

## **Simeon P. Shope**

1885-1894

© Illinois Supreme Court Historic Preservation Commission  
Image courtesy of the Abraham Lincoln Presidential Library

Simeon Peter Shope was born in Akron, Ohio, on December 3, 1834, the son of Simeon P. and Linda Richmond Shope.<sup>1</sup> The family resided for two years in Michigan before moving to Illinois, settling first in Marseilles, then in Ottawa, and eventually on a farm near Metamora.

Young Simeon helped with chores, attended public schools and enrolled briefly at Eureka College. At the age of fifteen, he began teaching school while also studying law in Peoria under former Illinois Supreme Court justice Norman H. Purple. In 1857, Shope



married Sarah M. Jones, daughter of Wesley and Eliza Jones of Fulton County. They became the parents of four children, only two of whom would survive to adulthood.<sup>2</sup>

Admitted to the bar in 1858, Shope practiced briefly in Metamora before relocating to Lewistown, where he entered a partnership with Colonel Lewis W. Ross. Active in Democratic politics, Shope won election as a representative to the Illinois General Assembly in 1862. After serving one term, he returned to his practice while also attending state and local political conventions. He was a member of the national Democratic conventions that nominated Horace Greeley and Grover Cleveland for the Presidency.<sup>3</sup>

“During the many political campaigns,” recalled one observer, “he was in constant demand by his party, and there is not an old school house in the county whose walls has not rung with his impassioned and silver tongued oratory, and there are many living who tell of some of his remarkable pleadings as lawyer in the old court house.”<sup>4</sup>

Shope also gained a reputation as an amusing storyteller, particularly tales concerning his friend and fellow attorney Abraham Lincoln. One of Shope’s courtroom yarns involved Welcome Brown, a “shiftless, careless sort of lawyer. When Brown leaned over to speak to Shope, everybody in the room could see a big hole in the seat of his trousers. A young law student came up to Lincoln and asked him to subscribe for a new pair of pants for Brown. Lincoln looked, then wrote, ‘I cheerfully contribute to the end in view, 25 cents.’”<sup>5</sup>

In 1871, Shope partnered with John A. Gray, and a few years later Harry M. Waggoner joined the partnership. “It was a strong firm,” reported the local newspaper, “and enjoyed the patronage of a large clientele.” Six years later, in 1877, Shope filled the unexpired term of Sixth Judicial Circuit Judge Joseph Sibley, then won election to the position. “His legal attainments,” according to the newspaper, “his keen mind, his reputation as a judge, and his high character as a man and a citizen placed him at the head of his profession.”<sup>6</sup> By 1879, according to one writer, Shope, “who had started in life with but little means,” had accumulated “300 acres of fine farm land, 20 lots in Lewistown and a fine residence.” His wife died on January 4, 1882.<sup>7</sup>

Shope continued as a circuit court judge until 1885, when he won election to the Illinois Supreme Court, defeating Damon G. Tunnicliff. Shope “possesses a clear, comprehensive, analytical mind, which, together with his thorough training and his

retentive memory,” wrote a biographer in 1890, “renders him peculiarly fitted for the honorable and useful office whose duties he is so ably discharging.”<sup>8</sup>

Shope served as Chief Justice in 1889-1890, during which time he delivered the opinion in the slander case of *McLaughlin v. Fisher*. Daniel McLaughlin, president of the Illinois Miners’ Protective Association, had brought the case in Sangamon County Circuit Court, accusing Fisher of “contriving and wickedly and maliciously intending to injure the plaintiff in his good name and reputation,” by “keeping up an agitation” among central and southern Illinois miners, “so that the mine owners of northern Illinois can get all the trade.”

