

Jesse J. Phillips 1893-1901

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Born on a Montgomery County, Illinois, farm on May 22, 1837, Jesse J. Phillips was the seventh of eight children of Thomas and Jane Roberts Phillips. Jesse attended nearby Hillsboro



Academy and at the age of nineteen was appointed a route agent on the Terre Haute & St. Louis Railroad. He resigned the position in 1857, then spent the next three years studying law under prominent Hillsboro attorney James M. Davis, of the firm Davis & Kingsbury.¹

Admitted to the bar in 1860, Phillips opened a law office in Hillsboro and “at once rose into prominence,” recalled one resident. “He was a brilliant speaker, full of fire and magnetism which won him many friends.” He had the “faculty of impressing his own convictions upon a jury so that he was soon known as the best jury lawyer in Central Illinois.”²

Phillips practiced in Hillsboro until the outbreak of the Civil War. Upon hearing President Abraham Lincoln’s first call for troops, Phillips “hung a flag from his office window and announced that he would raise a company to aid in preserving the Union.” He was elected Captain, then Major, of his company, attached to the Ninth Regiment, Illinois Infantry. Soon ordered to the front, the company engaged in a number of battles, acquiring the name “Bloody Ninth.”³

Their first engagement was in October 1861 near Eddyville, Kentucky, where Major Phillips, commanding three companies, attacked three hundred Confederates. Promoted to Lieutenant Colonel, he received a commendation from General Ulysses S. Grant for gallantry in the February 1862 battle of Fort Donelson. In the April battle of Shiloh, Phillips was twice shot through the thigh, and another bullet crippled his hand.⁴

In March 1863, the Ninth Regiment was mounted and served as a cavalry unit for the duration of the war. The following spring, the corps to which Phillips' regiment was attached advanced with the Army of the Tennessee. At the battle of Resaca, he was shot through the ankle. Resigning from the service in September, "having seen, perhaps, more hard fighting than any officer in the Union army," according to a county historian, Phillips was brevetted Brigadier General "for gallant, meritorious and distinguished services."⁵

"Few of the men whom Illinois gave to the armies of the union," declared the *Chicago Tribune*, "displayed greater personal bravery on the field of battle. Several times his horse was shot under him as he was leading a desperate charge, and he himself was so severely wounded at Shiloh that he never fully recovered his normal health."⁶

Before returning to his Hillsboro law practice, Phillips married Virginia Davis, daughter of planter Nicholas Davis, in Huntsville, Alabama. Active in Democratic politics, he was the unsuccessful candidate for State Treasurer in both 1866 and 1868. After the death of Virginia Phillips, on November 7, 1884, he married Mrs. Juliet Kendel Best of Hillsboro. Phillips had no children with either wife.⁷

Elected a judge of the Fifth Judicial Circuit in 1879, Phillips served on that bench for thirteen years. "He was a man of genial manners and striking appearance," reported the *Chicago Tribune*, with an erect and "soldierly" bearing, long black hair, and mustache. "Often the wounds

which he received at Shiloh made it necessary for him to go about on crutches, but in the presence of congenial company he was always ready to forget his own suffering, relax for the moment his judicial dignity, and enter heartily into the spirit of jollity and good fellowship.”⁸

Upon the death of Supreme Court Justice John M. Scholfield in 1893, Phillips won election by a wide majority to the vacancy and filled Scholfield’s seat on the Court. “No man ever donned the ermine of the highest court in the state under more adverse and trying circumstances,” reported the *Illinois State Journal*. “As the successor of Judge Scholfield, he knew that his opinions would be more closely criticized than had he been elected from any other district.”⁹

Phillips soon became known as “fearless” for right and justice. “He readily left the established precedents and wandered into unexplored fields to find arguments in favor of his position,” recalled fellow Supreme Court Justice Jacob W. Wilkin. “His discipline as a lawyer,” added Simeon P. Shope, “and his broad training in the affairs of life, well fitted him for the work.”¹⁰

