

Charles B. Lawrence 1864-1873

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Born on December 17, 1820 in Vergennes, Vermont, Charles Brush Lawrence was the son of Viele and Betsy Woodbridge Lawrence.¹ Viele Lawrence was a merchant and a member of the Vermont State Senate.

Charles Lawrence attended Middlebury College in Vermont and graduated in 1841 from Union College in eastern New York. A teacher in Lowndes County, Alabama for two years, Lawrence then moved to Cincinnati, Ohio and with college classmate David L.

Hough studied law under Judge Alphonso Taft, who would become U.S. Attorney General in the administration of President Ulysses S. Grant.²



In the spring of 1844, Lawrence moved to St. Louis and continued his law studies in the office of Henry S. Geyer, later a U.S. Senator from Missouri. Then Lawrence and Hough formed a partnership in Quincy, Illinois.³ After Hough moved from the area, Lawrence partnered with Archibald Williams, specializing in litigation regarding titles to the large area of land known as the Military Tract.

When Charles Gilman, the Illinois Supreme Court Reporter, died in Quincy in July 1849, he had not yet completed the Reports of the Supreme Court. Lawrence undertook completing the task, which was about 80 percent finished. Lawrence

commented that some of “the arguments of counsel are necessarily reported very briefly” because he could not locate them among Gilman’s paperwork. Lawrence finished 5 Gilman, also known as 10 Illinois in late 1849.⁴

In 1851 in Quincy, Lawrence married Margaret Marston, sister of Chicago attorney Thomas Marston. After spending two years in Europe “for the benefit of his health,” the couple moved to a farm in Warren County, near Prairie City, where he intended to pursue agricultural interests. About a year later, they relocated to Galesburg, and he resumed the practice of law. They became the parents of five children, only one of whom survived to adulthood.⁵

A prominent Republican, Lawrence became a judge of the Tenth Judicial Circuit in 1861.⁶ He held the position until his election to the Illinois Supreme Court on July 22, 1864, succeeding the appointed Corydon Beckwith. Lawrence became Chief Justice in 1870 when the new Illinois Constitution took effect.

The following year, he reversed an Edgar County Circuit Court decision in *Janney v. Birch*. Johnson J. C. Birch, administrator of the deceased Sarah E. Peake, sought payment of two notes by Eldridge S. Janney, totaling some \$1,500. Janney denied signing the notes, and family relations complicated the issue: Peake had been Janney’s sister and Birch’s mother-in-law. The circuit court found for Birch, but, “In our judgment,” wrote Chief Justice Lawrence, “the finding is against the decided preponderance of the evidence. It is true, three disinterested and credible witnesses, who knew the handwriting of the defendant, testify they believe the signatures on the notes to be his. On the other hand, there is an array of evidence going to show that if the notes

were ever given they were settled with the payee in her life time, which, in our opinion, is irresistible.”⁷

Lawrence also wrote the opinion in Myra Bradwell’s case. Bradwell, the editor of *The Chicago Legal News*, applied for her license to practice law. The Supreme Court denied her application due to the fact she was a married woman and could not enter into contracts. Bradwell responded with an additional brief, citing laws giving her rights to enter into contracts. The Court again denied her application, with Lawrence writing an opinion “that when the legislature gave to this court the power of granting licenses to practice law, it was with not the slightest expectation that this privilege would be extended equally to men and women.” Bradwell appealed her case to the U.S. Supreme Court, which upheld the Illinois Supreme Court’s denial.⁸

In the early 1870s, farmers’ organizations waged successful campaigns against railroad rates, and Illinois became the first state to enact railroad and warehouse regulations. Spurred by provisions in the 1870 Constitution, farmers’ groups pressed for rigid enforcement of the Railroad and Warehouse Act that forbade rate discrimination by railroad carriers. The January 1873 Supreme Court case, *The Chicago and Alton Railroad Company v. The People ex rel. Gustavus Koerner et al. Comrs.*, involved a suit brought against the Chicago and Alton Railroad for charging a greater rate for freight on lumber from Chicago to Lexington than from Chicago to Bloomington, both towns being in McLean County and the latter being the greater distance.⁹

Chief Justice Lawrence represented the Court majority in reversing the McLean County Circuit Court and declaring the law unconstitutional. “The existing act,” he wrote, “does not prohibit unjust discrimination merely, but discrimination of any

character, and because it does not allow the companies to explain the reason of the discrimination, but forfeits their franchise upon an arbitrary and conclusive presumption of guilt, to be drawn from the proof of an act that might be shown to be perfectly innocent. In these particulars the existing act violates the spirit of the constitution.”¹⁰

