

Thomas F. Tipton (1833-1904)

Thomas Foster Tipton was born to Hiram and Deborah Ogden Tipton in Franklin County, Ohio, on August 29, 1833. The family came to McLean County in 1844 and settled in Money Creek Township. Shortly after settling near Money Creek his father Hiram passed away in 1845. Thomas remained with his mother until she remarried in 1847. Thirteen year old Thomas then decided to take control of his own life. He moved in with his mother's brother on a neighboring farm, working for him in the summer and attending school in the winter. At the age of sixteen, he became a schoolteacher and still continued to read and study often. At eighteen, he briefly studied medicine in the Lexington office of Dr. Lindley. After a short time he decided he didn't like it and began studying and reading law at the law offices of H.N. Keitly in Knoxville, IL. He returned to Bloomington and was admitted to the bar in 1854. Thomas then opened his own law offices in Lexington where he lived for the next seven years.¹ On October 23, 1856 Thomas married Mary J. Strayer. They had four children—Belle, Harry, Hellen, and Laura—between 1859 and 1874.

Thomas and his family moved to Bloomington in January 1862. In April of 1863 he formed a law partnership with Reuben Moore Benjamin. He was also in partnership with J. H. Rowell, Lawrence Weldon, and John E. Pollock throughout his career as a lawyer. In 1870 Tipton was elected circuit judge to fill the vacancy of Judge John Milton Scott who was moving on to the Illinois Supreme Court. Prior to his election as judge of the 8th judicial circuit, Tipton had served as state's attorney for the 8th judicial circuit in 1867 and 1868.²

Tipton was reelected in 1873 to a full term of six more years on the bench. In 1877 he resigned his position on the bench and was elected on the Republican ticket for a seat in the Forty-fifth Congress of the United States.³ He served one term (having been an unsuccessful candidate for reelection in 1878 for Congress) and returned to be reelected circuit judge of the 11th Judicial Circuit (which was created out of the former 8th Judicial District for which he was the circuit judge) from 1891 to 1897 and finally resumed the practice of law.⁴

In his years on the bench, Tipton had many opinions and rulings that reflected the times in which he lived. Some of the more interesting ones revolved around social concerns of the day. In the 1870s there were a number of suits brought forth by African-American parents who wanted their children to be able to attend the white schools in town. In Bloomington there was a separate school for African-American children located on South Madison Street having been organized in 1860.⁵ Several African-American parents objected to transporting their children to the separate "colored" school when the white school was across the street from where they lived. In 1871 Tipton ruled to uphold the segregation policy of the school board. However the very next year in 1872, in a

¹*The History of McLean County, Illinois, Illustrated.* (Chicago: William LeBaron Jr. and Company, 1879)823-824

² Biographical Directory of the United States Congress, "Thomas Foster Tipton," <http://bioguide.congress.gov/scripts/biodisplay.pl?index=T000285>

³*The History of McLean County, Illinois, Illustrated,* 824

⁴ Biographical Directory of the United States Congress, "Thomas Foster Tipton."

⁵ Jim Malay. "Chase vs. Stephenson, A Case Study." March 6, 1974, McLean County Museum of History Archives, 7

landmark case (Chase vs. Stephenson) involving the Danvers School Board, Tipton prevented the school board from constructing a shack outside the existing school to educate the two to four African-American children involved. He ruled that the taxpayers have a right to prevent public funds from being squandered—which was represented by the cost of maintaining two separate facilities. He also stated that the Danvers district committed “fraud” by building a separate facility when there was clearly room in the existing school for the few African-American students in the district. This ruling would have a lasting effect and would help form policy in the 1874 state school regulations against discrimination on the basis of color.⁶

In 1892 a group of women filed suit to vote for trustees of the University of Illinois. Judge Tipton ruled that the women may vote as the election was not a federal one, but they had to provide their own ballots. He interpreted the law: “It was evidently not the intention of the legislature to include women in the ballot law and consequently, there is no provision of law for furnishing ballots for women voters at public expense.”⁷

