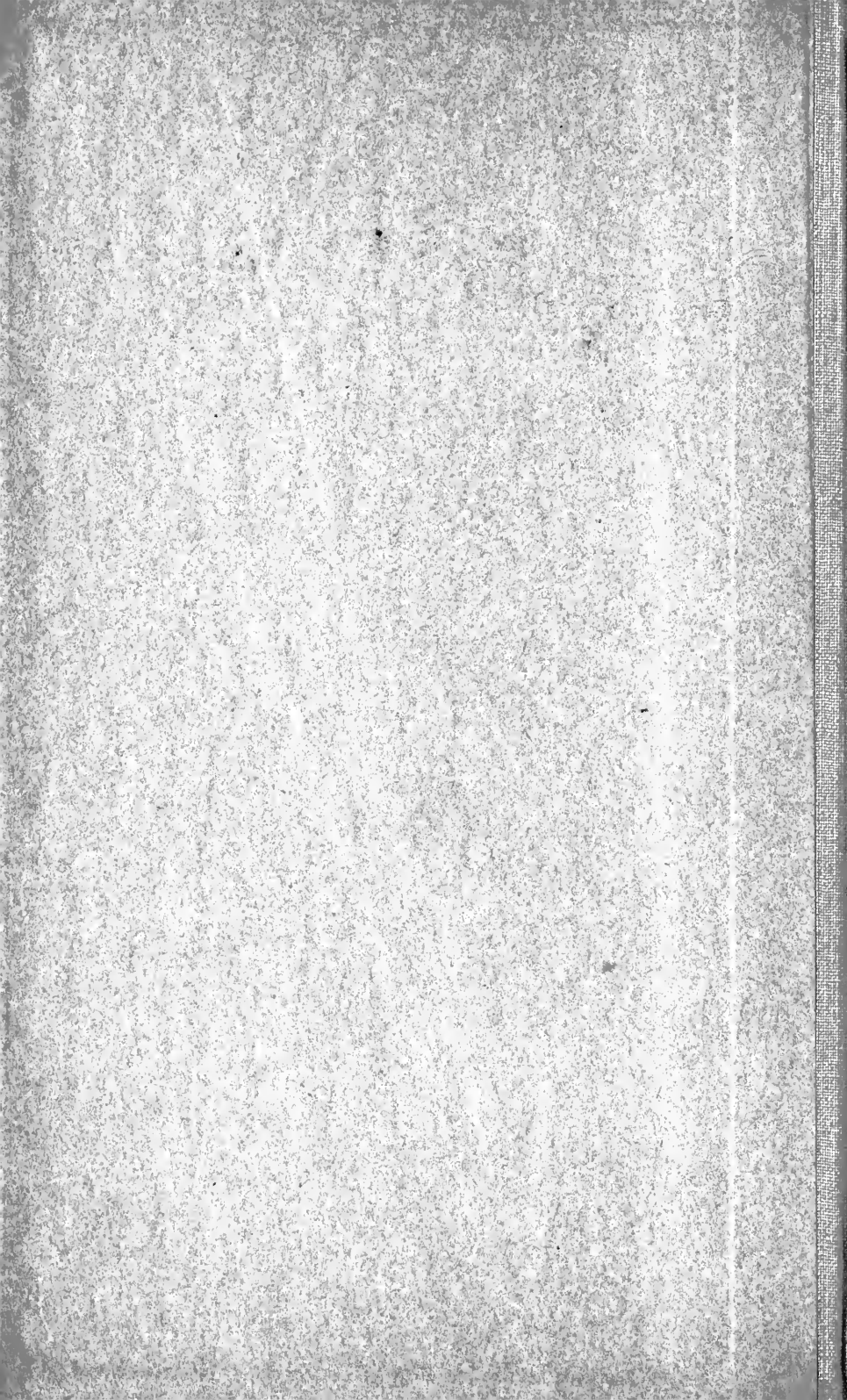


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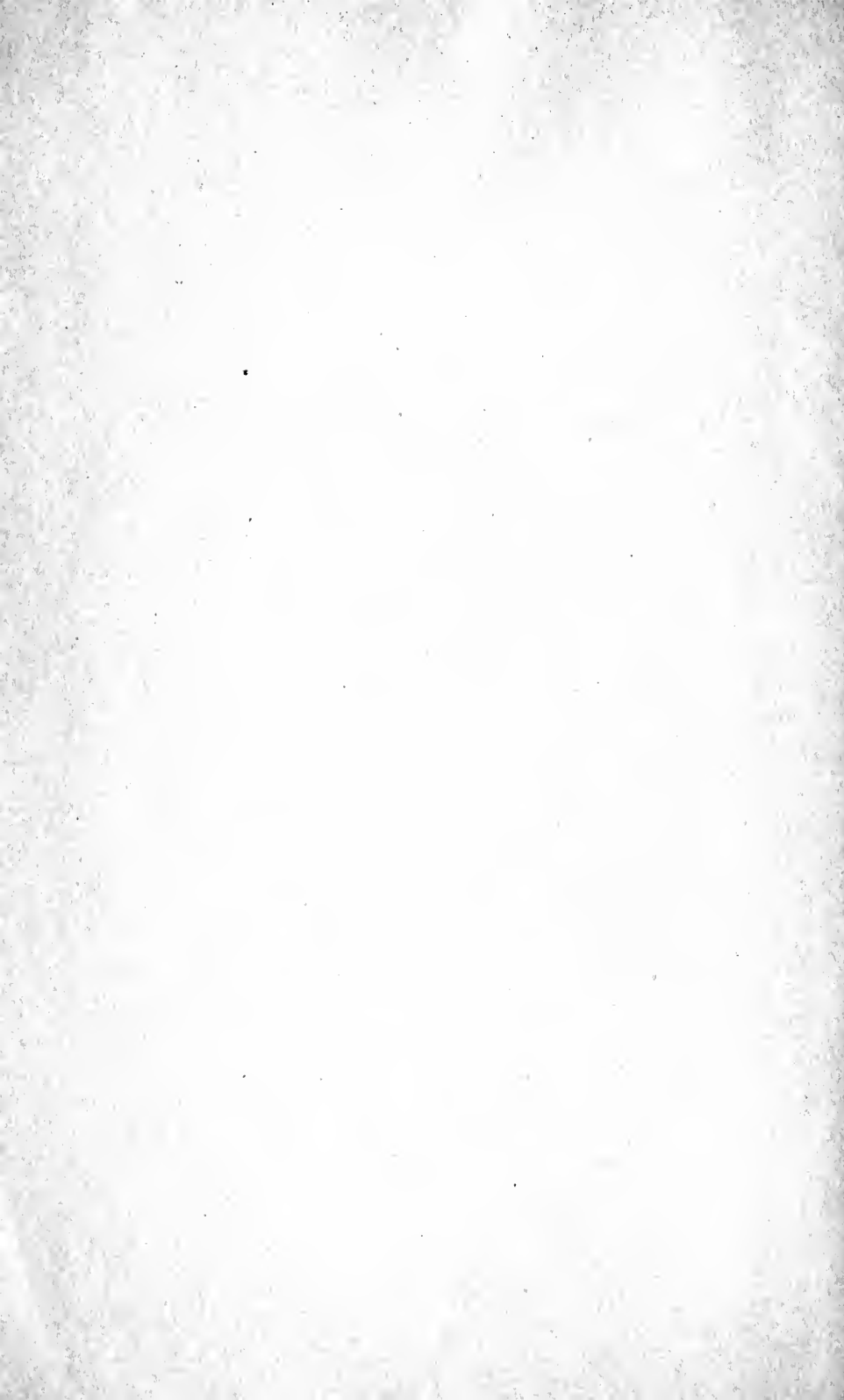
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Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa

Belonging to the First and Second
Generations, with Anecdotes and
Incidents Illustrative of the Times

By

EDWARD H. STILES

For many years a member of the Iowa Bar; member of its House of Representatives, 1863-1864; member of its Senate, 1865-1866; Reporter of its Supreme Court, 1867-1875; author of Complete Digest of its Decisions from the earliest Territorial period to the 56th Iowa Reports.

“In old age alone we are masters of a treasure of which we cannot be deprived, the only treasure we can call our own. The pleasures of memory and the retrospect of the varied images which in an active life have floated before the mind, compensate, and more than compensate, for the alternate pleasures and cares of active life.”—SIR ARCHIBALD ALLISON.

“Personal anecdotes, when characteristic, greatly enliven the pages of a biography.”—SAMUEL SMILES.

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JOHN F. DILLON

PREFACE.

In 1881 the judges of the Supreme Court of Iowa expressed the desire that I should write my recollections and sketches of some of the notable lawyers and public men of the Territorial and early State period, most of whom were in action when I came to the State in 1856, and with most of whom I had formed a personal acquaintance. To this I acceded and entered upon the work of collecting the necessary material. In the course of my efforts I endeavored to procure appropriate data, both by letter and personal application, as well as by a printed circular which I sent to many persons in the State, and which was also printed in some of the leading newspapers of the State. Among the data gathered were manuscripts, written statements and colloquial interviews taken down in shorthand at the time. I have been adding to this collection through the intervening years, and have written occasional sketches, some of which have from time to time appeared in the "Annals of Iowa;" but I never found time consecutively to prepare the material thus acquired until after my retirement from professional life in 1910. In my eighty-first year I now give this book to the public for whatever it may be worth. The work was taken up and has been prosecuted as a labor of love, without the hope or expectation of pecuniary gain. I am cheered, however, by the thought that I have, to some extent, contributed to perpetuate the names of some of the great men of earlier Iowa and of other worthy ones whose names and memory would otherwise soon be covered with the dust of oblivion.

It should be understood that I have not endeavored to include all the notable lawyers and public men who have graced the history of Iowa, but for the most part, only those with whom I had some personal acquaintance.

I may be pardoned for saying that some years ago, by reason of my advanced years, I was strongly inclined to forego further proceeding in this work, but was encouraged, and I may say inspired, to go on by the receipt of a letter from that most widely celebrated lawyer of his times, the late Judge John F. Dillon, in which he said: "I have read your sketch of my life in the Iowa Annals for July, 1909, and I wish now to assure you of my sincere appreciation of the taste, skill, good judgment and literary merits of your work. Alike in form and substance, it is an admirable performance. I shall be more than satisfied to be remembered by the people of our beloved State, if remembered at all, as you have portrayed me. I esteem myself fortunate to have had such a biographer. I am glad that you lived to finish the sketch and that I have lived to see it in its final form, and also to know that it will constitute part of the greater work you have in hand relating to the lawyers, judges and public men of early Iowa, and which I earnestly hope your days may be spared to complete."

Edward H. Stiles,
South Pasadena, Calif., 1916.

ERRATA

Henry Jane, on page 412, should be Henry Jayne.

Thomas S. Withrow, on page 508, should be Thomas F. Withrow.

P. Henry Smyth, on pages 303 and 304, should be P. Henry Smythe.

These errors which the author deeply regrets are attributable to his failing eyesight, which rendered him unable to read the final proof himself.

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CHAPTER I.
THE TERRITORIAL PERIOD.
The Governors and Other Officials.

"Speak of me as I am; nothing extenuate, nor set down aught in malice."

Lord John Campbell, in his "Lives of the Lord Chancellors of England," displayed the unhappy faculty of smirching in some way every one of his subjects before finally dismissing them; whereupon Sir Charles Wetherell, while speaking on a certain occasion and desiring to address himself to Lord Campbell, turned toward that nobleman and said: "And here is my biographical friend who has added a new terror to death."

The Governors of the Territory were in their order Robert Lucas, John Chambers, and James Clark. Governor Lucas had formerly been Governor of Ohio. So much has been written of him in the lines of general history, and otherwise, that it is necessary for me to speak of him but briefly. In my estimation, he strongly resembled Andrew Jackson in both appearance and character. He was resolute, indomitable, zealous, headstrong, and once his mind was fixed, it was difficult to change it. He was unquestionably a pure and patriotic man, but the qualities just indicated, made him, as they did General Jackson, enemies as well as friends. He had many discordant elements to deal with, many difficult duties to perform. He acquitted himself efficiently and well. His good name is imperishably associated with Iowa.

He was born in 1781 in Jefferson County, Virginia, where his ancestors settled at an early day. His father was descended from William Penn; his mother was of Scotch extraction. The father had served as a captain in the Revolutionary War and distinguished himself at the battle of Bloody Run. He emigrated with his family to Sciota County, Ohio, at the very beginning of the last century.

His son, Robert Lucas, was a soldier and officer in the war of 1812. He became captain in the regular army in 1812, but resigned his commission in the following year. He was subsequently appointed as colonel in the regular army, a position which he also afterwards resigned. He enjoyed many offices within the highest gift of the commonwealth of Ohio. He served successively for nineteen years in one or the other branches of the Ohio legislature and in the course of that career presided first over one and then over the other branch. In 1820 and again in 1828, he was a presidential elector. In May, 1832, he presided over the Democratic

National Convention which nominated Andrew Jackson for his second term for President and Martin Van Buren for Vice-President. In 1832, he was elected Governor of Ohio and re-elected to the same office in 1834. His Ohio residence was at Portsmouth, Sciota County. In 1836, he removed to Piketown in Pike County, which continued to be his home until his appointment as the first territorial governor of Iowa in 1838. He was one of the ablest and most useful members of the first constitutional convention, which met in 1844. In 1839, he purchased a tract of land near Iowa City and a few years later built a residence there, where he continued to reside until his death, which occurred in 1853.

Captain F. M. Irish (father of the distinguished John P. Irish, now living in California), of Iowa City, who knew Governor Lucas intimately and was an excellent discriminator of human character, thus wrote of him:

Governor Lucas was most emphatically a man of the people. He belonged to that noble band of statesmen and patriots, who, during the first half of the present century, contributed so much by their labors in placing the United States in the most elevated position in the scale of nations. He was truly a Western man, and took the greatest interest in its advancement. He was a firm friend to the system of common schools, holding it to be the duty of all parents to give their children a substantial English education, and that the State governments should enable them to do so. I have often heard him say every boy at the proper age should be taught the art of swimming, taking care of a horse, and acquire the faculty of riding well; that he should learn the use of a rifle, and practice with it sufficiently to become a fair marksman. The thousands traveling over our Western plains and mountain slopes will realize the correctness of his theories.

Governor Lucas was succeeded by John Chambers. He was a man of ability, substantial character, and, as I should judge from the following incident, illustrative of the times and of both himself and the late Governor and United States Senator, John H. Gear, a gentleman of rather old-fashioned ways. Some forty years ago, Governor Gear related to me the incident referred to in about the following language, of which I made a note at the time:

In 1838, my father was appointed a chaplain in the regular army and took his family to Fort Snelling, then a frontier military post on the upper Mississippi. When about eighteen years of age, I was made a bearer of dispatches from Colonel Bruce, the Indian agent at Fort Snelling, to Governor Chambers. On horseback, I carried the dispatches, through the wilderness inhabited only by Indians and wild animals. Arriving in Burlington, I sought and found the Governor's quarters, was ushered into his presence and delivered my messages. He received me in a very kindly and cordial manner, and looking at me closely, said, "You are rather young to be the bearer of dispatches. How came you to be appointed?" I answered the question the best I knew how, and this, with one kindly question after another, soon established an easy and friendly intercourse between us, and showed him to be a very lovable man. As I was about to leave, he remarked, "Young man, do you ever drink anything?" "Wine, sometimes, and occasionally a little rum." (Most everybody drank rum in those days.) Thereupon he touched a bell, which brought into the room his colored servant, Cassius, afterwards long and well known in the vicinity of Burlington, who was directed to bring in some ice-water, which was soon done, accompanied by a bottle containing some very fine whisky, which the Governor recommended. With his strongly intellectual traits, he certainly possessed kindly and social ones of the most entertaining character. He had two accomplished daughters at the time.

As indicated by the foregoing incident and from all accounts concerning him, he was a man of kindly ways and amiable disposition, deliberate and diplomatic; in many respects, quite the antipodes of Governor Lucas. But notwithstanding his amiability, he was a man of heroic character, determined views, and fine ability, as the following will show. He was born in 1780, in the State of New Jersey. His father, Rowland Chambers, was a colonel of New Jersey militia, in the Revolutionary War. When John was fourteen years of age, the family removed to Mason County, Kentucky. He studied law with Francis Taylor of the Mason County Bar. He was admitted in 1800. In 1812, he represented his county in the legislature. During the War of 1812, he was appointed aide-de-camp with the rank of Major on the staff of General Harrison, with whom he remained during the campaign, rendering efficient service in the battle of the Thames, and on other occasions. In 1815, he was again elected to the legislature. In 1828 he was elected to represent his district in Congress. In 1832, he was again elected to the State Legislature, and was the author and promoter of legislation which resulted in relieving the state from the great financial burden under which it then labored. During the same year, 1832, a seat on the Supreme bench of Kentucky was proffered to him, which he declined. In 1835, he was again nominated by the Governor and confirmed by the Senate for the same position, but he was again obliged to decline on account of his health, which had become impaired by long and arduous service. In 1835, he was again elected to represent his district in Congress and was re-elected in 1837. Between 1815 and 1828, he held for several years the office of Commonwealth's Attorney for his Judicial District. He was then at the zenith of his reputation as one of the leading lawyers of Kentucky. He successfully met in contest, for the honors of the profession, such men as Rowan, Hardin, and Barry. His appearance and manners were dignified, his tone calm and impressive, his language singularly direct and vigorous.

On the 25th of March, 1841, he was appointed Governor of Iowa Territory by President Harrison. The politics of the government had changed from Van Buren to Harrison. Governor Lucas was a Democrat, Governor Chambers, a Whig. O. H. W. Stull, a Virginian, was appointed Secretary of the Territory and James Wilson, of New Hampshire, Surveyor-General. On the 15th of July, 1841, he was formally received at The Madison, in Fort Madison, and welcomed to Iowa, in an address delivered by Phillip Viele of that place. Captain F. M. Irish, to whom reference has been made in sketching Governor Lucas, thus describes Governor Chambers, in his history of Johnston County (Vol. 3, Annals of Iowa, 1868):

Governor Chambers was a man past the middle age of life, plain in his exterior, and wholly free from any affectation. Reared in Kentucky, he possessed the fervid, ardent passions peculiar to people of that State, which was made manifest in his strong political bias, notwithstanding which, he was a man of

sterling integrity, and his straightforwardness made him a favorite among the honest, outspoken backwoodsmen.

He is thus described by Edmond Booth, of Anamosa, Iowa, in Volume 3, *Annals of Iowa*, 1871:

Chambers was a large, well-proportioned man, with large head and face corresponding; his face, that of a man self-possessed, of pleasant and social nature and of great strength of character.

The editor of the "*Annals of Iowa*," speaking of him in the July number, 1871, gives this very graphic and pleasing description:

Governor Chambers' private career was marked by a generosity which was limited only by his means, and was, in fact, the prominent trait in his character. His house and his purse were alike open to every worthy claimant of his bounty. He seemed utterly incapable of any sordid motive. His benevolence gave rise to many pleasant incidents, recalling acts which he had forgotten. On one occasion his family discovered that he wore a handsome diamond breastpin in addition to the less costly one he usually wore. On inquiry they found that he was unconscious of the fact, and was at a loss to account for it. But on reflection, he remembered that a young gentleman had, a few hours before, pretended to examine closely the breastpin he was wearing, and next day charged him with the surreptitious present. The reply was: "Yes, sir. I knew your aversion to accepting presents, and therefore did not venture to tender this formally. Years ago, you performed valuable legal services for my father, and refused compensation, because you knew he was in straitened circumstances. But you will not refuse to wear this to remind you of my father, and of the gratitude of his son." On another occasion, in traveling through the Far West, he found a namesake at an humble farm house, where he had stopped for the night. In answer to a question, the boy's mother said he was named for a lawyer in Kentucky who had helped her family when they were in trouble. She was wholly unconscious that her guest was the identical Kentucky lawyer of whom she spoke.

Governor Chambers furnished a beautiful example of filial love and duty. As early as his fifteenth year he was partly charged with the care of his mother, a woman of high character and strong intellect, whom he fondly loved, and to whose comfort and happiness he devoted himself with untiring assiduity throughout her long life. He was a man of iron will, and somewhat stern in his bearing, but always ready to unbend at the call of hospitality, and always ready to mingle cheerfully in the family circle. Although often before the people, he was never defeated in a popular election; yet he never descended to any of the arts of demagoguery to secure popularity.

I cannot refrain from relating another instance, illustrative of his natural kindness, and noble impulses, as well as his efficiency of action. General Simon Kenton had been a celebrated pioneer and Indian fighter. He had become infirm and poor. His case did not fall under any general law and he applied to Congress for a special act giving him a pension. Chambers, whose sympathies were thoroughly aroused, introduced a bill for the purpose and urged its passage in a vigorous speech, graphically portraying the veteran woodman's career in his country's service; and the bill was passed. When General Kenton heard of this, he walked all the way from his home on Mad River, in Ohio, to thank his friend. The person who related this incident was an eyewitness to the scene which presented itself upon the meeting of the two and thus relates it:

General Kenton was neatly clad, his white hair streaming over his shoulders, and his countenance wearing an expression of unwonted complacency and comfort. As he straightened himself up to his full six feet two inches to receive the cordial

greeting extended to him, he said, with tremulous voice: "John Chambers, you gave me shelter when I had no home, money from your purse when I was penniless, and now you have—" Here the old man broke down without even reaching the subject of the pension, and brushed away the tears that filled his eyes; while Mr. Chambers said, cheerfully, as he led him to a seat: "Come, General, you are too old now to make a set speech. I understand and appreciate your feelings, and am glad to see you looking so well. I reflect on no incident of my life with more pleasure than my successful appeal in behalf of a public servant who deserves well of his country."

He was repeatedly called on to treat with the Indian tribes for the purchase of their lands. While he had acted with great firmness and decision with the Indians, they nevertheless respected him for his justice and humanity. In September, 1842, he was appointed sole commissioner to hold a treaty with the Sacs and Foxes, in which he succeeded in successfully carrying out the wishes of the Government. Assisting him in the execution of this commission was Alfred Hebard, whose life and services are intimately connected with Iowa. In speaking of this treaty, Mr. Hebard thus refers to Governor Chambers in Volume One, Third Series of the Annals of Iowa, pages 398-399:

The sole commissioner was Major John Chambers, of Kentucky, and at that time Governor of the Territory of Iowa. And right here, I deem it fitting that I say something more of John Chambers than the mere mention of his name. Men in important positions, who are distinguished for conscientious and successful discharge of official duty, affecting the welfare of their fellowmen, are entitled to grateful recognition. With John Chambers, duty was first, consequences took care of themselves. In appearance, he was a man of medium height and rather robust. In bearing, dress and address, a gentleman, without the slightest suggestion of personal consequence on his own part; genial, affable, and sympathetic, with all who were entitled to regard. * * * He was not only a good lawyer, but a man of prudence, patience and good business judgment. Aside from the fact that previous experience had given him a knowledge of Indian character, he had lived here in Iowa, as a neighbor of these Indians, long enough to be somewhat familiar with their character and the complicated relations that had grown up between them and their white neighbors.

In 1843, he held a treaty with the Winnebagos, but without any result having been reached. In 1844, he was re-appointed by President Tyler, but was succeeded in 1845 by James Clark, whose political faith was in accord with that of the President, while that of Governor Chambers was not. In the latter part of his life, he returned to Kentucky, where he died in September, 1852.

James Clark, the successor of Governor Chambers, was a brother-in-law of Augustus C. Dodge, one of Iowa's first United States Senators. He led an active and useful life, as will presently be seen, and died in the very height of his promise, at the early age of thirty-eight. He, with his wife and a son, were swept away by the cholera, which visited Burlington in July, 1850.

Born in 1812, in Westmoreland County, Pennsylvania, he learned the printers' trade and worked awhile at it in Harrisburg. In 1836, he went to St. Louis and worked on the "Missouri Republican." He subsequently went to Belmont, then capital of Wisconsin Territory, and, in company with John B. Russell, established

the "Bellmont Gazette." Its proprietors were chosen state printers for the territorial legislature. In 1837, he established the "Wisconsin Territorial Gazette" at Burlington. This was the first newspaper published there. He was appointed Territorial Librarian and did the public printing. William B. Conway, the first Secretary of the Territory, having died, Mr. Clark was appointed his successor. In 1844, he was elected Mayor of Burlington and in the same year was chosen a delegate to the constitutional convention. He was appointed Governor of the Territory on the 18th of November, 1845. He held the office until the 28th of December of the following year, when he retired for the inauguration of the new State Government and its first Governor, Ansel Briggs. In 1848, he resumed the management of the "Burlington Gazette." He was a delegate to the Democratic National Convention, which resulted in the nomination of Lewis Cass for President. The legislature bestowed his name upon the new county of Clark, when it was organized.

From all accounts, he was a man of extraordinary parts, and in view of what he had accomplished at the time of his death, it may be fairly surmised that had he lived, he would have attained still greater honors and become a still more conspicuous figure in the history of the State.

There were no Lieutenant-Governors during the territorial existence. The nearest officer to the Governor was the Secretary of the Territory. The Secretaries during the period were, successively: William B. Conway, James Clark, O. H. W. Stull, Samuel J. Burr, and Jesse Williams.

