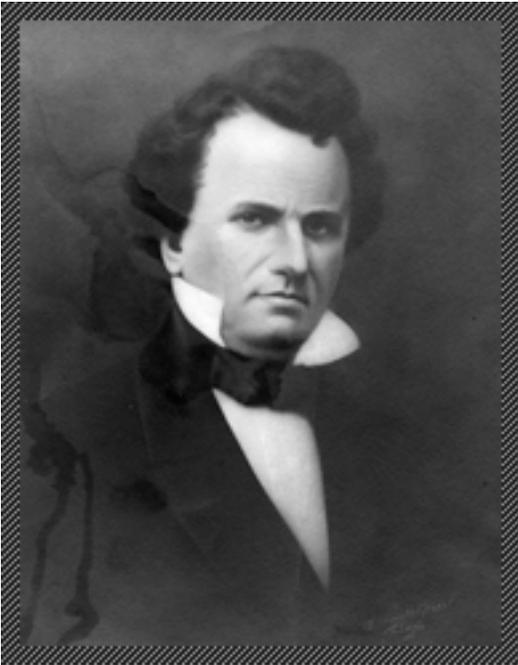


## Stephen Arnold Douglas 1841-1843

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One of Illinois' most prominent statesmen, Stephen A. Douglas was a native of Brandon, Vermont. Descended from Massachusetts and Connecticut ancestors, he was



born on April 23, 1813, the second child of Sarah Fisk and Stephen Arnold Douglass. The father died when his son was just two months of age. "I have often been told," the younger Douglas later wrote, "that he was holding me in his arms when he departed this world."<sup>1</sup>

The widowed Sarah Douglass moved with her two children to her bachelor brother's adjacent farm, where young Stephen grew to adolescence. He attended a district school for three months each year, but most of his time was spent on farm chores for his uncle, "rather a hard master."<sup>2</sup> At age fifteen, Douglas apprenticed with a cabinet-maker, then moved to Canandaigua, New York, where he resumed academic courses and began the study of law.<sup>3</sup>

Some five years later, he migrated westward, earning a position as schoolmaster in the village of Winchester, Illinois. Obtaining his law license in 1834, Douglas moved to the nearby larger town of Jacksonville, and in 1835, the legislature appointed him state's attorney for the First Judicial Circuit.<sup>4</sup> Dubbed the "Little Giant" for his

diminutive physical stature, “his speed of action attracted friends, allies, and enemies equally,” wrote historians David Kenney and Robert Hartley.<sup>5</sup>

An active Democrat, Douglas became chairman of the Democratic State Committee in 1836, helping the party carry Illinois for President Martin Van Buren along with an overwhelming majority in the state legislature. That same year, Douglas himself won election to the Illinois General Assembly and served with attorney Abraham Lincoln. Near the end of session, legislators voted to move the capital from Vandalia to Springfield. In the new capital city, Douglas accepted a commission as register of the land office. In 1838, he ran for Congress, but narrowly lost against John T. Stuart, Lincoln’s law partner.

Douglas also participated in several major politically charged lawsuits. He represented John McClernand in his legal attempt to gain the Secretary of State’s position from Alexander P. Field. Douglas lost the case at the Illinois Supreme Court, but when Field later resigned, Governor Thomas Carlin appointed Douglas to the position in November 1840. Douglas also served as an attorney in a lawsuit concerning the right of aliens to vote in elections. Since many of the Irish immigrants tended to vote Democratic, Douglas worked to secure their voting rights.<sup>6</sup>

Anticipating the Whig-dominated Supreme Court to limit alien voting rights and after the adverse decision in *Field v. People ex rel. McClernand*, Douglas played a major role in expanding the Supreme Court from four to nine justices in order to gain a Democratic majority. While Douglas did not serve in the general assembly at the time, he shepherded the bill to expand the court through the legislature and secured its passage.<sup>7</sup>

As a reward for his services in managing the Supreme Court bill, also known as “Douglas’s bill,” the legislature elected him to one of the five new Supreme Court justice positions. At the age of twenty-seven, Douglas was the youngest justice in Illinois history. His election even caused some Democratic politicians to question whether Douglas had the necessary experience to be a judge. As part of his circuit duties, Douglas was assigned to the Fifth Judicial Circuit, a nine-county area in west-central Illinois, and he moved to Quincy and earned the reputation of a hard-working jurist.<sup>8</sup>

On the Supreme Court, Douglas heard twenty-four cases in which Lincoln represented clients. In *Grubb v. Crane*, Samuel Grubb had failed to pay the balance of a promissory note to William B. Crane. Lincoln and partner Stephen T. Logan represented Crane in suing Grubb in chancery. Crane won a judgment for the balance of the debt, then after Grubb failed to pay, purchased the land at public auction. The circuit court overruled Grubb’s motion to set aside the judgment, and he appealed to the Supreme Court, with Lincoln and Logan again representing Crane. “We are of opinion,” wrote Justice Douglas, “that substantial justice has been done according to the forms of law and the usages of chancery practice, and perceive no good reason for a reversal of the decree. The decree is affirmed.”<sup>9</sup>

As judge in the circuit in which the Mormons resided, Douglas became involved in several issues regarding the religious group. In one opinion, Douglas decided that members of the Nauvoo Legion, the Mormon militia, were exempt from military duty. The decision emphasized the independence of the Mormons from the state of Illinois. In a second case, Douglas ruled that a Missouri indictment against Smith was not valid because a previous indictment had been returned unexecuted. Douglas’s actions as judge

endeared him to the Mormons, and Smith claimed that Douglas had “proved himself friendly to this people.”<sup>10</sup>

