

7129

.18 5



Class _____

Book _____

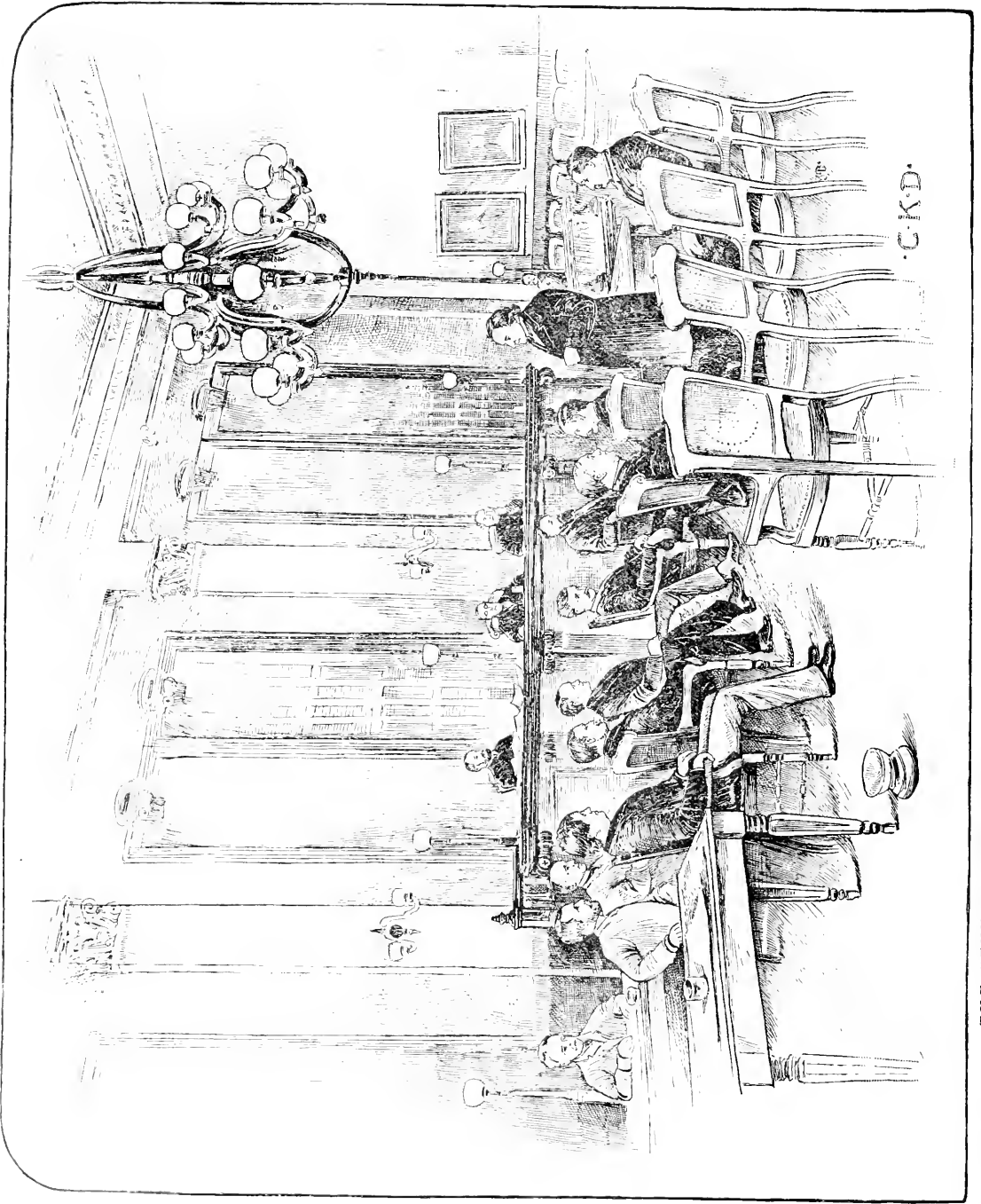
COPYRIGHT DEPOSIT

PICTORIAL HISTORY
OF THE
SUPERIOR COURT
OF BUFFALO

*ITS RECORDS AND TRADITIONS—ITS JUDGES FROM
THE BEGINNING—REMINISCENCES*

REPRINTED FROM
THE BUFFALO SUNDAY MORNING EXPRESS
OF JANUARY 31st, 1886.

THE SUPERIOR COURT OF BUFFALO



C.V.D.

THE GENERAL TERM ROOM.—EX-JUDGE HUMPHREY ADDRESSING THE COURT.