William B. Conway, the first secretary, had been an editor in Pittsburg, Pennsylvania. He was an invalid and survived only a short period after his appointment. He died during the second session of the legislature. He was a resident of Davenport, but died at Burlington while attending the session of the legislature there. His body was brought to Davenport for interment. A public meeting was held and resolutions passed expressive of the respect in which he was held and profound regret for his loss. His short official life, however, was not a smooth one. He had reached Iowa about a month in advance of Governor Lucas, and assuming to act for the Governor in his absence, he displayed a manner that was not pleasing to some of the political leaders, which, for the time, created a very active friction between them and the secretary. Professor Parvin told me that he left no survivors. He was succeeded by James Clark, who afterwards became Governor, and in respect to whom nothing need be added to what I have already said of him. Clark served as Secretary from 1839 to 1841. O. H. W. Stull, his successor, it has been said, was a Virginian by birth, but Governor John H. Gear informed me that at the time of his appointment he was a Marylander, from Frederick in that State, and that the remnant of his family returned there. I have not been able, from any source, to gain any information respecting his personality, except this instance, which would seem to indicate that he was a man of ready wit. In the legislative assembly of 1841, M. Bainbridge

was a member of the council from Dubuque; Ver Plank Van Antwerp was one of the proprietors and editor of the "Capitol Reporter" and had made some severe strictures upon Mr. Bainbridge. Bainbridge met Van Antwerp in the hall leading to the council chamber and commenced a personal attack upon him. Van Antwerp drew a pistol, but before he could get it into position, Bainbridge wrenched it from him. Just at this moment, Secretary Stull, hearing the noise, rushed from his office to see what it was, and when Bainbridge took the pistol from Van Antwerp, cried out at the top of his voice, the political maxim, said to have been established by General Jackson, "To the victor belong the spoils." Mr. Stull served from 1841 to 1843.

The next Secretary of the Territory was Samuel J. Burr, who served from 1843 to 1845. Concerning him, I have been able to obtain but little personal information. He is described by Edmond Booth, of Anamosa, as being a man large in frame, agreeable in looks, pleasant in manners, and what is termed an all-round good fellow, which the following instance would seem to indicate. Mr. Booth relates that he and Mr. Burr started in a two-horse buggy to go from Iowa City to Burlington. There were not to exceed a half dozen log houses in the eighty miles travel. In one of these, where they stopped for the night, the occupants were a man, his wife and daughter, the last about seventeen or eighteen. In the morning, the mother came down from the loft, before the daughter. It was in the days when ladies' dresses were fastened behind and evidently the mother had had no time to fasten the girl's. Burr took in the situation and in his lively, good-humored way remarked that he always fastened his wife's dress, and proceeded to fasten that of the girl. She stood quietly and with a most innocent air, while the Secretary of the Territory of Iowa went as deftly through the operation as though it were his daily business.* I have been unable to ascertain from any source what became of Mr. Burr, whether he remained in Iowa or left any descendants here.

The next and last Secretary of the Territory was Jesse Williams, who served from 1845 to 1846. He had been Auditor of the Territory from 1840 to 1843 and Territorial Agent from 1841 to 1842. In company with Bernhart Henn, George D. and Edward A. Temple, he organized the first bank in Fairfield, where he resided, in 1851, under the firm name of Henn, Williams & Co. For many years it was one of the principal banking houses in the State. He came to Iowa about the time that T. S. Parvin and James M. Morgan did, as a sort of an attache of Governor Lucas. He engaged in newspaper work. His first venture was the "Iowa Capital Reporter" at Iowa City. He was an able writer and did much toward developing the resources of the country. He was a Democrat in politics and his paper became the legal organ of that party during the territorial period. As a journalist he had no superior in the management of a political paper. He was large-

* Note—Annals of Iowa, First Series, Vol. 4, 1870, p. 108.

hearted, generous, and had many warm, personal friends. He was a man of high character and strictly honorable. He never married.

The Territorial Auditors, after Mr. Williams, who held that office from 1840 to 1843, were William L. Gilbert from 1843 to 1845 and Robert M. Secrest from 1845 to 1846, when the State was inaugurated.

The Territorial Treasurers were Thornton Bayless, from 1839 to 1840, and Morgan Reno from 1840 to 1846; and the Territorial Agents other than Mr. Williams, whom we have seen was one, were Chauncey Swan from 1839 to 1840, John N. Coleman from 1842 to 1844, and Anson Hart from 1844 to 1846.

The United States District Attorneys during the territorial period were successively: Cyrus S. Jacobs, Isaac Van Allen, Charles Weston, John G. Deshler and Edward Johnston. Cyrus S. Jacobs was a lawyer of ability and, had he lived, would doubtless have obtained pre-eminence in his profession. He was sensitive, high-tempered, "sudden and quick in quarrel." He was killed in an unfortunate encounter in one of the streets in Burlington. He was a Southerner by birth and instinct. He was succeeded by Isaac Van Allen. Mr. Van Allen was from Albany, New York, and was appointed before coming to Iowa. He was a young man of accomplishments. He died not long after his appointment at Rockingham, in Scott County, and Charles Weston was appointed to succeed him. At the time of his appointment he was Librarian of the Territory, having succeeded Theodore S. Parvin in 1839. He in turn was succeeded as Librarian by Morgan Reno, who served until the State was organized in 1846. Mr. Weston was one of the twenty lawyers who were present at the opening of the first term of court at Burlington. He was from New York. He settled and lived for a long time at Davenport and, I think, died and left descendants there. He was an accomplished gentleman of refined and artistic tastes. He did not minister very closely at the shrine of the "Jealous Mistress." As a result, he did not attain eminent distinction as a lawyer. He was, however, a man of fine talents and made an efficient district attorney. As further particulars respecting Mr. Weston will be found in connection with the sketch of Professor Parvin, further on, it is unnecessary for me to add anything more here.

Mr. Weston was succeeded as District Attorney by John G. Deshler, who served from 1843 to 1845. I may add here that Mr. Van Allen served from 1838 to 1840 and Mr. Weston from 1840 to 1843. Deshler had had no experience as a lawyer. His appointment was through the influence of Ohio men. He was connected with the Dennisons and Neiswangers of that State. He went back to Ohio and married a very lovely woman and brought her to Iowa. He afterwards removed to Buffalo, New York, and went into the commission business. His father was immensely wealthy. From him he inherited a large portion, which he afterwards added to from his own business. Professor Parvin told me, using his own words, that "He was fast, as a young man. He was first admitted to the bar in Iowa.

He gave a 'blow-out' to the committee who had passed him and to the lawyers. We were pretty much all present—Browning, Starr, Hall, Grimes, and the rest. Different liquors were mixed in the pail and it made a pretty strong beverage. But everybody had to take it or they would make him. Deshler had some bad qualities and a good many good ones. At the time of the flour famine in New York City, he sent from Buffalo to the relief committee a thousand half-barrels of flour. While he was in Iowa, a widow with a beautiful little girl, came to Muscatine. She secured a house, but had no money to get her goods out of the warehouse. This came to Deshler's knowledge and he paid the charges to the warehouse men and had the goods sent to her house. He also went to a grocery store and arranged for necessaries to be sent her. He died in Columbus."

Of Edward Johnston, the last Territorial District Attorney, who succeeded Mr. Deshler in 1845 and held the position until the organization of the State Government, I will speak more at length when I come to the early lawyers of Lee County.

The United States Marshals during the territorial period were, in their order: Francis Gehon, from 1838 to 1841; Thomas B. Johnston, from 1841 to 1842; Isaac Leffler, from 1842 to 1845; and Gideon S. Bailey, from 1845 to 1846.

The Surveyor-Generals for Iowa, and Wisconsin, while we were a part of that territory, were Warner Lewis, from 1836 to 1838; Albert G. Ellis, from 1838 to 1840; George W. Jones, from 1840 to 1841; James Wilson, from 1841 to 1845; and George W. Jones, again, from 1845 to 1846.

The United States Land Offices during the territorial time were located at Dubuque, Burlington, and Fairfield. The Registrars at Dubuque were successively: B. R. Petrekin, Henry Harrison, and Warner Lewis. The Receivers were Thomas McKnight and Stephen Langworthy. At Burlington, the Registrars were A. C. Dodge and William Ross. The Receivers were Ver Plank Van Antwerp and Joseph C. Hawkins. At Fairfield, the Registrar was Bernhart Henn; the Receiver, Ver Plank Van Antwerp, who, as above indicated, had before been Receiver at the Burlington Office.

At the First Legislative Assembly of the Territory of Iowa, which convened at Burlington November 12, 1838, the Territory was divided in three Judicial Districts, in each of which a trial Court was held by one of the Judges. The counties of Lee, Van Buren, Henry and Des Moines composed the First District, to which Charles Mason, the Chief Justice, was assigned. The counties of Louisa, Washington, Johnston, Cedar and Muscatine composed the Second District, to which Judge Joseph Williams was assigned. The counties of Jackson, Dubuque, Scott and Clayton composed the Third District, to which Judge Thomas S. Wilson was assigned. The office of District Attorney was created for each Judicial District. He was to be appointed by the Governor and hold his office for three years. An

act was also passed, appointing Commissioners to locate the seat of government at some suitable point in Johnston County. Chauncey Swan, John Rowlands and Robert Ralston were appointed Commissioners. The other members selected Chauncey Swan to superintend the work of erecting the Capitol Building.

The first delegates to Congress from the Territory were William W. Chapman, who served from 1839 to 1841, and Augustus C. Dodge, who served from 1841 to the admission of the State in 1846, when he and George Wallace Jones became our first United States Senators. Sketches of these men will be found further along.

On the 26th of October, 1846, two months anterior to her admission into the Union, Iowa held her first State election. Ansel Briggs, of Jackson County, was chosen Governor over Thomas McKnight, of Dubuque County; and Elisha Cuttler, of Van Buren County, Secretary of State. Shepard Leffler and S. Clinton Hastings (Democrats) were elected to Congress over G. C. R. Mitchell, of Scott County, and Joseph Hedrick, of Wapello County (Whigs).

Thus ended the Territorial and thus commenced the State existence.

CHAPTER II.

THE SUPREME COURT OF THE TERRITORY AND ITS JUDGES, WITH GLIMPSES OF TERRITORIAL LAWYERS.

Chief Justice Charles Mason.

I once heard Charles Aldrich, while he was the distinguished Curator of the State Historical Department, ask a gentleman in whose judgment he had considerable confidence, whom he thought the two greatest men in Iowa history. The answer was, James W. Grimes and Charles Mason. I am not prepared to confirm an estimate so definite, for in respect to it there might be fairly well grounded differences of opinion in a review of all the illustrious names that adorn its annals. But it may safely be said that Charles Mason was one of its very greatest.

With the elements of a great jurist and statesman he combined those of an exalted character.

He was a Democrat of the old school, but in no sense, save the highest, was he a politician. He disdained the artifices of the calling, and was infinitely above those panderings which often place men in power. But notwithstanding this, his conspicuous qualities as a real statesman would doubtless have elevated him to the choicest offices in the gift of his people had not his party in the more mature portion of his life been utterly out of power in both the State and Nation.

His appointment as Chief Justice of the Supreme Court, upon the organization of the Territory in 1838, was entirely unsought and unexpected. His notification of it came as an agreeable surprise through the slow course the mail had to take before the era of railroads and telegraphs.

No man could have filled the position with more genuine service and usefulness to the State. He held the scales of Justice with an even hand, unswerved by prejudice or popular clamor. His various opinions are marked by learning, and by a practical wisdom suited to the existing conditions of the time and people. The more important ones can be studied with profit after all these years. They are free from verbiage, devoid of rhetorical flourish, instinct with virile force. I cannot stop to discuss them variously. His first one, and the first one reported, is a fair index of the others. It is that of *In re Ralph*, *Morris Reports*, 1, in which it was held

by this Democratic Judge, who was naturally averse to the so-called Abolitionism of the times, that a slave who is voluntarily permitted by his master to abide for a time in a free State cannot afterward be subjected to servitude.

In this connection I cannot refrain from giving as apropos the following extract from a paper delivered some time ago before the Iowa Association of New York by Judge John F. Dillon, in whose name every Iowan feels a just pride and which will stand undimmed in comparison with any of her greatest sons:

Nothing is more ephemeral than professional reputations in the legal world. Keats said, with a note of disappointment and sadness, that his epitaph should be: "Here lies one whose name was writ in water." This is applicable to most lawyers. The lawyer walks along the sandy shore of the everflowing stream of litigation, but his footprints are not enduring, for they are effaced by the winds and waves and by the footsteps of those that follow after him. Suffer me a few words, and chiefly of Judge Mason, whose name is already fading from the general memory of the bar and people. It fell to his lot to decide, in 1839, a cause of the greatest public and historical importance. It is the first reported case in the first volume (Morris) of Iowa Reports—the case entitled "Ralph (a colored man) on Habeas Corpus."

To those familiar with the history of Iowa, since 1856, it will perhaps be a surprise to learn that the first territorial legislature in 1838 passed an act prohibiting any free negro from settling in Iowa unless he first gave bond for \$500 for good behavior and that he would not become a public charge. If he failed to give bond he should be arrested and hired out to the highest bidder for cash for six months. Whoever harbored or employed a colored man who had not given bond was subject to a fine of \$100, and any slaveholder might come to Iowa and by Iowa officers arrest and take back a slave who had escaped from bondage. Against this law only three votes were recorded. Even James W. Grimes, afterwards the first Republican Governor of Iowa, did not vote against it.

Ralph was a slave in Missouri. He made a contract with his owner, Montgomery, to buy his freedom for \$550, with permission to go to the Dubuque lead mines in Iowa to earn the money. Ralph, though he is said to have worked industriously, had not been able to save enough to pay Montgomery. Two men in Dubuque volunteered to deliver Ralph to Montgomery in Missouri for \$100. Montgomery accepted the offer. Governor Gue, in his excellent history of Iowa, says Ralph was kidnapped, but this seems to be a mistake. While at work in the mines Ralph was arrested as a fugitive slave under a warrant issued by a justice of the peace pursuant to the statute just mentioned, and the sheriff of Dubuque County delivered him into the custody of Montgomery's agents for the purpose of being transported to Missouri. He was handcuffed and taken to Bellevue to be sent by steamboat to Missouri. Alexander Butterworth, a farmer, seeing the arrest, procured from Judge Wilson a writ of habeas corpus, and Ralph was returned to Dubuque. The case was of such importance that it was transferred to the Supreme Court of the Territory and came up before Judges Mason, Wilson and Williams. It involved, you will perceive, the great question which many years afterwards arose in the famous Dred-Scott case, viz., the constitutionality and effect of the Missouri Compromise Act of 1820 forbidding slavery north of 36 degrees 30 minutes. It involved the momentous question fought out in the Civil War, viz., whether slavery was local and freedom national, or the reverse.

The Court, Chief Justice Mason giving the opinion, decided these three propositions:

1. Where a slave goes with the consent of his master to become a permanent resident of a free State or Territory, he cannot be regarded as a fugitive slave.

2. The Act of 1820, for the admission of Missouri into the Union, which prohibits slavery north of 36 degrees 30 minutes was not intended merely as a naked declaration, requiring further legislative action to carry it into effect, but must be regarded as an entire and final prohibition of slavery north of that line.

3. The master who, subsequently to this Act, permits his slave to become a permanent resident here, cannot afterwards exercise any acts of ownership over him within this territory.

The result was that Ralph was declared to be a free man and he was taken from the custody of his captors and set at liberty by these three Democratic judges.

True it is that the Dred-Scott decision afterwards rendered was in direct conflict with Judge Mason's decision on Ralph's case. But in the Civil War, a higher body than either of those courts, namely, the American people, in their primary and sovereign capacity, overruled the Dred-Scott decision and re-established the doctrines of the Iowa court in Ralph's case.

With Ralph's case the published records of Iowa jurisprudence begin, and those records, so long as they last, will honorably perpetuate the names of Chief Justice Mason and his associates.

By that decision Iowa became the first free child of the "Missouri Compromise." And when, in contemplating the State of Iowa today in its maturity, we look back through the intervening years to the early days when Ralph's case was decided, we are for many reasons filled with pride.

In personal appearance Judge Mason was strikingly attractive. That of some distinguished men on first sight belies the gifts attributed to them. It was not so with Judge Mason. I may be pardoned for illustrating this from my own experience. Nearly sixty years ago, I think it was in 1858, when the now flourishing city of Ottumwa was but a little hamlet of wooden structures, I was seated as a young lawyer waiting for clients, in my office on its main street. It was before there was any railroad between that place and Des Moines, and as the passenger stage drove into the village and stopped before the log hotel—then kept by John Potter, father of "Tom" Potter, afterward a prominent railroad man—I saw through my open window a passenger alight and stand by the hotel door, who at once attracted my attention by his superior bearing, so much so that I left my office and went across to inquire who he was. I ascertained that it was Judge Mason. In figure he was tall, erect, commanding; in expression grave, dignified and thoughtful, but, as was plain to be seen, keenly observant. He was rather dark in visage, with dark hair and closely cut full beard. His eyes were deeply set, dark, luminous and penetrating. He was in short a man of distinguished appearance.

Professor T. S. Parvin thus describes him in speaking of the opening of the first term of court and the three Judges:

In the center of the group was Charles Mason, Chief Justice, tall and straight in person, of grave mien, as became the presiding officer of the court, slow of speech, like Moses of old, yet endowed with much of his law-giving power.

And George H. Yewell thus:

He was a man over six feet in height, thin and somewhat angular. His movements were energetic, and he carried himself erect, a habit formed during his military education at West Point. His mind was by nature a judicial one. He was an attentive listener; arranged his thoughts carefully before clothing them in words; not much given to talking; rather reticent than otherwise, yet capable of being very interesting when he did talk, and having a quick sense of humor that brought with it a cheery smile and a twinkle of the eye.

From this, one might be tempted to apply what William Wirt said of Chief Justice John Marshall, that he "sat on the bench like a descended god."

Notwithstanding his rather aristocratic mien, bred to some extent by his discipline and association at West Point, it was not in the least repellant, because it was so perfectly natural; while his real kindness of heart warmed through all the outward expressions. That he was a man of noble sympathies is attested by private acts attendant upon his whole life, while his official ones were tempered with justice and mercy.

He was naturally modest, retiring, and as free from egoism and self-laudation as any man in our history. This statement is verified by many instances in his private and public career, by the testimony of his contemporaries, and is conspicuously borne out by the autobiographical manuscript hereinafter set out, in which he narrates with unadorned simplicity the principal events of his life. He frequently exalts others but never himself.

He was born in the State of New York; educated at the United States Military Academy at West Point, having for his classmates the future Confederate Generals, Robert E. Lee and Joseph E. Johnston, and the distinguished astronomer, O. M. Mitchell; graduated therefrom at the head of his class in 1829; became for a time one of its professors in civil engineering; studied law and was admitted to the bar; practiced for a while in New York City; came as a young lawyer to Belmont, where the legislature of Wisconsin Territory—then embracing Iowa—was held; became acquainted with David Irwin, one of the Judges of the Supreme Court; came with him and settled in Burlington, where he was when appointed Chief Justice, and where he continued to reside until his death.

After his voluntary retirement as Chief Justice, he resumed the practice of his profession, which was again interrupted on his appointment by the President as Commissioner of Patents at the national seat of government, in which he served his country with distinguished ability. But I am going to let the autobiographical narration before alluded to and about to be introduced, tell the further particulars of his life.

In 1881, at the request of the Judges of the Supreme Court of Iowa, with whom I had formed personal acquaintance while I was the Reporter of its decisions, I commenced to gather material for the present work. In the course of my efforts in that direction I wrote Judge Mason the following letter:

Ottumwa, Iowa, November 22, 1881.

Hon. Charles Mason, Burlington, Iowa.

Honored Sir: You will observe from the inclosed circular the character of the work upon which I have entered. I am sure you will regard it a laudable one even though it should serve no other purpose than to preserve material that may be of service to the future Historian of the State.

May I not ask that you will kindly give me some assistance in the matter. I want to learn all I can respecting the early lawyers. From your position as Chief Justice of the Supreme Court during the territorial and the first year of the state existence, I am sure you could give me most valuable information. With many of the lawyers of that period I had sufficient personal acquaintance to form a

pretty just estimate of the characteristics, abilities, and the parts they respectively played; but with regard to others who passed from the theater of active professional life before I entered it, I must depend mainly upon such information as I may be able to derive from their early contemporaries. I would know of the appearance, the leading traits, the peculiarities, the influence they exerted on the profession and State, with such instances as might serve to illustrate the times as well as their own lives and characters.

If you will give me this information respecting such members of the bar of your court as you may think worthy of mention, I shall feel myself greatly obliged.

He was then considerably past the allotted three score years and ten, and in feeble health, as the following reply will indicate, written only a few weeks before his death, which occurred in the ensuing month:

Burlington, January 12, 1882.

Dear Sir: The only apology I can now make for my long delay in replying to your request made some weeks since, is, that the state of my health did not permit me to do so. I ought to have written you to that effect but I hoped from time to time that I should be able to give you the information desired. More than once have I commenced writing, but have been obliged to desist on account of the fatigue thereby incurred. I hope I shall soon be strong enough mentally and physically to give you to some extent the information desired and will do so as soon as practicable. I can read without fatigue, but writing is labor of a different character.

Edward H. Stiles, Esq., Ottumwa, Iowa.

Yours truly,
Charles Mason.

On the 18th of the same month (I had again written him in the meantime), I received the following further communication from him:

Burlington, January 18, 1882.

In reply to yours of the 16th I have pleasure to inform you that I have already commenced writing the statement you desire through an amanuensis. I hope to be able to complete it in the course of a few days. It would not be necessary to employ a stenographer, as I think I can have it better done from time to time as I feel able.

Yours truly,
Charles Mason.

On the 23d I received the first portion of the manuscript referred to. The first of the above letters, that of January 12th, was written by himself; that of the 18th, as well as the manuscript, under his dictation by his devoted daughter, Mrs. Mary J. Remy, wife of Admiral George Collier Remy, now retired. While it is authenticated by his own signature at the end, he had become too weak to write the body of it and invoked the aid of his daughter for that purpose.

I have mentioned these particulars because they throw a strong light upon his character, and pathetically evince his devotion to Iowa, and the strenuous desire that his last days should be given to the preservation of some of its early history and that of the men concerning whom he writes.

I now present the portion of the manuscript first received literally as it was written:

I was born in central New York among the hills some twelve or fifteen miles southeastwardly from the City of Syracuse; graduated at the United States Military Academy in 1829 and immediately thereafter entered my name in a law office as a student while I remained for two years as an assistant professor of engineering at the Academy; then resigned from the army and entered a lawyer's office in the

City of New York, and in June, 1832, was licensed to practice; commenced the practice in September of that year at Newburgh, New York, and two years later removed to New York City, where I remained until July, 1836. I then went West on a tour of observation and emigrated to Wisconsin in November, 1836, spending three months near Belmont, where the legislature of that Territory was then in session. The future seat of government being fixed at Madison, was temporarily located at Burlington, while preparations were made for the reception of the legislature at the former place. That portion of the Territory lying west of the Mississippi and which at the census of July, 1836, contained a little more than ten thousand inhabitants, was made to constitute the Third Judicial District of the Territory and David Irvin, one of the Judges of Wisconsin, was assigned to that District as its Judge.

Judge Irvin concluded to make his home at Burlington and at his suggestion I accompanied him to that place on horseback in the month of February, 1837, reaching our destination on the sixth day a little after noon on the 19th of that month. In March following we jointly purchased "the claim" to the tract of land now lying within the city limits though three miles distant from the steamboat landing. Of this I afterwards became sole owner and occupied it with my family for many years thereafter. In April following I was appointed by Governor Henry Dodge one of his aids and also public prosecutor of Des Moines County. I commenced housekeeping in Burlington November 3, 1837, and have ever since made it my home.

Among my earliest acquaintances in Burlington were David Rorer and James W. Grimes, who as nearly as I remember were the only members of the bar then residing in this city—for it was then a city, although containing only about three hundred inhabitants, with the streets full of stumps and brush and surrounded by the primeval, unbroken forest. James W. Woods was then practicing law here, though residing in Illinois. He made his home here in the course of the then current year. Wm. W. Chapman then resided in the neighborhood and perhaps had an office in town, and Shepherd Leffler, who lived in the neighborhood, was, I think, shortly afterwards admitted as a member of the bar, though he never devoted himself very closely to his profession.

In the course of the then current year two young members of the bar, both from New England, both about the same age and both named William H. Starr, emigrated to this city. To avoid confusion one of these changed his name to Henry W. Starr, by which name he was ever afterwards known. About the same time M. D. Browning, of Kentucky, who had just completed his legal education with his brother, O. H. Browning, of Quincy, also made this his home. J. C. Hall emigrated from Ohio and took up his abode in Burlington in the year 1839 and ever afterwards remained a citizen of Iowa. John C. Breckenridge and Thomas W. Bullock came from Kentucky a year or two later, but returned to their old home after a comparatively brief residence in Burlington. L. D. Stockton dated his citizenship shortly afterwards and took up his permanent abode here. H. S. Hugius and F. D. Mills came not long afterward from New England and formed a co-partnership in Burlington. They were both young men of ability, the former only remained two or three years—the latter became a permanent citizen until he lost his life in one of the battles of the Mexican War. With the exception of a few others who only took up their residence here temporarily the above named gentlemen constituted all the members of the Burlington bar while we remained a Territory. I shall presently have something to say of members of the bar in other counties, but will not attempt to enumerate them at present.

