

William Wilson 1819-1848

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William Wilson succeeded William P. Foster, one of the original Supreme Court justices, who never served in the position. Born in Loudoun County, Virginia, on April 27, 1794, Wilson studied law under John Cook, a distinguished attorney who became minister to France in the early 1800s. After military service in the War of 1812, Wilson moved to Kentucky and then in 1817 to southeastern Illinois Territory, where he was admitted to the bar. “He was very popular and greatly esteemed,” wrote a biographer, “and before he had been in Illinois even one year he received fifteen votes in the legislature for an associate justiceship in the Supreme Court, which had just been organized.”¹ He lost the election by six votes. Then in August 1819, at age twenty-five, he won the legislative election to fill the seat of Justice Foster, making him the youngest Supreme Court justice in Illinois history.²



The following year Wilson married Mary S. Davidson of Wheeling, Virginia (now West Virginia), and they became the parents of ten children.³ When the General Assembly reorganized the judiciary in 1825, legislators elected Wilson as the state’s third Chief Justice, replacing Thomas Reynolds.⁴ Wilson held the office for twenty-three years, the longest serving Chief Justice in Illinois history. “As a writer,” recalled Springfield

attorney James C. Conkling, “his style was clear and distinct; as a lawyer, his judgment was sound and discriminating.” Thomas Ford described Wilson as “a man of good education, sound judgment, and an elegant writer, as his published opinions will show.”⁵

In one of his most important cases, *Coles v. The County of Madison*, Wilson ruled for Edward Coles, then Governor of Illinois. In 1824, Madison County commissioners had penalized Coles \$2,000 “for bringing into the county, and setting at liberty, ten Negro slaves, without giving a bond, as required by an act of the legislature of 1819.” In early 1825, the legislature released all penalties incurred under that act, and Chief Justice Wilson reversed the Circuit Court and affirmed the legislative action releasing Coles from the penalty.⁶

Wilson’s most well-known case, *Field v. the People ex rel. McClernand*, involved the removal of an appointed state official. In 1838, newly elected Governor Thomas Carlin chose fellow Democrat John A. McClernand to replace Whig Secretary of State Alexander P. Field. Field, a “pugnacious” appointee of Governor Ninian Edwards in 1829, refused to surrender the office, arguing that the state Constitution did not specify a duration of his term. The Whig Senate, along with a few Democrats, supported Field’s “so-called rights.” After the legislature adjourned, McClernand commenced legal proceedings for the office.⁷

Judge Sidney Breese of the Fayette County Circuit Court ruled in McClernand’s favor, but the Supreme Court reversed the judgment in a 2-1 decision (Justice Browne recused himself because he was related to McClernand). Chief Justice Wilson wrote the majority opinion, ruling that a governor could appoint only when a vacancy existed. “A different rule would destroy all the stability and uniformity in the rule of law,” Wilson

wrote. “If every judge can decide according to his private sentiments, without regard to precedent and authority, there may be as many rules of decisions as there are circuits, and the decision of one day would furnish no rule for the decision of the next.”⁸

In the next election, Governor Carlin and other Democrats campaigned on what they perceived to be an intensely partisan decision. After they gained control of the next legislature, Field subsequently resigned. Carlin then appointed Stephen A. Douglas to what became a brief tenure as secretary of state. Three months later, Douglas won election to the Illinois Supreme Court. McClelland, during the Civil War, would become a leading general in the Union Army.⁹

In 1830, Wilson unsuccessfully sought the U.S. Senate nomination. In 1841, the Illinois General Assembly increased the number of Illinois Supreme Court justices to nine and reinstated the circuit court responsibilities. Wilson was assigned the Fourth Judicial Circuit, in east central and southeastern Illinois. He presided over at least thirty circuit court cases and more than one hundred Supreme Court cases in which attorney Abraham Lincoln represented clients.¹⁰

In *Jarrot v. Jarrot*, before the Supreme Court in 1845, Wilson upheld the opinion that residence in a free Territory entitled a slave to his freedom. Justices Wilson and Samuel Treat expressed a similar opinion two years later in the Coles County Circuit Court, ruling that Kentucky resident Robert Matson could not force his Negro slaves to return with him from Illinois to his home state.¹¹

