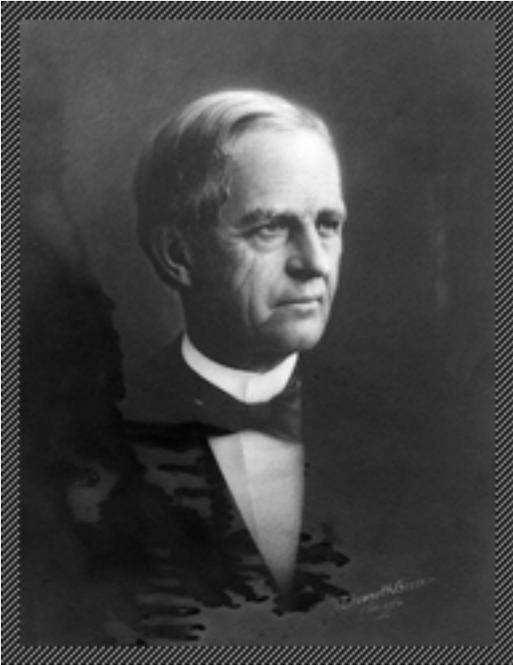


Lyman Trumbull 1848-1853

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Among the state's most eminent figures, Lyman Trumbull was a native of Connecticut, the grandson of a Congregational pastor who served as a military chaplain



during the American Revolution. Born in Colchester on October 12, 1813, Lyman Trumbull was the seventh son of eleven children born to Benjamin and Elizabeth Mather Trumbull. Lyman attended Bacon Academy in Colchester, then taught at a nearby school for four years. At age twenty, he moved to Greenville, Georgia, where he continued teaching while studying for the bar.¹

In 1836, Trumbull traveled by horseback to Belleville, Illinois, the seat of St. Clair County. There he opened a law practice with former Governor John Reynolds, developing “not only a prospering law partnership,” observed Trumbull biographer Mark Krug, “but an even more important political association that lasted for a number of years.”² Trumbull possessed “rare intellectual endowments,” according to historian N. Dwight Harris. “In politics he was an old-time Democrat, with no leanings toward abolitionism, but possessing an honest desire to see justice done the negro in Illinois. It was a thankless task in those days of prejudice and bitter partisan feeling to assume the role of defender of the indentured slaves.”³

Trumbull won election to the state legislature in Springfield in 1840, but served only briefly, from November 23 to March 1, 1841. Then he accepted Governor Thomas Carlin's appointment to succeed Stephen A. Douglas as Secretary of State. Maintaining his Belleville residence and law practice, when in Springfield Trumbull took meals in a private home and slept in a statehouse committee room. In letters to his family in Connecticut, Trumbull reported that he found the business of the Secretary's office "very trifling." Among the duties, he provided hand-written copies of statutes, affixed documents with the state seal, and received election returns.⁴ A popular bachelor, Trumbull enjoyed the Springfield social life.

After Thomas Ford succeeded Governor Carlin, Trumbull vocally opposed Ford's proposals to strengthen the state's precarious financial situation. In March 1843, Ford responded by removing Trumbull as Secretary of State. "From the nature of his office," Ford wrote, "he ought to have been my confidential helper and adviser." Ford described Trumbull as "a medium lawyer but no statesman . . . literally devoured by ambition" for political office.⁵

One of Trumbull's last duties as Secretary was to make an index for the House and Senate Journals, and the legislature appropriated \$600 for the task. Trumbull did part of the work, received \$400, then left the remainder to Thompson Campbell, his successor. Campbell claimed that Trumbull took more than his fair share, sued Trumbull to obtain payment, and won a judgment for \$200. Trumbull retained Abraham Lincoln and appealed to the Illinois Supreme Court. Justice Samuel Treat reversed the decision, arguing that Campbell could not sue Trumbull, but had to sue the State.⁶

In June 1843 in Springfield, Trumbull married Julia Jayne, a close friend of Mary Lincoln, wife of Abraham Lincoln.⁷ They became the parents of six sons, only three of whom survived to adulthood.⁸

Trumbull waged an unsuccessful campaign in 1846 for a congressional seat, then in 1848 won election as one of three Illinois Supreme Court justices. One justice was to serve three years, one six years, and the other nine years, the terms to be decided by lot. Thereafter the term of each judge would be nine years.⁹ Trumbull drew the lot for the three-year term, which pleased him. “If I should want to leave the bench,” he wrote his wife, “it is fortunate that I have drawn the short term.”¹⁰

