

## William A. Denning 1847-1848

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Appointed as successor to Supreme Court Associate Justice Walter B. Scates, William A. Denning served for nearly two years. Born in Kentucky about 1812 or 1817, Denning moved to Frankfort, Illinois and began the practice of law. He resided for a brief time in Townmount before moving to the nearby Franklin County seat of Benton.<sup>1</sup>

During the mid-1830s, Denning served as captain and then colonel in the state militia. In 1844, he won election as Representative of the far southern Illinois counties of Franklin, Pulaski, and Alexander in the Illinois General Assembly. In 1845, legislators appointed Denning as state's attorney of the Third Judicial Circuit.



Two years later, he resigned his House seat to accept appointment to the vacated Supreme Court judgeship. "He was large in stature," wrote a county historian, "had a fine personal appearance, and was an able judge and powerful advocate."<sup>2</sup>

Denning heard many cases but wrote few of the Court opinions. In serving part of the December 1846 term and all of the December 1847 term, he only authored two opinions. In *Woodford v. McClenahan*, he affirmed a Stark County Circuit Court decision on behalf of Elijah McClenahan. He had purchased a clock from W. H. Haywood, peddler for the seller, Bishop Higley & Co. When McClenahan complained that the clock

was defective, company agent Samuel Woodford maintained that the signature on the warranty papers was not that of Haywood. “The evidence shows that Haywood sold clocks in the name of Bishop Higley & Co.,” Denning wrote. “He did make the warranty in question; and Bishop Higley & Co., have ratified the act by accepting the note given for the clock warranted, and consequently are bound by it.”<sup>3</sup>

Denning’s term on the Illinois Supreme Court ended when the new Illinois Constitution took effect in 1848. Following his Supreme Court tenure, Denning won election as judge of the Third Judicial Circuit in southern Illinois. In an 1851 Hardin County trial, he ordered the discharge of a black man arrested under “slave laws of Illinois.” Denning decreed those statutes null and void, having been “declared so by our Supreme Court.” The Springfield *Illinois Journal* agreed with the decision: “We did suppose that every man in this state, who has paid any attention to the matter, understood the law of the case, as did Judge Denning.”<sup>4</sup>

Denning resigned from the circuit court in 1854, then in 1855 unsuccessfully vied for the U.S. Senate nomination.<sup>5</sup> He died at his Benton residence on September 4, 1856, and was buried in the town’s Old Cemetery.

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<sup>1</sup> Benton Evening News, *Franklin County, 1804---1818---196*, (rpt. Sesser, IL: Print Shop, 1993), 18.

<sup>2</sup> *History of Gallatin, Saline, Hamilton, Franklin, and Williamson Counties, Illinois* (Chicago: Goodspeed Pub. Co., 1887), 391.

<sup>3</sup> *Woodford v. McClenahan*, 9 Ill (4 Gilman) 85 (1847).

<sup>4</sup> *Springfield Illinois Journal*, 11 September 1851, 2.

<sup>5</sup> *Springfield Illinois Journal*, 24 September 1853, 3; Frank E. Stevens, “Life of Stephen Arnold Douglas,” *Journal of the Illinois State Historical Society* 16 (1923-24), 489.