PICTORIAL HISTORY

OF THE

SUPERIOR COURT

OF BUFFALO

*ITS RECORDS AND TRADITIONS—ITS JUDGES FROM
THE BEGINNING—REMINISCENCES*

REPRINTED FROM
THE BUFFALO SUNDAY MORNING EXPRESS
OF JANUARY 31st, 1886

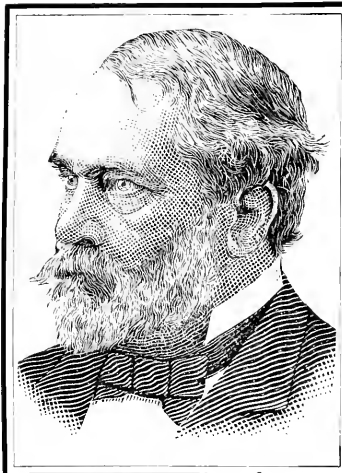
COPYRIGHT, 1886, BY J. N. MATTHEWS

1886

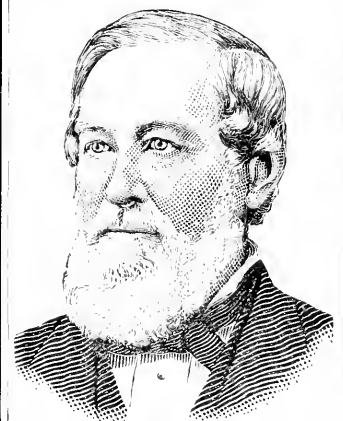


ALL THE WORKS OF MATTHEWS, NORRIS & CO., BUFFALO, N. Y.

THE PRESENT JUDGES OF THE SUPERIOR COURT.



Hon. CHARLES BECKWITH



Hon. JAMES M. SMITH, *Presiding Judge.*



Hon. ROBERT C. TITUS.

THERE is no organization under that most important branch of our local government—the judiciary—to which more intrinsic interest attaches; none which binds in its history the life-work of more eminent men; none whose traditions are better worth knowing, than the Superior Court of the City of Buffalo.

The Superior Court.

The Recorder's Court of the City of Buffalo was organized under an Act of the Legislature in 1830. Its origin was owing to the fact that the Circuit Court, Oyer and Terminer and General Sessions of the Peace were inadequate to do the business of the city. From the first its value and the necessity for its existence were demonstrated; and as the city increased in population and the demands on the Court multiplied, a movement was started by the late Hon. John Ganson to reorganize the Court with three judges. In this he was materially aided by the Hon. Solomon G. Haven and by Judge James M. Smith and others. In 1854 the Court was reorganized on the general plan of the Superior Court of the City of New-York as far as relates to civil jurisdiction, which is in the main coextensive with that of the Supreme Court in the two cities.

The Superior Court of Buffalo has also jurisdiction of all crimes committed in the City of Buffalo.

The amount of civil business, of all kinds, done by this Court during its existence of nearly fifty years is beyond calculation. Among the thousands of convictions for crime in this

Court there have been 6 for murder, 2 for murder second degree, 110 for forgery, 604 for grand larceny, 49 for manslaughter, 499 for burglary, 48 for counterfeiting, 99 for robbery, 356 for petit larceny, 209 for petit larceny second offence, 54 for assault with intent to do bodily harm, 67 for false pretences, 29 for bigamy, 87 for receiving stolen property, 131 for larceny from the person, 29 for assault with intent to kill, 45 for larceny after a felony, and 20 for arson.

Its bench has always been occupied by judges of learning and ability, who have held high rank in this community. The following is the order of their succession and the terms of their office:

Hon. Horatio J. Stow, Recorder,	1839 to 1844
" Henry K. Smith, "	1844 to 1848
" Joseph G. Masten, "	1848 to 1852
" George W. Houghton, "	1852 to 1854
" George W. Houghton, Judge,	1854 to 1859
" Isaac A. Verplanck, "	1854 to 1873
" George W. Clinton, "	1854 to 1878
" Joseph G. Masten, "	1856 to 1871
" James M. Humphrey, "	1871 to 1872
" James Sheldon, "	1872 to 1880
" James M. Smith, "	1873
" Charles Beckwith, "	1878
" Robert C. Titus, "	1886

Judges Verplanck, Clinton and Sheldon have filled the position of Chief Judge of the Court. With 1886, the Hon. James M. Smith succeeded Judge Sheldon as Chief Judge.

The clerks have been:

M. Cadwallader,	1839 to 1844
Nelson Ford,	1844 to 1846
C. M. Cooper,	1846 to 1848
William Davis,	1848 to 1851
Jared S. Torrance,	1851 to 1856
Dyre Tillinghast,	1856 to 1862
Thomas M. Foote,	1862 to 1863
Amos A. Blanchard,	1863 to 1875
John C. Graves,	since 1875

Charles B. Sill has been Deputy Clerk since March 1, 1879; John G. Cloak has been Special Deputy Clerk since August 1, 1873; Otto F. Langenbach has been Special Deputy Clerk since December 7, 1885; George Macnoe has been Stenographer since August 1, 1875.

The Old Court House.

The "Old Court House" shown in our illustration was perhaps the most important building ever erected in Erie County, and many a reader of THE EXPRESS will welcome our drawing as a reminder of a long-familiar landmark. The first court house in the present county of Erie was erected for the use of Niagara County by the Association known as the Holland Company in 1806. It was destroyed by fire when Buffalo burned in 1813. Our illustration is of the building which replaced it, and on nearly the same site. It was built in 1810 and occupied in the early part of 1817. At the time of its erection it was the finest and most imposing edifice in the village. It was situated on Washington Street, facing what is now

known as LaFayette Square, and is the highest point of land in the city of the corporation. It was used from the first of the century for political, religious and general meetings, as well as for the sitting of the Court. It was in this building the three Haytys were tried and sentenced. Here most of the important cases in this county were tried up to the time of its abandonment in the spring of 1870, soon after which it was torn down.