Trumbull moved his family from Belleville to a house with acreage in Alton.¹¹ In 1852, he was elected to a full nine-year Supreme Court term. Among the cases in which he presented the Court opinion, *McKinley v. Watkins* involved Joseph Watkins and William R. McKinley, who had traded horses in 1845. After McKinley’s horse soon died, they disputed the terms of the trade. McKinley maintained that he offered to pay Watkins \$50 or give him a horse worth \$50 in exchange for not filing a lawsuit. Justice Trumbull reversed the Logan County Circuit Court decision that had favored Watkins, finding no evidence that he had assented to McKinley’s offer. “A mere offer, not assented to,” wrote Trumbull, “constitutes no contract; for there must be not only a proposal, but an acceptance thereof.”¹²

In *Jones v. The People of the State of Illinois*, Trumbull affirmed a Morgan County Circuit Court decision against Samuel B. Jones, convicted of selling and serving liquor in his home. Jones contended that an 1851 statute prohibiting the retail sale of intoxicating drinks to be unconstitutional. “By virtue of its police power,” Trumbull

wrote, “every State must have the ‘right to enact such laws as may be necessary for the restraint and punishment of crime, and for the preservation of the public peace, health, and morals of its citizens.’ It is upon this principle that the sale of lottery tickets, and of cards, and other instruments for gaming is prohibited; and who ever questioned the constitutionality or validity of such laws? A government that did not possess the power to protect itself against such and similar evils, would scarcely be worth preserving.”¹³

Justice Trumbull “was not happy on the bench,” observed biographer Mark M. Krug. “He was a politician who enjoyed the excitement of Illinois politics, and he chafed under the customary restriction on political activities by judges. The restraint became increasingly unbearable as the conflict over the extension of slavery was intensified. He was strongly opposed to any expansion of slavery into the free territories and deeply resented, as a strong Union man, threats of secession uttered from time to time by the Southern representatives in and out of Congress. In addition, the salary of \$1,500 per year was insufficient to support his family. After considerable soul-searching he decided to resign from the bench and to resume the private practice of law in 1853.”¹⁴

One year later, Trumbull left the Democratic party in the aftermath of the 1854 Kansas-Nebraska Act.¹⁵ He won election to Congress as an Anti-Nebraska opponent of Stephen A. Douglas’ “popular sovereignty” stance on the slavery question. Before he could take his House seat, however, Illinois’ Anti-Nebraska legislators, “failing to unite” over the candidacy of Springfield attorney Abraham Lincoln, elected Trumbull to the U.S. Senate. “This produced some heart-burnings amongst some of Lincoln’s friends,” recalled fellow attorney Usher F. Linder, “and one of them publicly charged Trumbull with intriguing for and cheating Lincoln out of his place. This charge I have no doubt was

false.”¹⁶ Trumbull and Lincoln became the de-facto leaders of the new Illinois Republican Party, and Trumbull campaigned for Lincoln when Lincoln vied to unseat incumbent U. S. Senator Stephen A. Douglas in 1858.

During the Civil War, Trumbull joined with Governor Richard Yates in allowing blacks as soldiers. A black regiment was authorized for Illinois in 1863, but, because of pay and benefit inequities, Illinois blacks in the war numbered fewer than three thousand.¹⁷ As chairman of the powerful Judiciary Committee, Trumbull authored many legislative acts passed by Congress during the crucial decade between 1861 and 1871, including the Thirteenth Amendment, which abolished slavery and involuntary servitude in the U.S.¹⁸

In 1868, Trumbull and six other Republican Senators resisted pressure from party leadership and voted for the acquittal of impeached President Andrew Johnson. “I am a Senator and a judge,” Trumbull explained to a friend. “The President is not guilty in manner and form as charged in any one of the articles of impeachment. I must so find and must so vote, without regard to consequences.”¹⁹

In August 1868, following a lingering illness, Trumbull’s wife, Julia, died at age forty-five. Eleven years later he married Mary Ingraham, of Saybrook Point, Connecticut. They became parents of two daughters, both of whom died in childhood.²⁰