David Irvin, our first District Judge, was a native Virginian. He had many peculiarities, but was on the whole a gentleman of fair ability and of irreproachable habits and morals. He rendered himself somewhat unpopular while residing east of the Mississippi as well as while he made his home in Burlington by taking up his winter residence in St. Louis, where he found a more congenial society. This was probably his greatest error as a public officer. Upon the division of the Territory of Wisconsin, he would much have preferred remaining in Iowa, but he was so positive in the belief that there would be no division of the Territory—although he was aware that an effort was making to that effect—that he took no pains to make his wishes in that respect known and accordingly remained one of the

Judges of the Supreme Court of the Territory of Wisconsin, and was consequently compelled to remove his residence to the east side of the Mississippi river. At that date communication with Washington was so tardy that ninety days' time was generally required to obtain an answer to letters written from Burlington, and consequently before it was known here that the bill dividing the Territory would probably pass, the bill had received the signature of the President, and the appointments under it had all been made. Without any application or previous knowledge on my part, my first information on the subject was that the bill organizing the new Territory had passed, that I had been appointed Chief Justice, with Joseph Williams, of Pennsylvania, and Thomas S. Wilson, of Dubuque, as my associates. We were all re-appointed in 1842 by John Tyler and again in 1846 by James K. Polk.

Upon the organization of the state government in December, 1846, the condition of parties in the legislature was such that it was found impossible to elect judges or senators and accordingly under a provision of the State Constitution the territorial judges held over as judges under the state government. In May, 1847, however, I resigned my office and Joseph Williams succeeded me as Chief Justice, the vacancy being filled by the appointment of John F. Kinney as an associate. In December, 1848, the deadlock having been removed, senators and judges were elected and Joseph Williams became Chief Justice, with John F. Kinney and S. C. Hastings as his associates. A new election of judges was held two years later and Joseph Williams, John F. Kinney and George Greene became the Judges of our Supreme Court, leaving S. C. Hastings unprovided for. He thereupon emigrated to California, where he has since become noted and wealthy and has recently made a public donation of \$100,000 to one of the leading institutions of that State.

My association with Judges Williams and Wilson was always of the most harmonious and agreeable character. The former was one of the most affable and amusing men I have ever known and although not a very close legal student was a man of very quick parts and seemed to arrive at just conclusions as if by intuition. The latter was a closer legal student and formed his opinions after more thought and reflection. We rarely disagreed ultimately in our views with respect to any questions that were argued before us as Judges of the Supreme Court. I do not now remember more than one case in which there was a dissenting opinion written by either of us, for although many of the decisions made by each of us were reversed by the Supreme Court the judge making such decisions respectively cheerfully concurred in such reversals.

I have mentioned Mr. Rorer as one of my earliest legal acquaintances in Iowa. He has ever since remained a citizen of Burlington and is now at the end of fifty-five years in the full enjoyment of a green old age surrounded by a competence and a full share of domestic comforts. He has always been a hard and devoted legal student and though of late years he has withdrawn himself from ordinary practice as a lawyer he has been devoting his time and talents to the preparation of works on different branches of the law which I believe possess a high degree of merit. Gifted with a very acute mind and possessing a more extensive library than most of his competitors he has generally appeared in court provided with a copious list of authorities. I know of no one who seemed more fully to enjoy an investigation which taxed to the fullest extent his thoughtfulness and his industry nor do I know of any who devoted himself more unreservedly to the interests of his clients.

Henry W. Starr was for a short time a partner of Mr. Rorer, but he soon exchanged that association for one with James W. Grimes, which continued for many years and until the latter had withdrawn from practice as a member of the bar. Mr. Starr was one of the best-fitted both by nature and by education for a successful practitioner at the bar, of any person I have ever known. He did not, however, devote himself to the discharge of his professional duties with the same assiduity as some of his competitors and never rose to the distinction that many of his ardent friends had expected. While he was associated with Mr. Grimes he was the lawyer of the concern so far as related to business in the courts—the latter rarely engaging in the management of cases in court, and then with apparent reluctance, though in the outside management of the business of the firm he was believed to be far superior to his partner. He subsequently showed himself highly gifted in the management and control of men, in which no man in Iowa of my

acquaintance has ever been his equal. As a politician he was an unqualified success and when ultimately struck down by a fatal disease he was fast rising to the front rank in the highest council of the Nation. At the time when failing health compelled him to resign from that body, although he had never stood in its front rank as a debater, I doubt whether there was a single person therein who wielded a more commanding influence than he. There was nothing politically to which he might not have aspired had his health proved equal to his ability.

One circumstance connected with his senatorial career deserves to be more widely known and appreciated. When the impeachment of the President was about coming up for trial, I was waited on by a friend of Judge Curtis, who was engaged in the defense, and who desired to learn something definite in relation to the moral principle which would control Senator Grimes on that occasion. He did not desire to learn anything in relation to his religious or sectarian notions, but simply whether he would be likely to regard the obligations of an oath when brought in conflict with ideas of political expediency. I expressed full confidence that implicit reliance might be placed upon his moral integrity when thus tested and gave as an illustration of my confidence in that respect a circumstance to which I was a witness. On a trial before me in one of the Iowa District Courts a heated controversy sprung up between Mr. Grimes and an opposing counsel as to some matter of fact, which was alleged to have been proved on one side but denied on the other. To settle the question in dispute, the opposing counsel called upon Mr. Grimes as a witness and had him sworn to give testimony in the case. The moment this was done his whole demeanor was changed and he gave testimony which was undoubtedly candid and truthful and which at all events settled the point in dispute against his client. This was the ground of my confidence and the result showed that it was well founded. Many of his political friends regarded him on that occasion as having swerved from his political integrity by the vote he then gave on the question of impeachment, but every right-minded man must admit that whatever the number or degree of the errors committed by the President, he had done nothing for which he could have been justly impeached and that therefore those Senators who defeated such impeachment in defiance of the dictates of intensified party spirit were only acting in obedience to the higher law of a moral duty. I have always regarded that act as being as commendable as any other ever performed by him.

William H. Starr though not equal to his namesake in some respects was not far behind him professionally. He was probably more industrious and quite as lucid in his exposition of questions of law or of fact. No member of the bar would make an argument fifteen minutes in length which would be more systematic and better ordered than he. He was some years the public prosecutor of the First District and managed the business of his office with eminent ability and success. But many years since he abandoned his profession and devoted himself to the construction of railroads and engaged in other industries which proving unfortunate brought him to the end of his life in poverty and distress.

M. D. Browning was a gentleman of great professional aptitude. He was never a very close student, but seized the strong points of a case with great energy and general success. He was for some time District Attorney for the United States for the State of Iowa. For the last ten years of his life he was afflicted with paralysis and recently went to join the multitude who are rapidly marching forward to their final bourne.

J. C. Hall was one of the ablest practicing lawyers I have ever known. His leading characteristic was strength. He cared little for polish or rhetoric, using language often inappropriate and incorrect but uttered in such a way that no juror could fail to understand his intended meaning. He regularly attended all the courts held in the First Judicial District and was engaged in almost every case that was tried therein. He was most persistent and persevering in the pursuit of his main purpose and was very generally successful. When fully aroused he seemed like a great locomotive that nothing could resist. If defeated on one point he was fruitful in expedients by some flank movement to obtain success on others. He was indefatigable and untiring and his success was in a great degree commensurate with his industry. There were other better read lawyers, but I know of no one with whom I would be more willing to entrust a difficult case than with him.

John C. Breckenridge, who afterwards rose to eminence in the Republic, commenced his professional career in Burlington. Though his career here was brief, it gave abundant promise of a prominence which he subsequently attained.

L. D. Stockton, a Kentuckian by birth, emigrated to the Territory of Iowa several years before it became a State. He was a gentleman of fair ability and devoted himself for several years to the practice of his profession. He subsequently became a Judge of the Supreme Court and was acting in that capacity at the time of his death while comparatively a young man.

James W. Woods practiced law for many years in this and some of the neighboring counties. He was not a well-read lawyer, having picked up his professional knowledge piecemeal. He was for some time made a clerk of the Supreme Court of the Territory, and afterwards emigrated to the northern portion of the State, where he still continues in the practice. I understand he is more than eighty-four years of age, though I should suppose him much younger.

William W. Chapman was our first Delegate in Congress after we became an independent Territory. He opened an office and practiced law for several years in this city, and among the earliest emigrants to Oregon he left for that Territory, where he still resides.

Having thus enumerated the principal members of the bar who settled in Burlington, which for some years was a sort of headquarters for the profession in this section of the Territory, I will briefly refer to some of those who settled in some of the neighboring counties. Among these, Edward Johnstone very properly deserves a prominent mention, as well on account of his early settlement in the Territory as on account of his position and ability.

At the session of the Wisconsin Legislature at Belmont in the autumn and winter of 1836, he, with Thomas S. Wilson, of Dubuque (afterwards Judge Wilson), and a gentleman named Brigham, were appointed Commissioners to settle the title of the Half-Breed Lands in Lee County. He at once took up his residence at Fort Madison, where he resided some twenty or thirty years and from whence he afterwards removed to Keokuk, where he still resides. In 1839, he formed a co-partnership with Hugh T. Reid, who had just then immigrated into the Territory, and which relation continued many years thereafter and until he abandoned the practice of the law, for which he never seemed to have any great relish. He subsequently engaged in other pursuits and has for many years been a banker in the City of Keokuk.

Hugh T. Reid, his partner, had the chief management of the business of the co-partnership. His tastes and talents inclined him to engage in legal controversies, and he never seemed more happy than when engaged in the most exciting kind of such controversies. He was for several years the public prosecutor of the First Judicial District, the duties of which he performed in the most stern and thorough manner. At the breaking out of the Rebellion he raised a regiment and entered the service, was engaged in some of the severest battles of the War, in one of which he was severely wounded. He was breveted a Brigadier-General for gallant services in the field, lived several years after the War and finally died some ten years since, probably from the effect of the wounds received in battle.

Philip Veile settled at Fort Madison about the year 1838 and was engaged there for many years in the practice of law. He was well matured in his profession at the time he emigrated from Rensselaer County, New York, and took up his abode in Iowa, and was consequently a desirable acquisition to the bar of our Territory. Like many other lawyers, he was drawn more or less from a professional into a political channel, in which adverse currents prevented his attaining much success. He, however, succeeded in acquiring a competence and died peacefully and calmly in a good old age only a year or two since.

Alfred Rich also settled at Fort Madison at an early day. He was a young man of bright parts rather than of profound ability. He was led off from his professional career by the ignis fatuus of political hopes which were doomed to disappointment, and through which, in part at least, he was consigned to a premature grave.

Lewis R. Reeves also settled in Fort Madison at an early day. He was a young man of decided ability, more profound than showy. He was rapidly acquiring

reputation and wealth through the practice of his profession when he was cut down almost in the morning of his career, leaving a professional blank not easily filled.

Daniel F. Miller immigrated to Fort Madison in 1839 and commenced the practice of law. He remained there more than a quarter of a century and then removed to Keokuk, where he still remains actively engaged in the duties of his profession. No man in Iowa has ever practiced law as many years consecutively as he, and therefore his friends claim that he is justly to be considered as the Nestor of the Iowa bar. It is true that Mr. Rorer preceded him a few years as a practitioner, but Mr. Rorer has for many years past substantially withdrawn from the ordinary practice at the bar, thus leaving everyone to determine for himself the question of seniority as between the two.

Mr. Miller has always been an earnest and successful advocate. In criminal cases especially his success has been particularly marked. He has been engaged in most of the capital cases in his own and some of the neighboring counties, and I think I am not mistaken in saying that he has never had a client convicted of murder. Nor has his success in cases less than capital or in civil suits at law or in equity been without results almost as striking. Possessing a discriminating mind and an intuitive knowledge of the workings of human nature he has been peculiarly skillful in his selection of juries and the presentation of his facts before them in the strongest and most available light. He has recently published a work on Rhetoric which has received the highest commendations and has evinced the foundation of his professional success. Nor has he devoted himself exclusively to his professional labor. Mingled with his partiality for legal investigation he has always displayed a strong inclination for political pursuits and inquiries. He has several times been elected to prominent positions under our local governments and once as a Representative to Congress in a district wherein his party was supposed to be in a decided minority. At the same time he has been very far from shifting his sails to catch a favoring breeze. For nearly twenty years when the Democratic party was paramount in our Territory and State he was its open and constant antagonist, and not many years after his political friends had attained a permanent ascendancy here he showed the sincerity of his convictions by openly joining the minority, to which he has ever since been immovably attached.

I have thus completed a review of the older members of the bar with whom I was more particularly brought in contact, and hardly feel able to continue the discussion further. You can doubtless obtain more reliable information from other sources as to the junior members of the bar.

Shortly after my resignation from the bench in 1847, I was appointed on a Commission to provide a Code of Laws for the new State, and also an especial attorney to conduct the controversy of our State with the State of Missouri in relation to the boundary line between the two States. These employments occupied my time almost exclusively for the two or three succeeding years. After the settlement of the controversy referred to, and the adoption of the Code, I engaged again in the general practice of the law, but was soon drawn into other pursuits and never returned to the general practice of my profession. I will merely observe, however, that about the year 1850 I formed a co-partnership with Col. Samuel R. Curtis, afterwards the distinguished General Curtis, and John W. Rankin for practicing law in Keokuk. Not many months afterwards Col. Curtis removed to St. Louis, changing his profession to that of a civil engineer, and James M. Love became a member of the firm in his place. In the spring of 1853 Mr. Love was appointed Judge of the United States District Court for the State of Iowa, and I was made Commissioner of Patents. Samuel F. Miller stepped into the vacancy thus created as a member of the firm of Rankin & Miller. When Mr. Miller was made a Judge of the Supreme Court of the United States, George W. McCrary entered the firm as a partner of Mr. Rankin. The latter died not long afterwards. Mr. McCrary was made first Secretary of War and afterwards United States Circuit Judge, and the firm was continued under the name and style of Hagerman & McCrary, composed of James Hagerman and Jasper McCrary.

I had intended to enlarge this statement showing among other things the rough method of administering justice in the earlier days of our territorial existence. But I will not do this at present. Should you think it within the scope

of your present purpose I may add a supplement hereafter of that nature, in case my health and strength shall permit. But I will not attempt to do so now.

I enclose herewith a copy of an open letter addressed to Gen. A. C. Dodge at the time it bears date. Much of it relates to matters personal to myself and will not be of interest to you and especially can have no relation to the work in which you are now engaged. It is not sent with any such intention, but it embraces many historical facts illustrative of the times to which they relate and I venture to submit them for your general information, to be dealt with as you may deem expedient.

I am, sir,

Yours very respectfully,
Charles Mason.

Edward H. Stiles, Esq., Ottumwa, Iowa.
January 23, 1882.

After the receipt of the foregoing, knowing his feeble condition and that the end could not be far off, I scarcely expected anything further from him. But in a short time after his death I received an additional manuscript, unfinished by reason of his failing condition, accompanied by the following letter from his daughter, dated March the 11th, 1882:

Dear Sir: My father, Judge Mason, prepared the accompanying manuscript for you, dictating it to me as he lay on his lounge. It was written at intervals as he felt able, but was not finished to embrace all the points he intended to communicate. I send it hoping that it will in some measure answer the purpose for which it was written. I wish to make a copy of the manuscript sent you a few weeks ago for myself, as a pleasant reminder of one of the last services I performed for my father. If you will kindly send me the paper I will return it promptly.

Yours very truly,
Mary J. Remey.

The picture thus presented of this venerable man, enfeebled by age and infirmities, dictating, as it were from his death bed, this final contribution to the early history of his beloved State, excites the highest veneration for his memory.

Here is the additional manuscript:

Burlington, February, 1882.

Edward H. Stiles, Esq.

Dear Sir: To illustrate our early judicial history when it was in process of formation, I have concluded to give you some information as to occurrences which then took place.

In April, 1838, the first court in the Third Wisconsin District was held at Farmington in the County of Van Buren, Judge Irvin presiding. Mr. Rorer and myself started in a buggy the day previous to the opening of the court and after a toilsome journey reached West Point about nightfall, where we became guests for the night of Col. William Patterson, now a resident of Keokuk, who was then the keeper of a public house. The next day about noon we reached the seat of justice and preparations were soon made to commence the business of the court. I was appointed prosecutor pro tem, a grand jury was empaneled and several indictments found, two of which were for murder. One of these was tried and the defendant acquitted—the other never was tried.

There were also several civil cases tried, and the whole week allotted to that county was taken up with these various trials.

As soon as supper was finished each day most of the guests of the hotel stole off to bed, it being well understood that the first three who took possession of a couch had a pre-emption thereto, no one expecting a less number of occupants. Some of us preferred later hours and taking our chances—the consequence was that almost, if not quite every night there were five men left with only one bed

for them all. This was spread lengthwise before the fire, and we lay across it with our feet to the fire. I was generally fireman and kept a rousing fire in the broad, old-fashioned chimney, replenished from time to time during the night. David Rorer and Philip Veile, of Fort Madison, were usually two of my bedfellows—I forget who were the others; but we had a rather gay time after all. Youth and health compensated for many inconveniences. The next court was to be held at Mount Pleasant commencing the following Monday. Sunday morning after gaining the best information as to our route within our reach, we started off without guide or compass, over the trackless prairie. Fortunately we had sunshine to aid us. Our main purpose was to strike the Skunk River at a point some six or seven miles from Mount Pleasant, where there was the only known ferry across that river for twenty miles up and down its course. About noon we reached a farmer's cabin, where we found no means of satisfying our own appetites, though we found an indifferent feed for our horses. I think, however, we had anticipated this difficulty before leaving Farmington, and provided ourselves with a lunch. This cabin was nearly, if not quite on the identical ground where the little town of Hillsborough afterwards stood and still stands. Some time before sunset we reached the river at the very point where the ferry-boat was running, after which we followed up as best we could the routes leading to Mount Pleasant. To our dismay, however, the little horse we were driving, after traveling some three or four miles, refused to budge another foot and we were compelled to leave him with a farmer, to be brought in with the buggy the next day. Thus we became separated from all our traveling companions. Arriving at Big Creek, we found it very much swollen. I endeavored to find someone who would carry us over on horseback, and while I was parleying with a settler with that intent, Mr. Rorer became impatient and plunged into the stream, though the water came up to his middle, while I by waiting a few minutes was enabled to go across dry shod.

After the business of the court at Mount Pleasant was finished, we started for home at about the middle of the day. No such thing as a bridge was known on that route, and the spring rains had rendered the prairie sloughs next to impassable. There was a public house at New London, where we ought to have stopped for the night, but a Burlington acquaintance had recently purchased a house at Quaking Asp Grove two miles further on, which we reached a little before sunset and where, in accordance with the universal practice of the country, we expected to find accommodations for the night. But to our mortification and astonishment we learned on inquiry that our acquaintance, although he was occupying his domicile, had never unpacked his goods, so that it was impossible for him to accommodate us. We therefore had no alternative but to press forward. By this time it was sunset, and we had not proceeded a mile when we were met by a thunderstorm which came directly in our faces. There was then no highway leading to Burlington near the line afterwards traveled, the settlements being in or near the timber, and the road followed in the same direction. Dense darkness rendered eyesight useless except when the occasional flashes of lightning enabled us to see our way imperfectly. When these ceased to aid us I went ahead of the buggy, and where I found the deepest mud supposed myself in the right way. About nine o'clock at night we reached the habitation, where having dried and refreshed ourselves, we slept soundly at night, and the next morning by ten o'clock we found ourselves safely at home. These and like experiences, though lightly regarded at the time, were probably laying the foundation for the bilious fever which in August following came very nearly terminating my earthly existence.

Turn we now the wheels of time along for a period of eight years, till April, 1846. The territorial government of Iowa was formed in June, 1838. To me as one of the Judges of the Supreme Court was assigned the First Judicial District, composed of the two southern tiers of counties, which during all that time embraced more than half the population of the whole Territory and from whence emanated a proportional share of the legal business. The counties of Jefferson, Wapello and Davis had been in succession fully organized. That of Monroe, at first called Kishkekosh, had just been legally organized but no court had ever been held therein. The seat of justice had been fixed at Princeton, since changed to Albia, and after the termination of our spring term of court at Ottumwa we started to organize the first term in the new county prior to continuing the circuit to

Bloomfield, in Davis County. Our cavalcade was composed of Dr. Gideon S. Bailey, the United States Marshal of the Territory; Edward Johnstone, the United States District Attorney, and several lawyers, among whom I particularly remember J. C. Hall, who was never absent on such occasions. We reached Eddyville before night the first day, where we concluded to remain over night, not thinking it prudent to venture further into this terra incognita at that late hour.

We started next morning on our journey of exploration with such instructions as could be obtained, and followed on as best we might in our journey of discovery of the new seat of justice in this newly organized County of Monroe. The country was just being settled and instead of a scarcity of roads there was a superabundance. Most of these, however, were then called "rail roads," understood to mean roads formed by the settlers to haul out rails for improving their farms. Several times we were misled by the difficulty in distinguishing between the public highway and these private roads. But about noon we reached the neighborhood of the new seat of justice. On inquiring at a cabin we were pointed in the direction of Princeton not half a mile away, but not a house nor even a stable could we see. By close observation, however, we perceived a multitude of stakes which designated the lots of the new city. We were informed, however, that it was contemplated to hold our first term of court at the house of Wareham G. Clark, about two miles farther on, which locality we soon reached. We there found a moderate sized cabin surrounded by a small enclosure, in almost every fence corner of which was hitched a horse, and on knocking at the door of the house we found it filled with human beings who had collected to witness the ceremony of holding the first court in the county. The wife of Mr. Clark was the only female about the establishment, but she was a host within herself. She soon prepared us a dinner, sufficient to satisfy the wants of hungry men. She then caused the occupants of the room to stand to the right and left so as to furnish a dim light from the only small window in the cabin—but sufficient to answer our purpose. The question then arose as to a courthouse, of which there was not a sign in any direction. I should have taken an out-of-door stand for this purpose, but by this time the storm that had been brewing all the morning was pouring down upon us, which interfered with this calculation.

Mr. Clark, however, had erected nearby a small building intended for a stable, which although entirely open between the hewed logs was roofed overhead, but it had neither door nor window. This difficulty, however, was soon overcome—two axemen were sent out who in a short time made an opening sufficient for our purpose. A fire was built at one end of the room, of chips, which the green state of the logs prevented doing any injury to the structure, and the upper portion of the building was soon enveloped with smoke—and in this primitive courthouse the first court in Monroe County was organized. There was not a seat or a desk or even a dry-goods box in this new courthouse. The judge took his stand at one side of the building and directed the sheriff to open court with all due formality. The grand jury were called, empaneled, sworn and charged and the court adjourned till the following morning. The grand jury held their session in the same building, where they found one or two bills of indictment and then adjourned to give place to the horses, who were its more rightful occupants. The strangers who were attending the court were billeted out among the neighboring farmers and found themselves more pleasantly situated than they had any reason to expect. The next morning the horses were removed from the stable, and the court was put in possession, the grand jury made their report and were discharged, and as it was not desirable to have any trial civil or criminal at that time, the court was adjourned and we were soon on our way to Bloomfield, in Davis County. I will merely add that some three or four years later I was traveling through that section of the State and stayed over night with my friend Clark. By this time he was occupying the former stable as a dwelling house, and I slept very comfortably in the same tenement that had once been used as an improvised courthouse.

This will serve to illustrate the rough methods through which civilization found its way into one of the most fertile and wealthy counties of our great State.

I will now invite your attention to some incidents in our intermediate territorial history which may be of interest to you. You have heard of a war with Missouri on the question of boundary which threatened to be more than a mere

abstraction. Governor Lucas, our first territorial executive, had been Governor of Ohio at a time when the question of boundary similar to ours threatened a bloody collision. He was now on the other side of the same question, and exhibited all the zeal of a new convert. The laws of Michigan Territory enacted specially to meet that emergency had traveled around through the statutes of Wisconsin and were still in force in Iowa. The zeal which prompted many of our Iowa patriots and especially Governor Lucas, was sometimes fearful to contemplate, threatening the bloodiest results.

You are probably aware that the difficulty grew out of a clause in the first Constitution of Missouri in regard to its northern boundary. That boundary was to extend one hundred miles north of the point where the western boundary of the State crossed the Missouri River, and thence eastwardly so as to pass through the rapids of the River Des Moines, till it struck the Des Moines River, and thence down that river to the Mississippi. Here were two incompatible calls, and it was correctly contended that as far as there was a disagreement in those calls the line drawn through the rapids of the River Des Moines should have a paramount force and effect. What was meant by the rapids of the River Des Moines, was the all-important question at issue.