On June 28, 1843, after serving on the Supreme Court for slightly more than two years, Douglas resigned to run for the U.S. House of Representatives. Defeating Whig Orville Hickman Browning by a margin of 461 votes, Douglas served as Congressman for two terms. A powerful and influential member of the national Democratic party, in 1847 he won election to the U.S. Senate, succeeding James Semple.<sup>11</sup>

In Washington, Douglas had met Martha Martin, the daughter of a wealthy North Carolina plantation owner and a cousin of North Carolina Congressman David S. Reid. Senator Douglas married Martha Martin on April 7, 1847, and the couple moved from his Quincy home to the burgeoning city of Chicago, “a fitting base for Illinois’ new Senator,” wrote Douglas biographer Robert W. Johannsen.<sup>12</sup>

In early January 1853, as Douglas won reelection to the Senate, twenty-eight-year-old Martha gave birth to their third child and first daughter. Martha suffered complications from the delivery and died on January 19; she was interred in the family plot in North Carolina. A month later the couple’s infant daughter died.

On Thanksgiving Day, November 20, 1856, Senator Douglas married Adele Cutts, the daughter of a government clerk and twenty-two years younger than her husband. She became a popular hostess in Washington and a loving stepmother to his two sons. In 1859, the couple became parents of a daughter, who, sickly from birth, died eight months later.<sup>13</sup>

Douglas, as chairman of the Senate Committee on Territories, led the Congress in its pursuit of continental expansion. He wrote the legislation that organized five territories and admitted five states to the Union. Douglas also supported legislation that provided a massive federal land grant for railroads in Illinois. His authorship of the Kansas-Nebraska Act of 1854, however, revoking the 1820 Missouri Compromise, placed Douglas at the center of the national controversy regarding slavery.

In the 1858 senatorial campaign, incumbent Douglas faced Republican candidate Abraham Lincoln. During one of their celebrated seven debates, Lincoln asked his opponent whether residents of a United States territory could lawfully exclude slavery prior to formulation of a state constitution. Douglas' unhesitating response helped him in the Illinois contest, but would doom his presidential aspirations two years later:

The people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations. Those police regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension.<sup>14</sup>

Illinois legislators reelected Douglas, but if the election had been a popular vote, Lincoln probably would have defeated Douglas.

In 1860, delegates to the Republican national convention in Chicago chose Lincoln as their Presidential nominee. At the Democratic national convention, Douglas failed to obtain the required two-thirds majority, and the convention ended without a

candidate. The northern Democrats met separately from the southern Democrats and nominated Douglas, while the Southerners nominated John C. Breckinridge. The split in the Democratic Party allowed Lincoln to win the election.

With the fall of Fort Sumter in April, 1861, Douglas pledged support to President Lincoln and rallied Illinoisans to the Union cause. Later in the month his “Preserve the Flag” address to a joint session of the state legislature encouraged thousands of young men to join the Union army.<sup>15</sup>

Shortly thereafter, Douglas contracted typhoid fever and died in Chicago on June 3, 1861. President Lincoln, recognizing Douglas’ efforts on behalf of the country, called for thirty days of national mourning. The Little Giant was buried on the grounds of his Chicago home.

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Stephen A. Douglas Papers: Abraham Lincoln Presidential Library, Springfield, Ill.; University of Chicago Library, Chicago, Ill.

<sup>1</sup> Robert W. Johannsen, *Stephen A. Douglas* (New York: Oxford University Press, 1973), 6.

<sup>2</sup> Johannsen, 7.

<sup>3</sup> John M. Palmer, ed., *The Bench and Bar of Illinois: Historical and Reminiscent* (Chicago: Lewis Pub. Co., 1899), 37.

<sup>4</sup> Daniel W. Stowell, et al., eds., *The Papers of Abraham Lincoln; Legal Documents and Cases*, 4 vols. (Charlottesville: University of Virginia Press, 2008), 4: 343-44.

<sup>5</sup> David Kenney and Robert E. Hartley, *An Uncertain Tradition; U.S. Senators from Illinois, 1818-2003* (Carbondale: Southern Illinois University Press, 2003), 32.

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<sup>6</sup> *Field v. People ex rel. McClernand*, 3 Ill. (2 Scammon) 79 (1839).

<sup>7</sup> Johannsen, 95.

<sup>8</sup> Johannsen, 96-97.

<sup>9</sup> *Grubb v. Crane*, 5 Ill. (4 Scammon) 153 (1842); Susan Krause and Daniel W. Stowell, *Judging Lincoln; The Bench in Lincoln's Illinois*, rev. ed. (Springfield: Illinois Historic Preservation Agency, 2008), 23.

<sup>10</sup> Johannsen, 105-7.

<sup>11</sup> Kenney and Hartley, 32-33.

<sup>12</sup> Johannsen, 207-09.

<sup>13</sup> Johannsen, 540-43, 713, 767.

<sup>14</sup> Quoted in Johannsen, 670.

<sup>15</sup> Michael J. Howlett, *Keepers of the Seal; A History of the Secretaries of State of Illinois* (Springfield: State of Illinois, 1977), 50.