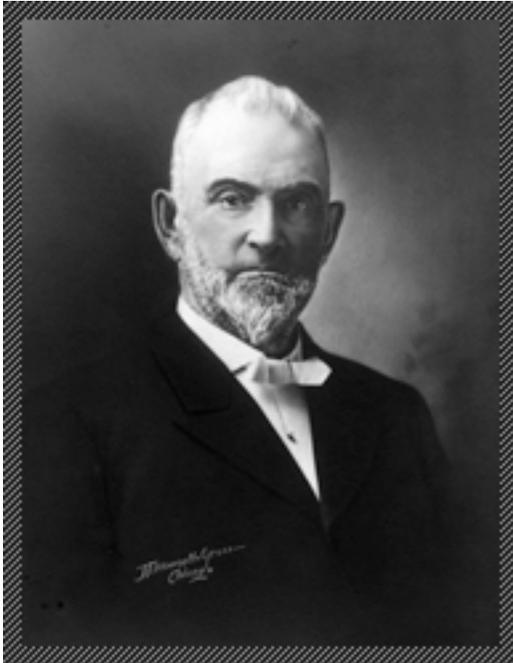


## Damon G. Tunncliff 1885

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A native of Herkimer County, New York, Damon George Tunncliff was born on August 20, 1829, the son of George and Marinda Tilden Tunncliff. Damon helped on the



family farm until the age of fifteen, when he began working in an uncle's store in Ohio.<sup>1</sup>

In 1849, Tunncliff moved to Vermont in Fulton County, Illinois, where he operated his own general store. "His youth was almost devoid of opportunities for mental training," explained one biographer, "and the finished culture and broad, comprehensive grasp and power of minute analysis which made him a conspicuous and

commanding figure in the forensic arena of Illinois, were the self-acquired attainments of his mature years."<sup>2</sup>

Eager for a professional career, Tunncliff began legal studies in Rushville in 1853 under future Supreme Court Justice Pinkney H. Walker, and then in Chicago under Robert S. Blackwell. Admitted to the bar after only six months of study, Tunncliff practiced with Blackwell and another leading Chicago attorney, Charles B. Beckwith.<sup>3</sup>

Moving to Macomb, McDonough County, in 1854, Tunncliff partnered initially with Cyrus Walker, "one of the best criminal lawyers in the west," and Chauncey L. Higbee.<sup>4</sup> Retained in 1854 as counsel for the Northern Cross Railroad Company, he

continued as legal adviser to the firm, which became the Chicago, Burlington & Quincy Railway Company, for the remainder of his life. After Higbee won an election as circuit judge, the firm dissolved in 1861, and Tunncliff had a solo practice for nearly four years. In 1865, he began a ten-year partnership with Asa A. Matteson.<sup>5</sup>

“During these years of practice,” observed a local historian, Tunncliff “had been steadily developing in intellectual strength, broadening in scope and growing in legal knowledge and acumen, until he had attained an eminent position as the undisputed leader of the McDonough County Bar.”<sup>6</sup> On January 11, 1855, he married Mary E. Bailey of Macomb, daughter of Colonel W. W. Bailey, an early McDonough County settler. The Tunncliffs became the parents of six children, before Mary’s death in 1865.<sup>7</sup>

A “most intense” Republican and anti-slavery advocate, Tunncliff served as an alternate delegate to the 1860 national convention that nominated Abraham Lincoln for the presidency. Tunncliff was also an elector on the 1868 Ulysses S. Grant presidential ticket and a delegate to the 1876 convention that nominated Rutherford B. Hayes.

On November 4, 1868, Tunncliff married Sarah A. Bacon, daughter of Larkin C. Bacon, and they became the parents of three daughters.<sup>8</sup> In 1874, he defended a notorious western Illinois outlaw, Ed Maxwell, on burglary and horse-stealing charges. In a victory for the defense, the court convicted Maxwell only of burglary and sentenced him to a year in the state penitentiary. “Most people of that era,” explained historian John E. Hallwas, “wanted severe punishment for theft crimes, to instill fear in those socially marginal men, like Ed Maxwell, that the law was designed to control.”<sup>9</sup>

When Tunncliff’s law partner, Matteson, moved to Galesburg in 1875, Tunncliff practiced alone again until 1879, when he associated with James H. Baker, specializing in

general law and collections. Then on February 16, 1885, Governor Richard Oglesby appointed Tunnicliff an Associate Justice of the Illinois Supreme Court, filling the unexpired term of his mentor, the deceased Pinkney Walker. *The New York Times* noted the appointment, describing Tunnicliff “as one of the ablest and most finished lawyers in the western part of the State.”<sup>10</sup>

Tunnicliff served in the position for only five months and delivered few of the Court’s opinions. He affirmed the Cook County Superior Court in *Gordon et al. v. Reynolds*, a case in which Charles Gordon conveyed real and personal property to his son William Gordon, in an attempt to “defeat, hinder and delay” collection of a debt. Determining the transaction as “fraudulent,” Tunnicliff wrote that appellee Frank P. Reynolds was “entitled to have the conveyance from Charles Gordon to William Gordon of the real and personal property set aside” in order for Reynolds to recover the debt.<sup>11</sup>

Tunnicliff ran for election for his own seat, but in a district that favored Democrats, the Republican Tunnicliff lost to Simeon P. Shope. After leaving the bench, he returned to his law practice, initially with son George, but his role was to act primarily as a consultant in cases. When his son George left the firm, Lawrence Y. Sherman became a partner and practiced with Tunnicliff. Sherman later had a significant political career as Illinois’s lieutenant governor and a U.S. Senator, helping to keep the United States out of the League of Nations after World War I.<sup>12</sup>

Tunnicliff and his family entertained at their spacious Macomb home, “Grove.”<sup>13</sup> Following a brief illness, the seventy-two-year-old Damon Tunnicliff died at the residence on December 20, 1901. He was buried in the city’s Oakwood Cemetery.<sup>14</sup>

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<sup>1</sup> 196 Ill. 9.

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<sup>2</sup> Newton Bateman and Paul Selby, eds., *Historical Encyclopedia of Illinois and History of McDonough County* (Chicago: Munsell, 1907), 1029.

<sup>3</sup> 196 Ill. 10.

<sup>4</sup> *Macomb Daily Journal*, 21 December 1901, 5.

<sup>5</sup> Bateman and Selby, 1030.

<sup>6</sup> Bateman and Selby, 1030.

<sup>7</sup> Bateman and Selby, 1030.

<sup>8</sup> *Macomb Daily Journal*, 5; *History of McDonough County, Illinois* (Springfield: Continental Historical Co., 1885), 392-93.

<sup>9</sup> John E. Hallwas, *Dime Novel Desperadoes; The Notorious Maxwell Brothers* (Urbana: University of Illinois Press, 2008), 60-61.

<sup>10</sup> *New York Times*, 17 February 1885, 2.

<sup>11</sup> *Gordon et al. v. Reynolds*, 114 Ill. 118 (1885).

<sup>12</sup> David Kenney and Robert E. Hartley, *An Uncertain Tradition: U.S. Senators from Illinois, 1818-2003* (Carbondale: Southern Illinois University Press, 2003), 105-09.

<sup>13</sup> Gordana Rezab, *Place Names of McDonough County, Illinois: Past and Present* (Macomb: Western Illinois University, 2008), 112.

<sup>14</sup> *Macomb Daily Journal*, 5.