Because of Lawrence’s decision in that case, farmers’ groups led the opposition to his Supreme Court reelection bid several months later. In an overwhelmingly Republican district, Democratic Knox County attorney Alfred M. Craig defeated Lawrence by a large margin.¹¹

He and his wife moved to Chicago that year, and Lawrence became a partner in the law firm Winston, Campbell & Lawrence. In 1877, he lost a fractious legislative election to the U.S. Senate. “If the fight had been kept up a day or two longer,” recalled one contemporary, “the Democrats generally would have gone over to Lawrence and he would have been elected instead of David Davis.”¹²

In 1882, Lawrence traveled to Springfield to deliver a eulogy for noted Quincy attorney Orville Hickman Browning, “a warm personal friend in the earlier years of his practice. The task was a veritable labor of love,” reported the *Chicago Tribune*, “and the universal testimony of those who heard him was that no man could have performed it better.”¹³

Traveling to Florida for a vacation with his wife and other relatives, Lawrence intended to revisit the Lowndes County, Alabama area where he had taught as a young man. En route, however, the sixty-three-year-old Lawrence fell ill in a Decatur, Alabama, hotel and died there on April 9, 1883.¹⁴ Following services at St. James Episcopal Church

in Chicago, he was buried in Hope Cemetery, near Galesburg, alongside the graves of four of his children.¹⁵

“For personal integrity and uprightness of character,” eulogized the *Quincy Daily Whig*, “Judge Lawrence was not less distinguished than for his legal and judicial ability.” U.S. Supreme Court Chief Justice Melville W. Fuller wrote of Lawrence, “The qualities which made him eminent as a lawyer would have raised him to the highest rank in any walk of life. His works follow him and will perpetuate him, not as a ghost to haunt but as a guest to cheer.”¹⁶

¹ *National Cyclopaedia of American Biography*, Vol. 5, New York: James T. White & Co., 1907, Vol. 5, p. 437. The *Chicago Tribune* reported his middle name as Burrell and spelled his father’s first name as Ville (April 10, 1883, p. 6).

² Howard Louis Conard, “Hon. Charles B. Lawrence,” *Magazine of Western History*, Vol. 12 (May-Oct. 1890), p. 289.

³ Conard, p. 289; *Chicago Tribune*, April 10, 1883, p. 6.

⁴ 10 Ill. (5 Gilm.) iv.

⁵ *Chicago Inter Ocean*, April 10, 1883, p. 5.

⁶ Robert P. Howard, *Illinois; A History of the Prairie State*, Grand Rapids, Mich.: Eerdmans, 1972, p. 363.

⁷ 58 Ill., 87-90.

⁸ *In the matter of the application of Mrs. Myra Bradwell, for a license to practice law*, 55 Ill. 535 (1869); *Bradwell v. Illinois*, 83 U.S. 130 (1872).

⁹ John Moses, *Illinois, Historical and Statistical*, Vol. 2, Chicago: Fergus Print. Co., 1895, p. 1061.

¹⁰ 67 Ill., 11-27; John H. Keiser, *Building for the Centuries: Illinois, 1865-1898*, Sesquicentennial History of Illinois, Vol. 4, Urbana: University of Illinois Press, 1977, pp. 144, 163.

¹¹ Edward F. Dunne, *Illinois, The Heart of the Nation*, Vol. 2, Chicago: Lewis Pub. Co., 1933, p. 130; Howard, *Mostly Good and Competent Men; Illinois Governors, 1818-1988*, Springfield: Illinois Issues, 1988, p. 167.

¹² *Chicago Tribune*, April 10, 1883, p. 6; Ernest Ludlow Bogart and Charles Manfred Thompson, *The Industrial State, 1870-1893*, Centennial History of Illinois, Vol. 4, Springfield: Illinois Centennial Commission, 1920, p. 121.

¹³ *Chicago Tribune*, April 10, 1883, p. 6.

¹⁴ *Chicago Inter Ocean*, April 10, 1883, p. 5.

¹⁵ *Chicago Inter Ocean*, April 13, 1883, p.3; Conard, p. 293.

¹⁶ *Quincy Daily Whig*, April 10, 1883, p. 4; *National Cyclopaedia of American Biography*, p. 437.