Shortly after the organization of the state government of Missouri an authorized survey was made as to this northern boundary. The western line of the State was measured one hundred miles north of the Missouri River at the mouth of the Kansas River and the northwest corner of the State was thus fixed. From that point a line was run due eastwardly (as was supposed) to the Des Moines River, but the surveyor having failed to realize the fact that the variation of the needle was all the while changing as he was proceeding eastward, had made this boundary a bent line instead of a straight one, and what was more, it passed through no "rapids of the River Des Moines." It was therefore manifest that it was not the exact line intended by the call in the Missouri Constitution. This was known, however, as the Sullivan Line, and as far as counties had been organized on either side of it, they were bounded by that line. About the year 1836 or 1837 some inquisitive spirits in the Missouri Legislature, conceived the idea of enlarging their limits on the north. A commission was organized headed by a man named Brown, for the purpose of searching the Des Moines River for the intended rapids. They selected a ripple in the river near Keosauqua and ran a line due west from that point. This was known as Brown's Line and was some ten miles north of the Sullivan Line at that point. It was afterwards claimed by the State of Missouri that this was its true northern boundary, although this Keosauqua ripple was no greater than a dozen others in the same stream, and not as great as several others. In fact, the Des Moines River is a continuous rapid from the Raccoon Fork to its mouth, falling on an average about twenty inches to the mile.

On the part of the Territory it was contended that the "rapids of the River Des Moines" meant the Des Moines Rapids in the Mississippi River which had been known from time immemorial by the old French voyageurs as "Les rapides de la riviere Des Moines," in contradistinction with the rapids near the mouth of Rock River which were known as "Les rapides de la riviere de la Roche." These designations were afterwards abbreviated respectively into the "Rock River Rapids" and the "Des Moines Rapids."

If the line were to run west from the Des Moines rapids, it should have been from a central point in those rapids, which would have carried it several miles south of the Sullivan boundary line. But the Territory of Iowa never claimed to exercise jurisdiction south of the Sullivan boundary, but was satisfied to leave things as they had remained quietly for more than fifteen years. In the winter of 1839 the Missouri authorities took steps to enforce their jurisdiction northward to Brown's Line, which resulted in an earnest, practical opposition on the part of the Territory of Iowa. The militia of all the southern portion of the Territory was called out and sent to rendezvous on the ground in dispute and there was every probability that a bloody collision would be the result. Cooler counsels, however, at length prevailed, and the conflict of violence was postponed till Iowa became a State, when the controversy was settled in the Supreme Court of the United States, which sustained the Sullivan Line as the true boundary, and such it will ever remain.

One incident connected with the subject will serve to illustrate the feeling that existed in regard to that disputed tract. It was said, by the by, that many of the inhabitants of that disputed tract voted in both jurisdictions and paid taxes in neither. About the year 1844 a deputy sheriff was found upon that tract exercising what he claimed to be the functions of his office within that disputed tract. He was arrested by the Iowa authorities under a Michigan law which, as before observed, had traveled down to us through the Territory of Wisconsin. He was indicted in Davis County, where he was brought to trial, found guilty and sentenced to a term in the Iowa penitentiary. He seemed ambitious to become a martyr on account of the advantages he expected to result from thence in future elections in his own State, but just in proportion as the crown of martyrdom was thus sought by him was I determined that he should never wear it. Delaying the sentence till just before the court adjourned, I directed the sheriff to proceed very leisurely in taking him to Fort Madison. Hastening to Burlington, where the Governor then resided, I procured his pardon, which met the sheriff long before he had committed his charge to the felon's cell. This was very much to the disappointment of the culprit, from whom I never heard afterwards.

You are doubtless to some extent aware of the troubles inflicted upon us through the Mormon fraternity. Upon their being driven from Missouri they congregated at Nauvoo, Illinois, where they attempted to make their permanent headquarters. They soon came in conflict with the surrounding Gentiles—first in Illinois and afterwards in Iowa. About 1842, they commenced building their famous temple, and men seeking an asylum flocked to them from all quarters. They welcomed all adherents and, as might be expected, no small proportion of their new acquisitions was composed of men of the worst character. The peculiar doctrines for which they have since become notorious, were not at that time publicly proclaimed by them. It was not until 1849, when they had to a great extent emigrated from our State, that they publicly promulgated the doctrine in regard to the plurality of wives. In the spring of 1844, however, they had become so obnoxious to the people of Illinois that violence became threatened and executed. Joseph Smith and his brother Hyrum were induced by public pledges to place themselves in the hands of their enemies, by whom they were shamelessly murdered in jail.

In the meantime and subsequently Nauvoo became a city of refuge to some of the worst characters that ever existed in the West, and it became very difficult to punish them for their crimes. They made their incursions especially in different parts of the adjacent County of Lee, entering the habitations of peaceful inhabitants while they slept, obliging them to cover their heads with their bed-clothes while they were being robbed of everything portable and valuable in the house. If followed to Nauvoo and there arrested, they found plenty of testimony to prove their innocence. The most remarkable of the victims was an old preacher by the name of Miller, who with his two sons-in-law and their respective families were occupying a cabin with one single room, a few miles from West Point. The stout-hearted old man sprung to his feet, seized his rifle and wielding it as a club succeeded in driving his assailants from the house, when, just as they were leaving, a stroke from a bowie knife laid him dead at the very threshold of his door. In the intermediate fight, one of his sons-in-law received wounds from which he died not long afterwards. The robbers were three in number, and circumstances led to the identification of two young men by the name of Hodges, who were followed up and arrested in Nauvoo. The third conspirator escaped. The two Hodges were indicted in Lee County, and by a change of venue were tried at Burlington in June, 1845. They were convicted and executed in July following. The very day after the conviction, Irvin Hodges, an older brother of the convicts who had attended the trial, returned to Nauvoo, and was assassinated in the streets of that town; and although he had full opportunity to make known the perpetrator of that crime, he refused to make any revelation and died with the secret in his heart.

While the young Hodges were in jail waiting the execution of their sentence, a party of four or five young men from Nauvoo passed through Burlington on their way to Davenport. On the 4th of July they broke into the house of Mr. George Davenport (after whom the city was named), which was situated on Rock Island,

while his family were all absent, and he became the victim of their atrocity, though the shot which subsequently put an end to his existence was believed to have been accidental and to have produced its fatal result rather through the nervous shock to his system than from its necessary consequence. Three of those young men were arrested, convicted and executed.

All these executions brought such results that the people of Iowa and Illinois were in a great degree freed from the terror in which, for several months, they had been living, and the peculiar danger of these times has never been known since.

Some circumstances accompanying and following the trial will serve to illustrate more fully the peculiar character of this Hodges family. Amos Hodges, another brother of the culprits, had been indicted in Lee County and did not dare to show himself in Iowa at the time of the trial of his brothers, but his wife, who was comparatively a woman of integrity, was sent up as a witness in the case. During the progress of the trial, she sent for Mr. Hall, the leading counsel for the defense, and besought him most earnestly not to call her as a witness. She said, among other things, "I have been sent as a witness to swear that these young men were in Nauvoo at the time the murder was committed, and if I must, I must, but it is not true, and for God's sake do not call me to prove it. They were gone all night, came home in the morning, said they had been unsuccessful, and perhaps got themselves into trouble." Mr. Hall assured her she should not be called, and the trial went on without her testimony. I was not satisfied with the character of the evidence on which they were convicted. One of the chief items to fix guilt upon them consisted of a cap left on the field of battle at Miller's cabin. One of the Hodges boys had lived in Burlington some two years previous, and witnesses were brought forward who swore that the cap just found was the identical one that the Hodges boy had worn at Burlington. Now I did not believe that any witness could swear intelligently as to the identity of a cap after so long a period, and in fact Amos Hodges' wife assured Mr. Hall that the cap in evidence was the identical one she had made herself for this Hodges boy some time after he left Burlington. This fact, however, I did not know until afterwards.

After the conviction, Mr. Hall, observing that I was uncommonly serious, took me aside, and stating that he saw I was doubtful as to the correctness of the verdict, and as he had no idea of applying for a new trial, he would say for my satisfaction that the young men were guilty, informing me at the same time of his interview with Mrs. Hodges. This certainly afforded me no inconsiderable relief, as I was somewhat suspicious that a strong popular prejudice had wrought the conviction.

Upon the trial a younger sister of the Hodges became a witness and swore unhesitatingly to the presence of her brothers in Nauvoo at the time of the murder. Not long after the trial an Iowa acquaintance abandoned his wife and family and fled with this young girl to Texas, where he took up his abode. About ten years afterwards, while I was Commissioner of Patents and had charge of what has since developed itself into the Agriculture Department at Washington, I sent an agent to Texas to procure some vines of the native grapes of that State with the view of obtaining new varieties of grapes adapted to our climate. On his return he informed me that he had met an old acquaintance—naming him—who was living in one of the principal cities of Texas; that he had made inquiries in regard to his wife and family, and that he became convinced that the Hodges girl was the matron of the establishment. He learned that she was a leader of fashion in the town and a promoter of the benevolent institutions that were organized there—a fitting illustration of the tangled web of which human society is composed.

In addition to his other accomplishments, Judge Mason was skilled in higher mathematics and engineering. He was instrumental in providing for the City of Washington a more efficient system of drainage, the plan of which was clearly set forth in printed pamphlet a copy of which I have in my possession; thus repaying in this as well as in other ways his indebtedness to the Nation for the education he had received at its Military Academy.

I desire in this place to clear his character from the aspersion that some thoughtless men attempted to throw upon it by charging that he was tainted with disloyalty and that his sympathies were with the Southern Confederacy. In the excitement of the Civil War frequent charges of this kind were made by the hasty and unthinking against thoughtful and conservative men like Judge Mason who sought so long as hope was possible, to avoid the terrible catastrophe of a civil war, the result of which no man could foresee, and which in the event of failure on the part of the Government would be the death knell not only of the Union but to liberty throughout the world. Such charges were as base as they were groundless so far as Judge Mason was concerned. No truer patriot lived than he, and when he saw that all efforts of adjustment had proven futile, he formally tendered his services to the Nation, as will be seen from an extract of the correspondence to be presently referred to.

In a former part of this article I referred to the fact that notwithstanding his seeming austerity—for indeed it was but seeming instead of real—he possessed a warm and kindly heart. James Woods (Old Timber) says that he was a kind-hearted man and very considerate of the feelings of others; and this statement is fully confirmed by Professor Theodore S. Parvin, Judge Thomas S. Wilson, Daniel Miller and other of his contemporaries. He was particularly kind and helpful to meritorious young men who were striving to gain honorable position in life. This, as well as the lovable traits of his private life and character, is admirably shown in the correspondence contained in the valuable article contributed by the distinguished artist, George Yewell, and published in the October, 1901, and the January, 1902, numbers of the "Annals of Iowa." These latter relate to the private side of Judge Mason. I would like to embody them in this work, but that would be beyond its scope, and I must content myself with the use of a few extracts to both illustrate and confirm what I have said.

As preliminary to such extracts, and to throw a strong light on the situation, I must here introduce the following statement of Mr. Yewell in relation to it:

My acquaintance with Charles Mason began at Iowa City, my boyhood home, in December, 1848. Born October 24, 1804, he had recently passed his forty-fourth year, and I was just nearing my eighteenth birthday. In the previous month of January, Judge Mason, together with William G. Woodward and Stephen Whicher, had been appointed by the legislature, commissioners to prepare a code of laws for the State of Iowa, and were then holding a session at the old Capitol Building in Iowa City. Judge Mason's attention had been directed to me through certain rude political and local caricatures, the work of my youthful pencil, in which some strong exaggerations of character and ridiculous situations appealed to a native sense of humor that he always manifested in a quiet way. He came one day to our house and left word for me to call upon him at his hotel, and bring with me some of my drawings for him to look over. His colleague, Mr. Woodward, whom I had known from my early boyhood, was in the room when I presented myself, and introduced me to Judge Mason, whose dignity of bearing impressed me strongly, while, at the same time, I was drawn to him by a kindliness of manner and an evident desire to befriend and help me. He examined my boyish efforts in pencil and watercolor, and told me, finally, if I would like to become a painter, and would let him have some of my drawings, he would show them to some artists in

Washington, where he was going in the following spring, and whose opinions he would get as to my apparent fitness for the study of art. I selected some of those I considered best for the purpose and gave him, and he told me at parting that when he returned to Iowa City he would let me know the result of his inquiries. In February, 1851, Judge Mason called upon me again and told me that my sketches shown to several Washington painters had seemed to them to indicate enough talent to warrant my taking up painting as a serious study. He told me he was going to New York in May and, if I wished, he would make inquiries with reference to my establishment there as a student of art. He was on the point of leaving Iowa City, and I could write to him at his home in Burlington, Iowa, when my decision was made. This I did.

On August 7, 1851, Judge Mason thus writes him:

I arrived here this morning and have been to see several persons in your behalf. I called on Mr. Durand, but he was in the country and would not return for several days.

Among others, I have talked with Mr. Bryant, the poet, and with Mr. Ingham, the painter. They both assure me that there will be no difficulty in your getting admission into the Academy of Design. Mr. Ingham assured me that this was your best chance.

On August 31st of the same year he writes him:

I returned home yesterday and found yours of the 24th awaiting me. I am highly gratified to learn of your final determination, and particularly with the spirit with which you are about to commence your arduous undertaking. I entertain great hopes that you may attain high eminence in your profession. I send you a letter of introduction to Mr. A. H. Dana, whom you will find at No. 27, Wall Street. His office is in the third story. He will be able and willing to render you assistance in the way of information and advice. I send you another letter to William Thurston Black, the artist of whom I wrote in my last letter. He was at No. 74, Chambers Street, but will be found at the Academy of Design, probably, before you reach New York.

I should be glad to hear from you when you get settled down in New York, if not before. If you ever have occasion for fifty or one hundred dollars, let me know, as I shall be very glad to make you some advances of that kind that I may secure some of the specimens of your skill as an artist after you have attained that excellence to which you aspire and which I believe you will attain.

That these acts of Judge Mason proved highly serviceable to Mr. Yewell is shown by the following statement of the latter:

Through Judge Mason's letter I found an excellent and helpful friend in Mr. William Thurston Black, who assisted me in many ways. The other letter to A. H. Dana, Esq., was instrumental in procuring for me a note of introduction to his relative Mr. Charles A. Dana, then assistant editor of The New York Tribune, who talked encouragingly to me and gave me a letter to his friend, Thomas Hicks, the artist, who, a little later received me as a pupil. At the same time I entered the Antique School of the National Academy of Design, and settled myself down to a winter of serious study.

On January 25, 1852, Judge Mason writes him:

I hope all your expectations will be realized. I take great interest in your success, and am expecting something extraordinary as the result of your studies and efforts. Let nothing dishearten you. The pursuit is a noble one. I trust you will strive to stand in the first rank among artists. In your profession, as in all others, there must frequently be causes and occasions of discouragement, but perseverance and determination will be sure to carry you through triumphantly, if your health does not fail you.

How are your financial affairs? Let me know whether you need anything on that score. Your expenses are not great, but I hope you will not deny yourself anything necessary to your progress in your studies.

The opportunity finally came for young Yewell to go and study in Europe. How it came about he thus relates:

With a growing desire each year to go and study in Europe, the opportunity finally came, through Judge Mason, in the summer of 1856, and it was settled that I should go abroad, in a letter I received from him May 29th of that year, in which he also invited me to spend a month with them at Washington before I sailed.

As touching the tender of his services to the Government soon after the commencement of the Civil War, he thus writes on November 1, 1861:

I have long since offered my services to the government whenever they are needed, but have not been called on and probably shall not be.

As further confirmatory of my statement as to his kindness and helpfulness to young men, Mr. Yewell says:

Very few people knew of the many young men he befriended and assisted with money. I know of one for whom he did that and more, for to me he stood in the place of a father, giving me not only advice and money, but that which was better and more precious—affection.

In order to throw an additional light on George Yewell and thereby on the point under consideration, I may add that he was the son of a widow living in Iowa City; that Judge Mason, whose attention had been called to his youthful drawings, furnished the money to give him an education in New York and Europe along that line; that Yewell became a distinguished artist and painted several prominent men of Iowa which now adorn its capitol: thus adding an instance to the saying that "Man is the creature of circumstances," which does not conflict with the other one that "Every man is the architect of his own fortune," nor with the higher one that "God helps those that help themselves," for this young man exerted all his energies to avail himself of the circumstances within his reach.

But from what has been said it must not be inferred that Judge Mason was altogether dove-like in his make-up. On the contrary he was quick, sensitive, irascible, high spirited, and Woods says, when angry, "violently grand." He was a natural student and delved for knowledge to the end of his life. He was versed not only along the best lines of literature but of science and philosophy as well. He lived a pure and upright life and died without a stain upon his character.

If Iowa shall ever erect appropriate monuments to perpetuate the memory of its founders, surely that of Charles Mason will be no inferior one, nor will those of his associates on the bench, Joseph Williams and Thomas S. Wilson of whom I come now to speak.

Associate Justice Joseph Williams.

Of the early judges who have adorned the bench of the Supreme Court of Iowa the memory of none has been more keenly kept alive than that of the subject of this sketch. By reason of his strongly marked individuality, he was always a center of interest and observation with the people of his own time, and traditional influences

have in great measure perpetuated that interest down to the present. Instances illustrating his unique traits, his versatile talents, his varied accomplishments, his keen sense of humor, his easy transition from the grave to the gay, his amusing anecdotes, his charming presence, his delightful talks, what he did and said on certain occasions, and even what others said about him, his strong sense of justice, his unbounded generosity, have been variously told and retold, orally and through newspaper and periodical for half a century. And while it is likely that some of these narrations and incidents were overdrawn, or fictitious, or colored by personal or political considerations, I am firmly of the opinion, that, taken altogether, the characteristics they exhibit largely account for the great popular esteem in which Judge Williams was held while living and the affectionate regard cherished for his memory since his death.

What I have just said is illustrated by an article which recently appeared in one of the newspapers of the State, in the course of which the author erroneously says, that of the boyhood and youth of Judge Williams but little is known. The article was evidently written in good faith; but some of the statements therein contained, to point out which would serve no useful purpose, were founded on mere hearsay, which is not admissible in a court of justice even when only the most trivial rights are concerned, and in this case must have been without any foundation in fact upon which to rest, as I think will clearly appear from the considerations hereinafter presented.

It was my good fortune to become acquainted with Judge Williams when I was a young man, more than fifty years ago. The spirit of history, whether of individuals or events, must be the spirit of truth, and in sketching him now, it is my endeavor to draw as true and faithful a picture of him as my poor ability and limited space will permit. He was born in Huntingdon, Westmoreland County, Pennsylvania, as were his brothers William and Robert. The first of these became Major William Williams—a name as familiar as a household word in Iowa—who went with the United States troops in 1850 to establish a fort where now stands the city of Fort Dodge; who, after the troops removed, purchased the site upon which that beautiful city was built, laid out the town, gave it the name it now bears, and labored a quarter of a century in its upbuilding. Through the deeply packed snow-drifts of the trackless prairies, and in the face of the most difficult conditions, he led the troops that went to the relief of the settlers at the time of the Indian massacre at Spirit Lake, and was subsequently appointed by Governor Kirkwood to defend that frontier of the State. His daughter became the wife of another distinguished Iowan, whose name is closely identified with the history of the State, and whose services were invaluable in its development and in the molding of its laws and institutions, that splendid gentleman, John F. Duncombe, one of the strongest lawyers and ablest men the State ever had.

The other brother mentioned, Robert Williams, also removed from Pennsylvania to Iowa in an early day and for many years was an honored citizen of Musca-

tine, where he died some years ago. From the daughters and a son of Robert, still residing in Muscatine, and from the only surviving child of Judge Williams, Mrs. William C. Brewster, of New York, I learn, through the kindness of Judge W. F. Brannan, of Muscatine, whose name and long judicial services are well known to Iowa lawyers and whose high character is a perfect guaranty of the reliability of the medium, that Joseph was born in 1801; that he was the junior of William and the senior of Robert; that their father died in 1822, when Joseph was about twenty-one years of age, and that the latter had lived at home and under the direction of his father until that time; that the children were devotedly attached to the father and he to them, and that Joseph was always distinguished for his kindness and affection.

As to just what his educational training was I am unable to say. It probably did not reach beyond that furnished by the common schools, rounded off, perhaps, by a term or two at the Academy, but in any case it must have been reasonably good, judging from the correct and virile use he made of the English language in his published opinions, in his utterances from the bench, in conversation, and on all occasions; and judging also from the fact that he was deemed sufficiently equipped to enter as a law student, soon after his father's death, the office of Chauncy Forward, one of the most celebrated lawyers in Pennsylvania. In this office he found for a fellow-student Jeremiah S. Black, who afterward became Chief Justice of the Supreme Court of Pennsylvania, and later Attorney-General of the United States, and established an enduring national fame as a great lawyer and a great man. Between these two students there was formed a strong personal friendship that lasted and grew stronger to the end. For a number of years after their admission they were rivals in practice at the Somerset bar, one of the strongest in the State, and that Mr. Williams was considered a formidable one by Mr. Black will be clearly shown farther along.

It is proper to note that we now see Mr. Williams in a situation most favorable to legal learning and development; his school, the office of a distinguished lawyer; his instructor, that lawyer himself; his fellow-student and friend, one of the most talented young men of the nation. How could a student as bright and intuitive as young Williams fail to legally thrive under such circumstances? That he did thrive is shown by his years of successful practice in Pennsylvania before the President placed him upon the Supreme Bench of Iowa, and by the regard in which he was held as an able lawyer by such a distinguished man as Judge Black.

After the death of that great man, his daughter, Mary Black Clayton, prepared and published a book entitled, "Reminiscences of Jeremiah Sullivan Black." In this she states that her father commenced to write an autobiography which was never finished, but from which she quotes as follows: "My competitors were exceedingly formidable men; half a dozen of them achieved great reputation in public life, and some of them were well known for their talents. I need not give you any extended account of them, but I will enumerate them and mention some of their char-

acteristics." He then proceeds to mention, first, Chauncy Forward, next, Charles Ogle. I now quote from what the daughter herself says, which comes immediately after what her father has said of Ogle in the autobiography referred to:

The next person mentioned as a rival at the Somerset bar is Joseph Williams, afterwards Chief Justice of Iowa. Many years after they had lived together in Somerset, he called on the Chief Justice of Pennsylvania at a New York hotel. Not finding him in, he left on his table the following:

"Salutations of the Chief Justice of Iowa to the Chief Justice of Pennsylvania.
 "Oh, Jere, dear Jere, I have found you at last,
 Now memory, burdened with scenes of the past,
 Restores me to Somerset's mountains of snow,
 When you were but Jere, and I was but Joe."

She then quotes from the autobiography what her father had set down therein concerning Judge Williams as follows:

Joseph Williams was a practicing lawyer whose ready tact was very dangerous to an opponent, and he was well up in the books. After he left Somerset he became Chief Justice of Iowa, and later he was a federal judge in Kansas. He never got over his fondness for fun, but he performed his judicial duties worthily and well, for he was a sincere lover of justice. These are the men whose competition I had to face; my seniors and superiors in everything that makes practical power.

In 1856 David Paul Brown, the great criminal lawyer of Philadelphia, prepared and published a book entitled, "The Forum," contained in two volumes. His references were mostly to men who had gained a reputation at the bar. From pages 375 and 376, Vol. 2, I quote the following to show that Mr. Williams was regarded as one belonging to that class, as well as to illustrate Mr. Williams himself in the role of a practitioner:

Before Mr. Williams was appointed United States Judge for the Territory of Iowa, he was defending a client in the interior of Pennsylvania, against the claim of a quack doctor who professed everything and knew nothing, and who had instituted a suit for surgical services, and had marked the suit to the use of another, in order to become a witness. The following was the cross-examination:

Mr. Williams—"Did you treat the patient according to the most approved principles of surgery?" Witness—"By all means—certainly I did."

Mr. Williams—"Did you decapitate him?" Witness—"Undoubtedly I did—that was a matter of course."

Mr. Williams—"Did you perform the Caesarian operation upon him?" Witness—"Why, of course; his condition required it, and it was attended with great success."

Mr. Williams—"Did you, now, Doctor, subject his person to an autopsy?" Witness—"Certainly; that was the last remedy adopted."

Mr. Williams—"Well, then, Doctor, as you performed a post-mortem operation upon the defendant, and he survived it, I have no more to ask, and if your claim will survive it, quackery deserves to be immortal."

I have thus particularized, not only for the purpose of throwing light upon the personal history of my subject and properly sketching him, but to remove doubts which have sometimes been expressed by the uninformed as to whether a man so variously gifted that he could play the violin, the flute, the fife, sing well, lecture entertainingly, tell funny stories, and charm every company he entered by his con-

versation and wit, could really have had the time or inclination to become much of a lawyer before he was elevated to the bench. I do not, myself, think he was a plodding student, or as described by Milton, "Deep versed in books, but shallow in himself;" but that he was a well-equipped and well-read lawyer, there can be no manner of doubt. Judge Black put it as we have seen, that he was "well up in the books." Certainly every lawyer and presumably every layman knows what that means. Not only this; Judge Black in the unfinished autobiography referred to, declares him to have been one of the most formidable rivals he had to contend with. The foregoing would seem sufficient to forever put a quietus upon any doubts that may have been entertained on the subject of his prior qualifications.

