

John Milton Scott (1824-1898)

John Milton Scott was born on August 1, 1823 in Belleville, St. Clair County, Illinois. His parents were Samuel and Nancy Briggs Scott. Samuel was a farmer from Virginia and Nancy was a native of Illinois. In St. Clair County, Milton received a public school education and through private tutoring was instructed in the subjects of English, Latin, and higher mathematics. He then taught school briefly in 1837 before studying law in the office of W.C. Kinney of Kinney and Bissel, a prominent Belleville law firm.

In 1848, after completing his studies with Kinney and Bissel, Scott was admitted to the bar and then moved to Bloomington to begin his legal career. While practicing law, he became acquainted with other prominent lawyers of the time including Abraham Lincoln, David Davis, and Asahel Gridley.

Scott married Charlotte Ann Perry on April 27, 1853. She became his life partner and “equal,” though she kept a low profile around town. The Scotts had two children who died in infancy. Their home was located at 312 S. Main Street, where they lived all their married lives.¹

He was elected school commissioner of McLean County in 1849 which was his first of many elected political offices. Scott also served as city clerk at the same time making him the first man in Bloomington to serve in two public offices simultaneously. In 1850 he was elected City Attorney and in 1851 he opened the Holmes and Scott law firm with his partner, William Holmes. However, Holmes and Scott dissolved a year later when Scott was elected judge of the McLean County court.

Scott ran for the Illinois State Senate in 1856 as “the first openly avowed anti-slavery candidate,” but he was defeated by a narrow margin.² However, he remained firmly devoted to human rights throughout the rest of his life. He had been an ardent Whig for much of his life. The Whig party was founded in opposition to Andrew Jackson’s policies and promoted modernization and foreign trade restrictions until it collapsed over the question of slavery. When the Whig party dissolved in 1856, he joined the newly formed Republican Party where he was as equally devoted to the new party as he had been to the Whig Party. In that same year he became president of the Freemont Republican Club which today would be the equivalent of chairman of the county Republican Party.

In 1862, he was nominated by the bar of the 8th Judicial Circuit Court to fill the vacancy which had been left by David Davis as judge of the 8th Circuit. Davis had vacated that position when he was appointed as a judge on the United States Supreme Court by President Abraham Lincoln. Scott was unanimously reelected to this position in 1867 because of his reputation as a courteous, fair, and wise judge.

In August 1870 he was elected to the Illinois State Supreme Court where he did his best-known judicial work. He was the first native-born Illinoisan to occupy the State Supreme Court bench and served until 1888 when he declined re-election. Judge Scott sought to interpret the law as a system of social and political philosophy as opposed to merely a set of arbitrary rules. To him, the law was the centerpiece of civilized society. In an 1887 address to the American Bar Association, Judge Scott said that “judicial

¹ 1855-56 Bloomington City Directory, McLean County Museum of History Archives

² *The Biographical Encyclopedia of Illinois of the Nineteenth Century*, (Philadelphia: Galaxy Publishing, 1875), 90

supremacy is the keystone of constitutional government without which the arch will fall.”³

As a devout Presbyterian, Judge Scott’s beliefs also played a major role in the way he viewed the law. He once wrote an essay where he described how Christian principles were the foundation of the law and allowed the common man solutions to problems he was unable to solve on his own. He maintained Christianity emphasized a moral obligation to protect the civil and human rights of others as well as providing the Ten Commandments as guidelines for all civilized governments. A government based upon pure reason without Christianity, in contrast, would produce only anarchy which to Judge Scott was the ultimate evil. He also believed that pay for one’s labor should come from a merit system where pay is equal to the amount of work produced. This would lead to a more equal distribution of pay and an improvement in working conditions for the workers.

These views can be seen in Judge Scott’s most famous case, the Haymarket Case. On May 3rd, 1886 workers at the McCormick Reaper Works were on strike in an attempt to gain a shorter work day and other improvements in their working conditions. When Chicago police arrived to try and break up the strike, police officers fired into the strikers killing or wounding many of them. Later that evening, “anarchists and socialist labor leaders” organized a meeting of working men to organize a rally in Chicago’s Haymarket Square for the next day in response to what the police had done and to continue protesting for an eight-hour work day. On May 4 as the last speaker, Samuel Fielden, concluded his speech, the police arrived and began to try and disperse the crowd. At the same time, an unknown person threw a handmade bomb into the brigade of police officers leading to confusion and the officers opening fire on the crowd of protestors.⁴ Eight of the policemen assigned to watch the rally and keep order against anti-labor violence were killed. One of the officers was killed by the bomb blast while the other seven officers were killed by gunfire from the crowd or from their fellow officers.⁵

