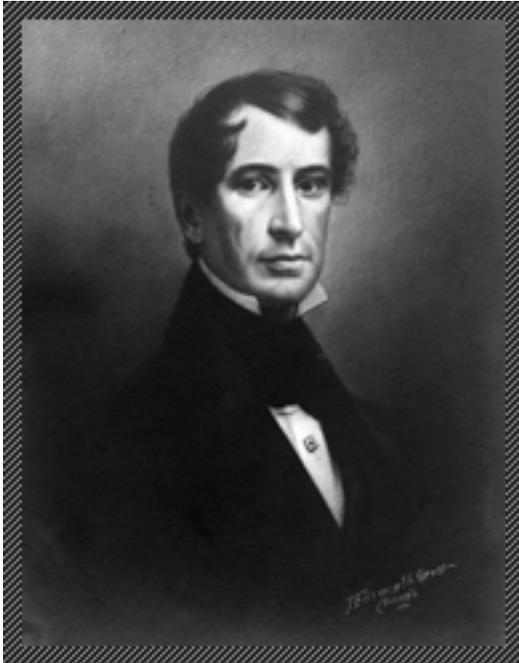


## Richard M. Young 1843-1847

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A Jacksonian Democrat, Richard Montgomery Young served a term in the United States Senate before being chosen for the Illinois Supreme Court. Born on a Fayette



County, Kentucky, farm on February 20, 1798, he was the son of Abner and Frances Bourne Young.<sup>1</sup> After attending country schools, Richard Young enrolled in Forest Hill Academy, an exclusive school in Jessamine County. Completing the academy course at age sixteen, he studied law under a prominent area attorney, Col. James Clark, and gained admission to the Kentucky bar in 1816.<sup>2</sup>

One year later, Young opened a law office in Jonesboro, Illinois. “His practice was not long confined to the meager litigation of Union county,” wrote biographer John Francis Snyder, “but speedily extended to the courts of the several counties between Shawneetown to the east and Kaskaskia on the north, and to Missouri Territory beyond the Mississippi. He was a close and interested observer of the transition of Illinois in 1818, from a territorial form of government to that of a state, and actively participated in its embryo politics.”<sup>3</sup>

In June 1820, a newly commissioned Captain in the Illinois militia, Young married Matilda James, daughter of Judge William James of St. Genevieve County,

Missouri. They became the parents of two daughters, Matilda James and Bernice Adelaide Young. At the general election just weeks after his military commissioning, voters elected Young to represent Union County in the second Illinois General Assembly.<sup>4</sup>

In his single term at Vandalia, Young championed controversial legislation that established a state bank. The bank system operated for four years before failing, a loss to the state of \$300,000. “There is every reason to believe,” wrote biographer Snyder, “that Mr. Young’s constituents did not approve of, or forgive him for, his aid in establishing that State bank.” He did not win endorsement for reelection, nor did he ever again win a popular-vote election to public office.<sup>5</sup>

In the 1824-1825 judicial reorganization, the Illinois General Assembly chose five judges for the newly created circuit courts. On December 30, 1824, twenty-six-year-old Young won legislative election to the Third Judicial Circuit. He and his family moved from Jonesboro to Kaskaskia, center of the circuit. “He conducted his courts with dignity and conscientious rectitude,” reported Snyder, “but neglected no opportunity to keep himself in the limelight of popular favor.” In 1824, he participated in welcoming and entertaining the visiting French statesman Marquis de Lafayette.<sup>6</sup>

After legislators in the 1826-1827 session returned circuit court duties to the Supreme Court justices, Young resumed the practice of law, in partnership with U.S. Senator Elias Kent Kane. Then in 1829, the General Assembly formed the Fifth Judicial Circuit, comprising all of the state north and west of the Illinois River, and elected Young to serve that circuit. The Youngs moved from Kaskaskia to the populous and busy lead-mining town of Galena.

