

## Norman Higgins Purple 1845-1848

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Successor to Justice Jesse B. Thomas Jr., Norman H. Purple was born on March 29, 1803 in Otsego County, New York.<sup>1</sup> The son of a carpenter and farmer, Purple received a common-school education, supplemented by academy courses. He began the study of law under Judge N. B. Eldred in Wayne County, Pennsylvania, and completed his legal education in Tioga County. After admittance to the bar in 1830, Purple opened a practice in Tioga County, and there, in January 1831, he married Ann Eliza Kilburn, daughter of Pennsylvania Judge Ira Kilburn.<sup>2</sup>



Six years later, the Purples moved to Peoria, Illinois, where he developed an extensive law practice. “As a practitioner at the bar,” wrote John M. Palmer, “Purple was exact as well as exacting. He never presented a matter in court without due preparation. Keeping himself within the rules of the court, he expected the same of others.”<sup>3</sup>

From 1839 to 1842, Purple served as state’s attorney for the ten-county Ninth Judicial Circuit, comprising most of northern Illinois. Strongly pro-slavery, Purple obtained a warrant against Bureau County abolitionist Owen Lovejoy for “keeping in his house, feeding, clothing, and comforting” two black women.

Purple argued that Lovejoy violated the Act of 1829, which imposed penalties for harboring any black not possessing a certificate of freedom. After a Bureau County inferior court apparently ruled for Purple, a circuit court jury heard the case in a nearly weeklong trial. In his charge to the jurors, Judge John Dean Caton “laid down the law distinctly, that ‘if a man voluntarily brings his slave into a free-state, the slave becomes free.’” The jury acquitted Lovejoy, “a great triumph,” reported historian N. Dwight Harris, “for the antislavery element.”<sup>4</sup>

In addition to his lucrative law practice and judicial responsibilities, Purple ranked among the prominent citizens of Peoria. In 1843, he and several other residents obtained a state charter to establish a water supply from mineral springs on the west bluff two miles into the center of the city. The reservoir provided water for approximately fifteen years, until the rapidly increasing population required a larger source near the Illinois River.

In 1844, Purple served as a Democratic presidential elector for James K. Polk, and the following year, Democratic Illinois Governor Thomas Ford appointed Purple to the Illinois Supreme Court. With responsibility for the Fifth Judicial Circuit in western Illinois, the Purples moved from Peoria to Quincy.

During the December 1845 Supreme Court term, Justice Purple wrote the opinion in *Wright v. Bennett et al.*, regarding illegitimate children. Menard County Probate Justice of the Peace Asa D. Wright appealed a Menard County Circuit Court ruling that favored Richard E. Bennett against the mother of his illegitimate child. His attorneys had demanded possession of the child, basing their case on a state statute that if she did not relinquish custody, Bennett would not be responsible for court-ordered child support.

Although the courts intended that the law favor the child and its mother, fathers such as Bennett cited the statute in attempting to circumvent their child-support obligations. After “careful and attentive consideration of the law,” Purple upheld the lower court ruling. “I am reluctantly compelled to admit that, if the reputed father of an illegitimate child, under the law as it existed at the time of the commencement of this suit, will have the inhumanity, in its helpless and dependent infancy, to demand its surrender by the mother, the law, upon her refusal, imposes upon him no further obligation to aid in its maintenance and support, at least so long as she persists in her refusal.”<sup>5</sup>

In December 1846, the Illinois General Assembly affirmed Governor Ford’s appointment, electing Purple to the Supreme Court. In the slander case *Regnier v. Cabot et al.*, he affirmed the Morgan County Circuit Court judgment of insufficient evidence against Eliza Cabot. With Abraham Lincoln as her attorney, Cabot had sued Francis Regnier for publicly accusing her of fornication. “In my judgment,” Purple wrote, “character is too valuable to permit it, in a Court of justice to be destroyed, or even sullied by a report derived from a majority of three persons only. It is general, and not partial, reputation in the neighborhood where the party resides which, in legal contemplation, establishes character for good or evil.”<sup>6</sup>

With the 1848 Illinois Constitution that reduced the number of Supreme Court justices, Purple returned to the practice of law in Peoria. He edited and published a compilation of the state’s real estate statutes in 1849, “a work of inestimable value to the profession in those days,” reported fellow attorney John M. Palmer.<sup>7</sup> Purple also authored a compilation of general legislative acts, known as the “Purple Statutes,” which contained

references to Supreme Court decisions and statutes from 1818 to 1857. For nearly a decade he attended terms of the U. S. Circuit Court in Chicago, where “his clear legal mind, dignity of mien and unswerving integrity to his profession and clients, command the respect of all who saw him and heard him, and placed him upon the topmost round of his profession.”<sup>8</sup>

Purple died at the Sherman House hotel in Chicago on August 9, 1863. He had been working on another compilation of statutes from 1857 to 1863. Survivors included his wife and five of their six children. After a funeral ceremony at the family home in Peoria, he was interred at Springdale Cemetery.<sup>9</sup>

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Norman H. Purple Papers: Abraham Lincoln Presidential Library and Museum, Springfield, Illinois.

<sup>1</sup> Some sources report his birth year as 1806 or 1807 and his birthplace as Litchfield County, Connecticut.

<sup>2</sup> John M. Palmer, ed., *The Bench and Bar of Illinois; Historical and Reminiscent* (Chicago: Lewis Pub. Co., 1899), 45; David McCulloch, *History of Peoria County* (Chicago: Munsell, 1902), 538-39; *United States Biographical Dictionary and Portrait Gallery . . . Illinois Volume* (Chicago: American Biographical Pub. Co., 1876), 674-75.

<sup>3</sup> Palmer, 300.

<sup>4</sup> P. G. Rennick, “Courts and Lawyers in Northern and Western Illinois,” *Journal of the Illinois State Historical Society*, 30 (1937-38), 330-31; N. Dwight Harris, *The History of Negro Servitude in Illinois and of the Slavery Agitation in That State, 1719-1864* (1904, rpt. Ann Arbor, MI: University Microfilms, 1968), 110-11.

<sup>5</sup> *Wright for use of Davidson v. Bennett and Bennett*, 7 Ill. (2 Gilman) 587 (1845); Daniel W. Stowell, ed., *In Tender Consideration; Women, Families, and the Law in Abraham Lincoln’s Illinois* (Urbana: University of Illinois Press, 2002), 61; Daniel W. Stowell, et al. eds., *The Papers of Abraham Lincoln: Legal Documents and Cases*, 4 vols. (Charlottesville: University of Virginia Press, 2008), 1: 385-98.

<sup>6</sup> *Regnier v. Cabot et al.*, 7 Ill. (2 Gilman) 34 (1845).

<sup>7</sup> Palmer, 46.

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<sup>8</sup> *Peoria Weekly Transcript*, 14 August 1863, 2.

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