Courts have been held here by Judge Reuben H. Walworth, afterwards Chancellor of the State; by Judges Addison Gardner, Martin Grover, James Mullett, and by all of the Judges of the Superior Court and of the Supreme Court of this District, and by the Judges of Erie County prior to 1870.

Among the distinguished men of the past who have tried causes here may be named John Root, James Sheldon, Sr., Wm. A. Moseley, Thomas C. Love, Sheldon Smith, Thomas F. Sherwood, Solomon G. Haven, Millard Fillmore, John Ganson, George P. Barker, Seth E. Sill, Wm. T. Marcy, and Charles J. Folger.

In 1850 the square three-story brick structure still standing at the north-west corner of Ellicott and Clinton Streets, was erected. This was succeeded by the present imposing structure known as

The City and County Hall.

This building, erected jointly by the City of Buffalo and County of Erie, was commenced in 1871. The corner-stone was laid by the Grand Master of Masons on the 24th day of June, 1872, the Hon. George W. Clinton delivering the address. The building was completed and occupied on the 13th day of March, 1876. The total cost of construction, furnishing and ornamenting the grounds was less than the appropriation, \$1,450,000. This building contains nine Court Rooms as well as offices for City and County officials, and is one of the most commodious and comfortable public buildings on this continent.

The General Term Room.

Of the several rooms occupied by the Superior Court in the City Hall building, we have selected the General Term Room for illustration. It is a large, handsome apartment, elegantly finished in black walnut, well lighted and admirably adapted to its use. It is occupied by both the Superior Court and Supreme Court.

One side of the room is nearly covered with richly framed oil portraits. The collection includes the following:

The Hon. Millard Fillmore, ex-President; the Hon. William A. Moseley, formerly U. C.; the Hon. Samuel Wilkinson, County Judge in 1820; the Hon. Thomas C. Love, County Judge in 1825; the Hon. Philander Bennett, County Judge from 1826 to 1837; the Hon. Heman B. Potter, Henry B. Rogers, John Ganson, Solomon G. Haven, Deacon H. Austin, and Albert H. Tracy, distinguished lawyers; the Hon. Horatio J. Stow, first Recorder of Buffalo; the Hon. Joseph C. Folger, second Recorder and Judge; the Hon. Richard C. Smith, Supreme Court Judge; the Hon. I. C. Smith, a distinguished lawyer-banker; and the Hon. George W. Clinton, first County Clerk of Erie County.

The terms of the Superior Court and Judges presiding under the Calendar for 1850 are as follows:

GENERAL TERMS.—March 22d, June 14th, October 11th, and December 13th.

CRIMINAL TERMS.—January 25th, *Smith*; April 26th, *Titus*; June 21st, *Beckwith*; September 13th, *Titus*; and November 22d, *Beckwith*.

TRIAL TERMS.—January 11th, *Titus*; March 1st, *Beckwith*; May 31, *Smith*; July 5th, *Titus*; September 13th, *Beckwith*; and November 8th, *Smith*.

SPECIAL TERMS.—January, *Beckwith*; February, *Titus*; March and April, *Smith*; May, *Beckwith*; June, *Titus*; July and September, *Smith*; October, *Beckwith*; and November and December, *Titus*.



The Hon. Horatio J. Stow.

The first Recorder of the City of Buffalo was born in Lowville, Lewis Co., N. Y., on the 8th day of July, 1800. He moved to this city in 1833 and entered into partnership with Joseph Clary and afterwards with Orsamus H. Marshall and continued in the active practice of his profession until 1830, when the Recorder's Court was organized. He was a member of the Constitutional Convention of 1846, and of the State Senate of 1858 from Niagara County, he living at that time at Lewiston. He died at Clifton Springs, N. Y., on the 16th day of February, 1880, while a member of the Senate. His speeches while a member of the Senate and of the Constitutional Convention were characterized by great power. One of them in the convention it was said at the time: "It is regarded by many as among the noblest and ablest efforts which has ever emanated from that body and will cause to cluster around his name an imperishable memory of his ability and power of thought."

Mr. Vail, in his able biography of the Hon. Henry K. Smith, the second Recorder, says of Judge Stow: "Being the first Recorder, to him was given the organization of the Court and the formation of its character and reputation. He brought to this duty a commanding intellect, great legal learning, comprehensive views of jurisprudence, remarkable personal dignity and fearless independence. This combination of judicial qualities stamped itself upon the Court

and at once secured with the bar and public a respect and confidence equal to that reposed in any other tribunal." His unique and reformatory administration of criminal justice undoubtedly gave the Court its first decided prominence.

Judge Stow was a very witty and eccentric man. He was an origin I thinker and one who trusted more to his own thoughts and reflections than to the reading and study of books, as is usually the case with original thinkers. He was kind-hearted and genial though somewhat stern at times in his dealings with the bar, but never intentionally doing any one a wrong. He took pleasure in instructing and assisting the younger members of the bar. He was a man of fine social qualities and a favorite in every circle in which he moved.

His many-sided and versatile mind may be illustrated by the following incident.