Trumbull broke with the Republicans in 1872 and contended for the presidential nomination of the short-lived Liberal Republican party. Upon the expiration of his third Senatorial term in March 1873, the sixty-year-old Trumbull and his family moved to Chicago, where he maintained a lucrative law practice. Returning to the Democratic party, he became the 1880 gubernatorial candidate, “but the tide of Republicanism was

too strong,” reported the *Chicago Tribune*, and he lost to the incumbent, Shelby M. Cullom.²¹ Trumbull then became a Populist, calling for “governmental ownership of monopolies affecting the public interest.” He and fellow Chicago attorney Clarence Darrow petitioned the U.S. Supreme Court for a writ of habeas corpus on behalf of Eugene V. Debs, president of the American Railway Union. Debs had been convicted in circuit court of violating an injunction during the Pullman railway dispute. The Supreme Court, however, rejected the petition and affirmed the jurisdiction of the circuit court in issuing the injunction.²²

Traveling to Belleville for the April 1896 funeral of his friend Gustave Koerner, Trumbull became seriously ill and returned immediately to Chicago. He died there on June 25, at the age of eighty-two. “Judge Trumbull hated war and loved his country,” wrote the *Chicago Tribune*. He was firm and true.”²³ Orator William Jennings Bryan, who had resided with the Trumbulls while attending Union College of Law, delivered the funeral eulogy. The former Senator’s remains were interred in Oak Woods Cemetery in Chicago.²⁴

“If he had remained true to his party,” wrote Chicago newspaper publisher Joseph Medill, “Judge Trumbull, I believe, would have died with his name in the roll of Presidents of the United States. I have always thought that he could have been the successor of Grant. He stood so high in the estimation of his party and the nation that nothing was beyond his reach. . . . He could have been President instead of Hayes, or Garfield, or Harrison.”²⁵

Lyman Trumbull Papers: Abraham Lincoln Presidential Library and Museum, Springfield, Illinois; Chicago History Museum, Chicago, Illinois; Library of Congress Washington, DC.

¹ Mark M. Krug, *Lyman Trumbull; Conservative Radical* (New York: A.S. Barnes & Co., 1965), 19-21.

² Krug, 24.

³ 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), 122-23.

⁴ Michael J. Howlett, *Keepers of the Seal; A History of Secretaries of State of Illinois and How Their Office Grew* (Springfield: State of Illinois, 1977), 51.

⁵ Thomas Ford, *A History of Illinois, From its Commencement as a State in 1818 to 1847* (1854, rpt. Ann Arbor, MI: University Microfilms, 1968), 215, 272.

⁶ *Trumbull v. Campbell*, 8 Ill. (3 Gilman) 502 (1846).

⁷ Ralph J. Roske, "Lincoln and Lyman Trumbull," in O. Fritiof Ander, ed., *Lincoln Images; Augustana College Centennial Essays* (Rock Island, IL: Augustana College Library, 1960), 65.

⁸ Horace White, *The Life of Lyman Trumbull* (Boston: Houghton Mifflin, 1913), 326, 431.

⁹ White, 20.

¹⁰ Krug, 68.

¹¹ White, 20-21.

¹² *McKinley v. Watkins*, 13 Ill. 140 (1851).

¹³ *Jones v. People*, 14 Ill. 196 (1852).

¹⁴ Krug, 76-77.

¹⁵ Mario R. DiNunzio, "Lyman Trumbull, The States' Rights Issue, and the Liberal Republican Revolt," *Journal of the Illinois State Historical Society*, 66 (1973), 365.

¹⁶ General Usher F. Linder, *Reminiscences of the Early Bench and Bar of Illinois* (Chicago: Chicago Legal News Co., 1879), 167.

¹⁷ David Kenney and Robert E. Hartley, *An Uncertain Tradition: U.S. Senators from Illinois, 1818-2003* (Carbondale: Southern Illinois University Press, 2003), 45.

¹⁸ White, 224; Krug, 11.

¹⁹ 165 Ill. 10; DiNunzio, 366.

²⁰ White, 412; Krug, 343-49.

²¹ *Chicago Tribune*, 26 June 1896, 9.

²² White, 414; DiNunzio, 347, 375.

²³ Krug, 353.

²⁴ White, 418.

²⁵ *Chicago Times*, 26 June 1896, quoted in White, 425.