

Samuel D. Lockwood 1825-1848

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

A young New York attorney who became prominent in Illinois politics, Samuel D. Lockwood was born in Poundridge, New York on August 2, 1789, the eldest of four children of Joseph and Mary Drake Lockwood.¹

Orphaned at the age of ten, Lockwood lived with an uncle who taught him law. In 1811, he obtained his law license and began practicing in Albany, also serving as justice of the peace and master in chancery.²

In 1818, the twenty-nine-year-old Lockwood traveled the Allegheny and Ohio rivers to the new state of Illinois. He opened a law office in Carmi, then moved to Edwardsville in 1821 after the legislature elected him Attorney General.³ In that position, he successfully prosecuted a defendant, William Bennett, accused of an 1820 murder by duel, which was illegal in Illinois. By that conviction and execution by hanging, wrote Thomas Ford in his history of Illinois, Lockwood prevented “the barbarous practice of dueling from being introduced” into Illinois.⁴



Less than two years after Lockwood became Attorney General, Governor Edward Coles appointed him as Secretary of State. Three months later, in April 1823, President James Monroe named Lockwood the receiver of public monies at the Edwardsville land

office. “This carried a better salary, paid in gold, instead of the depreciated currency,” wrote a Lockwood biographer, “so Mr. Lockwood resigned the secretaryship and accepted the federal office.”⁵

In the ongoing issue of slavery in the state, he supported anti-slavery Governor Coles. Through columns in the anti-slavery *Edwardsville Spectator* newspaper, Lockwood argued against the call for a constitutional convention—helping to ensure that Illinois remained a free state. In other activities, as an appointed member of the state’s first Board of Canal Commissioners in 1824, Lockwood contracted with engineers to survey the route of the Illinois and Michigan Canal.⁶

With the 1824 Supreme Court reorganization, Lockwood won legislative election as an associate justice, serving for twenty-four years. “He was a sound lawyer,” wrote fellow attorney Usher F. Linder, “a scholar, a gentleman, and an honest man.”⁷ In one example of poor travel conditions, Lockwood and fellow Justice William Wilson were unable to cross the Kaskaskia River in the middle of winter. They chose to swim across and made the perilous journey, “but Lockwood nearly died of exposure.”⁸

Among Lockwood’s contributions were revisions of the Illinois statutes, a major undertaking of the court and legislation from 1826 to 1829. He also established a principle that voided unsigned indenture papers. “This was a small but an essential gain for the negroes,” wrote historian N. Dwight Harris, “since this decision must have acted as an effectual check on all unscrupulous masters who, would, if it were possible, entice and browbeat free negroes into their service.”⁹

Lockwood was involved in two politically charged cases in the 1820s and 30s. In *People ex rel. Ewing v. Forquer*, one of Lockwood’s earliest cases in the Illinois

Supreme Court, acting governor Adolphus F. Hubbard, who was sitting in the absence of Edward Coles, appointed Ewing to the position of paymaster-general. Secretary of State George Forquer refused to sign the commission. Ewing sued to force Forquer to sign the commission. In 1825, Lockwood wrote the opinion that Forquer did not have to sign the commission because Hubbard did not have the authority to make the appointment as an acting governor. In the 1839 highly politicized case of *Field v. People ex rel. McClernand*, Lockwood wrote a concurring opinion with Chief Justice William Wilson that the Illinois Governor did not control the office of Secretary of State.¹⁰

In 1841, after the legislature divided Illinois into nine judicial circuits, Justice Lockwood became responsible for the First Judicial Circuit in western Illinois. In *Klein et al. v. Mather*, an 1845 case before the Morgan County Circuit Court, Lockwood rendered judgment for Thomas Mather to recover proportionate payments regarding the 1837 move of state government from Vandalia to Springfield. The Supreme Court affirmed that decision.¹¹

In 1846, he delivered the Supreme Court decision in *Anderson v. Ryan*. Michael Ryan had sued Elias Anderson in the Coles County Circuit Court for the seduction of his daughter and the loss of her services while pregnant. The jury found for Ryan, and Anderson retained Abraham Lincoln, who contended that Ryan had not proved loss of his daughter's services. Justice Lockwood disagreed with Lincoln's argument and wrote the opinion affirming the circuit court judgment.