Dropping into the office of a friend he found him reading Byron's inimitable poem "Childe Harold," and asked his friend to read the first line of the page before him. On his doing so, the Judge recited from memory that page and several of the following pages. He did the same with several other portions of the poem to which his friend opened, and then made the almost incredible statement that he could repeat the whole of "Childe Harold" and of Milton's "Paradise Lost," and that if every printed copy of both poems should be lost he could reproduce them from memory without losing a word.



The Hon. Henry K. Smith.

This distinguished member of the legal profession was born on the Island of Santa Cruz, of English parentage, on the 2d day of April, 1811. He was sent to this country to be educated at the early age of seven. His father, who had become blind through accident, and impoverished by the change of government of the island, provided out of his small means for the education of his boy and said to him when he sent him away: "Henry, you have now to care for yourself. According to your conduct you will either sink or swim."

The boy replied: "Father, I will swim."

He was at school until he was 15 years of age.

THE SUPERIOR COURT OF BUFFALO.

when he obtained a position in a dry-goods store in the City of New-York, where he learned some of business habits. After leaving the store he commenced the reading of the law, in Johnstown, N. Y., with Daniel Cady, and was admitted to the bar in 1833. He settled in Buffalo soon after, in partnership with Israel T. Hatch, and afterwards with Isaac A. Verplanck. He was editor of a democratic newspaper for some time, and was appointed District Attorney in 1836, but resigned the office after holding it about seven months. He was made Recorder in 1841 and held the position until 1848, when he was appointed Postmaster of the city. He was elected Mayor in 1850. He was also an active member of the militia for many years, reaching the rank of Colonel. He withdrew from practice several years before his death, which occurred on the 23d day of September, 1874.

Judge Smith was by nature one of the most brilliant men that ever adorned the bar of this State. He was a natural orator, and if he had been born an Indian he would have been the Red Jacket of his tribe. He had a readiness of utterance and a command of felicitous language, which, added to a graceful delivery and forcible expression, wonderfully impressed all who listened to him. In the trial of a cause, his narration of facts to a jury was made with extraordinary ability, and he enforced the conclusions to be drawn from them with a cogency of reasoning and aptness of demonstration that generally convinced the jury of the justness of his cause. As a political orator he ranked among the most successful, and was the trusted friend and advisor of Martin Van Buren, William L. Marcy, and the other democratic leaders. He was a man of wide range of reading, and had explored all the fields of polite literature, and had stored his mind with its richest treasures.

He was of quick and sparkling wit. On social occasions and at the festive board this quality and his overflowing and abounding humor made him always a welcome guest. To return the many hospitalities he had received from the St. George's, St. Andrew's and other societies, he and Mr. Stringham, also a native of Santa Cruz, originated the idea of getting up a banquet in honor of St. Quacko, the imaginary patron saint of Santa Cruz, and the humor and wit of the enterprise will long remain as one of the pleasant social memories of the city. Letters of congratulation were read at the banquet as coming from Daniel Webster, Henry Clay, Thos. H. Benton and others.

He was very learned in his profession and a writer of pleadings under the old chancery practice of rare ability. As a judge he was quick, accurate and firm as adamant; courteous and polite in his manners, and always a gentleman.

His only published address was the funeral oration on the burial of Captains Williams and Field, who fell at the Battle of Monterey, and will be found in the *Commercial Advertiser* of March 10, 1847. It was a soul-stirring, eloquent and patriotic address.

The Hon. Joseph G. Masten.

Eminent in his profession, and esteemed as a citizen, Judge Masten's memory is cherished by all who knew him. He moved to the City of Buffalo from Bath, Steuben County, in 1836. He was chosen Recorder in 1842, and Judge of the Superior Court in 1856, which last position he held at



the time of his death in April, 1871. He was mayor of the city for the years 1843 and 1845, and member of the Constitutional Convention of 1867.

Judge Masten was learned in his profession, and probably more familiar with reported cases than any other member of the bar of Western New-York. He had studied the works of eminent jurists on the various branches of the law and was well-grounded in legal principles. He was not an orator, in the general sense of that term, and had few of the gifts of a public speaker. He gave laborious investigation to all cases submitted to his decision, and was fearless and bold in the application of legal principles. He was a writer of considerable fluency and many of his opinions are entitled to the utmost respect. His decisions are found in I. Sheldon's Reports, in Howard's Practice Reports, Abbott's Reports and some of them in the Court of Appeals Reports, having been adopted by that court.



The Hon. George W. Houghton.

This well-remembered judge was born in Vermont and settled in Buffalo in 1837. He was ad-

mitted to the bar in 1837, and practised in the city in 1852 and served from 1854 to 1867 as Judge of the Superior Court. He was an exceedingly able lawyer and delighted in all of the sharp and intricate points of the law. He was an industrious man, and gave all cases that were called upon to decide a patient and thorough examination.



The Hon. Isaac A. Verplanck.