In the 1893 *Burke v. People* case, Justice Phillips delivered the opinion affirming a decision of the Cook County Criminal Court. Thomas Burke and another man had been convicted of robbery. Burke appealed his conviction on grounds that not only had the prosecution failed to prove that he robbed the victim of anything specifically described in the indictment, but also that questions and remarks by the judge during examination of the victim’s wife constituted error. Phillips affirmed the lower court’s judgment. “Where, from the evidence, the force or intimidation, and taking from the person a thing of value, are shown,” Phillips decreed, “a conviction may be had without a finding of value specifically.” On the issue of

judicial examination, Phillips found that “the error of the judge in that regard was not such that a new trial should be granted.”¹¹

In the 1894 *Erringdale et al., v. Riggs et al.* case, Phillips delivered the opinion reversing a Mercer County Circuit Court decision and illustrating the insecurity of real estate titles during that era. After the death of his wife in 1892, Harrison W. Riggs, who had moved from Illinois to Texas nearly forty years earlier while his wife remained in Illinois, gave power of attorney to one of his sons to sell a parcel of his Illinois land. Although another son remained on the land on which he and his mother had resided, after her death, Riggs conveyed a half section to his former daughter-in-law, Eveline P. Erringdale. “The consideration was one dollar and past kindness in caring for him,” according to court records, “and an agreement to support him the remainder of his life.”

Eight of Riggs’ sons filed suit, alleging that at the time of their mother’s death, she, not their father, owned the parcel in dispute. The sons also alleged that Riggs “was not of sound mind” when he made the conveyance to Erringdale, “and that it was procured by undue influence.” After the circuit court set aside the deed from Riggs to Erringdale, she appealed the decision. In delivering the Supreme Court opinion, Phillips determined that the wife could not own the property under the common law in effect at that time. Additionally, there was no documentary evidence to show that she indeed owned the land. Phillips reversed the circuit court decision and directed the lower court to dismiss the lawsuit.¹²

Reelected to the Supreme Court at the expiration of his first term, Phillips served as Chief Justice in 1897. Suffering poor health for more than a year, Phillips died on February 16, 1901. His body lay in state at the Montgomery County courthouse in Hillsboro, viewed by an estimated 10,000 people. Following funeral services, he was buried in Hillsboro’s Oak Grove Cemetery.¹³

¹ *Portrait and Biographical Record of Montgomery and Bond Counties, Illinois* (Chicago: Chapman Bros., 1892), 501-02; William Henry Perrin, ed., *History of Bond and Montgomery Counties, Illinois* (Chicago: O. L. Baskin, 1882), 329.

² *Hillsboro Journal*, 22 February 1901, 1.

³ Jacob L. Traylor, *Past and Present of Montgomery County, Illinois* (Chicago: S. J. Clarke Pub. Co., 1904), 100.

⁴ Newton Bateman and Paul Selby, eds., *Historical Encyclopedia of Illinois* (Chicago: Munsell, 1900), 423; Traylor, 103.

⁵ *Biographical Encyclopaedia of Illinois of the Nineteenth Century* (Philadelphia: Galaxy Pub. Co., 1875), 327; Traylor, 103.

⁶ *Chicago Tribune*, 17 February 1901, 38.

⁷ Illinois Statewide Marriage Index, 1763-1900, Montgomery County; *Biographical Encyclopaedia*, 327; Arthur Charles Cole, *The Era of the Civil War, 1848-1870*, (1919, rpt Urbana: University of Illinois Press, 1987), 398.

⁸ *Chicago Tribune*, 38.

⁹ *Illinois State Journal* (Springfield), 16 February 1901, 1.

¹⁰ *Hillsboro Journal*, 1; 191 Ill. 43.

¹¹ *Burke v. People*, 148 Ill. 70 (1893).

¹² *Erringdale et al. v. Riggs et al.*, 148 Ill. 403 (1894); Isaac Newton Bassett, *Past and Present of Mercer County, Illinois*, Vol. 1, (Chicago: S. J. Clarke Pub. Co., 1914), 319-20.

¹³ *Hillsboro Journal*, 1-2.