In a flurry of anti-labor sentiment and vigilante justice, eight anarchists were captured in Chicago and put on trial to appease public sentiment. Initially, they were all declared guilty with seven condemned to be hung. But when their case was appealed to the Illinois Supreme Court in early 1887, Judge Scott overturned their sentences. While he despised anarchy and would not condone such acts, Scott was sympathetic to the plight of the working man. In a paper he wrote called “Bettering the Condition of the Laboring Class,” he stated that “something had to be done about the current social system which allowed the non-laboring class to stock pile enormous sums of wealth while another class, the laborer, could barely secure the necessities of life.”⁶ The most likely answer to why he overturned their sentences was that he refused to allow vigilante justice to prevail and that there was not sufficient evidence to prove that these eight men were directly involved with the incident.⁷ However, four of the conspirators were eventually executed and another one committed suicide in his prison cell. The three survivors were

³ “A Short Address” by John M. Scott. American Bar Association, 1887.

⁴ F. Karmann Bajuyo. “John Milton Scott: Bloomington’s Benefactor,” May 11, 1994, McLean County Museum of History Archives, 13

⁵The Chicago Historical Society, “The Haymarket Affair Narrative,” <http://www.chicagohs.org/hadc/intro.html>

⁶ Bajuyo. 15

⁷ Bajuyo. 14

pardoned in 1893 by Illinois Governor John P. Altgeld after spending seven years in prison.⁸

Other notable cases presided over by Judge Scott included *Dimick vs. The Chicago and Northwestern Railroad Company* which in 1875 established the precedence that railroad companies guilty of negligence are accountable for their actions if greater negligence on the part of the individual cannot be proven. In the 1884 case *Ker vs. the People*, Judge Scott upheld the lower court's decision that a fugitive from justice has no asylum in a foreign country when he is guilty of an offense in his home country.⁹

When Judge Scott retired from the bench in 1888, he studied history and traveled. He wrote two history books, one about singer Maria Eugenia Von Elsener (better known as Maria Litta), and one titled *The Supreme Court of Illinois, 1818* about the early history of the Illinois Supreme Court with an emphasis on its founders. This book was never finished because his health failed while writing it. He was also a founding member of the McLean County Historical Society, founded in 1892, and served as its president until his death in 1898. Judge Scott enjoyed teaching as well and gave lectures about law and history to young children and was a regular speaker at the Illinois Wesleyan University Law School.¹⁰

In December 1897 Judge Scott's health began to fail as a result of a malignant carbuncle (tumor-like growth) which had begun to grow on the back of his head. Judge Scott died on January 21, 1898. He was buried in an elegant mausoleum in Evergreen Cemetery next to the bodies of his two children and later his wife Charlotte when she died in 1917. This mausoleum cost \$3,000 (today, it would be worth \$77,366) and was built of Berea granite and lined with pure white Italian marble. In a tribute written by Judge Thomas Tipton, a lifelong friend of Judge Scott, Tipton said that Scott was "not only a good trial lawyer, but a sound lawyer. He was familiar with the fundamental principles of the law... and never lost a case for the reason that he did not know what the law was. He was a model lawyer and judge and his opinions in the Illinois reports will stand¹¹."

Immortality and charity seemed to be important to Judge Scott, because his will included a provision that his large estate should be used to create the John M. Scott Health Care Trust fund after Charlotte and all other heirs died. This fund would be responsible for creating a new hospital that would not discriminate against its patients and provide treatment to all who needed it, regardless of age, sex, race, or economic status. If this was not needed, it was to be used to build an industrial school for girls.

When the last heir died in 1976 there was no longer a need for either a hospital or a girl's school. Brokaw, Mennonite, and St. Joseph hospitals had an occupation rate of only 70%, and social attitudes no longer required a separate school for girls. This left the question of what to do with Judge Scott's \$6.9 million dollar estate up to the Bloomington courts. The case dragged on until October 9, 1981 when it was finally settled. The city of Bloomington received 55% (\$5.4 million) to create a preventative

⁸ The Chicago Historical Society, "The Haymarket Affair Narrative," <http://www.chicagohs.org/hadc/intro.html>

⁹ Frederic B. Crossley. *Courts and Lawyers of Illinois Volume 3*. (Chicago: The American Historical Society, 1916) 322-323

¹⁰ Bajuyo. 16

¹¹ "A Tribute from Judge Tipton." McLean County Historical Society Archives.

health center which would serve disadvantaged citizens and be named The John Scott Health Resources Center. The Morgan-Washington Home (originally founded as an industrial home for orphaned and needy girls), received 31.67% (\$3.1 million). The home built an additional home for ten emotionally and behaviorally disturbed girls with the funds. The Bloomington School District 87 received 13.3% (\$1.3 million) to fund educational programs at the Morgan-Washington home and improve and expand upon its existing vocational educational programs.

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