A graduate of Union College, Isaac A. Verplanck settled in Batavia in 1831 and removed to Buffalo in 1847. He had previously served as District Attorney of Genesee County, and was a Member of the Constitutional Convention of 1867. He was made one of the first Judges of the Superior Court in 1854 and held that office until his death in 1873. Judge Verplanck was well skilled in the learning of his profession, and wise in the application of general principles. He considered his judgments with the greatest care and deliberation and when pronounced they were rarely erroneous. He presided at *visa prima* and on criminal trials with distinguished ability and usefulness. His mental organization was of a most upright and judicial character, and suits were sure to receive from him even-handed and impartial judgments. Before he was elevated to the bench he had attained very high rank as a lawyer and as counsel in the management of important cases.

The Hon. George W. Clinton.

Illustrious among those who are eminent was George Washington Clinton. To the life of no other Judge of our Superior Court is there more of interest pertaining. The community and the State still have fresh in mind the sense of loss that came with his sudden death on an afternoon last September as he pursued his favorite study of botany in the rural cemetery at Albany. No attempt is made in this article to reproduce the minute biographical data, the wealth of reminiscence and anecdote and tributes to which were published at that time. It must

suffice for the present purpose to sketch his career and public services.

His death on an illustrious line. At the time of his passing THE EXPRESS said:

The death of Judge George Washington Clinton removes one of the few remaining links which reach back to the heroic age of the Republic. He was the son of DeWitt Clinton, that Governor of New-York who built the Erie Canal. DeWitt Clinton was the son of James Clinton, a Revolutionary soldier, and the nephew and secretary of George Clinton. George Clinton was the Revolutionary Governor of New-York and the friend of Washington.

The following sketch of Mr. Clinton is in part from "The Public Service of the State of New-York."

George W. Clinton was born in the City of New-York in 1807. His early schooling was at Pickett's, and other notable schools, of the day. At nine years of age, when his father entered first upon the office of Governor, he entered as a student at the Albany Academy, where he remained until prepared for college. He entered Hamilton College in 1821 at the age of 14, and graduated in 1825. His early tastes were strongly towards studies in natural history, and these led him, after graduation, to the study of medicine. He spent the years 1826 and 1827 in this way, under the direction of Dr. T. Komeyn Beck. He attended medical lectures for two sessions at Fairfield, where Dr. Beck was professor, and also in Albany, where in advance of the founding of the Albany Medical College, Mr. March and Dr. Tully were already lecturing to students.

In 1825 his father, DeWitt Clinton, died, and the son's medical studies were interrupted. By the advice of Judge Ambrose Spencer he took up the study of law in his office. He attended also the law school of Judge Gould at Litchfield, Conn., and subsequently studied in the office of John C. Spencer in Canandaigua. He was admitted as an attorney in 1831, and opened an office in Albany. He formed a law partnership with Matthew Henry Webster, and in 1832 with John C. Spencer in Canandaigua, whose daughter he married. His progress in his profession is shown by his appointment in 1835 as an Examiner in Chancery and as District Attorney for Ontario County.

In 1836 he removed to Buffalo, then fast rising in population and importance as a place of trade. Here Judge Clinton spent the chief portion of a busy life. He not only entered energetically upon his profession, but was conspicuous in every movement for the public good. He took an active part in politics. He encouraged industrial and charitable enterprises. He contributed voluminously to the press. In 1837 he was appointed commissioner in Erie County for loaning the United States Deposit Fund. In 1838 he was appointed by President Van Buren Collector of Customs at Buffalo. In 1844 he was elected Mayor of Buffalo. From 1847 to 1849 he was the United States District Attorney for the Northern District of New-York.

He was elected Judge of the Superior Court of Buffalo in 1854, and successively re-elected in 1860, 1866, and 1872, holding office till December 31, 1877, when he was retired on account of the constitutional limitation of age. From 1870 he was Chief Justice of the Court.

His constitutional invention of 1866 and

1867 he was a conspicuous member, and served on the Committee on Canals. He was elected a Regent of the University in 1866, and after the death of Chancellor Benedict was the senior member holding the office of Vice-Chancellor until his death.

Judge Clinton was a diligent student of many subjects outside of his profession. His early taste for natural history was never extinguished. He contributed interesting and valuable papers on "Fish and Fishing," and upon "Animals and Hunting." An English author calls him the "Isaak Walton of America." He founded the Buffalo Society of Natural Sciences in 1861, and was for many years its president. Numerous papers and addresses emanated from his pen upon such subjects as agriculture, canals, manorial tenures, Indian traditions, e. c. He delivered an address before the Phi Beta Kappa Society of Union College in 1857. He opened the first University Convocation in 1863, and he closed the convocation of 1881 by addresses.

During the War of the Rebellion Judge Clinton was a firm supporter of the Government, and by his personal exertions and patriotic addresses contributed his best efforts to maintain the integrity of the Nation.

In addition to occasional papers and addresses which would fill many volumes, Judge Clinton published, from 1860 to 1868, a "Digest of Decisions at Law and in Equity from the organization of the State to 1860." At the time of its issue this was by far the best treatise of its kind, and still holds its place as a standard work.

The honorary degree of Doctor of Laws was conferred upon Mr. Clinton by Hamilton College in 1864. The largest piece of work of his declining years was the editing of the valuable collection of the George Clinton papers which are in the State Library at Albany, in which city he spent the last year or two of his life, though always looking

upon Buffalo as his home. He died suddenly Sept. 7, 1885, in the manner already indicated.

