

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

FOR NPS USE ONLY

RECEIVED

DATE ENTERED

SEE INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC Ruben M. Benjamin Home

AND/OR COMMON

2 LOCATION

STREET & NUMBER 510 E. Grove

NOT FOR PUBLICATION

CITY, TOWN Bloomington

CONGRESSIONAL DISTRICT 21

VICINITY OF

STATE Illinois

CODE

COUNTY McLean CODE

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE
<input type="checkbox"/> DISTRICT	<input type="checkbox"/> PUBLIC	<input checked="" type="checkbox"/> OCCUPIED	<input type="checkbox"/> AGRICULTURE <input type="checkbox"/> MUSEUM
<input checked="" type="checkbox"/> BUILDING(S)	<input type="checkbox"/> PRIVATE	<input type="checkbox"/> UNOCCUPIED	<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> PARK
<input type="checkbox"/> STRUCTURE	<input type="checkbox"/> BOTH	<input type="checkbox"/> WORK IN PROGRESS	<input type="checkbox"/> EDUCATIONAL <input checked="" type="checkbox"/> PRIVATE RES
<input type="checkbox"/> SITE	<input type="checkbox"/> PUBLIC ACQUISITION	<input type="checkbox"/> ACCESSIBLE	<input type="checkbox"/> ENTERTAINMENT <input type="checkbox"/> RELIGIOUS
<input type="checkbox"/> OBJECT	<input type="checkbox"/> IN PROCESS	<input type="checkbox"/> YES: RESTRICTED	<input type="checkbox"/> GOVERNMENT <input type="checkbox"/> SCIENTIFIC
	<input type="checkbox"/> BEING CONSIDERED	<input checked="" type="checkbox"/> YES: UNRESTRICTED	<input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> TRANSPORT
		<input type="checkbox"/> NO	<input type="checkbox"/> MILITARY <input type="checkbox"/> OTHER:

4 OWNER OF PROPERTY

NAME Carl Guhlstorf

STREET & NUMBER 510 E. Grove

CITY, TOWN Bloomington

VICINITY OF

STATE Illinois

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC. McLean County

STREET & NUMBER

CITY, TOWN Bloomington

STATE Illinois

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

DATE

FEDERAL STATE COUNTY LOCAL

DEPOSITORY FOR SURVEY RECORDS

CITY, TOWN

STATE

DESCRIPTION

CONDITION		CHECK ONE	CHECK ONE
<input type="checkbox"/> EXCELLENT	<input type="checkbox"/> DETERIORATED	<input checked="" type="checkbox"/> UNALTERED	<input checked="" type="checkbox"/> ORIGINAL SITE
<input checked="" type="checkbox"/> GOOD	<input type="checkbox"/> RUINS	<input type="checkbox"/> ALTERED	<input type="checkbox"/> MOVED DATE _____
<input type="checkbox"/> FAIR	<input type="checkbox"/> UNEXPOSED		

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The house is rectangular with a small single story projection on the east side and a bay window on the west. It is two stories throughout the main portion of the house with a gable roof placed end on facing Grove street. The roof is supported on the ends by shallow brackets.

The south side of the house, facing Grove Street, has a door at the east end with a small roof above it. East of the door on the first floor are two square topped windows. On the second floor are three windows and above these a small circular window.

The house is wood throughout and painted white. The arrangements of the interior rooms have been somewhat altered since the nineteenth century.

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input checked="" type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> ARCHITECTURE	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input checked="" type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)
		<input type="checkbox"/> INVENTION		

SPECIFIC DATES constructed 1856

BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

This home was the residence of Ruben M. Benjamin, the chief lawyer for the people in the case of the Chicago and Alton Railroad vs. the People and the man largely responsible for the successful development of the Granger Cases in Illinois.

Ruben M. Benjamin was born in Chatham Center, Columbia County, New York, June 29, 1833. He graduated third in his class from Amhurst College and went on to study law at Harvard. In 1856 he came west to Bloomington and moved into this house where he lived for the remainder of his life.