Let us now turn to his career on the bench. Upon the organization of the territory in 1838, President Van Buren appointed as the Judges of the Supreme Court, Charles Mason, Joseph Williams and Thomas S. Wilson, Mason being named as the Chief Justice. As the subject of the length of service of these judges and their immediate successors seems to have been somewhat mixed in the different narrations, I will quote what Judge Mason says concerning this in a manuscript relating to the Bench and Bar and Leading Public Men of Early Iowa, which he was kind enough to prepare and send to me when he learned I was collecting material for future publication on that subject. Judge Mason says:

The first information I had on the subject was that the bill organizing the new Territory had passed and that I had been appointed by President Van Buren, Chief Justice, with Joseph Williams, of Pennsylvania, and Thomas S. Wilson, of Dubuque, as my associates. We were all reappointed in 1842 by President Tyler and again in 1846 by James K. Polk.

Upon the organization of the State Government in December, 1846, the condition of the parties in the Legislature was such that it was found impossible to elect Judges or Senators, and accordingly under a provision of the State Constitution, which had been adopted, the Territorial Judges held over as Judges under the State Government. In May, 1847, however, I resigned my office and Judge Williams succeeded me as Chief Justice, the vacancy being filled by the appointment of John F. Kinney as an associate. In December, 1848, the deadlock having been removed, Senators and Judges were elected and Joseph Williams thereby became Chief Justice with John F. Kinney and S. C. Hastings as his associates. A new election of Judges was held two years later and Joseph Williams, as Chief Justice with John F. Kinney and George Greene as his associates, became the Judges of our Supreme Court.

I must be pardoned for saying a word, *en passant*, of that tribunal as thus constituted. Charles Mason was a man of towering intellectuality; Thomas S. Wilson, though the youngest of the three, was a decidedly able and well-trained lawyer, and Joseph Williams we have already had a glimpse of. They were all men of dignified bearing on the bench, typical gentlemen of the old school. I venture to state that not any of the numerous territories organized by the government, ever presented a court more prepossessing in character and appearance or more able and efficient in execution. Their services were invaluable in the formative period of Iowa and none of them should ever be suffered to lapse into oblivion.

Joseph Williams served as Judge of the Supreme Court from 1838 to 1855, a period of about seventeen years, and the last eight years of this period as Chief Justice, when he was succeeded by Judge George G. Wright. His opinions will be found in the Reports of Morris and Greene.

After my own connection with the Supreme Court as the Reporter of its decisions had been terminated, I prepared and gave to the profession a Digest of all the decisions of that court from the earliest territorial period to that time. It became my duty to digest with care every opinion that had been delivered and published in the Reports. And I can say without hesitation and with emphasis, that if there be any one who doubts that Judge Williams was a clear-headed and able judge, let him study that judge's opinions as closely as I did in the course of that work, and his doubts will be thoroughly dispelled. Taken as a whole, they display acumen, clearness, learning and force, and some of the more important ones, remarkable intuitiveness and wonderfully quick appreciation of the points presented and the conditions surrounding them. I personally know that this estimate has been held by some of the best lawyers Iowa has had. For instance, during a recent visit to Iowa, I met at Ottumwa my old friend and co-worker, William McNett, who is well known as one of the ablest lawyers of the State. In our conversation, we touched upon Judge Williams. He thereupon remarked that he had in hand an important case in which was involved a difficult question; that to properly solve it, he had gone to many decisions and authorities and at last had found one that went to the bottom of the matter and contained a clearer solution of the question involved than all the others, and this was an opinion by Judge Williams in Third Greene's Report. He also recalled an incident, of which we were both witnesses, that occurred at the opening of the Supreme Court Room of the new Capitol at Des Moines. Many visiting lawyers were present. Among them was Judge Samuel F. Miller of the United States Supreme Court, the greatest constitutional lawyer the nation ever had, excepting, always, John Marshall. He made some remarks on the occasion, in the course of which he referred in the most earnest and touching manner to Judge Joseph Williams. He said he regarded him as one of the clearest, most intuitive and best judges that had ever graced the bench of the Supreme Court of Iowa, and that his decisions had operated as an important factor in properly moulding the jurisprudence of the State. What higher compliment could any judge wish for than that?*

*Note—Since writing the above I have received the following letter from Mr. McNett in reply to one I wrote him on the subject, which I deem it proper to set forth in this note:

My Dear Stiles:

I have your letter of the 23d instant. The case I refer to is the first case in 3 G. Greene, Taylor v. Galland, page 1, and the particular feature of the opinion to which I was attracted, will be found on pages 20 to 25 inclusive.

Here he considers and states one of the main important principles of the law of evidence, as I conceive it, in as clear and terse a manner as it ever has been

Of him Judge Mason says in the manuscript hereinbefore referred to, "Judge Williams was one of the most companionable and entertaining men I have ever known, and although perhaps not what would be termed a very close student, was a man of exceedingly quick parts and arrived at just conclusions as if by intuition."

In 1857 he was appointed one of the Federal Judges for the territory of Kansas and continued to act in that capacity until the State was admitted. He was also appointed by the President in 1863, Judge of the Court established at Memphis under military authority. In these positions his duties were discharged with ability.

I distinctly remember the announcement of his death before the Supreme Court in 1870 by Henry O'Connor, who was the Attorney-General of the State. In the course of his remarks, Mr. O'Connor said:

His character was above even the eulogy of gratitude. The simple story of his life is his highest eulogy. An able and learned lawyer, a just and upright judge, a patriot beyond the reach of suspicion, a citizen above reproach, an honest man, and a friend whom adversity did not frighten. It may be said of Judge Williams what can be said of few men, that he made a friend of every one with whom he came in contact and that he never lost one by desertion or neglect. His reputation and fame were national. The sunshine of life seemed to be in his keeping, and in every company of which he formed a part, he dispensed its light and warmth with a hand as lavishly generous as its sources were inexhaustible. He had no thought of the morrow, cared not what he should eat or wherewith he should be clothed. His faith in humanity was less only than his faith in God.

Judge George G. Wright, on behalf of the court said:

By the aid of conversational powers unsurpassed, and social qualities which charmed and captivated the high and the low, the learned and the unlearned, and yet making no one the less mindful of the sacred duties and obligations of life, he made impressions which will last while the State endures, and left monuments which will remain so long as our judicial records shall be read. Such a life is a proud part of our State and professional inheritance.

A multitude of amusing stories have been told about him which will be reserved for a more appropriate occasion. I cannot refrain, however, from relating one that illustrates his kindness of heart, and another, the charm of his conversation and manners. This one is from Judge Brannan:

The term of the Supreme Court had closed at Iowa City, Judge Williams had paid his hotel bill and had left barely enough money to take him to Muscatine. Travel was then by stage and passes were unknown. A man whom Judge Williams

stated anywhere. You will appreciate this by consulting the leading case of *Seitz v. Brewsters' Refrigerator Co.*, 141 U. S., 510.

I cannot recall with much distinctness what Justice Miller said about Judge Williams at the dedication of our new Supreme Court room, and do not remember, and have no data to refresh my recollection, as to just when that was.

I do remember of his speaking of Judge Williams in very high terms, as a man of culture and high legal attainments. He also spoke of his comprehensive grasp of legal principles, and the clear and terse manner in which he stated them in his opinions. I do not think there was any one of the Iowa judges to whom he referred in higher terms of praise and commendation than to Judge Williams.

Yours truly,

Wm. McNett.

did not know, came to the Judge in apparent distress and asked him to give him money to go to Muscatine, saying that it was necessary that he get there at the first opportunity. The Judge looked at him for a moment, put his hand in his pocket and handed him the money he needed for his own passage, and then proceeded to borrow the amount he had just given to the other man.

This is the other one. The appointment of the judges in 1838 was but for four years. When that period had expired, John Tyler had become President by the death of General Harrison. As some opposition was being made to the reappointment, Judge Williams was sent to Washington to look after the matter. It was before the days of railroads and the way was made partly by boat and partly by stage. One morning in the latter part of the voyage he found seated opposite him in the stage a handsome and charming lady. During the long journey they naturally became acquainted, or engaged in conversation. They were congenial and, in a social sense, mutually attractive, insomuch that the Judge disclosed to her his name and the object of his visit to Washington; but when the lady reached her stopping place, Baltimore, and they parted company, the Judge had not learned her name and did not know who she was. After reaching Washington, he sought an interview with the President who received him with great cordiality, and proceeded to converse with him in the most affable manner. The Judge was embarrassed at this unexpected effusion and personal kindness, but after a while ventured to suggest the nature of his business. "Oh, that matter has already been attended to and my Secretary will hand you your commission," said the President. "But," said Williams, after recovering himself sufficiently, "I should not want the position unless my associates were also reappointed." "Oh, that has been attended to also and their commissions will be handed you along with your own," said the President. "And, by the way," he resumed, "there is a lady acquaintance of yours in the next room who would like to see you." Whereupon the folding doors were opened and Judge Williams was led into the presence of Mrs. Tyler, who was delighted to meet him again. She had arranged matters in advance with her husband, the President, and the Judge went his way home rejoicing.

The fact is, Judge Williams, by reason of his great versatility, was a genius, and if time and space would permit, I could more thoroughly demonstrate it. It has been said that the drafts which genius draws upon posterity, although they may not always be honored so soon as they are due, are sure to be paid with compound interest in the end, and if I have in this limited attempt faintly verified the truth of that statement, I shall be content. Joseph Williams was not only an able Judge who served well the State, but a kind and compassionate gentleman, whose sweetly fragrant memory will be affectionately cherished by the few contemporaries who still survive him, and by them and through their efforts be wafted to their posterity. Of him may be fittingly said what was said of Charles York, Lord Chancellor of England: "His moral and intellectual worth and legal renown, and, more than all,

his gentle goodness and attaching qualities of heart, will shed a calm and placid light over his memory, like the pure ray of some distant star which the mists of earth for a time obscured from our view."

Associate Justice Thomas S. Wilson.

I know nothing of the ancestry of Judge Wilson. I have not been able to obtain any information respecting it, and the autobiographical narration embraced in this sketch fails to throw any light upon it, save that it discloses that he was given an academical education, from which we naturally infer that at least his parents were fairly well circumstanced and able to give their son a suitable education; and beyond question, he belonged to a strongly intellectual family. He had three brothers who, as well as himself, attained more or less pre-eminence as men of ability. His brother George was an officer of repute in the regular army and a member of General Zachary Taylor's Regiment. His brother David, whom I knew well, and who was a most companionable and delightful man, was an able lawyer, and for a number of years, Judge of the District Court in the District embracing Dubuque County, and his brother, Samuel Wilson, was one of the most distinguished lawyers in California. The latter had two sons who became leading lawyers in San Francisco. While in California quite a good many years ago, I was told that Wilson was the greatest land lawyer in the State, particularly along the line of Spanish grants. He was regarded as very able. I might also add that Judge Wilson had a nephew that I knew in Missouri, George Wilson, a banker at Lexington, who was a man of decided intellectual parts; that he had another nephew in Kansas City, Missouri, B. Wells, a learned lawyer, who was one of Edwin M. Stanton's Secretaries during the War of the Great Rebellion; that he had a niece at Dubuque, Rebecca Wells, one of the brightest, as well as one of the loveliest of women, who became the wife of the distinguished Iowa Editor, M. M. Ham, of the Dubuque Herald—both long since dead; and that he himself had a daughter who was regarded as one of the most charming and gifted ladies in Dubuque. I know not whether she be living.

Thomas S. Wilson enjoyed many offices of trust, and in every one he exhibited perfect fidelity; among them, that of Prosecuting Attorney of Dubuque County, and of Grant County while we were a part of Wisconsin Territory, and he was one of the Commissioners to settle the title to the Half Breed Tract. After the organization of the Territory in 1838, he received the first nomination for Congress. But pending this, the news came of his appointment as one of the Judges of the Territorial Supreme Court which he concluded to accept, and in consequence declined the nomination for Congress. He came within one vote of being elected United States Senator when George Wallace Jones was chosen for that office. In 1852, he was elected District Judge of the Second Judicial District and re-elected in 1857, serving in that capacity for eleven years, making in all a judicial service on the Ter-

ritorial and State Bench of twenty years. He several times represented Dubuque County in the Legislature. In every position he proved an able, true and useful servant of the people. He was the early and constant friend of Dubuque and a protector of its rights. He was ever the friend and ally of the early settlers and exerted himself on all needful occasions to defend their rights. He was selected to represent them at Washington when their titles were threatened by Congressional action, and on all occasions showed his fidelity to the people who had braved the perils of the wilderness to found a State, and for him, in return, they always cherished an appreciative regard.

When appointed as one of the Supreme Judges he was scarcely twenty-five years of age and by several years younger than his associates. Not only young in years, but in appearance, his slight form and stature accentuated his boyishness; he hardly filled the preconceived idea of what a Judge should look like. This, as well as his innate good nature, is illustrated by the following relation of Professor Parvin:

At the date of the organization of the Territory, Judge Wilson was the only one of the Judges on the ground. Judge Mason was absent from Burlington and Judge Williams had not yet arrived at Bloomington (Muscatine). Having attained my majority, I was anxious to be admitted to the bar and repaired by steamer to Dubuque that I might be sworn in by Judge Wilson. Arriving at Dubuque I sought the residence of Judge Wilson without delay. Reaching the open door, for it was midsummer, and the whole scene now, after forty and eight years have passed, seems like a "midsummer's dream"—we were met by a pleasing and youthful looking gentleman who invited us in. Taking him for a son of the old Judge, I asked for his father. He had no father, he said, and even blushed at my embarrassment. Rallying in a moment, we stated that we had called to see His Honor Judge Wilson, of the Supreme Court of the Territory of Iowa; and were surprised, as well as more embarrassed, when informed that he was Judge Wilson. Could it be possible that this young man was one of the Supreme Judges! Three months later when the first term of the Court was about to close at Burlington, a steamer from below was announced. Judge Wilson, desirous of returning to his home at Dubuque, requested the United States Marshal, General Francis Gehon, who also lived in Dubuque, to go and secure him a berth. The general, an old and large man, went to the steamer and engaged a room for the Judge and so reported. A few minutes later Judge Wilson hastened aboard with his grip-sack, and having the number of his room, at once went to it. The captain stopped the Judge at the door and said, "Hold on, young man, you can't have that room." "This is the room I've engaged," blandly remarked the Judge. "No, sir," said the captain, a tall, middle-aged man of the world, "that room is reserved for the old Judge who is going to honor me with his company to Dubuque, and I am waiting his coming. I will give you a good room, but not that one." The Judge, taking in the situation, good humoredly replied: "I know the Judge well; he and I are good friends and always travel together." Just then the Marshal came in, and seeing the Judge outside the door, asked: "Did you find your room?" "Yes," said the Judge, "but the captain won't let me in." The Marshal coming forward, at once introduced to Captain Throckmorton his friend, Judge Wilson. The captain, more surprised than we had been upon a former occasion, looked down upon the young Judge and then to the old Marshal and said: "What, this young man Judge of your Supreme Court! In my country they make judges of old men, not boys." Grasping the young boy-judge by the hand, he cordially led the way to his room and laughed heartily afterward at his mistake.

It will go without saying, that the appointment of one so young to such a high and responsible office, shows that he must have been regarded as a young man of

superior attainments. In 1881, I earnestly requested him to assist me in the present work by sending me a brief autobiographical sketch, together with such other information respecting the early times as he might be pleased to give. In kindly response, he sent me the following narration which I feel assured will prove of interest:

I was born at Steubenville, Ohio, October 13, 1813; graduated at Jefferson College, Pennsylvania, in 1832; commenced the practice of law there in 1834; left for Wisconsin the first of October, 1836. Edwin M. Stanton and myself were about the same age. Our parents were neighbors. When children we went to the same school (our first) and slept with our heads resting together on the lap of the schoolmistress. When I left Ohio for the West he came from his home at Cadiz to bid me farewell. He told me that he would move to Steubenville to fill my place at the bar, which he did. When he was Secretary of War he made it a point to bestow favors upon his early friends. He inquired of my brother David, who called upon him in Washington, why I had not been to see him. My brother remonstrated with me for not having done so, saying that Mr. Stanton had remarked that I was the only early and intimate friend on whom he had not bestowed an office, and he told David that he wanted me to come and see him. Having business in the East a few months after that, I called at the War Office to see him. It was during the Civil War. The ante-room was filled with Generals and other officers waiting for an audience. I sent in my card. He immediately sent for me to come to his room. I was conducted in. Upon entering he took me by the hand, gave me a hearty greeting and after some friendly and reminiscent conversation, insisted that I should go home with him at five o'clock and remain his guest during my stay in Washington. He said he desired to send me South on important business for the Government. I told him that I greatly appreciated his kindness, but that as my wife was very near her end with consumption I could not leave her or be absent longer than possible from her and that I must leave for home on the next train. I had a high regard for him and deeply regret that I did not see more of him in his later years. He was one of the most extraordinary men in history.

When I came to Wisconsin I landed with my wife at Prairie du Chien, as my brother, George Wilson, who was a lieutenant in General Taylor's regiment, was living there. George advised me to settle either at Mineral Point or Dubuque. I visited the former place, but did not like its appearance. On my way back to Prairie du Chien, feeling homesick and melancholy and much perplexed as to which of the two places would be the most desirable, I alighted from my horse at one of the Platt mounds and tossed up a dollar, saying to myself, if heads turn up I will go to Dubuque, if tails, to Mineral Point. It turned up heads and I started on a canter for Prairie du Chien. The steamer which made biennial visits to the town had made its fall visit and we were obliged to put our baggage into a canoe, and by this means of conveyance to make our way to Dubuque. We reached Cassville the first evening, and Dubuque on the second, eating our midday lunches on the island.

I immediately opened an office, soon acquired a practice, and in a short time was appointed prosecuting attorney. Judge Irvin, one of the Judges of the Supreme Court of Wisconsin Territory, was assigned to the Judicial District composed of the counties on the west side of the Mississippi; Judge Dunn, to the counties of Grant, Crawford, Iowa and Greene; and Judge Frazer, to the eastern counties. There were then but two counties on the west side of the river, viz., Dubuque and Des Moines. The boundary line between them on the river was a few miles below Davenport.

I brought a suit of forcible detainer in favor of a client against Antoine Le Claire, of Davenport, to recover the possession of a farm adjacent to that town. The suit was tried before Warner Lewis, a Justice of the Peace in the town of Dubuque. Stephen Hempstead, W. W. Chapman, Peter H. Engle and myself were the only practicing attorneys at Dubuque. Thomas P. Burnett, a very talented and experienced lawyer of Prairie du Chien, had one side or the other of every case in the counties of Iowa, Grant, and Crawford, in 1837-8.

In 1837, I was appointed by Governor Henry Dodge prosecuting attorney of Dubuque County, and by the court prosecuting attorney of Grant County, but soon resigned as I disliked the business of prosecuting.

As soon as the bill organizing Iowa was passed, the northern counties held mass meetings for the nomination of a Delegate to Congress, and I was nominated. W. W. Chapman, who had removed to Burlington, was a candidate also. After my nomination, at the suggestion of friends, I prepared to canvass the lower counties of the Territory. When I arrived at the steamer to take my passage to Burlington, I was informed by the clerk that I had been appointed one of the Judges of the Supreme Court of Iowa. When I expressed my doubts about it, he took me into the office and showed me a copy of the Missouri Republican, which contained a notice of it. I then returned home to consider whether I should accept. After a few days' consideration I concluded to do so, and declined the nomination for Congress.

The most important law suit with which I ever had any connection either as judge or lawyer was the suit in which was tried the validity of the Spanish and Indian Grant to Julien Dubuque for the land including the present city of Dubuque, and running from the mouth of the little Maquoketa to a point nine miles west, thence south in a parallel line to the Mesquibenanques Creek (now called "Tete des Mortes"), thence east to where that creek empties into the Mississippi River. Julien Dubuque was an Indian trader, a Canadian Frenchman, whose trading house and dwelling were located at the mouth of Catfish Creek, about one and a half miles below Dubuque City. He purchased his goods from Mr. Choteau, of St. Louis, a prominent member of the American Fur Company. In the year 1788, Dubuque, at Prairie du Chien, procured a grant for the same land from the Indians (Sacs and Foxes), and presented it in 1796 to Baron Carondelet, the Spanish Governor of the Territory of Louisiana, at New Orleans, for confirmation. The Baron endorsed upon the petition of Dubuque the words, "Granted as prayed for," and signed it. A grant was first procured from the Indians who then occupied the country, as the Spanish Government never allowed any intrusion upon their lands without their consent, and it is worthy of note here that it never sold an acre of land in its American possessions, but granted the land to settlers upon their petition. It never surveyed the lands, but its rules required that persons who obtained grants of land should, unless a plat of survey was presented with the petition for the grant, have a survey and plat made, and these were recorded in the books of the Governor's Office.

Dubuque never had this survey made. Being indebted to Choteau for Indian goods, he conveyed to the latter the south half of the lands in his grant. Dubuque died at his trading house on the land in the year 1810, and after his death the Indians occupied the land. The Territory of Louisiana was ceded by Spain to France and by France to the United States. When Iowa was organized as a Territory, the public lands were surveyed, and the sale of lands commenced. But for years after other lands on the river were sold, the lands described in the grant to Julien Dubuque were not opened for sale. These lands were kept from sale by the influence of the Missouri members of Congress, Thomas H. Benton, Lewis F. Lomax and others, who interfered at the request of the Choteau family, which had great influence in Missouri. The pretext was, that the validity of the Dubuque claim should be settled before a sale of the land. But in the course of time, the Commissioner of the General Land Office ordered the lands, including these, into the market, commencing as in all other sales, with a public sale. Before the date of the sale Congress met, and the Missouri Senators introduced a senate resolution, which passed, requesting the President to hold these lands from sale. This caused great trepidation among the settlers here who had settled upon and improved the lands, for the postponement of the sale depreciated the value of the lands and prevented their settlement. Further, it retarded the settlement of the town of Dubuque, and kept its population below that of Burlington and Davenport. Having a large farm on this tract on which I resided, I was called upon by many of the settlers to go to Washington, in order to prevent any interference with the sale. I did so, and had an immediate interview with S. C. Hastings and Shepherd Lefler, our members of Congress. We had then no representation in the Senate. I presented the situation to them, and it was agreed among us at my suggestion,

that Judge Hastings should call the next morning on the President, and ask him not to interfere to postpone the sale, but that if he thought he could not disregard the Senate resolution, then to ask him if he would not permit the sale to proceed if the lower house should pass a resolution requesting it. The President replied that he would. As soon as the House met, Judge Hastings introduced the resolution. It was opposed by the Missouri members, and as the vote was taken viva voce it was difficult to decide whether it had passed or not. But Judge Hastings, after the House adjourned, went to the clerk and asked him for a copy of the resolution "which had just passed." The clerk replied, "It did not pass, did it?" Hastings replied, "Certainly, it passed," and the clerk gave him a certified copy, which was presented to the President, and the sale proceeded. With great joy we entered our lands, but the Choteaus soon brought a suit to test the validity of their claim. I was at the first selected as the victim defendant, but as they were not certain on which part of the grant my farm was situated, they selected P. Malony, the owner of a large farm, as defendant. He employed me as his attorney, and I commenced the study of Spanish grants and Spanish law applicable to the case. This opened up a new field of research to me and to Judge Dyer, the United States District Judge here, before whom the suit was pending, and we spent much of our time for two years in the investigation. The case was decided, as a matter of form in our favor in the court below, and was appealed to the Supreme Court of the United States. The accomplished gentleman, Reverdy Johnson, was the attorney for the plaintiffs, and I employed Platt Smith, Esq., to assist me in the defense. On the trial of the case in the Supreme Court Mr. Johnson made a powerful speech for the appellant; one which surprised and alarmed Mr. Smith and myself, as we did not think that so good an argument could be made in so weak a case. The case was submitted and we waited at Washington many days anxiously for the decision. I was stopping with my wife at Brown's hotel, as also were United States Supreme Judge McLean and his family. I should have stated before, that in the conclusion of my argument to the court, in order to call its attention to the importance of the case, and to inform them that the controversy was not about a tract of wild and unsettled land, I remarked that a decision of the case adverse to my client, would place hundreds of families at the mercy of foreign, heartless speculators, turning them from house and home; that these men, women and children would be turned into the wilderness and be in a worse predicament than were the children of Israel when they were in the wilderness, for the latter had the "pillar of cloud by day and the pillar of fire by night" to light their path and direct their wanderings, and their hunger was satisfied by manna from Heaven, while our poor settlers would have no such blessings, and hunger, poverty, destitution and death would mark their lonely way.

