

THE LATE JUDGE SAMUEL D. LOCKWOOD.

[SECOND ARTICLE.]

The life of a citizen whose career has been so intimately identified with the early history of the State, as was that of Judge Lockwood (whose death at Batavia, Ill., on the 23d inst., was announced in yesterday's Journal,) calls for a more detailed sketch than we were able to give in our last issue. In the following paragraphs we have made liberal use of papers prepared by Prof. William Coffin, of Batavia, Judge Lockwood's son-in-law, courteously placed in our hands by Dr. Stuve, associated with Mr. Davidson in the authorship of Davidson & Stuve's new History of Illinois, of their and Gov. Ford's Histories, and of personal recollections obtained from other sources.

SAMUEL DRAKE LOCKWOOD was born in Poundridge, Westchester county, N. Y., August 2, 1789. When he was ten years of age his father died, leaving his mother with three young children and but slender means of support. His plans for a liberal education having been broken up, he was thrown very much upon his own resources. At the age of fourteen (1803) he went to Waterford, N. Y., to make his home with his uncle, Francis Drake, a lawyer of that place, where he took his place as errand boy and law student, remaining till 1811, when, at the age of twenty-two, he was licensed to practice, and opened an office at Batavia, N. Y. The following year he removed to Auburn, engaging in practice there, where he remained till the fall of 1818, holding during a part of that time the position of Master in Chancery. At that time his constitution, (always delicate) seemed so broken down by disease and constant application, that his physicians recommended him to give up his profession and engage in some out-door employment, as the only means of obtaining restoration to his former degree of health. It was then his attention was attracted to the Great West, and on the 19th of October, 1818, in company with Hon. W. H. Brown (late of Chicago, and during his life one of Judge Lockwood's most intimate and substantial friends) he started for Illinois. At Olean, Cattaraugus county, N. Y., he and his party purchased a flat-boat, in which they floated down the Alleghany and Ohio rivers, arriving at Shawneetown, Ill., Dec. 15, 1818, in the space of 67 days. A few days after, Lockwood and Brown started on foot across the country to Kaskaskia, then the State capital, a distance of 120 miles. The next year Mr. Brown was appointed Clerk of the United States Court, and their law partnership being thus broken up, Mr. Lockwood removed to Carmi, White county, as a more favorable point for the practice of his profession. At the second session of the Illinois Legislature, held at Vandalia in 1821, he was elected Attorney-General of the State, when he removed to Edwardsville, Madison county, as a more convenient residence for the discharge of the duties of that office. It was while he held this office that he conducted the prosecution of Wm. Bennett, the survivor in the first and last duel ever fought in Illinois. Bennett had killed his man (Alphonse Stewart) at Belleville, in 1820, escaped to Arkansas and two years afterwards was captured, returned to the State, convicted and executed. Ford says of Mr. Lockwood's management of the case: "To his talents and success as prosecutor, the people are indebted for this early precedent and example, which did more than is generally known, to prevent the barbarous practice of dueling from being introduced into the State."

In 1823 (very unexpectedly to himself) Mr. Lockwood was nominated by Gov. Cole for the position of Secretary of State, and, soon after entering upon the duties of that office, he was greatly surprised by receiving from President Monroe a commission as "Receiver of Public Moneys" at Edwardsville. This last position was unsought, but the salary being liberal, as compared with that of Secretary of State, and payable in gold, he was induced to resign the latter and accept the former. Without solicitation or expectation on his part, the Legislature of 1824-5 elected him a Judge of the Supreme Court—a position which he held until 1848, when he resigned it a few weeks before the office would have expired by the operation of the Constitution of 1848, which, as a delegate from Morgan county, he helped to frame. Davidson & Stuve, in their History of Illinois, give Judge Lockwood special credit for the provision of the Constitution (section 4, article ix, Constitution of 1848) which settled the question of tax titles, up to that time so fruitful a subject of litigation. In this connection, it may be mentioned that Judge Lockwood was a prominent candidate for United States Senator in 1824, when, on the tenth ballot, he received twenty-three votes to twenty-eight for Elisha Kent Kane. From 1825 to 1827, he and Judge Smith, of the Supreme Court, were much occupied in a revision of the statutes, and Ford gives them credit for the preparation of the greater part of the criminal code as it was finally adopted by the Legislature.

In 1829, Judge Lockwood left Edwardsville, and, after spending several months of the interim in this city, finally locating in Jacksonville, where he continued to reside until 1853, when he removed to Batavia, Kane county. In 1831, he was appointed, on the part of the State one of the Trustees of the Land Department of the Illinois Central Railroad, an office which he held up to the time of his death. With this exception he held no official position after his retirement from the bench, and, true to his early tastes, never sought any.

His proper place in the history of the State is sufficiently indicated by the positions which he held. They were invariably not sought but conferred upon him without solicitation. Indeed, his characteristics were modesty and a fondness for retirement, but his purity of life and natural capacity and professional attainments made him a man of mark in a new State. In the controversy which settled the position of Illinois as a free State in the State Convention of 1823, he took an active part with his pen on the side of freedom, contributing materially to the editorial efficiency of the Edwardsville Spectator—one of the two papers in the State which took decided ground against establishing slavery on Illinois soil. Never a partisan, he was identified with the Whig party, until 1854-'6,

when he became one of the earliest members of the Republican party, to which his sympathies naturally led him. It is a noticeable fact that many of the positions which he held were voluntarily tendered him by administrations to which he was politically opposed. Gov. Ford, who was a Democrat in politics, pays his purity of personal and official character the highest compliment, when, in speaking of a somewhat bitter controversy between the Executive and Judicial Departments of the State Government in 1840, he says:

"Judges Wilson and Lockwood were, in every respect, amiable and accomplished gentlemen and commanded the esteem and respect of all good men for the purity of their conduct and their probity in official station. Judge Lockwood was an excellent lawyer, a man of sound judgment, and his face indicated uncommon purity, modesty and intelligence, together with energy and strong determination. His face was the true index of his character."

No account of Judge Lockwood would be complete which fails to make mention of his services in behalf of educational and benevolent enterprises. As early as 1815, in his native State, he was identified with enterprises of this character. As one of the earliest friends and supporters of Illinois College, at Jacksonville, of which, we believe, during its whole history he has been one of the Trustees (and, as long as his health permitted, President of the Board); associated in the movements which resulted in the founding of the various State Asylums for the Deaf and Dumb, the Blind and the Insane, and serving on the first Board of Trustees of each, he made his influence felt in the largest field and has left his impress upon the history of the State. Without noisy profession, he lived a pure and manly life, and leaves an unsullied memory.