In 1869 Benjamin was elected to the state constitutional convention where he at once established himself as a leader of the group which wished to regulate freight and warehouse rates. Benjamin advanced the doctrine of legislative supremacy and inalienable sovereignty, saying in part,

"Corporations, and especially railroad corporations have within the last few years assumed and exercised powers incompatible with the public welfare;"¹

In his recent analysis of the Granger Laws George H. Miller has called Benjamin's treatment of the history of legislative restrictions on common employments "masterful"² and has written,

"During the final two weeks of the convention when the draft of the railroad article was under consideration, they advanced a two-pronged doctrine of legislative supremacy,.....the first and greatest single contribution to this doctrine was made by Ruben Moore Benjamin of McLean, a student and teacher of American constitutional law."

In 1872 Benjamin and his associates began proceedings against the Chicago and Alton Railroad which charged \$5.65 for hauling 1000 feet of lumber from Chicago to Lexington and only \$5.00 for hauling the same amount of lumber a longer distance to Bloomington. The state Board of Railroad and Warehouse Commissioners later hired Benjamin as special council to aid them in a second Granger case Munn vs. Illinois. Ruben M. Benjamin's arguments were later accepted by the United States Supreme Court and became important landmarks in American constitutional history.

In 1873 Benjamin was elected without opposition to the office of county judge of McLean County, a post which he held until 1886. When the law department of Illinois Wesleyan

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CONTINUATION SHEET

ITEM NUMBER 8 PAGE 2

University law school was formed he became the first dean. He was also the author of several widely used law texts.

In addition to its associations with Ruben M. Benjamin this house is of interest because it is the only home in Bloomington known for certain to have been built by John L. Routt, then a carpenter. Routt later became Sheriff of McLean County, a Captain in the Civil War, U.S. Marshal for the southern district of Illinois, Assistant postmaster general, the last territorial governor of Colorado and in 1876 was elected as the first governor of the new state of Colorado.

¹The Biographical Record of McLean County, Illinois
(Chicago: S. J. Clarke, 1899), p. 28.

²George H. Miller, Railroads and the Granger Laws
(Madison: University of Wisconsin Press, 1971), p.77.

³ Ibid.

MAJOR BIBLIOGRAPHICAL REFERENCES

The Biographical Record of McLean County, Illinois.
Chicago: S.J. Clarke, 1899. 24-34

Miller, George H. Railroads and the Granger Laws.
Madison: University of Wisconsin Press, 1971.

GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY less than one

QUADRANGLE NAME _____

QUADRANGLE SCALE _____

UTM REFERENCES

A 16 33 500 4482 500
ZONE EASTING NORTHING

B _____
ZONE EASTING NORTHING

C _____

D _____

E _____

F _____

G _____

H _____

VERBAL BOUNDARY DESCRIPTION

Lot 11 in block 8 of Evan's second addition to the city
of Bloomington

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE	CODE	COUNTY	CODE
STATE	CODE	COUNTY	CODE

FORM PREPARED BY

NAME/TITLE William D. Walters, Jr.

ORGANIZATION Dept. of Geography

DATE Dec. 21, 1977

STREET & NUMBER Illinois State University

TELEPHONE _____

CITY OR TOWN Normal, Illinois

STATE _____

STATE HISTORIC PRESERVATION OFFICER CERTIFICATION

THE EVALUATED SIGNIFICANCE OF THIS PROPERTY WITHIN THE STATE IS:

NATIONAL X

STATE _____

LOCAL _____

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

STATE HISTORIC PRESERVATION OFFICER SIGNATURE

David Kennerly

TITLE Director, Ill. Dept. of Conservation

DATE 3/27/78

FOR NPS USE ONLY

I HEREBY CERTIFY THAT THIS PROPERTY IS INCLUDED IN THE NATIONAL REGISTER

DATE _____

ATTEST: KEEPER OF THE NATIONAL REGISTER

DATE _____

CHIEF OF REGISTRATION

ILLINOIS HISTORIC SITES SURVEY INVENTORY

ML-4-14

200083

1. Name of site:

Common

Historic Judge Reuben M. Benjamin Home

2. Location:

Street and number

504 E. Grove

City or Town

Bloomington

County

McLean

Zip Code

61701

Township

Range

Section

1/4 Section

3. Classification:

Category (check one)

- District
- Building
- Site
- Structure

Integrity (check one)