One morning while we were thus anxiously waiting for the Court's decision, my wife and I were at the breakfast table, when Judge McLean entered with his family, and seated themselves near us. Judge McLean then said to my wife in a playful manner, "Mrs. Wilson, are you ready this morning to pack up and start into the wilderness?" alluding to my argument. She replied, "No, Judge, and I hope the Court will not make any decision that will render that necessary." Without finishing my breakfast, I hastened to the room of my colleague, Platt Smith, who was sleeping soundly, and said to him, "Smith, wake up, we have gained our case." "What makes you think so," said he. I related to him what Judge McLean had said at the table, adding that Judge McLean was too much of a gentleman to joke with us upon the subject if the decision had been against us. We hastened immediately to the office of the clerk of the Supreme Court to inquire about the decision, and were informed that the Judges had made a decision in their room the day before, but what it was, was not known. In a few days a decision by a unanimous Court was handed down in our favor, based on the ground that there never was a legal survey of the grant, and that the paper signed by the Baron Carondelet was merely an inchoate grant.

I may add here that for my services in the case, including two years of labor and the expenses of two winters' sojourn in Washington, waiting for the cause to be reached and then trying it, I received the enormous fee of \$800 in city warrants, which I had cashed for \$700. The land in controversy was nine miles wide and twenty miles long situated on the banks of the Mississippi River, including the City of Dubuque.

Julien Dubuque had great influence with the Indians, and sometimes resorted to unworthy measures to maintain his influence over them. At one time he was desirous of obtaining a favor from them, which was refused by them after three days' solicitation. On the evening of the third day he told them that if they did not grant his request he would set fire to and burn up the Mississippi River the next morning. In the night he took out a barrel of turpentine and poured it on the still waters of the creek near its mouth. The turpentine like oil floated on the surface. In the morning he set fire to the turpentine, telling the Indians that, to show them that he had power to fulfill his threat to burn the river, he would burn the creek. He touched fire to the turpentine and the blaze, to the great astonishment of the Indians, spread over the surface of the water in the creek. He then called out to them, "Will you grant my request, or shall I burn up the river?" They immediately cried out that the request was granted and besought him to put out the fire. He ordered the fire to stop in a certain number of minutes, giving time enough for the turpentine to burn out. It was said to be the great object of his life to find out how many Indian wives he could get, but he never kept but one at a time.

As an accompaniment to the foregoing narration, he sent me an additional paper containing some incidents and observations concerning the period, from which I give the following excerpts:

I have associated with two generations of men and it is my opinion that the first settlers were far superior to their descendants of the second generation. Their necessities and the privations they endured drew out and strengthened their best qualities. There was no communication with the East except steamboat via the Ohio and Mississippi rivers. It was a two weeks' trip even to Wheeling or Pittsburg, and from thence to Washington almost an interminable one. There were but two counties in Iowa, Dubuque and Des Moines, Davenport being included in Dubuque County. There were at Dubuque but three or four stores. These furnished the common necessaries. If we wanted anything further we had to go to Galena. The Indians had at that time ceded only a strip of land about sixty miles wide along the river. There was not a railroad nor telegraph in the United States. When navigation closed our only communication with the East was by mail carried on horseback via Chicago. When traveling on the river was not safe we went on horseback to the Supreme Court and Legislature at Burlington, following the bank of the river. General Taylor, afterward President, was stationed at the Indian agency of the Sacs and Foxes at Prairie du Chien. On the Neutral Ground were the Winnebagoes with their hereditary chiefs, One Eye and Waukonda De Korry; after the latter of whom were named the towns of Waukon and Decorah. General Taylor landed with his regiment at Dubuque on his way to the Florida War. He had his family in a Mackinaw boat. I suggested to him the propriety of his embarking to St. Louis on a steamer which was then at the wharf. He replied, "I always travel with my men"; and he did, in the boat all the way to New Orleans, his men going in accompanying boats.

At the trial of Chegaweyscum, a Chippewa Indian, for the murder of a half-blood trader, Burnett was employed to prosecute and I was appointed by the court to defend. While the prisoner was being conducted by the marshal from the jail to the court room he was under the impression that he was to be immediately hanged, and requested the marshal to shoot him instead. When he entered the court room he sang as he marched to his seat the Indian death song, which translated was, "Is it true; is it true; is it true, that I must die? Great Spirit, give me your hand," stretching his hand toward heaven, and bracing himself with Indian heroism to meet the death which he instantly expected. Upon his acquittal he desired to go to Dubuque and serve me; and did. But being annoyed by some Winnebagoes, he finally returned to his nation. On leaving, he took my right hand in both of his, as a manifestation of gratitude, and pressed it against his heart until its rapid pulsations could be felt. He subsequently sent word to me by a trader that he had for me two handsome Indian girls as presents for wives. My wife very unreasonably objected and the presents were not sent.

I hunted over the ground where the City of McGregor now is. There was then no settlement there. Alexander McGregor sold eighty acres of land in Chicago, where the Wells Street depot now stands, to buy at McGregor. The Chicago property is now worth many millions. The first court ever held in Iowa Territory after its organization was held by me in that county in September, 1838, at Prairie Laporte, from which the county seat was afterwards removed to McGregor.*

The first term of court in Jackson County was held by me in an unoccupied building belonging to Mr. Heffley, a grocer. A hogshead of molasses which was in the room was rolled against the side wall, with the end upward. Judge Grant was trying his first case in that county and the following ludicrous incident illustrates one of his well-known peculiarities. While addressing the jury the high-pitched, shrill and piercing tones of his voice, for which he was distinguished, reached far and near the ears of the loungers on the outside, who thinking there must certainly be a row on hand rushed pell-mell for and into the court room. The bailiff, a short man, mounted on top of the hogshead to restore order, but while in the act of doing so at the top of his voice, the head of the cask gave way and he went down chin-deep into the molasses. The effect of this on the court proceedings can be imagined better than described.

My personal acquaintance with Judge Wilson commenced in 1864, and was actively renewed in and continued from 1867 to 1875, during the spring and fall sessions of the Supreme Court of the State at Dubuque, which I invariably attended, and indeed, was required to attend for the purpose of hearing the arguments, under the law relating to the Reporter's office.

During this latter period, he was in the neighborhood of 60 years of age. Time had naturally wrought its changes. But he was the same amiable, kindly, thoughtful man that he has always been described as being. He was generous and charitable to a fault; he had not amassed a fortune, and was still in the hard-working professional harness. He was employed in important litigation, and continued active professional life to a late period.

He was in many respects quite in contrast with his associates. While he was short and slight, they were both tall and comparatively large. One of them was thirty-two when appointed, the other older, while he was only twenty-five. He had neither the dominant qualities of Judge Mason nor the vivacious ones of Judge Williams. But he was a rare man nevertheless; rare in the soberness of his judgment, in his general equipments and ability as a lawyer, in his industry and usefulness as a Judge, in the fidelity of his friendships, and in his unflinching kindness of heart and manner. He was a natural-born gentleman; his tokens of heraldry were from the Almighty; he belonged to the old school of which there are scarcely any specimens left. He was able and efficient, both as a Trial and Associate Judge, and he laid aside his judicial robes as unsullied as when he put them on.

* It must not be understood that this was a session of the Supreme Court, but of the nisi prius or district court of that division, the Territory being judicially divided into three districts, which were assigned to the Judges respectively. Judge Mason had the lower district, Judge Williams the middle district, Judge Wilson the upper district. From the decision of any one of these district courts an appeal lay to the Supreme Court of the Territory, which was composed of the three Judges in banc.

In view of his great and well-known industry, coupled with his unquestioned ability, it has been a matter of surmise as to why a greater number of the published opinions did not emanate from him. His explanation which I cheerfully give, is contained in the following letter:

Dubuque, Iowa, July 22, 1886.

Hon. E. H. Stiles.

Dear Sir: Your letter of the 19th was received yesterday. My statement as to the authorship of the opinions of the Court as contained in Morris Reports is that at least one-third of them was written by myself. When I wrote out those in cases left with me, I procured L. A. Thomas, Esq., an attorney of this place, to copy them for me, and forward them to Mr. Morris, the Reporter. This he did, but neglected to note by what Judge the particular opinion was written. Mr. Thomas and I afterwards talked the matter over together and he remembered well how the mistake occurred. The printer, where no Judge was named as the author, credited them to the Chief Justice.

I think justice should be done me in the premises by some public notice, especially as a certain gentleman has referred to it as an evidence of my indolence.

Yours truly,

T. S. Wilson.

After having given the subject a pretty close examination, it is my deliberate opinion that the statement of Judge Wilson is perfectly correct. Indeed, if it were not, it is morally certain that it would never have been made. One important thing is clear from Judge Mason's statement, that upon full hearing and consultation they nearly always agreed.

Judge Wilson died in Dubuque in 1894, after a continuous service as lawyer and judge for a period of sixty years—from 1834 to 1894. He was a pure and lovable man, and in the entire history of the commonwealth it has never had a more faithful and heroic servitor. His name and memory should be perpetuated in its annals, and this I have in my feeble way endeavored faithfully to do.

CHAPTER III.

EARLY GOVERNORS OF THE STATE.

Ansel Briggs.

The first three Governors of the State of Iowa—Ansel Briggs, Stephen Hempstead and James W. Grimes—were all New Englanders by nativity. Ansel Briggs, the first Governor, was born in Vermont in 1806. Here he was reared, receiving his education at the common schools, supplemented by a course at Norwich Academy. When about twenty-four years of age, in 1830, he removed with the family to Cambridge, Ohio, where he actively engaged in establishing and successfully operating stage lines. In 1836, when he was thirty years of age, he sold out his interest and removed to what is now Iowa, two years before it was organized as a Territory, settling at Andrew, in Jackson County, where he again became engaged in establishing and operating stage lines for the conveyance of passengers between different points, and carrying the mails under contracts with the general Government—sometimes driving the stage himself. In his early life he had affiliated with the Whig Party and was its unsuccessful candidate for Auditor of Guernsey County not long after his coming to Ohio. He later became a Democrat, and always acted with that party after coming to Iowa. In 1842 he was elected from Jackson County to the House of Representatives of the Fifth Territorial Legislature which convened at Iowa City, December 6, 1842. Among his associates were many strong men. He was subsequently elected and served as Sheriff of Jackson County. In all his relations he made steadfast friends by the simplicity and fidelity of his character, his honesty of purpose, his strong practical common sense, and in doing creditably whatever he undertook.

As to just what the controlling causes were that brought about the nomination of Mr. Briggs for Governor, has been the subject of various surmises. The Democratic Party was in the ascendancy but only by a slight majority, which might be lost to the Whigs by the nomination of a candidate who had personal enemies in its ranks. The liquor question, the license or non-license of its sale, was a perplexing one to handle. It would seem that it continued to be and that non-license was favored by some of the Whig leaders in order to gain party strength, from the following extract from a letter of Thomas H. Benton, Jr., to Governor Briggs, written in April of the year following his election: "In addition to other things the license

question had been brought forward and has absorbed everything relative to the election. Indeed, I believe it is a trick on the part of the Whigs to divert the attention of the Democrats. Some of the Whigs have become very temperate all at once, and do not get drunk more than once a week." But the one question, which absorbed all others in the political campaign which resulted in the nomination and election of Mr. Briggs, was that relating to the establishment of banks—a State bank with branches. Steps to accomplish this were favored by the Whigs and opposed by the Democrats. It was thought that the following toast offered by Mr. Briggs at a banquet shortly before the nominating convention, and which was made a party cry throughout the State, did more to bring about his nomination for Governor than anything else: "No banks but earth ones, and they well tilled."

To other causes that brought about his nomination may be added the able management of his campaign by Phillip B. Bradley, of Jackson County, a faithful friend and admirer of Mr. Briggs, a lawyer of wide repute, and one of the shrewdest politicians in the State. Mr. Woods (Old Timber) says that Bradley was the right hand man and confidential adviser of Governor Briggs, both before his election and during his administration. In this Phillip Bradley was ably seconded by Dr. H. M. Clark, another of the close friends of the Governor.

The nominating convention was held at Iowa City on September 24, 1846. Its functions were to nominate two Congressmen as well as State Officers. The convention was called to order by Frederick D. Mills, the highly distinguished young lawyer of Burlington, who became a Colonel in the Mexican War, and gallantly lost his life in one of its battles. William Thompson (commonly known as Black Bill on account of his complexion), of Henry County, who afterwards represented the State in Congress, was made President of the Convention, and J. T. Fales, of Linn County, Secretary. Among the delegates were many able men, men who afterwards became prominent in public affairs: A. McCleary, of Louisa County; J. E. Goodenow, of Jackson County; J. J. Dyer, of Dubuque County, who afterwards became United States District Judge, the immediate predecessor of the able and beloved Judge James M. Love; Phillip B. Bradley, of Jackson County, afterwards State Senator, and to whom reference has before been made; James Rush Hartsock, of Johnson County, afterwards Grand Master of the Masonic Order in Iowa; Enoch W. Eastman, of Des Moines County, a widely-known lawyer who afterwards became Lieutenant-Governor of the State; Shepherd Leffler, of Des Moines County, one of the first Congressmen of the State; Josiah H. Bonney, afterwards Secretary of State; Theodore S. Parvin, who had been the Private Secretary of the first Territorial Governor (Robert Lucas), State Librarian, one of the early and able lawyers of the State, and Grand Secretary of the Grand Lodge of Masons; A. H. Palmer, then Editor of the Iowa Capitol Reporter; Francis Gehon, of Dubuque County, who had been United States Marshal of the Territory; George Green, of Linn County, afterwards Judge of the Supreme Court of the State;

Stephen Hempstead, of Dubuque, afterwards Governor of the State. Mr. Briggs had two rivals for the nomination, Jesse Williams, of Jefferson County, and William Thompson, before alluded to, of Henry County. On the first ballot Briggs received 62 votes, Williams 32, and Thompson 31. On the announcement of the vote, Williams and Thompson both withdrew, and Briggs was nominated by acclamation. S. C. Hastings, of Muscatine, afterwards a Judge of the Supreme Court, and Shepherd Leffler, of Burlington, were nominated for Congress. Elisha Cutler, of Van Buren County, was nominated for Secretary of State; Joseph T. Fales, of Linn County, for Auditor of State, and Morgan Reno, of Johnson County, for State Treasurer.

The opposing Whig candidate of Mr. Briggs was Thomas McKnight, of Dubuque County. The election was held on the 26th of October, 1846. The entire Democratic ticket was elected. The small majorities indicate how closely the parties stood. Ansel Briggs received 7,626 votes, his competitor, Thomas McKnight, received 7,379, giving Briggs a majority of 247. The administration of Governor Briggs, the term of which was then four years, was a successful and commendable one. He kept in accord with his Party, and committed no act which could justly subject him to censure. It was peaceful, comparatively harmonious, without any startling events save that which grew out of the dispute as to the boundary line between Iowa and Missouri, which created a considerable war spirit, but was afterward peacefully adjusted.

Governor Briggs was twice married; to his first wife soon after he came to Ohio. She died soon after. His second wife, to whom he was married in Ohio, was Nancy M. Dunlap, a daughter of Major Dunlap, who had been a distinguished officer in the War of 1812. From all accounts she was a rare and charming woman, well-educated, refined, graceful and generous: "Endowed by nature with such womanly tact and grace as to enable her to adorn the high estate her husband had attained. She dispensed a bounteous hospitality to the stranger and a generous charity to the poor, in which gracious ministrations she was always seconded by her benevolent husband, the Governor." ¹But sad to relate, the Governor was also bereft of her in the second year of his administration. This affliction was severe and almost overpowering to him. By her he had eight children, all of whom died young except a son, John S. Briggs, who became an editor, removing from Jackson County to Omaha where he resided for several years, and later to Idaho where he became the Editor and Publisher of the Idaho Herald. I do not know whether he is now living or not, but was in 1894, and he and his wife, Mary E. Briggs, joined in a letter to the Pioneer Law Makers' Association, which will be found in the proceedings of the Reunion of that year, and in the proceedings of the Reunion of 1886 and 1890, page 63, will be found a fine poem written by Mary E. Briggs, entitled "Every Year," and dedicated by her to the Association.

At the close of his administration Governor Briggs continued to reside for many years in Jackson County where he had on every hand a host of ardent personal friends—friends that never forsook him. In 1860 he made a trip to Colorado during the mining excitement. Returning home, he went to Montana in 1863 with his son, John, and remained there until 1865, when he returned. In 1870 he removed to Council Bluffs. He became one of the founders of the town of Florence on the Nebraska side of the Missouri River, a short distance above Council Bluffs, and which for a time was an active business rival of Omaha. During the last years of his life he resided with his son, John, at Omaha, where he died in 1881. I first met Governor Briggs in 1860, and again at Council Bluffs in 1870, and later at Omaha. He was of medium height, with a rugged, but pleasant face; perfectly plain and unpretentious in manner. He was an honest man and a patriot, and usefully served the State. So great was the general respect for Governor Briggs that on the day following his death, Governor John H. Gear issued a proclamation announcing his death, reciting his services to the State, ordering half-hour guns to be fired, and the National Flag on the State Capitol to be placed at half mast during the day of the funeral.

Stephen Hempstead.

Stephen Hempstead, the second Governor of the State, was the first lawyer who settled in Dubuque, and I think from the evidence on the subject, that Thomas S. Wilson was the next, though it would seem that Peter H. Engle was a close contemporary, for Judge Wilson, in speaking of a suit tried before Warner Lewis, a Justice of the Peace, soon after he (Wilson) came there in 1836, says: "Stephen Hempstead, W. W. Chapman, Peter Engle and myself were the only practicing attorneys at Dubuque." It would also seem from this statement that Chapman, who has always been associated with Burlington as the first lawyer there, was for a time located at Dubuque. I think, however, that this would be a mistake, as Chapman located at Burlington in 1835, so that his practice at Dubuque must have been simply as a visiting lawyer who had come up from Burlington on a steamboat. Thomas P. Burnett was also a visiting lawyer, and a very talented one, living at Prairie du Chien. Hempstead and Wilson settled in Dubuque the same year, in 1836; Hempstead in the spring of that year, while Wilson's location must have been in the fall, for it will be seen from his autobiographical narration contained in my sketch of him, to be found in the chapter relating to the Judges of the Territorial Supreme Court, that he did not leave Ohio for Wisconsin until the first of October, and hence could not have arrived until late in the fall of that year.

Stephen Hempstead is a historical character of high consideration in the annals of both the Territory and State of Iowa, for he came there while it was still a part of Wisconsin Territory, lived through its experience as Iowa Territory, and was prominent in both the State and Territorial Councils.

He was born in New London, Connecticut, in 1812, and lived there until he was sixteen, when he came with the family to Missouri and settled upon a farm near the city of St. Louis, in 1828. Two years later he became a clerk in a commission store at Galena, Illinois. During the Black Hawk War he enlisted and was made an officer in an artillery company organized to protect the place. At the close of the War he entered Illinois College at Jacksonville, where he remained two years. He then returned to the family in Missouri, and entered upon the study of law, finishing his course under Charles S. Hempstead, a relative, and a lawyer of prominence at Galena, Illinois. In 1836 he was admitted to practice in all of the courts of the Territory of Wisconsin, which then embraced Iowa, and the same year located, as already indicated, at Dubuque, and became the first lawyer who commenced practice there.

Upon the organization of the territory of Iowa out of that before composing a part of Wisconsin, in 1838, he was elected to represent Dubuque, Jackson and Clayton Counties in the Legislative Council (equivalent to the present Senator) of the First Territorial General Assembly. His associate was Warner Lewis. Another of his associates, though in the House, was James W. Grimes, of Burlington. Mr. Hempstead was made Chairman of the Judiciary Committee, a post of honor as well as responsibility. This legislature assembled at Burlington on the 12th of November, 1838, and adjourned on the 25th of January, 1839. He was elected to the Council of the next legislature and was honored by being chosen President of the Council. Warner Lewis was his associate in this session. It convened at Burlington in November, 1839, and adjourned January 17, 1840. In 1845 he was elected to the Council of the Eighth General Assembly and again honored by being chosen its President. He was a Democrat and chosen as the representative of that party. This session convened at Iowa City on December 1, 1845, and adjourned on the 19th of January, 1846. In 1844 he was elected one of the delegates to frame a constitution for the admission of the State, and took an important part in its proceedings. They formed a constitution well suited to the times and wise in most of its provisions, but Congress narrowed the boundaries of the State as fixed therein, and thus changed, sent it back to the people to be ratified. It was defeated, and the constitution upon which the State was finally admitted was framed by the constitutional convention of 1846. In 1848 he was with Judge Charles Mason and William G. Woodward, appointed Commissioner to revise the laws of the State; the result of the commission was known as the Code of 1851. In 1850 he was elected Governor of the State and was the last Democratic Governor until the election of Governor Horace Boies forty years afterwards. Had his party continued in power he would doubtless have continued to receive its highest honors.

Stephen Hempstead held the office of Governor for four years. In 1855 he was elected County Judge of Dubuque County, and administered its affairs in the

most effective manner for some twelve years and until the court was abolished by an act of the legislature. Under his administration the principal county buildings were erected, bridges built and the highways greatly improved. He died at the home of his daughter, Mrs. B. M. Richmond, on the 16th of February, 1883, at the age of 71. Some twelve or thirteen years before his death he met with an accident which doubtless had the effect of weakening his constitution and shortening his life. While walking on a slippery sidewalk of the city he fell and broke one of his legs, and mortification setting in, it was found necessary to amputate the limb, which somewhat crippled him and obliged him to use an artificial one. In 1871 he retired from public life, and his wife dying about that time, he went to live with and spent the remainder of his days with the daughter before mentioned. On the occasion of his death, public meetings of the bar and of the citizens were held to show their respect for his memory which was cherished with affection by every old citizen of Dubuque.

As a member and presiding officer of the early legislatures of the Territory and State and as a Governor of the latter, he exercised a powerful influence in directing and moulding the laws and institutions of the commonwealth from the very first, and to his efforts the State is greatly indebted for its early and subsequent prosperity. He was a sound lawyer and a pure and incorruptible statesman. It has been said that when a man is living we envy him his riches, and that when he is dead, his good name. To the former class Stephen Hempstead does not belong, for his unbounded generosity, his open-handed charity kept him poor to the end; but to the latter he does belong, and his good name will be cherished by all who desire to know the history of Iowa throughout the years to come.

When I became acquainted with him he was well along in years. We were both natives of Connecticut and were always interested in discussing incidents that were common to us both. He was a natural gentleman, pleasing in address, highly interesting in conversation. His oil portrait, which during my days, hung in the office of the Executive, and I suppose does yet, displays an uncommonly handsome and prepossessing face and plainly shows that he must have been a man of highly attractive personality.

James W. Grimes.

In view of the thorough, detailed and comprehensive "Life of James W. Grimes," by Dr. William Salter, published not many years ago, it would be a work of supererogation and, indeed, of presumption on my part to attempt elaboration in this sketch, and I shall therefore content myself by simply adding a few touches to the picture which has been so ably drawn, that may possibly throw some additional light upon the personality of Mr. Grimes.

In the latter portion of his life, when partisan spirit ran inconsiderately high, he was unjustly berated on account of the stand which he took against the impeach-

ment of President Andrew Johnson, but subsequent events and the sober second thought of the people have reversed the partisan judgment then pronounced against him and placed his name among the first of heroic statesmen. Of the seven Republican United States Senators who voted against the impeachment, Mr. Grimes and William P. Fessenden were the most prominent. Between him and Mr. Fessenden a close intimacy existed. Both were great men and amid the tumult of the hour exhibited a composure and reflection which served to avert a catastrophe to the country, that would have certainly followed if the impeachment had carried. I may say that such is the general judgment of the country today. The opposition which his position and vote on this question excited among the political leaders of his party, and some of his general views relating to the condition of the country and the corrupting political elements of the time, I have set forth in the sketch of General Fitz-Henry Warren, together with some of the correspondence that passed between Mr. Grimes and Mr. Fessenden, to which the reader is respectfully referred.

In character and intellect he was profound; in temperament, imperturbable; in action, far-seeing and superlatively executive; taken all in all, he was perhaps the greatest statesman that has thus far been seen in Iowa history. He was the first Republican Governor in Iowa elected as a Whig, and the greatest single factor in achieving the first victory of the Republican party in the State. He was an able lawyer and took a leading position at the bar, but his greatest sphere was that of a broad, strong and philosophic statesman. The abuse heaped upon him by party leaders on account of his stand in the impeachment proceedings, the ingratitude exhibited by many of the men whom he had politically befriended, the misconception as to his reasons and motives, which then prevailed, denunciations of the organs of the party of which he had been the foremost builder, the bitter tirades against him of former political associates, doubtless had the effect of breaking down his health and bringing him to the grave.

His economical habits and business sagacity led to the accumulation of considerable individual wealth for that time, but his amassments were the result of clean and honest ways, and all the wealth of the world, if laid at his feet, could not have induced him to do a corrupt or dishonest act. It was sometimes said that he was wanting in tender and sympathetic traits, but it is clearly shown by Dr. Salter in the work referred to, that this was a misconception of his real nature.* In the Iowa Historical Record of January, 1888, Mr. L. P. Winterstein relates a single instance confirmatory of Dr. Salter's estimate. He says:

In the summer of 1837, my father, Nicholas Winterstein, settled on a claim a short distance above the little village of Burlington, in what was then called the Black Hawk Purchase. Owing to financial misfortunes growing out of security debts, his stock and farm were sold at sheriff's sale. Mr. Grimes, then a struggling

*Note—Dr. Johnson was fortunate in having for his biographer, James Boswell; James W. Grimes was equally fortunate in having Dr. William Salter for his.

young lawyer, attended the sale and bought the farm. The second day after, he sent word to my father to come and see him. He came and Mr. Grimes insisted on turning over to him the fifteen head of cattle that had been purchased by him along with the farm at the sale. My father protested, but Mr. Grimes insisted, stating that he had sold the farm to a Mr. Westfall for enough to re-imburse him for the money he had paid and as the cattle had therefore cost him nothing, it was his duty and pleasure to give them to my father. He said that in fact his motive in buying the farm was to save something for my father. My father was simply a chance acquaintance who never figured in politics and who would never likely be able to repay the kindness in anything but friendship.