At a meeting of the Bar of Buffalo, held September 10th, many rare tributes were paid to Judge Clinton's memory. "Whilst he was with us," said the Hon. David F. Day, "although others attained to higher places, or conducted greater enterprises, or filled for a while a larger space in the public eye, *vero* I say, we know that, while he was with us, he was the FIRST CITIZEN OF BUFFALO."

The Hon. E. C. Sprague said of him:

At 30 years of age he was as eminent as at his death. . . . Another feature of Judge Clinton's qualities, which always brings men into reputation, was his peculiar style of eloquence, a style which is born in the natures of some men, originates in their imagination, is created in their hearts, and in their sympathies. In 1810 there were three men in this city who were endowed with this marvelous gift, unequalled in this city, and unsurpassed in the State. These were Henry K. Smith, George P. Barker, and George W. Clinton. The first two died early; the third lived to the ripeness of old age.

The Hon. James Sheldon, in a profoundly appreciative address, dwelt upon Judge Clinton's relations to the Superior Court. We cannot do better than to reproduce his remarks in part.

The highest honor bestowed upon him in his estimation was his place upon the bench of the Superior Court, which he adorned for over 22 years, only retiring on account of the constitutional limitation of age. Few members of the legal profession who were in the practice of law with Judge Clinton remain among us to speak of his place and fame as the advocate and counselor. Those who are around me know him best as the Judge, to whom as an arbiter was intrusted the protection of the lives and liberties and property of our citizens in the due and intelligent administration of justice; that administration which is kind and patient and conscientious but firm and regardless of public clamor, and as attentive and considerate of the peti-



THE OLD COURT HOUSE—1817-1876.

THE SUPERIOR COURT OF BUFFALO.

tions and complaints of the weak and humble citizens as of those of the highest rank or wealth. We all know of his rare ability as a *prima facie* judge, or in the trials at the criminal terms of the court; his quick and entire comprehension of the case; his correct rulings as to the admission of testimony; his patience and composure, and his fair submission of the whole matter to the tribunal of the petty jury. It was upon such trials that his learning and experience were so valuable, enabling him to correctly dispose of all questions, and render a new trial and the attendant cost and expenses unnecessary.

But it was in the deliberation with his brother judges that the wise counsel, erudition and experience of Judge Clinton were invaluable. It may be pardonable in me, as one of his associates on the bench of the Superior Court for many years, to testify to the upright and conscientious consideration which he gave to the cases submitted to the General Term. There was always so much to learn from him, and such a sense of fairness and justice in his opinion, that we leaned upon him to guide in the disposition of judicial business. If there were differences of opinion, sometimes irreconcilable, there was no feeling of animosity engendered, but a graceful submission to the views of others. And wherever he was, at the chamber of the court or on the bench, there was a kindness and gentility in his very presence which inspired confidence in the minds of the younger members of the bar, and assured all suitors that a fair hearing of their case was given by an upright judge.

Judge Clinton had a profound reverence for the Common Law of England, which he have inherited and upon which our judges have erected the fabric of our liberty and equality. The statute law and the modifications of the practice of law which have been enacted by legislators since 1816 were troublesome to him and caused him vexation. He loved to be embarrassed of legislative enactments, and to declare what the law of reason and justice was in the particular case before him; for he knew that the opinions of learned and upright judges, which constitute the common and unwritten law of the land, were more surely

the protection of the people in all their relations, than the will of their legislators.

The older members of the bar of this city have a large supply of interesting anecdotes of the deceased Judge. It was an interesting occasion to watch the trial of a criminal case coming before him. Every point in the case was carefully noted, and when the time came for the Judge's decision he would address the prisoner, his clear-cut features and slow address holding the hearers' attention. Within a few moments after he had begun his address those who knew him could guess the decision. The prisoner, if unaccustomed to his methods, when he heard his kind words addressed to him would expect either a very light sentence or an acquittal, but instead he received the full sentence prescribed by law. Again when a prisoner was to have a light sentence inflicted or an acquittal, he would expect a hanging from the tone of the Judge's remarks to him. Borne down by his remarks, he would feel sure that he was to receive the heaviest penalty that could be inflicted, but his spirits would rise high when a light sentence was given.

The Hon. James M. Humphrey.

This eminent resident of Buffalo was born in Holland, Erie County, in 1822. He read law with Harlow S. Love in Buffalo and Albert Sawin in Aurora; was admitted to the bar in 1846 and practiced in Aurora until he was elected District Attorney in 1857, when he removed to Buffalo, and has since been in active practice in this city, except the year he served as Judge of the Superior Court. He was State Senator in 1863, '64 and Member of Congress in 1865, '66, '67 and '68. He

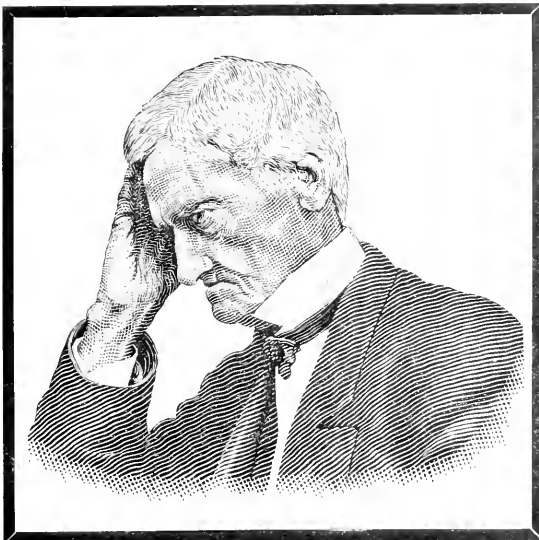


was appointed Judge of the Superior Court in 1868, to fill the vacancy caused by the death of Judge Masten and held the office the greater part of the year 1871. Judge Humphrey has long held a distinguished position among public men and members of the bar of Erie County. He is a very earnest and vigorous debater, and has great natural adaptation to the practice of the law.