Two years later, “desiring a quieter place of residence for his family than Galena,” he purchased a 120-acre farm east of Quincy and built a two-story frame farm house on the property. “He was a fine-looking, complaisant Kentuckian,” wrote fellow attorney Charles Ballance, “who possessed not much legal learning, but a fine, high-blooded Kentucky horse, and knew well how to ride him.” In May 1833, according to Ballance, Young “made his appearance in the Village of Peoria, and announced that he was on his way to Chicago to hold court. He had traveled about 130 miles, from Quincy, where he lived, and had to travel, as the trail then run, not less than 170 miles further, to hold the first court on his circuit. Just think of a horseback ride of at least 300 miles to hold a three days’ court!”<sup>7</sup>

In addition to his circuit duties, Young traveled to Vandalia to attend Supreme Court and legislative sessions. “He was personally known to all the officials and politicians in the State,” recalled Snyder, “and was himself one of the most popular and highly esteemed of the State’s public men.” When legislators in 1833 brought impeachment charges against Justice Theophilus Smith, Young won respect for his association with Sidney Breese and Thomas Ford in Smith’s defense and acquittal.<sup>8</sup>

In 1835, Young sold his farm and the family moved to Quincy, to a newly built brick mansion on Hampshire Street (later the site of the Tremont House hotel).<sup>9</sup> Elected over five competitors to the United States Senate in 1836, Young resigned his judgeship on January 3, 1837 to begin the senatorial term. For two sessions, he chaired the Committee on Roads and Canals, supporting improvements within Illinois in the aftermath of a financial collapse.<sup>10</sup> “The march of Illinois is forward,” he told fellow Senators, “and if her legislative guardians at home shall promptly discharge their duty in

the preservation of her credit at home and abroad, who can not foretell that her destiny is no less than that of the Empire state?”<sup>11</sup>

In 1839, Illinois Governor Thomas Carlin, having exhausted money market possibilities in New York, sent Senator Young and former Governor John Reynolds to London, where they unsuccessfully sought loans of \$4 million for completing the Illinois and Michigan Canal.<sup>12</sup> “It is doubtful if two other men so conspicuous in public life at that time,” wrote Snyder, “could have been found, so little qualified—so destitute of financial skill, for such a difficult and important mission. . . . The people of Illinois never forgave Reynolds and Young for their bungling failure as special fiscal agents of the State. From that ill-judged junket of the two statesmen dated the decline of their popularity.”<sup>13</sup>

Failing to win a second senatorial term, on January 14, 1843, Young assented to legislative selection as successor to Illinois Supreme Court associate justice Theophilus Smith. Young “accepted the Supreme court Judgeship,” Snyder explained, “because nothing better was then accessible, and found its laborious obscurity in too marked contrast with the dazzling eminence of the Senate.”<sup>14</sup> In his new position, Young also had responsibility for the northern Illinois Seventh Judicial Circuit.

Snyder acknowledged that Young acquitted himself on the bench “with much credit . . . a superior lawyer and judge.” In his first year, he delivered four court decisions and one dissenting opinion. In 1844, he wrote six decisions, one separate, and one dissenting opinion, and in 1845, delivered ten decisions, two separate, and two dissenting. “Well and concisely written,” reported Snyder, “they are all clear and accurate judicial statements supported by ample references and sound reasoning.”<sup>15</sup>

In the celebrated 1845 *Jarrot v. Jarrot* case, Young delivered a lengthy separate opinion upholding Justice Walter B. Scates' majority decision. The St. Clair County circuit court had ruled for slave-owner Julia Jarrot against slave Joseph (Pete) Jarrot, who brought legal action against her for services rendered.<sup>16</sup> According to Snyder, the Supreme Court decision "practically removed from the statutes the last vestige of authority for slavery in Illinois."<sup>17</sup>