That he was not a man of impulse, and that he was capable of deep and lasting opposition to men and measures he disliked, is beyond question. It is well known that he did not like Ben Wade nor Charles Sumner. There was no affinity between their make-up and his. Let me illustrate this by an instance. While he was in the Senate I had some business in Washington, which obliged me to go before Edwin M. Stanton, Mr. Lincoln's famous War Secretary, who had the reputation of being a man of moods, in some of which he was likely to give a visitor a rather fierce reception. I called upon Mr. Grimes and stated my object and my fears. He kindly volunteered to pave the way by going with me to Mr. Stanton, which he accordingly did. And so much has been said of the gruffness of Mr. Stanton, I may be pardoned for this divergence before coming to the main point. I was introduced by Mr. Grimes to Mr. Stanton with the remark by the former that I was the Reporter of the Supreme Court of Iowa. Mr. Stanton greeted me with the utmost kindness, remarking that he was once the Reporter of the Supreme Court of Ohio. I said I knew that and referred to "Stanton's Reports." I was treated throughout with perfect civility, and since I have made this divergence, I feel constrained to add another, which will serve to illustrate one of the opposite moods of Mr. Stanton and which was related to me by a nephew of Judge Thomas S. Wilson, Mr. B. Wells, who was Mr. Stanton's Private Secretary. Mr. Wells told me that one day he was sitting at the table with Mr. Stanton when a man who was seeking some appointment within the scope of Secretary Stanton's administration, came with a note from Mr. Lincoln requesting the appointment of the bearer. Stanton took the note, read it and said very abruptly, "I shall not make the appointment." Whereupon the man said, "You see that the President has requested my appointment. What shall I tell him about your refusal to grant his request?" Stanton's reply was: "You can tell Mr. Lincoln that I say he is a darned fool in such matters." Whereupon the man returned to Mr. Lincoln and said, "Stanton refused to appoint me, ignored your recommendation and said you are a darned fool." Whereupon Mr. Lincoln said, "Well, my observation has been that Stanton is generally right in such matters." After this interview, I went to the Senate Chamber with Mr. Grimes and he pointed out to me several distinguished personages in that body. Pointing his finger, he said, "There is the greatest man in the Senate, William P. Fessenden." I said, "Where is Charles Sumner?" He pointed and said, "That is Sumner over there." I easily recognized him from the portraits I had seen. Mr.

Grimes then said, "I suppose you people out in Iowa think he is the greatest man in the Senate, but we think he is one of the smallest in this body. He is impracticable and lacks usefulness. He originates no measures, but simply makes two or three rather Sophomorical set-speeches during the session." His remarks certainly had an iconoclastic effect upon my previous opinion in respect to Mr. Sumner.

There was not the slightest trace of vanity or superciliousness in Mr. Grimes' personality—not the slightest inclination to vaunt himself or his achievements. As confirmatory of this, I give a short memoir furnished by him in response to a request:

There are no events in my life worthy of record. I have done nothing to distinguish me above the great mass of my fellowmen.

I was born in the town of Deering, Hillsboro County, New Hampshire, on the 20th of October, 1816. My parents were John Grimes and Betsy Wilson, both of whom were born in the same town, and both sprung from Scotch-Irish parentage—the mother from the settlement at Londonderry, New Hampshire, and the father from a small band of Scotch-Irish Presbyterians, who settled in Boston in the early part of the eighteenth century. My father was a farmer. I was the youngest of a family of seven children.

I was prepared for college at Hampton Academy, New Hampshire, then under the charge of Reverend Roswell Harris, and entered Dartmouth College in August, 1832; remained in college two and a half years, and then commenced the study of the law with James Walker, Esq., in Peterboro, New Hampshire. I settled in Burlington—then Michigan, afterwards Wisconsin, and now Iowa—in May, 1836, and have resided here ever since. The Territory of Iowa was created July 4, 1838, and at the first election, in the month of August following, I was elected a member of the First General Assembly, and was chairman of the Judiciary Committee in the House of Representatives, all laws for the new Territory passing through my hands. I have been several times elected to the Territorial and State Legislatures, though I have always been in a political minority in the county.

In August, 1854, I was elected Governor of Iowa for the term of four years. In January, 1858, I was elected Senator of the United States from the State of Iowa for the term of six years from the 4th of March, 1859.

I have done nothing and said nothing to justify you in placing my name in your book. I am only entitled to a place there, if at all, by the accident of my election to the Senate.

His grandfather on his father's side was Francis Grimes, who settled at an early day near Boston, Massachusetts; and on his mother's side, David Wilson, who was a native of Londonderry, New Hampshire.* In studying Latin and Greek, his tutor was the Rev. Eber Child, pastor of the Congregational Church at Deering. He boarded with the pastor's family, and in order to show the kindly traits which lay at the bottom of Mr. Grimes' character, the following particulars respecting her husband's pupil are furnished by Mrs. Childs, his widow:

Mr. Grimes was but a lad when I knew him, over forty years ago. But I can think of no young man out of my own family of whom I have such vivid recollections. I remember the tones of his voice, and his smiling countenance. James always laughed with his eyes. He had a happy disposition, and an uncommon flow of spirits. I have no recollection of ever seeing him angry or put out at anything. If for nothing else, I should love his memory—he was so kind to my children. He would often undress our youngest child, and put him in his cradle—to hear him sing his lullaby. After the child's death he went to his scrap-book and cut out some

* Note—His middle initial indicated his mother's side of the house.

beautiful lines written over the grave of a child of his age. I kept them a great many years. He did not like his studies, still I think he always got his lessons. My husband thought a great deal of James, and was proud to hear of his success in life. When my husband died (December, 1847), I was left in a land of strangers, with my family of little ones, to get through the world as best I could. But the God of the widow and the fatherless has never forsaken me. My husband left a small farm of unimproved land in Rock Prairie, Wisconsin, but mortgaged for all it was worth at the time of his death. I managed to clear the incumbrance, and went on it to make a home. I needed money, and wrote Mr. Grimes asking a loan of a hundred dollars, to which he readily responded. In his letters to me he never alluded to self in any shape, only the state of his health and his family, but always remembered his old friends and relations with unabated interest and affection. In one he said, "Could you see my gray hair and wrinkled face, you would not recall the gay, rollicking boy I used to be." In the dark hours of the Nation's peril, when I read, in a description of the Senate, "There is Senator Grimes—he is always found in the right place," I thought, James has not altered any. The boy is father to the man. When the disappointment of "impeachment" flashed over the land, I told a neighbor I was confident there was one that decided according to the evidence. I knew Mr. Grimes and his father before him, and he had not swerved from what he thought was right and duty.

In further confirmation of his natural kindliness, I beg leave to call attention to the letter from Mr. Grimes, introducing me to Major-General Grenville M. Dodge, near the close of the Civil War, contained in the annexed note. General Dodge was in command of the Department of Missouri. Young Miller, a soldier and son of a respectable farmer of my county of Wapello, had under pressing conditions committed an offense, for which he was court-martialed and sentenced to the military prison. I was induced by his father and other friends to go to St. Louis and intercede for his pardon. I was a young man not known to General Dodge, but slightly acquainted with Senator Grimes. He was under no sort of obligation to me, but I ventured on my way to St. Louis to call at Burlington and ask for such a letter of introduction to General Dodge as he might be pleased to give me. He generously gave me the letter referred to, which enabled me to accomplish the object of my mission.*

In the sketch of General Fitz-Henry Warren, I have gone more extensively into the partisan feeling against Mr. Grimes on account of his vote on the impeachment question, than I have here. But in addition to the opposition against him on account of this, his attitude on some questions connected with what was then called

* Note—

Burlington, Iowa, May 19, 1865.

General G. M. Dodge, United States Army.

My Dear Sir: I beg herewith to introduce to your favorable attention and consideration, E. H. Stiles, Esq., of Ottumwa, Wapello County, in this State. Mr. Stiles is a prominent lawyer in our State, represented his county in the last General Assembly of the State and is a gentleman of worth and deserves your consideration. He visits St. Louis in the interest of some young Iowa soldier who has been committed by a court-martial and sentenced to the penitentiary. I know nothing of the facts except as he details them to me, but now that the law has been vindicated by his conviction, I hope you will be able in consonance with your sense of justice and military discipline to aid Mr. Stiles in accomplishing the purpose of his trip to your city. I am,

Very truly,

Your obedient servant,

James W. Grimes.

“Reconstruction” in the Southern states and especially as to unlimited and unqualified negro suffrage, furnished occasion for small and violent politicians to impune his party fealty; and it was pretty well understood that he was opposed to making that question a political issue in the State.

Under these conditions, the Republican Convention of 1865 met at Des Moines on the 14th of June. I was a member of that convention and took the floor to oppose the fourth resolution of the platform reported by the committee, which recommended the amendment of the State Constitution by striking out the word “White” in the article on Suffrage. Hiram Price, who had been an old-time radical abolitionist and who would have been a fierce fire-eater if he had belonged to the South, was a member of the Committee on Resolutions and undoubtedly the author of that plank. He probably thought that I was only a partially converted fledgling who had been reared in the Democratic school of politics, and attempted to and probably did sit down upon me in a very scathing and heated speech in reply to my own, to which I rejoined in the same spirit. The result was considerable heat in the convention, but the platform and report were eventually carried. I was that fall nominated as the Republican candidate for Senator from Wapello County, and, of course, had to stand by the platform. The contest was very close and I knew that if I were elected it would be only by a slight majority, as Wapello County had a record for being one of the banner Democratic Counties of the State. Under these circumstances I desired the utmost political harmony, and learning that reports were being circulated that Mr. Grimes was lukewarm, on account of the Negro Suffrage Plank alluded to, I wrote him concerning his attitude and received from him the following reply, which speaks for itself and indicates very definitely what his political views were:

Burlington, September 14, 1865.

My Dear Sir: I am astonished to learn as I do by your letter of the 12th instant that anyone has asserted or believed for one moment that I do not fully, freely and as enthusiastically as I am capable of doing it, support the entire Republican ticket in the pending canvass. You say the report is that I am indifferent to the result “on account of the uncalled for and unwise action of the Union Convention on the suffrage question.” I certainly did regard that action as uncalled for and impolitic, and had I been a member of the convention, I would have opposed the introduction into the platform of any new issue upon any subject however just I might believe the principle to be. I would have opposed it because I believe that there has been no time during the last four years when it was more necessary that the union party of the nation should present an unbroken front and stand as a unit than at the present moment, and I would have done nothing—consented to nothing, that would have a tendency to repel a single voter from a support of the union party which is the support of the Union itself. * * *

The very fact that in my view the convention erred by introducing a local issue into the canvass when the minds of the people are very properly engrossed by the transcendentally great national issues pressing upon them, so far from begetting “indifference” would give me much greater anxiety as to the result of the election and would call forth a corresponding exertion did not I know that the people of Iowa thoroughly understand the questions before them and cannot be diverted from their support of the government by any side issue like that of

negro suffrage in this State. There is not an intelligent man in the State who does not perfectly comprehend all of the subjects legitimately embraced in this canvass.

Wounded almost to the death by the ingratitude and abuse of many of the leaders of the party of which he had been the most prominent builder; disgusted by the official corruption and venality of the times and of some of the members of his own party with whom he would have to affiliate—in short, for the reasons stated in his letter to Mr. Fessenden, October, 1869, to be found in the Warren sketch referred to—he resigned his seat in the Senate and went to Europe with the hope that the change would benefit his declining health. He remained abroad two years and returned in apparently improved health and spirits in September, 1871; but in the following February he was suddenly stricken with an attack of the heart and died in a few hours.

In addition to what has been said of him in Salter's "Life," and herein, allusions have been made to him by Judge Mason, Mr. Woods, Professor Parvin and Judge Springer in connection with my sketches of those personages. I may add the following conversation I had yesterday (December 3, 1911) respecting him with Ex-United States Circuit Judge Henry C. Caldwell, who took occasion to say: "As a rule public speakers convert no one; they simply serve to awaken interest and to stir enthusiasm; they rarely change the judgment; but to this general rule I have known two exceptions, one was in respect to James W. Grimes, and the other Samuel J. Kirkwood. The speeches of these men were at once so logical, persuasive and convincing as to occasionally convert hearers of the opposite political faith."

The gifted Benton J. Hall, a great lawyer, a Democratic Congressman, and Commissioner of Patents under President Cleveland, and who was a long-life political opponent of Senator Grimes, said of him in the State Senate of which Mr. Hall was then a member:

Perhaps no other man had the opportunity, or used it with the avail that Senator Grimes did to form and mould the State and its institutions. He was one of the living men in the territorial legislation and early state history. Afterwards we find the same master mind moulding the affairs of the National Government. I doubt whether any Senator ever impressed himself in a greater degree upon the Government in all directions. Whether in regard to the navy, or army, or foreign relations, he made himself master of the subject, and left his impress upon almost every page of the history of the Nation.

His name will be associated with that of Iowa so long as Iowa has a history. He left no descendants.

Ralph P. Lowe.

Ralph P. Lowe, the fourth Governor of the State, was Chief Justice of the Supreme Court of the State when I became the Reporter of its decisions. Before his accession to that bench, he had served with distinction as Judge of the District Court of the First District from 1852 to 1857, when he resigned to enter upon his office as Governor, to which he had been elected. He was the first Governor under

the new constitution. He served but one term, being succeeded by Samuel J. Kirkwood. Why he was not nominated for a second term instead of Governor Kirkwood may be easily told. When the nominating convention met in 1859, there were evident presages of the great conflict that was to ensue between the North and South, and it was feared by those who did not thoroughly know Governor Lowe that his apparently docile and lovable qualities were not equal to the great emergencies that were likely to ensue. Charles Aldrich has thus lucidly summed up the situation:*

Ralph P. Lowe succeeded James W. Grimes as Governor of Iowa in 1858. Mr. Lowe had served in the first Constitutional Convention (1844), and in other useful and honorable positions. His name is often met with in the public journals of early Iowa. He had become so generally known and esteemed that he was easily nominated for the Governorship by the Republicans in 1857. In this high office he made an excellent record, and had the "piping times of peace" promised to continue he would undoubtedly have been renominated for a second term, in accordance with the political precedents of those days. Personally, he combined a gentle graciousness of manner with high dignity. He immediately placed every one who came into his presence at ease. He was a reliable and abiding friend, wherever his friendship was bestowed. His portrait in the Capitol, from the easel of George H. Yewell, shows a most kindly face and one to be wholly trusted. How he would have succeeded had he become "War Governor" of Iowa can at this time be but a matter of opinion, and opinions upon the subject are not likely to be called out at this late day. Those, however, who knew him well had the highest confidence in his ability to meet any emergency likely to arise. But if the clouds of war were not already gathering in the Southern horizon when the State Convention of the dominant party assembled at Des Moines in 1859, there were many alarming portents of the great crisis which came in 1861. Previous to its assemblage there had been some discussion relative to the fitness of Governor Lowe for the stern emergencies not unlikely to arise. Kirkwood came into the State in 1855, but during these four years he had given evidence of the possession of great ability both in the State Senate and upon the stump. He had become in a large degree a popular representative of the feeling and determination of loyal Iowa. But Governor Lowe was not disposed to stand aside for any man. An early settler of the State, one who had been largely influential from the start, it seemed to him in the matter of just deserts, no man ought to stand before him. In contrast with him Mr. Kirkwood was comparatively a newcomer. But the feeling in favor of Mr. Kirkwood developed very rapidly upon the gathering of the delegates in Des Moines. Among other powerful influences, according to Henry W. Lathrop, his biographer, he had the powerful support of Ex-Governor Grimes. It soon became a matter of great doubt whether Mr. Lowe could be renominated—for the simple reason above stated. At this juncture his name was proposed for Judge of the Supreme Court and it immediately became apparent that if he would accept it there would be no question of his nomination. The matter was presented to him, and though he was at first most reluctant to yield his claims to the executive office, he finally gave his consent, and so both men were nominated—Mr. Kirkwood for Governor and Mr. Lowe for Judge of our highest court. In this latter position Governor Lowe drew the short term, and became Chief Justice January 12, 1860. He was re-elected in 1861, serving until January 1, 1868. He was Chief Justice in 1860, 1861, 1866 and 1867.

As for my own part, I coincide in the opinion of those who knew him best, that he would have been fully equal to the stirring events that occurred and borne himself successfully through the crisis he would have been called upon to pass, for while he was one of the most amiable of men, the events of his life from its earliest period

* Note—Annals of Iowa, Third Series, Vol. 4, p. 547.

clearly showed that he was also one of the most heroic. Some of these events have been depicted by Theodore S. Parvin as given in connection with my sketch of that gentleman. With those who were not fully acquainted with Governor Lowe's antecedents and with his innate bravery, it is not strange that they should have feared that he might lack in qualities necessary for the hour. I can say without hesitation, he was in his everyday life and bearing, the gentlest of men; and yet, as many occurrences in his history demonstrate, he was perfectly fearless and quick to resent and punish affronts,* so much so that Judge Wright in his jocular manner frequently used to refer to him as "the fighting member of the Court." He was as guileless as a child, a believer in the common honesty of men and treated everybody on that principle until he found out otherwise. Though a Presbyterian, he was charitable to the opinions of men who might differ with him. He was instinct with human kindness and dispensed with an open hand to the needy and suffering. I think if any man deserves deification in these respects, it is Ralph P. Lowe. In his whole career, under the fire of political opponents, not a single word or act derogatory to his excellence could be found against him.

He was not only one of the first, but one of the greatest lawyers of Muscatine, not only of Muscatine, but of the Territory and State. Hawkins Taylor, writing of the early period, says of him: "Lowe ranked as the first lawyer in that part of the state at that time." Just when he came to Muscatine has been left in some doubt. Governor Gue places it in 1840, but I think it is clear from contemporaneous data that it was in 1838. In a sketch of Stephen Whicher, by George Meason-Whicher, appearing in Volume 4, Third Series of the Annals of Iowa, there appears a letter written by Stephen Whicher, dated November 14, 1838, in which he says: "Messrs. Lowe and Douglass arrived here about a week ago. They were both in good health and spirits and have both made purchases here."

He was born in Warren County, Ohio, in 1805, and was a graduate of Miami University. He became prominent as a lawyer and a participator in public affairs soon after his settlement in Muscatine, then known as Bloomington. In 1844, he was a member of the First Constitutional Convention, in which he took a prominent part and exercised a controlling influence. He was subsequently District Attorney, then District Judge, then Judge and Chief Justice of the Supreme Court, then Governor, and then again Judge and Chief Justice of the Supreme Court. He removed to Washington City in 1874, where he resumed the practice, devoting a portion of his time in the prosecution of a claim of the State of Iowa against the Federal Government, which accrued during the period of his administration as Governor. He died in that city on Saturday, December 22, 1883, at the age of seventy-eight

* Note—For instances illustrating this, see Address of Governor C. C. Carpenter in Proceedings of Pioneer Law Makers' Association, 1892, p. 37.

years. On the occurrence of that event, Buren R. Sherman, then Governor of Iowa, issued a proclamation announcing his death in the following language:

Ex-Governor Lowe was a lover of his country and a diligent and faithful servant of the people. In the prime of his life he was called to serve in earnest political contests, but in his old age the asperities of the past were forgotten and he enjoyed the sincere respect of men of all parties—a tribute fairly won by his sterling worth as a man. In respect to his memory it is hereby ordered that the national flag be displayed at half mast on the State Capitol and the Executive Department be closed on the day of the funeral.

He was one of the organizers of the First Presbyterian Church of Muscatine in 1845, and was elected as one of its first Trustees. He was one of the organizers of the State Orphan Asylum in 1863. In 1845, he joined with others in a petition to President Polk protesting against the appointment of non-residents as Executive Officers of the Territory. As a member of the Board of Education which convened in its first session in December, 1858, he rendered useful services to the State. T. B. Perry, who was also a member of the Board, says: "He gave the subject of education his hearty support and was an active Member of the Board."* In 1845, he was the Whig candidate for delegate in Congress; but the territory was then largely Democratic and he was defeated by his opponent, General A. C. Dodge. In every position he served the people with the greatest fidelity and no man deserves a more affectionate remembrance at their hands than he. A contributor to the "State Register" of January 9, 1885, thus speaks of him: "Lowe seemed fated to ill-fortune in finance and his fame rests on his native kindness of heart and deep religious convictions, which were a key to his popularity as a Citizen, Governor and Supreme Judge. Equity was to him as the 'higher law' before which quacks and legal quibbles were swept away. He felt ill-used in the denial of a second gubernatorial term, but manifested a greater desire for self-respect than for the fame of an adroit political manager, thus gaining more in admiration for his high character than he lost by political misfortune. Grimes and Lowe served the state in moulding its political opinions and inaugurating its fiscal state policy with ease, skill and patriotic devotion. Over their graves there is no imputation of dishonor."

I am tempted to here relate an incident illustrative of Judge Lowe, which should properly have intervened before this point in the narrative. During the course of an argument before the Supreme Court, while he was Chief Justice, a certain Burlington lawyer had been sarcastically severe on his opponent, and the latter, in his reply retorted with still greater severity on the Burlington lawyer, in the course of which he applied to him a quotation from Shakespeare. Whereupon, the latter, who was noted for his irascibility, smarting under the castigation, asked the Court to call him down on the ground that he was traveling out of the record and that his remarks were too personal. "No," blandly remarked the Chief Justice, "Shakespeare is always in order in this Court."

* Note—Annals of Iowa, Third Series, Vol. 3, p. 203.

Samuel J. Kirkwood.

Concerning Samuel J. Kirkwood, the fifth Governor of the State, so much has been written that has become a part of the historical literature of the State, that I shall attempt to give only a mere outline of his career and the personal impressions that I received from seeing and becoming acquainted with him. The first time I saw him was in a notable period and on a notable occasion. It was in the Iowa Gubernatorial Campaign of 1859, when he and General Augustus C. Dodge were opposing candidates for Governor. It was in the old Courthouse at Ottumwa, the scene of so many early public events. It was when the question as to whether slavery might or might not be extended into the territories was every day deepening and intensifying. The men themselves were in most respects the personal antipodes of each other. Kirkwood had been reared in a different school. He had no tinge of the old regime, no aristocratic traits, none of the tone or discipline of army associations or southern manners. He was homely in dress, farmer-like in personal appearance, blunt and sledge-hammer-like in speech and expression.

General Dodge was in striking contrast with Governor Kirkwood in these characteristics, as well as in personal appearance, as will be seen in my sketch of him.

As touching the personal appearance of Governor Kirkwood, I may confirm and illustrate my impressions of him by the following quotation from the remarks of W. H. M. Pusey, former State Senator and member of Congress before the Pioneer Law-Makers' Association in 1892, touching the Senate of the 7th General Assembly, of which Senator Pusey was a member: "The Standing Committees were announced, and I found myself placed, among other committees, on the Committee on Banks. At the close of the morning session, an old farmer back in the corner of the old Senate Chamber, arose, offering a resolution instructing the Committee on Banks to bring in two kinds of bills, going into particulars as to the restriction, scope and power of that Legislature. I turned to a friend of mine and remarked, 'Who is that Senator?', and says he, 'He is an old farmer that don't know anything about banking. Let's just go for him.' And thereupon there was instituted a very lively debate which covered the whole question and scope of banks, and the finances and condition of our State, and the result was, a resolution or instruction was passed as a compliment to that old farmer, and he was unanimously put upon the Committee on Banks. My informant, who was the young and guileless Judge H. H. Trimble, and myself, found that there was but one thing more exciting than hunting a Statesman who happened to have farmer's clothes on, and that was when the Statesman turned around and hunted you. That farmer was Samuel J. Kirkwood."

In the course of time I became quite intimately acquainted with Governor Kirkwood. As a member of the State Senate in 1866, I ardently supported him in his notable contest with James Harlan for the United States Senatorship—for both the

long and short term of which I have already given some account in my sketches of James Harlan and Clark Dunham, elsewhere found in this work.