Lockwood cited a New York opinion on seduction that "satisfactorily vindicates the modern doctrine, as more in accordance with the original design of the action for seduction. It has long been considered as a standing reproach to the common law, that it

furnished no means to punish the seducer of female innocence and virtue, except through the fiction of supposing the daughter was a servant of her parent, and that in consequence of her seduction, the parent had lost some of her services as a menial. It is high time this reproach should be wiped out.” He later added, “This action ought, then, no longer to be considered as a means of recovering damages for the loss of menial services, but as an instrument to punish the perpetrator of flagitious outrage upon the peace and happiness of the family circle.”¹²

Lockwood represented Morgan County at the 1847 Illinois Constitutional Convention. In a speech on the judiciary, Lockwood commented that he believed “that long terms and competent salaries are the only sure basis of an independent, upright, and able judicial system—and I am yet to learn that the tenure of *good behavior* with a competent salary is not best calculated to secure these desirable results.” Lockwood advocated gubernatorial appointment to the Court with fifteen-year terms, but the convention passed popular election and nine-year terms in addition to reducing the number of Supreme Court justices from nine to three.¹³

With implementation of the new Constitution, Lockwood retired from the bench. “The career of Judge Lockwood,” wrote Frederic B. Crossley, “indicates he was one of the most popular and forceful men of his time, in that he was apparently never an office seeker, he held positions of trust and honor in the state for more than fifty years, to most of which he was elevated by administrations with whom he was not in political sympathy.”¹⁴ Former Justice John D. Caton noted that “If Judge Lockwood was not a great man, he was a good man and a good judge. His style of writing of easy and perspicuous.”¹⁵

Lockwood married Mary Stith Nash in the 1820s, and they became parents of three daughters. In 1828, the family moved to Jacksonville, where he helped to establish Illinois College and served as a trustee for forty consecutive years (1828-1868). He also assisted in locating several state charitable institutions in Jacksonville.¹⁶

In 1851, legislators elected Lockwood a trustee of the land department of the Illinois Central Railroad, a position he held for the remainder of his life. In 1853, he moved from Jacksonville to Batavia, where he died on April 23, 1874 at the age of eighty-five.¹⁷ Lockwood was buried in the West Batavia Cemetery.

Samuel D. Lockwood Papers, Abraham Lincoln Presidential Library and Museum, Springfield, Illinois.

¹ William Coffin, *Life and Times of Hon. Samuel D. Lockwood* (Chicago: Knight & Leonard, 1889), 13.

² Michael J. Howlett, *Keepers of the Seal: A History of the Secretaries of State of Illinois* (Springfield: State of Illinois, 1977), 29; Susan Krause and Daniel W. Stowell, *Judging Lincoln: The Bench in Lincoln's Illinois* (2002, rev. ed., Springfield: Illinois Historic Preservation Agency, 2008), 22-23.

³ John M. Palmer, ed., *The Bench and Bar of Illinois; Historical and Reminiscent* (Chicago: Lewis Pub. Co., 1899), 22-23.

⁴ Frederic B. Crossley, *Courts and Lawyers of Illinois* (Chicago: American Historical Society, 1916), 209; Thomas Ford, *A History of Illinois, From its Commencement as a State in 1818 to 1847* (1854, rpt. Ann Arbor, MI: University Microfilms, 1968), 28-29.

⁵ Quoted in *Jacksonville Journal-Courier*, Sept. 10, 2001.

⁶ Crossley, 209; Ford, 33.

⁷ General Usher F. Linder, *Reminiscences of the Early Bench and Bar of Illinois* (Chicago: Chicago Legal News Co., 1879), 264.

⁸ Paul E. Stroble Jr., *High on the Okaw's Western Bank: Vandalia, Illinois 1819-39* (Urbana: University of Illinois Press, 1992), 101.

⁹ 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), 100.

¹⁰ *People ex rel. Ewing v. Forquer*, 1 Ill. (1 Breese) 104 (1825); *Field v. People ex rel. McClernand*, 3 Ill. (2 Scammon) 79 (1839).

¹¹ *Klein et al. v. Mather*, 7 Ill. (2 Gilman) 317 (1845).

¹² *Anderson v. Ryan*, 8 Ill. (3 Gilman) 583 (1846).

¹³ Arthur Charles Cole, ed., *The Constitutional Debates of 1847* (Springfield: Illinois State Historical Library, 1919), 763.

¹⁴ Crossley, 208.

¹⁵ James E. Babb, "The Supreme Court of Illinois," *The Green Bag* 3 (1891): 226.

¹⁶ Newton Bateman and Paul Selby, eds., *Historical Encyclopedia of Illinois* (Chicago: Munsell, 1900), 341-42.

¹⁷ Susan Krause and Daniel W. Stowell, *Judging Lincoln: The Bench in Lincoln's Illinois* (Springfield: Illinois Historic Preservation Agency, 2008), 37.