In another 1845 case, *Eldridge v. Rowe*, Justice Young, writing for the majority, rejected the argument of Springfield attorney Abraham Lincoln regarding release of a contract. Barnabus E. Eldridge had hired Nelson Rowe as a farm worker for eight months, but Rowe worked for only four months before asking to be released from the contract. When Eldridge offered three options for completing the work, Rowe rejected the offers and hired Lincoln to sue for payment. Young wrote that Rowe had fairly entered the contract but failed to fulfill his obligations and rejected Eldridge's compromise options. Therefore, Young reasoned, Rowe should receive no compensation.<sup>18</sup>

Seeking a return to public prominence, Young in early 1846 made an unsuccessful attempt to become the Democratic nominee for governor. Senator Stephen A. Douglas then convinced President James K. Polk to appoint Young as Commissioner of the General Land Office, succeeding fellow Illinoisan James Shields.<sup>19</sup> On January 25, 1847, Young resigned from the Supreme Court to accept the federal appointment, and the Youngs moved from Quincy to Washington, D.C. From 1850 to 1851 he served as clerk of the U.S. House of Representatives, then resumed the practice of law. Later in the decade he began suffering physical decline and mental illness, spending several months

in 1860 in the Government Hospital for the Insane. Upon discharge, he remained secluded at his home, where he died on November 28, 1861, at age sixty-three. He was buried in the Congressional Cemetery in Washington, D.C.<sup>20</sup>

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Richard M. Young Papers: Abraham Lincoln Presidential Library and Museum, Springfield, Illinois.

<sup>1</sup> *Illinois Biographical Dictionary* (New York: Somerset Publishers, 1993), 347.

<sup>2</sup> J. F. Snyder, "Forgotten Statesmen of Illinois: Richard M. Young," *Transactions of the Illinois State Historical Society* (1906), 302-03.

<sup>3</sup> Snyder, 303.

<sup>4</sup> Snyder, 303-04, 326; *Quincy Daily Herald*, 19 October 1905, 5.

<sup>5</sup> Snyder, 306; Thomas Ford, *A History of Illinois, From its Commencement as a State in 1818 to 1847* (1854, rpt. Ann Arbor, MI: University Microfilms, 1968), 27.

<sup>6</sup> Snyder, 307.

<sup>7</sup> Charles Ballance, *History of Peoria, Illinois* (Peoria: N. C. Nason, 1870), 63.

<sup>8</sup> Snyder, 314; John M. Palmer, ed., *The Bench and Bar of Illinois; Historical and Reminiscent* (Chicago: Lewis Pub. Co., 1899), 43.

<sup>9</sup> Snyder, 315-16; *Quincy Daily Herald*, 19 October 1905, 5.

<sup>10</sup> Frederic B. Crossley, *Courts and Lawyers of Illinois* (Chicago: American Historical Society, 1916), 233.

<sup>11</sup> Palmer, 43.

<sup>12</sup> Theodore Calvin Pease, *The Frontier State, 1818-1848* (1918, Urbana: University of Illinois Press, 1987), 225.

<sup>13</sup> David Kenney and Robert E. Hartley, *An Uncertain Tradition; U.S. Senators from Illinois, 1818-2003* (Carbondale: Southern Illinois University Press, 2003), 22; Snyder, 318-19.

<sup>14</sup> Snyder, 321.

<sup>15</sup> Snyder, 320.

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<sup>16</sup> *Jarrot v. Jarrot*, 7 Ill. (2 Gilman) 1 (1845).

<sup>17</sup> Snyder, 320.

<sup>18</sup> *Eldridge v. Rowe*, 7 Ill. (2 Gilman) 91 (1845); Susan Krause and Daniel W. Stowell, *Judging Lincoln; The Bench in Lincoln's Illinois*, rev. ed. (Springfield: Illinois Historic Preservation Agency, 2008), 75.

<sup>19</sup> Robert W. Johannsen, *Stephen A. Douglas* (New York: Oxford University Press, 1973), 188.

<sup>20</sup> Palmer, 43; Snyder, 325-26; Kenney and Hartley, 22.