Shope affirmed the Third District Appellate Court decision on behalf of defendant Frank R. Fisher, ruling that “words not in themselves actionable can not be rendered so by an innuendo, without a prefatory averment of extrinsic facts which make them slanderous.” He concluded, “It is not shown, in any way, that if the plaintiff had been guilty as charged in the language alleged to have been used by the defendant, it would have operated to the prejudice of the association or of the persons engaged in mining, or that the use of the language could have operated to the prejudice of the plaintiff.”<sup>9</sup>

In the 1893 personal injury suit *Gartside Coal Company v. Turk*, Shope upheld the Fourth District Appellate Court decision on behalf of company employee William Turk, whose arm became so mangled in machine cog “that amputation became necessary.” Gartside’s attorneys maintained that a fellow employee, not the company, was responsible for the accident. “Appellee had been told by the superintendent,” noted Shope, “that the workmen there would direct him what to do. . . . The injury to appellee

arose, directly and proximately, from his obedience to the order and direction of the person in charge.”<sup>10</sup>

Declining nomination for another term on the Supreme Court, Shope moved to Chicago to reside with his daughter. He established Shope, Mathis, Barrett & Rogers, with “commodious and pleasant” offices in the Title & Trust Company building. Shope served as general attorney for the Suburban Railway and several other major companies, and became a recognized authority on corporation law.<sup>11</sup> “Simeon P. Shope is to-day accounted one of the ablest members of the Cook county bar,” attorney John M. Palmer wrote in 1899, “and was one of the best judges who ever occupied a seat upon the bench of Illinois.”<sup>12</sup>

On January 23, 1920, Shope succumbed in Lake View Hospital from injuries he received several weeks earlier when struck by a passing automobile as he stepped onto a curb. “Up to that time,” reported the Lewistown newspaper, “although 85 years of age he had been able to go down daily to his law offices in the city and was in his usual health.”<sup>13</sup>

Following services in Chicago and Lewistown, he was buried in the family lot at Lewistown’s Oak Hill Cemetery.<sup>14</sup>

<sup>1</sup> *History of Fulton County, Illinois* (Peoria: Chas. C. Chapman & Co., 1879), 813, reports Shope’s birth year as 1835. Newton Bateman and Paul Selby, eds., *Historical Encyclopedia of Illinois and History of Fulton County* (Chicago: Munsell, 1908), 1104, report the year as 1836. John M. Palmer, ed., *The Bench and Bar of Illinois: Historical and Reminiscent* (Chicago: Lewis Pub. Co., 1899), 1181, George W. Warvelle, *Compendium of Freemasonry in Illinois, Vol. 2* (Chicago: Lewis Pub. Co., 1897), 329, and E. R. Pritchard, ed., *Illinois of To-Day and its Progressive Cities* (Chicago: Illinois of To-Day, [1897], 21, list the year as 1837.

<sup>2</sup> 294 Ill. 15, 19; *Portrait and Biographical Album of Fulton County, Illinois* (Chicago: Biographical Pub. Co., 1890), 891.

---

<sup>3</sup> Palmer, 1182; Bateman and Selby, 1104; Pritchard, 21.

<sup>4</sup> *Fulton Democrat* (Lewistown), 28 January 1920, 1.

<sup>5</sup> “Simeon P. Shope,” *Journal of the Illinois State Historical Society*, 12 (1919-1920), 647. There is a variant of this story; Ward Hill Lamon refers to himself as the one with the torn trousers and that Lincoln “contributes nothing to the end in view.” Ward Hill Lamon, *Recollections of Abraham Lincoln, 1847-1865* (Chicago: McClurg and Co., 1895), 16-17.

<sup>6</sup> *Fulton Democrat*, 1.

<sup>7</sup> *History of Fulton County*, 813; *Fulton Democrat*, 1.

<sup>8</sup> *Portrait and Biographical Album of Fulton County*, 891.

<sup>9</sup> *McLaughlin v. Fisher*, 136 Ill. 111 (1890).

<sup>10</sup> *Gartside Coal Company v. Turk*, 147 Ill. 120 (1893).

<sup>11</sup> Warvelle, 330; Palmer, 1182.

<sup>12</sup> Palmer, 1182.

<sup>13</sup> *Fulton Democrat*, p. 1.

<sup>14</sup> *Chicago Daily Tribune*, 24 January 1920, 15; *Chicago Legal News*, 29 January 1920, 213; *Fulton Democrat*, 1.