

John Scholfield 1873-1893

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The descendant of Pennsylvania Quaker Thomas Scholfield and his Ohio-born wife, Ruth Beauchamp Scholfield, John Scholfield was born on his parents' farm near



Martinsville, Clark County, Illinois, on August 1, 1834.¹ After his mother's death, sixteen-year-old Scholfield lived with an uncle, Jacob Anderson, in Martinsville, attending school and working in Anderson's stable and tavern on the National Road.

At age eighteen, Scholfield enrolled in a Congregational academy in nearby Marshall, intent on following his mother's wish that he

become a lawyer. He supported himself by performing chores for the county sheriff, Thomas Handy.² "It is said," wrote a biographer, that Scholfield "never spent an idle hour in those days, joining the youngsters of his own age only in games of ball or other athletic sports, and returning immediately to his books. He had no time for loitering or gossip."³

In 1851, Scholfield accepted a teaching position while continuing his studies, and in 1854 sold a piece of land inherited from his uncle to finance the completion of his education. Two years later, at age twenty-two, he graduated from Louisville University Law School, then returned to Marshall to enter practice with James C. Robinson.⁴

Area resident Ralph H. Osborne, who studied law under Scholfield, recalled one of his cases. “A man came into the office and said, ‘I wish to secure your service in a case I have.’ From his statement it seemed through some technicality he would be able to secure forty acres of land belonging to two orphan children. Scholfield said, ‘You old rascal! I never saw these children, but I am their attorney, and if you ever attempt to steal this land, I will do my best to send you to the ‘pen’. That was the last of that case.’”⁵

In 1856, Scholfield won election as State’s Attorney for the ten-county Fourth Judicial Circuit. Spending three months each year riding the circuit by horseback or buggy, he gained the reputation of a fierce prosecutor, particularly in cases involving gambling, liquor sales to minors, and hog and horse theft.⁶ He prosecuted a saloon keeper named Davis, who sold whiskey to a young girl for her “sad wreck” of a brother, after their father forbade Davis from selling liquor to the boy. Scholfield, recalled his former law student, portrayed Davis “as one of the worst criminals, a real scamp.” Addressing the jury, Scholfield said, “Now men, you can only fine him, I plead with you to give him the full extent of the law. You cannot send him to the penitentiary. I do not want you to. He would corrupt the prisoners.” According to Scholfield’s student, the jurors, moved to tears, imposed “the full extent of the law, but was very inadequate then—a small fine.”⁷

Illinois Supreme Court Justice Sidney Breese considered State’s Attorney Scholfield “one of the most promising young lawyers in America. He has practiced regularly in our court in such cases as came up by appeal and writ of error from the Wabash Courts, and I have had a good opportunity of estimating his ability, and know of no lawyer, old or young, that I can place above him.”⁸

In December 1859, Scholfield married Emma J. Bartlett, daughter of John and Jane Archer Bartlett of Marshall. The Scholfields would become the parents of eight sons and two daughters. A Democrat, Scholfield had supported James Buchanan in the 1856 presidential contest, then Stephen A. Douglas in his 1858 Senate and 1860 Presidential campaigns. Scholfield won election to the Illinois House of Representatives in 1860, and served one term. During that time, he also maintained a moderately large and constantly increasing law practice. In 1869, he was elected without opposition to represent Cumberland and Clark counties in the Constitutional Convention.

In 1870, he became general solicitor for the Vandalia Railroad. Three years later, following the resignation of Supreme Court Justice Anthony Thornton, Scholfield defeated Judge A. N. Kingsbury of Hillsboro for the Court seat. “He is quite a young man to be elevated to so high a position,” reported Usher Linder at the time; “but he is a bright and shining light in the legal world, and should he reach the age of fifty or sixty, will doubtless make himself a name that will deserve to fill a much larger place in our legal history than I can give to him at the present time.”⁹ Reelected without opposition in 1879 and 1888, Scholfield served as Chief Justice in 1877, 1884, and 1890.¹⁰

Among his most significant cases was the 1884 case *Blake v. People for use of Caldwell*, involving the protection of agricultural lands against surplus water. In the Pike County Court, Judge Edward Doocy had rejected landowner M. M. Blake’s challenge to his assessment for Sny Island Levee repairs, alleging as unconstitutional the state’s 1879 Drainage Act. On appeal to the Supreme Court, Blake’s attorneys contended that the drainage act embraced “more than one subject. Drains and ditches constitute a different subject from that of a levee.” In upholding the Pike County Court, Scholfield confirmed

the constitutionality of the 1879 law and approved the organization of sanitary districts within the state.¹¹

In 1888, Scholfield declined recommendations by prominent jurists and legislators for nomination as Chief Justice of the U.S. Supreme Court. “The chief Justiceship of the United States is one of the most glittering prizes a man could be tempted with,” he told a *Chicago Tribune* reporter at the time, “but I have not the courage to aspire to such a position, nor any confidence in my ability to meet its requirements. At any rate, my large family, their future and education, require that I should remain here.”¹²

In failing health during the last few years of his life, Scholfield died on February 13, 1893 of peritonitis at his Marshall home.¹³ He was buried in the Marshall City Cemetery. His “influence upon the jurisprudence of the State was very great,” eulogized Supreme Court Justice Benjamin D. Magruder. “Many of his opinions are what are called among lawyers ‘leading cases.’ They illustrated and enforced principles which, at the time of his announcement of them, were new in the history of the court of which he was a member. Not a few of these cases have been since followed and used as the ground-work of numerous decisions, not only in Illinois, but in other States and in the Federal Supreme Court.”¹⁴

¹ *Biographical Encyclopaedia of Illinois* (Philadelphia: Galaxy Pub. Co., 1875), 481; *Chicago Tribune*, 14 February 1893, 1.

² *Chicago Tribune*, 1.

³ *Chicago Tribune*, 1.

⁴ 145 Ill. 11.

⁵ Rev. R. H. Osborne, “Reminiscences of Judge John Scholfield” (Altamont, IL: pamphlet, n. d., n. p.). Copy in the Abraham Lincoln Presidential Library and Museum, Springfield, IL.

⁶ *Chicago Tribune*, 1.

⁷ Osborne, “Reminiscences.”

⁸ General Usher F. Linder, *Reminiscences of the Early Bench and Bar of Illinois* (Chicago: Chicago Legal News Co., 1879), 231.

⁹ Linder, 230.

¹⁰ Newton Bateman and Paul Selby, eds., *Historical Encyclopaedia of Illinois and History of Clark County* (Chicago: Middle West Pub. Co., 1907), 469.

¹¹ *Blake v. People for use of Caldwell*, 109 Ill. 504 (1884); Ralph M. Snyder, “Ten Significant Decisions of the Illinois Supreme Court,” *John Marshall Law Quarterly*, 5 (June 1940), 441; William T. Gard, *The Sny Story; The Sny Island Levee Drainage District and the Sny Basin* (North Richland Hills, TX: Smithfield Press, 2002), 31.

¹² *Chicago Tribune*, 1.

¹³ *Chicago Times*, 14 February 1893, 2.

¹⁴ 145 Ill. 14.