The Hon. James Sheldon.

Buffalo has few citizens more prominently and honorably identified with her interests than Judge James Sheldon. He was born in the City of Buffalo in 1821, was admitted to the bar in 1842 and elected City Attorney in 1847. He was County Judge of Erie County from 1852 to 1864 and Judge of the Superior Court of Buffalo from 1871 to 1875. He now resides in Buffalo and is in the practice of his profession. For over forty years he has been identified with the growth and development of Erie County and has



Hon. GEORGE W. CLINTON.

been connected with the business and management of the city for many years. He is now President of the Historical Society and was formerly President of the Young Men's Association. He attended the best school and became an expert in all the intricacies of the old country law. He has followed the law practice. His experience has been most extensive during the quarter of a century he has presided over courts in this city.

The Hon. James M. Smith.

The present presiding Judge of the Superior Court Bench was, before his elevation to that position, looked upon as one of the most able lawyers of the city and although the bar lost a valuable member the bench secured an able jurist. Judge Smith was born in the little village of Poultney, Vt., in 1819. He early showed an inclination towards the law and on finishing his education entered the office of Mr. Edward Livingston in Albany where he prosecuted his studies. Almost immediately on being admitted to the bar, in February, 1838, he came to this city and entered into partnership with the Hon. Henry W. Rogers, the firm being known as Rogers & Smith. For ten years this business connection was continued, a large practice being built up. In 1848 the firm was dissolved, Mr. Smith becoming a partner of the late Hon. Solomon G. Haven, continuing with him until September, 1857, when Mr. Smith was offered and accepted the position of cashier of the Clinton Bank. He held that position until December 31, 1861, when the bank closed its doors. He then returned to the law and a partnership was formed with the late Hon. John Ganson which continued up to May 7, 1873, the time of Judge Smith's appointment as Judge of the Superior Court to fill the vacancy caused by the death of Judge Verplancx. The local press united in regarding the appointment as an eminently worthy one and in expressing satisfaction thereat.

At the general election following his appointment Judge Smith was selected for the full term of 14 years by a large majority.

On the bench his clearness of perception, combined with his extensive legal knowledge, made him an important member of that tribunal, as the many opinions handed down by him will show. As a lawyer, he has always been noted for his thorough and accurate knowledge of the laws relating to real estate and commercial matters generally. On the bench he is independent and decisive. He is a man of wonderful industry, and his filed opinions show a careful investigation and thoroughness in his examination of cases. Probably no man on the bench has shown such marked industry in this respect. His addresses to juries are vigorous and well worded.

As a speaker he is impressive and forcible; as a jurist, he adorns directness of statement with a judicious use of the English idiom.

As an interesting citizen Judge Smith is remembered for many projects calculated to increase the public good. On the death of the late Hon. John Ganson, Judge Smith was named in the will of the late Ganson as one of the trustees of the memorial fund for the erection of a city and county hall, and received the honor of being elected secretary and treasurer, received the honor of being elected secretary and treasurer, received the honor of being elected secretary and treasurer, which was left for the

fund. For ten or more years he has been chancellor of the Protestant Episcopal Diocese of Western New York and has during the same time been a delegate at each general convention of the Protestant Episcopal Church of the United States.

Judge Smith was one of the original committee appointed to take into consideration the project of erecting the present City and County Hall, and was Chairman of the Board of Commissioners during a part of the time the building was erecting, resigning May 9, 1873. He has also been connected with our Public Park system, with the Young Men's Association, and other organizations; and was chairman of the Soldiers' Monument Committee.

The Hon. Charles Beckwith.

Not the least eminent of those whose learning and ability have graced the Superior Court bench is the Hon. Charles Beckwith. He was born in Genesee County, this State, and in 1830, when but a child, was taken by his parents to Michigan, before it had yet been made a State. His early home was at Kalamazoo, where his mother still lives. He saw a good deal of the toils and privations of frontier life, as well as its pleasures, particularly boyhood adventures with gun and trap in the deep forests. He prepared for college under J. A. B. Stone, D. D., afterwards founder

and President of the Kalamazoo College; entered Michigan University and graduated in 1849. He then went to Mississippi, where at Holly Springs he entered the law office of Col. H. W. Walter. In 1852 he was admitted to the bar of Mississippi.

These years form an extremely interesting period in the history of Mississippi, as well as of the South generally. The young man from Michigan frequently heard and saw Jefferson Davis and others prominent in subsequent political events.