- Altered
- Unaltered
- Moved
- Original Site

4. Ownership

- Private
- Public

Status (check one)

- Occupied
- Unoccupied
- Preservation work in Progress

Access to Public

- Yes
- Restricted
- Unrestricted
- No

Present Use (check one or more)

- Agricultural
- Commercial
- Educational
- Entertainment
- Government
- Industrial
- Military
- Museum
- Park
- Private Residence
- Religious
- Scientific
- Transportation
- Other (specify) abandoned

5. Ownership of Property

Owner's name

Street and number

City or Town

State

County

Phone Number

Zip Code

6. Description

Condition

- Excellent
- Good
- Fair
- Deteriorated
- Ruins
- Unexposed

Is there a program of preservation underway? Yes No

7. Historical Themes: (check one or more of the following)

- Archaeological Site (Pre-Columbian)
- Archaeological Site (Post-Columbian to 1673)
- French Influence 1673-1780
- Illinois Frontier (1780-1818)
- Illinois Early (1818-1850)
- Illinois Middle (1850-1900)
- Illinois Late (1900-present)
- Famous People (give names & dates)

Reuben M. Benjamin (1833- ?)

LAW



8. Specific Date: Date of construction and Benjamin's occupancy is presently undetermined.

Areas of significance (check one or more of the following)

- Aboriginal (historic)
- Aboriginal (pre-historic)
- Agriculture
- Architecture
- Art
- Commerce
- Communication
- Conservation
- Education
- Engineering
- Industry
- Invention
- Landscape Architecture
- Literature
- Military
- Music
- Political
- Religion/Philosophy
- Science
- Sculpture
- Social/Humanitarian
- Theater
- Transportation
- Urban Planning
- Other (specify) jurisprudence

Brief statement of significance: (include all names and dates.) Use additional sheets if necessary.

See attached sheet

9. Form prepared by:

Name and title: _____ Date: June, 1977

Organization: Keith A. Sculle
Illinois Historic Sites Survey

Street and number: 1505 W. Kirby, Apt. 3
Champaign, Illinois 61820

City or town: _____ County _____ Zip Code _____

Phone Number: _____

During the course of the Survey we often find it necessary to search for references for a particular site. When filling out the Survey form, please list according to the following example, published references to the site for which forms are being completed. If a bibliography can be compiled, it will greatly deduct from the Survey's task.

Bibliography

Robertson, Robert, Of Whales and Men. New York, Alfred K. Knopf, Inc., 1954.

The History of McLean County, Illinois. Chicago: William Le Baron, Jr. and Company, 1879, p. 765.

Townley, Wayne C. Historic McLean. McLean County Historical Society, 1945, p. 7.

SIGNIFICANCE:

- Benjamin was counsel for the people in the famous case of Lynn vs. Illinois (1877) which helped establish the principle that government can regulate privately owned businesses that are in the private interest. This is perhaps Benjamin's greatest claim to fame. He moved to Bloomington in the spring of 1858. To a judgeship of McLean County, Benjamin was elected in 1873 and re-elected in 1877. He was also influential in establishing the Bloomington Law School and became a dean of the school in 1874.

The location (504 E. Grove) of the Home is from Townley.

NAME OF SITE: Ruben M. Benjamin Home (ML-H-14).

NR

LOCATION: 510 E. Grove, Bloomington

NOTE ON LOCATION: The Inventory of Historic Landmarks in McLean County incorrectly locates this house at 504 E. Grove.

OWNER: Carl Guhlstorf
510 E. Grove, Bloomington
Phone: 829-9004

POINTS OF INTEREST: Home of the man largely responsible for developing the first of the famed Granger Cases.

DATE: 1856

BUILDER: Ruben M. Benjamin was born in Chatham Center, Columbia County, New York, June 29, 1833. His grandfather had been a captain in the revolutionary war and his father a soldier in the War of 1812. His credentials were impecable for a man who was to make a fundamental challenge to the American system of law. He attended Kinderhook Academy and then and then Amherst College where he graduated third in the class of 1833. He was then briefly principal of Hopkins Academy, near Amherst, before entering the law department of Harvard University.

