he presented Governor Thomas Ford with the group’s resolution calling for “extermination of the Mormons.” Two weeks later, Skinner became special counsel to prosecute the Mormon founder Joseph Smith in a preliminary hearing on charges of treason.<sup>4</sup>

After the 1844 murder of Smith and his brother Hyrum, twenty-six-year-old Skinner served as a defense attorney in the trial of five men indicted for the crime.

“Skinner was obviously an advocate of considerable skill,” explained historians Dallin H. Oaks and Marvin S. Hill, “who concentrated his fire upon the prosecution’s case, not upon the anti-Mormon or anti-Smith prejudices of the jury.” Skinner ridiculed the testimony of Mormon witnesses, challenged the idea of a murder conspiracy, and in a three-hour summation asserted that the case against the defendants proved only that certain men thirsted for blood and desired “some victim offered up upon the gallows” to appease the name of Smith, “the idol of a powerful faction.”<sup>5</sup>

The jury deliberated for less than three hours before delivering not guilty verdicts for all five defendants. On the same day, after attorneys failed to appear in court to prosecute the indictment against the same defendants for the Hyrum Smith murder, that suit was dismissed.<sup>6</sup>

A Democratic member of the state legislature in the 1849 and 1850 sessions, Skinner “fulfilled all the duties devolving upon him with ability and energy, and by his bold advocacy of needed reforms through legislative enactment, took immediate rank with the representative men of the State.” Serving for a short period as state’s attorney, in 1851, he won election as judge of the western-Illinois Fifteenth Judicial Circuit.<sup>7</sup>

Adeline Skinner had died in 1849, and in 1853, he married Sarah Harris Wilton. They became parents of a daughter, Maud W. Skinner. Following the resignation of Supreme Court Justice Samuel H. Treat to become a United States District Judge, Skinner on June 4, 1855 won election to fill the vacancy. He defeated Stephen T. Logan, a former law partner of Abraham Lincoln.<sup>8</sup>

In the 1855 case *Johnson v. Richardson et al.*, Justice Skinner affirmed a Sangamon County Circuit Court opinion regarding the responsibility of an innkeeper for

the property of his guests. Enroute from Ottawa to Greene County, William B. Richardson and Henry L. Brush, one of the Richardson's two business partners, lodged at Joel Johnson's Springfield City Hotel. During the night a thief stole Brush's money from their room. Richardson and the other partner sued Johnson and gained a \$286 award, which was their two-thirds share of the stolen amount. Johnson's attorney Abraham Lincoln argued that the men should have deposited the money in the hotel safe.

"Every traveler must carry with him more or less money," Justice Skinner wrote in upholding the lower court decision. "To compel them to place their money in the custody of the innkeeper, his clerk, or servant, would create new perils in traveling, and place the guest at the mercy of the publican, honest or dishonest . . . . In this case, the sum was not unreasonably large to carry about the traveler's person and we cannot hold that he was at fault in not depositing it with the innkeeper."<sup>9</sup>

In the 1857 *Babcock v. Trice* case, Tandy H. Trice had sold and delivered a quantity of corn to a warehouseman. When the warehouse owner, Benjamin W. Babcock, noticed that some of the corn was "in a damaged condition and of less value than sound merchantable corn," he refused to complete the purchase. Trice successfully sued for payment in Warren County Circuit Court, after which Babcock appealed to the Supreme Court. "The duty of Trice," Justice Skinner wrote in reversing the lower court decision, "was to deliver a fair article, fit for use and market as a sound commodity; and his duty, under the contract, was not performed until he had done so."<sup>10</sup>

On April 19, 1858, just prior to the expiration of his term, Skinner resigned from the Supreme Court and resumed his Quincy law practice. He also pursued agricultural and railroad ventures, eventually serving as president of the Quincy & Carthage Railroad

(later the Chicago, Burlington & Quincy Railroad). After the 1861 death of his wife, Sarah, in 1865 Skinner married Helen Reed Cooley, widow of Illinois Secretary of State Horace S. Cooley.<sup>11</sup>

Skinner represented Adams County in the 1870 Illinois Constitutional Convention and served as chairman of the Judiciary Committee.<sup>12</sup> “He was a sound, able lawyer,” wrote fellow lawyer John M. Palmer, “gaining eminence by his excellent service on the supreme bench.”<sup>13</sup>

Skinner died at his Quincy home on February 4, 1877, after having been thrown from his carriage by a team of frightened horses.<sup>14</sup> In Supreme Court memorial proceedings, Chief Justice John Scholfield remarked upon Skinner’s contributions to the State of Illinois. “As judge, as legislator, and as a lawyer, he ably and honorably acted his part. His impress on our institutions and laws is strongly marked.”<sup>15</sup>

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<sup>1</sup> David F. Wilcox, *Quincy and Adams County, Vol. 1* (Chicago: Lewis Pub. Co., 1919), 149.

<sup>2</sup> *Biographical Encyclopaedia of Illinois of the Nineteenth Century* (Philadelphia: Galaxy Pub. Co., 1875), 217.

<sup>3</sup> Wilcox, 149.

<sup>4</sup> Dallin H. Oaks and Marvin S. Hill, *Carthage Conspiracy; The Trial of the Accused Assassins of Joseph Smith* (Urbana: University of Illinois Press, 1975), 94.

<sup>5</sup> Oaks and Hill, 66, 84, 94, 179-81.

<sup>6</sup> Charles J. Scofield, ed., *History of Hancock County* (Chicago: Munsell Pub. Co., 1921), 850-52.

<sup>7</sup> “An act to establish the Fourteenth and Fifteenth Judicial Circuits, and for other purposes,” 12 February 1851, *General Laws of the State of Illinois, passed by the Seventeenth General Assembly* (1851), 82.

<sup>8</sup> Robert W. Johannsen, *Stephen A. Douglas* (New York: Oxford University Press, 1973), 479.

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<sup>9</sup> *Johnson v. Richardson*, 17 Ill. 302 (1855).

<sup>10</sup> *Babcock v. Trice*, 18 Ill. 420 (1857).

<sup>11</sup> *Biographical Encyclopaedia of Illinois*, 216-17.

<sup>12</sup> *Quincy Daily Herald*, 6 February 1877, 2.

<sup>13</sup> John M. Palmer, ed., *The Bench and Bar of Illinois; Historical and Reminiscent* (Chicago: Lewis Pub. Co., 1899), 54.

<sup>14</sup> *History of Mercer and Henderson Counties* (Chicago: H.H. Hill and Co., 1882), 884.

<sup>15</sup> 85 Ill.