Not long after being admitted to the bar, Mr. Beckwith came to Buffalo. Not having practiced sufficiently for admission to the New-York bar, he submitted to an examination, and in 1854 was admitted to practice, being in the class with the Hon. William Dorheimer. In 1860 he was elected Alderman from the Fifth Ward and served four years. In politics he has always been a Democrat. He was twice President of the Council, and in 1863 was elected acting Mayor to serve during the absence of the Mayor, the late William G. Fargo, who paid a visit to the Pacific coast. Acting Mayor Beckwith held office for several months during the period of the memorable drafts and riots. In the fall of 1863 he was elected City Attorney, and held the office for one term, during the years of 1864-'65. He was elected to his present office of Judge of the Superior Court in the fall of 1877.



THE NEW CITY AND COUNTY HALL.

THE SUPERIOR COURT OF BUFFALO

Judge Beckwith has always been noted as a safe and reliable counselor; a man in whose judgment his clients always reposed absolute confidence. As a judge he is conservative and careful, weighing all judgments with great care and deliberation. The great aim of his life seems to be to give in every case even-handed justice to all. On the bench, as elsewhere, he is the soul of courtesy and is a universal favorite with the Bar. His opinions in General Term are exhaustive and thorough, revealing learning and research. His life is quiet and scholarly. He enjoys his books and his profession, and rather avails his publicity.

The Hon. Robert C. Titus.

The latest successor to the worthy line of Judges of the Superior Court is the Hon. Robert C. Titus. He was born of American parents of Scotch descent in Eden, this County, Oct. 24, 1830. His education was obtained principally in the common schools and at Oberlin College, Ohio. He was admitted to the bar in 1859, and though yet in the prime of life has made for himself a place among the veterans. He represented the town of Hamburg for four years in the board of Supervisors, with marked ability. He served in the War of the Rebellion as Captain of the 95th Regiment of the National Guard of the State of New-York, being called into the United States service Aug. 10, 1864, and mustered out Dec. 22, 1864. In 1865 and 1866 he was special deputy County Clerk. In 1872 he was the Democratic candidate for Surrogate, and proved his strength by running 6000 ahead of his ticket. He carried the Fifth Assembly District by the largest majority ever given to a Democrat. In 1872 he came to Buffalo and entered into partnership with Joel L. Walker. Four years later it was dissolved, and afterward the firm became Osgeoddy, Titus & Moot, then Titus & Farrington. In 1876 Mr.

Titus did effective work on the stump for 1876 and Henricks, challenging attention and admiration by the clearness and force of his argument and the persuasive style of his oratory.

In 1877 he was nominated for District Attorney and was elected by a majority of about 2,300 whilst every other Democrat on the ticket suffered defeat. In 1880 he was renominated for the same place, but shared the fate of nearly all his ticket, although running considerably ahead of it. By 1881 he was elected State Senator, and re-elected in 1884. During his first senatorial term he was chairman of the Committees on Manufactures and Poor Laws, and member of the Committees on Canals, Insurance and Agriculture. During his second term he was a member of the Committees on Judiciary, Insurance, Agriculture, and Indian Affairs. Last fall he was elected to his present office.

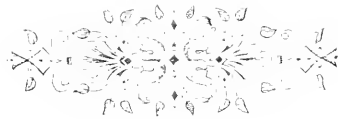
Judge Titus is now holding his first term of the Superior Court—the January Civil Trial Term. His long and able career at the bar of this County, and his distinguished career as district attorney gave proof of the possession of admirable qualities which have been made even more brightly apparent during his short occupancy of the bench. While giving due weight and consideration to cases, he at the same time expedites the business of the court in a remarkable manner. Within the past year, before taking his judicial seat, Senator Titus, in the trial of the Thomas Freeman suit, made the longest summings-up ever made in Erie County, his remarks occupying three days. He gives promise of a career of great usefulness and honor on the bench.

Gen. John C. Graves.

The present able and popular Clerk of the Superior Court of Buffalo was born in Hickmer, N. Y., graduated at Hamilton College, was admitted to the bar in 1862, removed to Buffalo in 1867



and has been Clerk of this Court since 1871. Mr. Graves has been prominently identified with the National Guard of the State for many years, having entered the service in 1865 as Major, and has since held the positions of Lieutenant Colonel, and Brigadier-General. Gen. Graves is one of the most active members of the Buffalo Historical Society, and has proved a valued contributor to its archives. At his pleasant home on Chapin Parkway, one of the finest residences in the city, he has accumulated many rich treasures in the way of books of historical value and has in that collection many books which have for years been out of print. He is thoroughly conversant with the work of the Superior Court, and has a genuine love for its labors. His aid is in frequent demand by attorneys having business with the Court.



IN ACKNOWLEDGMENT.

From Boston Herald-Express, Jan. 21st.

THE SUNDAY EXPRESS desires to make public acknowledgment of the very material assistance it has received in the preparation of the article on the Superior Court, which appears to-day, from Presiding Judge James M. Smith and from Gen. Graves, Clerk of the Court. The kindness of both these gentlemen has been unbounded. Especial thanks are due Gen. Graves for his ind fatigable efforts and kindly help in the compilation of the article referred to.

LIBRARY OF CONGRESS



0 014 220 742 4