In the spring of 1856 Benjamin came west to Bloomington where, upon examination of a certain Abraham Lincoln, he was admitted to the Illinois bar. The following September he married Miss Laura Woodin of his home county in New York State. Benjamin then set up practice in partnership with Gridley

and Wickizer until 1863 when he formed a partnership with Thomas F. Tipton. Later he was to enter into partnerships with various Bloomington lawyers.

In 1869 the thirty-six year old lawyer was elected to the convention which was to formulate a new constitution for the state. Benjamin soon established himself as a leader of the convention. He was a member of the committee on the bill of rights, Municipal Corporations, State Institutions and Schedule. He pressed strongly for key items 12 and 15 of Article XI which said:

"Railways heretofore constructed, or that may hereafter be constructed in this state, are hereby declared public highways, and shall be free to all persons for the transportation of there persons and property thereon, under such regulations as may be prescribed by law. And the general assembly shall, from time to time, pass laws establishing resonable maximum rates of charge for the transportation of passengers and freight on the different railroads in the state."

and

"The general assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads of the state, and enforce such laws by adequate penalties, to the extent...of forfeiture of their property and franchises."

In less explicit terms the constitution provided for warehouse regulation. Behind this constitution Benjamin took his stand.

The Chicago and Alton Railroad had a freight

rate structure which charged \$5.65 for hauling 1000 feet of lumber from Chicago to Lexington and only \$5.00 for hauling the same amount of lumber a shorter distance to Lexington. In 1872 Benjamin and his associates instituted Quo Warranto proceedings against the railroad demanding that it forfeit its charter. Lower courts held that the legislature could regulate freight rates and sided with Benjamin; the Supreme Court of the United States reversed the lower courts, on the grounds that some rate discrimination might be proven justifiable, but in the process of that reversal made it clear the states could indeed regulate the rates charged by railroads and by implication other corporations. The Chicago and Alton Railroad vs. the People was a landmark case.

The state Board of Railroad and Warehouse Commissioners then employed Benjamin to aid them, as special council, in the prosecution of Munn vs. Illinois in which the Supreme Court of the United States firmly established the power of a state legislature to regulate freight and warehouse rates.

In 1873 Benjamin was elected without opposition to the office of county judge which he held until he retired in 1886. He continued to be active in the law for many years, teaching at the Illinois Wesleyan Law

school, and handling a large private practice. He died in 1917.

The Western Jurist, quoted in Benjamin's 1887 biography, summed up his contribution:

"It is probable that the people of the state are indebted for the results of this agitation as given in the above decision to Hon. R.M. Benjamin, of Bloomington, in greater degree than to any other single individual. As a member of the constitutional convention, he made the clearest and most convincing argument in favor of the rights of the people which was delivered in that body, and as special counsel for the people in the cases of the C.& A. R.R. Co. vs. the people, and Munn vs. the people, has very materially contributed in establishing the principle contended for by him before the convention and established in the above cases." p.688.

Nor has the importance of Benjamin's work been diminished by time. In his 1971 Railroads and the Granger Laws George H. Miller wrote:

"During the final two weeks of the convention when the draft of the railroad article was under consideration, they advanced a two-pronged doctrine of legislative supremacy,The first and greatest single contribution to this doctrine was made by Ruben Moore Benjamin of McLean, a student and teacher of American constitutional law." (p.77)

Miller goes on to call Benjamin's treatment of the argument "masterful." (Ibid.)

STRUCTURE: The carpenter who built this home was John Routt, then a resident of Bloomington. Routt later went on to become the last appointed governor of the territory of Colorado and, in 1876 became the first elected governor of the new state

of Colorado, serving from 1876 to 1879.

The building which Routt constructed in 1856 was a simple classic revival house which has remained virtually unchanged on the exterior at least since the late nineteenth century and probably for much longer than that. It is a two story house with the gable end facing the street. The third floor attic window is circular. All of the other windows are rectangular. The roof on the front is supported by shallow unpaired brackets. There is a bay window on the west side. The fireplace in the front room on the east is said to be original.

REFERENCES

B.R., 1899, 24-34 (Contains the text of Benjamin's remarks to the constitutional convention).

Hist., 1879, 765-766.

George H. Miller, Railroads and the Granger Laws
(Madison: University of Wisconsin Press, 1971).

P. & B., 1887, 687-688.