Tipton also knew Abraham Lincoln having crossed paths with him in Bloomington’s courtrooms in the 1850s. He had a picture of Lincoln that he declared was a perfect likeness. It was one of his most prized possessions. A passage from the McLean County Bar’s memorial for Thomas Tipton made a comparison of the two. “College walls did not isolate him during the formative period of this life from the ‘plain’ people. He was always close to them and was taught human nature at the same school where Lincoln learned how to enliven a social circle, win to their cause a jury, or interest, and please any public assembly.”⁸

Tipton was a very outspoken man. An example of this occurred in the fall of 1861 when Tipton gave a speech at the McLean County Courthouse in support of the Union during the Civil War. He did not think the war was for the suppression of slavery. Rather, he felt the constitution and laws were to be defended and felt it was the duty of every patriotic man to “uphold the efforts of the government for the suppression of the rebellion.”⁹ Despite being in his twenties during the time of the Civil War, he did not serve in the Union army.

Throughout his public life Tipton was always available to the press and ready to explain his thoughts and opinions about various subjects. In an article in *The Daily Pantagraph*, written shortly after his funeral, the author lamented that “nobody lost a better friend than did the newspaper men.”¹⁰ For instance, an article appeared on March 19, 1898 in which Tipton gave his views on witchcraft from a case he heard in Kankakee. The article was quite lengthy covering examples from the Bible to Salem, Massachusetts. Tipton most emphatically did not believe there were witches.¹¹ He also wrote about his views on heaven and hell. Many people in the late 1800s thought the two were specific places but Tipton professed them to be spiritual states. He also wrote an article for *The Daily Pantagraph* about the trial of Jesus, written from the perspective of a lawyer. It

⁶ Malay, 13--16

⁷ “Judge Tipton’s Decision,” *The Daily Pantagraph*, November 5, 1892.

⁸ McLean County Bar, “Memorial to Thomas Tipton,,” McLean County Museum of History Archives

⁹ “Speech by Thomas Tipton,” *The Daily Pantagraph*, Fall 1861, McLean County Historical Society Archives

¹⁰ “Judge Tipton and the Reporters,” *The Daily Pantagraph*, February 12, 1904.

¹¹ “Judge Tipton on Witchcraft,” *The Daily Pantagraph*, March 19, 1898

examined the evidence and legal questions raised by this ancient trial.¹² As Tipton got older, the press could count on him to relate how things used to be in McLean County. He liked to tell about humorous happenings in the court as well as stories about his colleagues—including Lincoln.

Tipton was also a firm believer in Christianity. He was a long time trustee with the First Methodist Church in Bloomington. He held this position even though he was never formally admitted as a member of the church. He was an “avowed and enthusiastic believer in the teachings of Christianity.”¹³

After several years of declining health, Judge Thomas Tipton died February 7, 1904 of stomach cancer. *The Daily Pantagraph* carried a lengthy obituary covering his life and career. The opening paragraph began: “The eminent lawyer, jurist, congressman, orator, philosopher, and friend of many thousands of men, women, and children in central Illinois has passed from earth.”¹⁴ Another article on February 11 described the funeral service. In this article the pallbearers were listed and included W.B. Carlock and Charles L. Capen. Adlai E. Stevenson I served as an honorary pallbearer.¹⁵ All would have been described as the movers and shakers of their day in McLean County. Later articles, memorials, and tributes attested to a man of integrity with warmth and humor. Thomas Foster Tipton was judged to have a life well lived. He was buried in Evergreen Memorial Cemetery in Bloomington.

By: Laurie Peterson, 2008

¹² “The Trial of Christ from Standpoint of a Lawyer,” *The Daily Pantagraph*, September 22, 1902

¹³ “Judge Tipton Passes Away,” *The Daily Pantagraph*, February 8, 1904.

¹⁴ “Judge Tipton Passes Away,” *The Daily Pantagraph*, February 8, 1904.

¹⁵ “The Last of Earth,” *The Daily Pantagraph*, February 11, 1904