With adoption of a new Constitution in 1848, Wilson retired from the bench. “During the long period of his occupancy,” wrote historian Frederic B. Crossley, Wilson

provided “the sort of solid, substantial service needed during the days of construction, perhaps more than the kind offered by more brilliant but less consistent minds.”¹²

Wilson returned to the practice of law in Carmi. In 1856, he and two other men chartered a town in eastern Sangamon County. Thomas Mathers of Springfield, who laid out the town, named it Wilson in honor of the retired judge.¹³

Justice Wilson and his wife entertained “in the old Virginia style,” according to historian Joseph Wallace. “Seldom did a summer season pass at their pleasant country seat, about two miles from Carmi, on the banks of the Little Wabash, that troops of friends, relatives and distinguished official visitors did not sojourn with them. [Justice] Lockwood, Lincoln and Douglas were frequent visitors.”¹⁴

On April 29, 1857, at age sixty-three, Wilson died at his Carmi estate. His grave is in Carmi’s “Old Cemetery.”¹⁵

¹ Sara John English, “William Wilson, Pioneer Judge in Illinois,” *Journal of the Illinois State Historical Society*, 31 (1938), 222.

² John Palmer, *The Bench and Bar of Illinois; Historical and Reminiscent* (Chicago: Lewis Pub. Co., 1899), 21.

³ English, 223.

⁴ Theodore Calvin Pease, *The Frontier State, 1818-1848* (1918, rpt. Urbana: University of Illinois Press, 1987), 35.

⁵ Newton Bateman and Paul Selby, eds., *Historical Encyclopedia of Illinois* (Chicago, Munsell, 1900), 595; Thomas Ford, *A History of Illinois, From its Commencement as a State in 1818 to 1847* (1854, rpt. Ann Arbor, MI: University Microfilms, 1968), 212.

⁶ *Coles v. County of Madison*, 1 Ill. (Breese) 154 (1826); B. D. Monroe, “Life and Services of William Wilson, Chief Justice of the Illinois Supreme Court,” *Journal of the Illinois State Historical Society*, 11 (1918), 393.

⁷ *Field v. People ex rel. McClernand*, 3 Ill. (2 Scammon) 79 (1839); John M. Scott, *Supreme Court of Illinois, 1818, Its First Judges and Lawyers* (Bloomington, IL: John M. Scott, 1896), 39-42; English, 221-24; Pease, 278.

⁸ *Field v. People ex rel. McClernand*, 3 Ill. (2 Scammon) 79 (1839).

⁹ Robert P. Howard, *Mostly Good and Competent Men, Illinois Governors, 1818-1988*, Springfield: Illinois Issues, 1988, 74-75.

¹⁰ Martha L. Benner and Cullom Davis et al., eds., *The Law Practice of Abraham Lincoln: Complete Documentary Edition*, 2d edition (Springfield: Illinois Historic Preservation Agency, 2009), <http://www.lawpracticeofabrahamlincoln.org>.

¹¹ N. Dwight Harris, *The History of Negro Servitude in Illinois and of the Slavery Agitation in That State, 1719-1864* (Chicago: McClurg, 1904, rpt. Ann Arbor, MI: University Microfilms, 1968), 112, 118; *Jarrot v. Jarrot*, 7 Ill. (2 Gilman) 1 (1845); *In the Matter of Jane, A Woman of Color*, 5 *Western Law Journal* 202.

¹² Frederic B. Crossley, *Courts and Lawyers of Illinois* (Chicago: American Historical Society, 1916), 232.

¹³ The name was changed to Illiopolis in 1867. *Illiopolis, Historic Geographical Center, 1856-2006* (Illiopolis, IL: n.p., 2006), 12-13.

¹⁴ Joseph Wallace, *Past and Present of the City of Springfield and Sangamon County, Illinois* (Chicago: S. J. Clarke, 1904), 1304.

¹⁵ Palmer, 22, 126; English, 222.