As may be inferred from what has been said, Governor Kirkwood was exceedingly plain and old-fashioned in appearance, dress and manners. He was also plain and old-fashioned in his characteristics, and as independent as he was old-fashioned. He lived in the prohibition period (more nominal than real in the large cities of the State) but he had been used to the toddies of the earlier period and carried a little of the material along to meet emergencies in his campaigns, and was not afraid to have it known. He was too strong to be either frightened or injured. I remember that on one occasion two or three of his friends accompanied him from the Courthouse in Ottumwa after he had closed his speech, to his room in the Ballingall Hotel, to which he had invited us. After we were ushered in and seated, he opened a large, old-fashioned leather valise and pulled out a flask, saying that he always carried a little along and invited us to take a drink. But few public men would have had the courage to do this, but he was too fearless and independent to deviate from this old and comfortable habit, which he never abused. Iowa had another Governor equally as independent in that respect, in the person of John Henry Gear. As a matter of fact, Governor Kirkwood was firmly opposed to general and absolute prohibition throughout the State, for the reason that he believed the measure to be "more honored in the breach than in the observance," so far as the large centers of population were concerned. He was in favor of letting each community decide for itself under the principle of local option. At the State Republican Convention, over which Ex-United States Senator James F. Wilson presided (I do not recollect the year) the presiding officer vehemently urged that the most radical ground should be taken by the convention on that subject, and a Constitutional Amendment recommended. A suitable Committee on Resolutions was selected for that purpose, and the convention adjourned until afternoon. In the meantime I happened to meet Governor Kirkwood on the sidewalk in front of the Savery House (now I believe, the Kirkwood House.) Our views coincided as to the ultimate effect of this radical measure on the Republican Party in the State; he urged me as a member of the convention to take ground and make a speech in opposition to the report of the committee should it prove to be of the radical character anticipated. It proved to be of that character, but I recognized that the tide was too strong to be overcome by any opposition that could be made against it. I may add, however, that the fears of Governor Kirkwood and others of his views were realized in the subsequent defeat of the Republican Party and the election of Governor Boies, because of its persistency in the line indicated, and this result would have been repeated had the party continued on the same line instead of modifying the prohibitory rule by the enactment of the so-called Mule law. I have mentioned these facts for the purpose of showing Governor Kirkwood, his views and independence, as they really were instead of glossing the subject over. He was

one of the prominent organizers of the Republican party in Iowa. At its first convention many earnest and sincere men of Iowa strongly urged upon it the endorsement of prohibition of the liquor traffic and a large body of the anti-slavery wing of the old Whig party strongly urged a protective tariff. On the contrary, it was urged by men like Kirkwood and men holding his views that as the party was organized on the broad principle of opposition to the extension of slavery, embracing men of diverse views on minor questions, if an attempt was made to incorporate such minor issues in the platform, a union was impossible, and defeat on the one great cause of national freedom would be inevitable. Upon this broad platform it was organized.*

He became and is known as the "Old War Governor of Iowa," and well he earned that title. Among all the distinguished War Governors of the North during that period, he was probably the most distinguished for his constant and unwearied efforts. Under him there were organized and sent to the field more than 60,000 Iowa soldiers whose welfare he looked after with supreme and affectionate care. I cannot, of course, go into details concerning these efforts. They are to some extent embraced in copies of letters, official, semi-official and private, written by him during the war to numerous people of all degrees and conditions, from the President down to the most forlorn private in the guard-house. They embrace almost every conceivable subject relating to the War. Some are answers to wives imploring news of husbands absent, perhaps in Southern prisons; some applying for interposition for release from federal imprisonment for disloyalty; some are recommendations for appointment to government positions; many contain words of comfort and encouragement for the sick, wounded and weary at the front; some are firm warnings to refractory officials; some conciliating appeals to regimental field officers to harmonize differences between themselves and subordinates; some promises of immediate or future promotion; a few stern refusals of favor, and some plain, but still eloquent, vindications of the fame of Iowa soldiers. The Governor was jealously watchful of the fair name of the State and her troops, as is shown by these letters, and if any slight or dishonor were attempted to be put upon the most inferior of the brave men from Iowa, he raised over him the broad shield of state executive protection.* *

Many of these letters will be found set forth in the July, 1886, October, 1886, and January, 1887, numbers of the Iowa Historical Record, to which the reader is referred. Some others will be found in Volume three, Third Series of the Annals of Iowa, page 308. In this connection I shall not fail to state that in all his efforts of organizing, providing for and looking after the Iowa soldiery he was aided by

* B. F. Gue's paper on the "Life and Death of Theodore Guelich," Annals of Iowa, Third Series, Vol. 1, p. 48.

**Iowa Historical Record, July, 1886, pp. 321, 322.

an Adjutant-General who won national distinction in that position. It was General Nathaniel B. Baker, formerly the young Governor of New Hampshire, and Speaker of its House, who came to Iowa at a comparatively early day and attained even higher and more general distinction than he had in his native State. Ex-Governor B. F. Gue has left us a fine paper on General Baker, which will be found in the *Annals of Iowa*, Third Series, Volume 1, Page 81. In the course of this article, speaking of Kirkwood and Baker, in this connection he says:

During the War of the Rebellion, two Iowa men, each in a sphere to which he had been called, achieved national reputation for patriotic services of the highest character. I refer to Samuel J. Kirkwood and Nathaniel B. Baker whom he selected in that stupendous emergency for the arduous duties of Adjutant-General. Each was the natural adjunct or complement of the other. Kirkwood, though he did not see a day in school after he was fourteen years of age, had become a profound lawyer, possessing wide knowledge of men and affairs, although he had spent many of his mature years in rural life. In "the summers of long ago" he was a barefoot boy on a Maryland farm. He therefore understood as one "to the manor born" the works and ways, the inner life, the instinctive patriotism of the masses of his countrymen. He went about his work coolly and steadily, making few mistakes, always meeting emergencies, and never failing to gain and retain the confidence of the people. Baker, on the other hand, was a man of action, whose impulses were as prompt and instant as they were patriotic. Whatever the exigency, or however suddenly it arose, he saw at once, as by intuition, the course to be pursued. To a nature at once kindly and generous, for he was a born philanthropist, a lover of his race, he united the highest type of the executive officer. His equal in the management of the largest affairs, or the smallest details, has never appeared in our State, and but seldom in the Nation. On one occasion the writer saw him hurriedly paying out coin, early in the War, when hard money was still plenty, to a dozen different men, apparently without memoranda. He had such ways of transacting business, with little red tape, and yet he never made mistakes, or failed to account for the last cent. His accounts remain models of system and accuracy.

Governor Kirkwood was born in Hartford County, Maryland, in 1813. When ten years of age he went to Washington, D. C., and was placed in a school conducted by his uncle, John McLeod, where he remained for four years. He then became a clerk and was for several years in a drug store at the National Capital. He subsequently taught school in York County, Pennsylvania, for several seasons. In 1835 the family removed to Richland County, Ohio. Here he assisted his father and brother in clearing a farm. In 1841 he commenced the study of law in the office of Thomas W. Bartley, and was admitted to the Bar of the Supreme Court of Ohio in 1843. In 1845 he was elected on the Democratic ticket, Prosecuting Attorney of the County, serving with ability in that position for four years. In 1850 he was elected as a delegate to the new Constitutional convention, which met at Columbus and framed the Constitution of Ohio. He took an active part in its deliberations. He practiced law successfully in Ohio for twelve years—from 1843 to 1855. In the latter year he came to Iowa, purchasing a farm near Iowa City. He subsequently acquired an interest in a large flouring mill on the Iowa River.

He commenced his political life as a Democrat and continued to co-operate with that party until the great slavery agitation produced by the Kansas-Nebraska Act

and the repeal of the Missouri compromise. In the breaking-up of party affiliations caused thereby, he at once associated himself with those who were founding the Republican party. He was one of its prominent organizers and joined in the call for the first State Convention of that party, which was held at Iowa City on the 22d of February, 1856. He was chosen as a delegate from Johnson County to that convention. He was one of the most impressive speakers of that historic meeting and it immediately brought him into prominence as one of its most influential leaders. In the fall of that year he was chosen State Senator from Johnson County and his services in that body brought him into still further notice. At the close of his Senatorial term he was nominated by the Republican party as its candidate for Governor. He was elected over his Democratic opponent, General A. C. Dodge, by a vote of 3,000 majority. At the end of that term he was re-elected and served as Governor of Iowa for four years, from January, 1860, to January, 1864.

During his term as Governor he was appointed by President Lincoln, Minister to Denmark. His appointment was confirmed by the Senate, but Governor Kirkwood declined to accept. In 1866 he was elected by the Legislature United States Senator to fill the unexpired term of Mr. Harlan, a vacancy caused by the appointment of Senator Harlan to a seat in the Cabinet. In 1875 he was again elected for Governor of Iowa, and before the expiration of his term, was chosen United States Senator by the Legislature. Before his term as United States Senator expired, he was appointed, on the accession of President Garfield, Secretary of the Interior, and continued in this position until the assassination of that President. Being then well along in years, he retired to private life at his home in Iowa City. His period of public service had been long and arduous and no man has ever served his State and Country with more fidelity.

In 1892 a large number of his old associates and admirers, embracing some of the most prominent men in the State, and composed of Democrats as well as Republicans, assembled to honor him at his home. It was a notable and noble expression of the lofty esteem in which this unalloyed old patriot was held.

He died at Iowa City in 1894, in the eighty-first year of his age, leaving the legacy of a career that will enrich his memory and the annals of the State throughout all its future history. As the end drew near in anticipation of the assembled throng that would honor his remains, he might have said as Mirabeau did when his own end approached, that he could almost hear the preparations for the funeral of Achilles, for in his obsequies were reverentially mingled, regardless of party creeds, prominent men from all parts of the State, and its press in like manner poured forth unstinted eulogies of the grand old man. The surviving soldiers whom he had equipped for the great war fairly worshipped him.

I have briefly referred to his force as a public speaker. I may add that he was not only one of the most popular, but effective ones. He was neither imaginative, brilliant nor sentimental, but what he lacked in these respects he made up in strength and illustrativeness of argument. He was as plain in speech as in manner. He employed no tropes of oratory, but told virile anecdotes and made apt illustrations that were far more convincing. The "common people," as Mr. Lincoln called them, liked to hear him, and he drew them in crowds to his meetings. What Justin McCarthy has said of Sir William Harcourt might be fittingly applied to Governor Kirkwood:*

He had a good voice, and never gave his hearer the trouble of having to strain their ears or their attention to follow him. His arguments were never subtle enough to puzzle the simplest country gentleman for one moment. His quotations had no distracting novelty about them, but fell on the ear with a familiar and friendly sound. His jokes were unmistakable in their meaning; his whole style was good strong black and white.

William M. Stone.

William M. Stone, the sixth Governor of the State, succeeded Governor Kirkwood. I have spoken of Governor Kirkwood as the great War Governor of the State, but to some extent, honors should be divided between him and Governor Stone, for when the latter took his seat in January, 1864, the war was far from being closed, and Governor Stone ably took up and carried on the work that pertained to the field, along the same lines that his predecessor had, and in conjunction with the same splendidly equipped Adjutant-General Nathaniel B. Baker.

Governor Stone was a man of remarkable talents. With but few aids he had fought his way up from obscurity and poverty to a position of distinction. He was very tall, his presence commanding and his confidence in himself supreme. His education had not been a liberal one, but he could both speak and write with elegance. Upon the hustings he was one of the most effective political orators that the State has ever had. In his personal and familiar bearings he was sometimes thought by the critical as lacking in that sense of dignity properly incident to one occupying his position, and that sometimes he was not only a little "rude of speech," but a little unseemly. This may be accounted for by the fact that he was unconventional in manners, highly social in disposition, talked with everybody regardless of rank, that he was a wonderful story teller, and some of his stories, like some of those of Mr. Lincoln would hardly bear telling in the drawing-room.

On the platform, addressing a vast political audience, his bearing became lofty, his attitudes graceful, his utterances, propelled by a powerful voice and well measured in good English, stirring and effective. On the rostrum or in the forum, he

* History of Our Own Time, Vol. 4, p. 336.

talked in much the same style as he wrote; and what that style was is happily shown in the following quotations from his inaugural address to the Tenth General Assembly:

For nearly three years this deplorable war, inaugurated by the mad treason and ambition of Southern men, has progressed with its varied results. Though disaster has sometimes overtaken our advancing columns, the triumphs which have crowned their heroic efforts, in the glorious cause of the country, have far outweighed all the reverses they have sustained. We have penetrated the insurgent country from almost every point, by land and sea, and rescued from their grasp the most productive and populous States of the South. Today the ancient flag waves again from the battered walls of Sumpter. The rebel armies, defeated and demoralized, are being rapidly driven to a common center; their currency worthless and their credit gone; their pretended jurisdiction reduced to nearly one-third of its original limits, and a surplus population crowded within them to subsist upon their meager harvests; impending death or exile to the leaders, ruined fortunes and desolated homes to the unwilling masses—this is the end of treason and the doom of traitors. There is no longer middle ground where loyal men can stand and find refuge from the stern and positive obligations of the hour. The times are fraught with mighty events, involving the welfare of the present and future generations and impose the most solemn duties upon every patriot in the land. It is not the mere dominion of a political party, nor territory, nor empire, but liberty, and the eternal principles of natural justice, born of God and under him established on this continent by our fathers, which are staked upon the issues of the struggle. It needs no words of mine to show that the vigorous and successful prosecution of this war is life to the Republic, in which to hesitate for a single hour, upon any pretext whatever, or stop short of the unconditional recognition of the federal authority by all the revolted States would be but a hollow truce and death to our nationality.

Great and holy interests are involved in the contest. There is no longer any hope of their preservation by the ordinary modes of adjustment. They are, therefore, to be saved or lost by the arbitrament of battle. In the terrible ordeal through which we are passing, many old conditions are likely to be rejected and some things which have been, may not be again, but the patriotic heart may find reasons for its faith, that all such as are good and substantial will be retained and consecrated in the new life of the Nation. Let us hope that enemies in the disguise of friends will never occupy the high places of power; that the people's treasury will not again be robbed by official hands; their arms, their arsenals and fortifications turned against their own government; that the blighting curse of human slavery will no longer receive protection by the statutes of the land, nor exist in any form under the national flag, and that traitors may never again sit in the council chambers of the Nation, nor plot their treason beneath the dome of its Capitol. Let us pray to a righteous God that such scenes may never again stain the coming annals of the Republic, and if need be that the havoc of bloody, desolating war may abate not until the day of regeneration shall come.

Again, in speaking of the emancipation proclamation and the events which led up to and justified it:

The period at length arrived when, to insure success to our arms and make the overthrow of the Rebellion a speedy and certain event, an effectual blow at this formidable element of rebel power was imperatively demanded. Our authority over the subject was broad and ample and the necessity for the step no longer doubtful. Why hesitate to terminate the War and save the Union by losing slavery? It became obvious that amid the throes of this mighty revolution, one or the other must go down. The Union and slavery cannot both be saved from the wreck, for the same power which rescues the one must inevitably crush the other. Which is the more valuable for preservation? After all its manifold crimes against liberty and humanity, against God and his holy laws, what claim has slavery upon this Government for protection and perpetuity? To this reckoning had the Nation come on the 1st day of January, 1863.

I thank Almighty God that at this momentous juncture we had a man at the helm of this Government who fully realized the situation and possessed the sublime courage to perform his duty and place the seal of condemnation irrevocably and forever upon this convicted criminal of mankind. The deed is done; the righteous judgment has been pronounced, and from his honest heart the author tells us "it cannot be retracted." No earthly power can send back to slavery 3,000,000 of freedmen, for between them and such power stand more than 20,000,000 of other men to defend the broad seal which that proclamation bears. In its diminished and attenuated form, slavery still lingers, but it is robed in the habiliments of the grave, waiting only for the rights of sepulcher. The victim of a morbid and treasonable ambition, slavery has been murdered in the house of its friends. Upon them, not us, the responsibility of its death must ever rest. The Union as it was, the people of the North were willing to maintain and abide by, but as the South has determined otherwise, it is our duty to insist upon the Union as it should be, and as our fathers intended it.

What was thought of it at the time was shown by the following resolution passed by the house, introduced by Hon. W. J. Moir, of Hardin County:

Resolved by the House of Representatives. That in the inaugural address of Governor William M. Stone, delivered to the General Assembly of the State of Iowa, on the 14th day of January, 1864, we recognize an able, an eloquent, patriotic and statesman-like document, second to none ever presented to a state legislature.

I can say that this resolution was enthusiastically and unanimously passed, for I was a member of that assembly and heard the inaugural address as it fell from the lips of the Governor. The war did not end, however, as soon as anticipated, for the surrender at Appomattox was not until the following April.

At the age of twenty-nine Mr. Stone had become so potential as to secure the nomination and election for District Judge. While he was holding a term of his court in Washington County, the news came of the firing on Fort Sumter. He immediately adjourned his court, declaring that his country had a higher call upon him as a soldier in her defense. He at once organized a company for the Third Infantry and entered the struggle. He was subsequently promoted to Major of the regiment.

At the bloody battle of Blue Mills Landing, where our forces were pitted against more than four times their number, and led with a courage that was sublime by Lieut.-Col. John Scott, afterwards the Colonel of the Thirty-Second Iowa and Lieutenant-Governor, Major Stone was wounded and at that of Shiloh was taken prisoner and confined for a while in a Confederate prison. On his exchange he engaged in raising the Twenty-Second Regiment and became its Colonel. He distinguished himself for gallantry in several battles, and in the attack on Vicksburg was again severely wounded. Coming home, seemingly to await the healing of his shattered arm, he arrived there as the Republican State Convention of 1863 was about to meet. He attended the convention, and the night before the ballot was taken, made a speech of thrilling eloquence.

There had been but two gubernatorial candidates in the field—Fitz Henry Warren and Elijah Sells. It was generally conceded that Warren would receive the nomination overwhelmingly and that he ought to so receive it by reason of his eminent ability and services. It was thought that the office of the convention, in

naming Warren as its candidate, would be little more than perfunctory, but when it was learned that Stone's name had been brought forward, the matter assumed a different look, and when the hero himself walked down the aisle of the convention with his wounded arm in a sling he was greeted with uproarious applause. The feeling became infectious and his nomination was made in a whirlwind. He was then the most rapidly rising man in the state.

At the end of his first term of Governor, he was renominated and again elected. At the close of his administration he returned to the practice of his profession; but his brain had become so filled with political thoughts and aspirations as to seriously interfere with his professional success. He sought the nomination for Congress in his district and had aspirations for the United States Senate, but his rapid advancement and control had made enemies whose opposition conspired with other causes in the accomplishment of his defeat. He removed to Colorado. He commenced the practice of his profession in Pueblo and engaged in some important mining projects there. In the end this failed, and he returned to Iowa, considerably broken in health and spirits by his ill fortune. During the administration of President Harrison he was appointed Assistant Commissioner of the General Land Office, and later was appointed by the President and confirmed by the Senate as Chief Commissioner of the General Land Office and served to the end of the administration.

I saw him in Washington about this time. He had been seriously ill, but had so far recovered as to resume the duties of his office. He seemed cheerful and confident that his recovery was permanent, but I could plainly see that the hand of death was upon him. He did not survive long after the close of the administration. He removed to Oklahoma, where he died in July, 1893.

Why it was that this star that had so brilliantly burst upon the political heavens so soon waned to its setting, various reasons have been ascribed, among them, that in his triumphs he had failed to properly remember his friends. From my long acquaintance and observation I do not think this judgment is justified, though I have lived long enough to know that politics is like the fabled river Lethe, and apt to wash away friendly remembrances. I think the principal causes of his failure to realize his congressional and senatorial aspirations after he ceased to be Governor, were, first, an unfortunate incident that occurred during his administration. It was a diversion of a portion of the swamp land Indemnity Fund awarded by the Government to the State under act of Congress of March 2, 1855. Warrants for the amounts due the different counties were forwarded by the Treasury Department at Washington to the Governor of Iowa, enclosed in envelopes and directed to him through the mail at different times during the first part of the year 1855. These warrants came into the hands of the Private Secretary of the Governor. This Private Secretary, in whom the Governor had implicit confidence, without the knowledge or authority of the Governor endorsed the Governor's name on these warrants as they came into

his hands, turning a large part of them or their proceeds over to the State Treasurer, and a part into certain Des Moines banks, which cashed them on the strength of the endorsement. It soon became known that certain counties had not received the portion of the Indemnity Fund to which they were entitled and a rumor was circulated that there had been some malfeasance in the Governor's office in connection with that fund. This coming to the ears of the Governor, he at once requested an investigation at the hands of the Eleventh General Assembly which convened at Des Moines in December, 1866. Responding to this request of the Governor the following joint resolution was passed:

Resolved. In accordance with the recommendation of the Governor of the State, that a Committee of five on the part of the House, with such as the Senate may join, be appointed to investigate the alleged diversion of the Swamp Land Indemnity Funds, and that said Committee have power to send for persons and papers.

Thereupon a joint committee was appointed, consisting of Edward H. Stiles, B. B. Richards and Nathan Udell on the part of the Senate, and William Hale, W. T. Barker, John Russell, W. C. Martin and Leander Clark on the part of the House. The joint committee immediately entered upon the work of investigation, and commenced taking testimony on the 16th of January, 1866, which was continued with little intermission until March 17. As Chairman of the Senate Committee, the present writer was by courtesy made Chairman of the Joint Committee, examined most of the witnesses on the part of the State and wrote the Report, which with all the evidence that had been taken was delivered to the Senate and House in a pamphlet containing 244 printed pages, and which will be found among the State papers pertaining to the Eleventh General Assembly. When it was designated that I should write the report the members of the Committee were in complete accord as to the main facts and conclusions, but for reasons, perhaps satisfactory to themselves, the members belonging to the political minority, after I had prepared a unanimous report, concluded to dissent and subsequently filed a minority report. On the main conclusion, however, there was no difference of opinion on the part of the committee, and that conclusion was, that there was a deficit in the Indemnity Fund of \$33,994.83, and that this deficit had been caused by the unauthorized endorsement of Treasury warrants, the proceeds of which the Secretary had failed to fully account for. The testimony clearly showed that the acts of the Secretary had been wholly unauthorized and unknown to the Governor. Governor Stone was a man of honor and integrity. His only fault in the matter was in placing too much faith in his Private Secretary, and his failure to exercise that scrutiny necessary to one in high official position. Notwithstanding his complete exoneration, as the result of the investigation and the deliberate approval of the committee's report by both the Senate and House, the affair raised a political hue and cry against him, which had the effect of impeding his further political ascension for the time.

In the second place, he lacked that proud patience which the gods are said to love, the willingness to further bide his time, which in the end would have fully retrieved his disappointments, instead of removing in somewhat of chagrin from the State; and finally, his broken health, the heritage of his army experience, which resulted in his death.

The principal events of his life may be briefly summarized: He was born in Jefferson County, New York, in 1827. When he was an infant the family removed to Lewis County in that State, and six years later to Coshocton County, Ohio. It is said that he never attended a school of any kind more than twelve months.* In his boyhood he was a team driver for two seasons on the Ohio Canal. At seventeen he was apprenticed to learn the chairmaker's trade, which he followed for several years, studying law in the meantime. He was admitted to the Ohio Bar in 1851, and practiced three years in Coshocton in company with his preceptor, Hon. James Matthews, who became his father-in-law. In 1854 he came West, settled in Knoxville, purchased the Knoxville Journal and took editorial charge of it. He was one of the prime movers in the organization of the Republican party, and it is said that he was the first editor to suggest the State Convention, which met at Iowa City in February, 1856.** He was chosen one of the presidential electors on the ticket headed by John C. Fremont for President, and stumped his district in a strikingly effective manner. In April, 1857, he was elected Judge of the Eleventh Judicial District. When the new constitution went into effect he was, in 1858, elected Judge of the Sixth Judicial District, and was on the bench when he left it for the army as hereinbefore stated. He proceeded to enlist a company and was made Captain of Company "B," Third Iowa Infantry, and was subsequently promoted to Major of the Regiment. It was in this capacity that he was engaged and wounded at the Battle of Blue Mills Landing, before mentioned. In the Battle of Shiloh he commanded the regiment and was taken prisoner. Being paroled and afterwards exchanged as a prisoner in August, 1862, he was appointed by Governor Kirkwood, Colonel of the 22nd Iowa, and participated in the battles of Ft. Gibson, Champion Hill, Black River and in the charge on Vicksburg, where he was again severely wounded, receiving a gunshot in his left arm, when he came home to recuperate and was nominated for Governor as hereinbefore stated. For a full account of his military career the reader is referred to Stuart's Iowa Colonels and Regiments, page seven. He was breveted Brigadier-General on account of gallant services.

John H. Gear.

As John H. Gear was the last of those who might be properly termed "early Governors," with whom I was much acquainted, I shall close the present chapter with this sketch.

* Stuart's Iowa Colonels and Regiments, page 7.

** History of Marion County, 1881, page 613.

John H. Gear was what might be termed a good fellow, free, easy and approachable in disposition and a good mixer. He liked company, was full of life, good fellowship and was generous to a fault. He was what might be termed "a child of the frontier." His father had been a clergyman of the Protestant Episcopal Church in western New York. He subsequently migrated to Galena, Illinois, which had become a point of attraction on account of the discovery of lead mines there. While there, he was appointed a chaplain in the United States Army and stationed at Fort Snelling. Here, in close touch with frontier life and wild conditions, the son grew up. In my sketch of Territorial Governor John Chambers, I have noted an instance which will throw quite a strong light upon the heroic and sturdy character of young Gear. He had displayed such brave and trustful qualities that at the age of seventeen, he was sent from the commanding officer at Ft. Snelling with important dispatches to Governor Chambers at Burlington. He made his way on horseback and it lay through a wilderness inhabited for the most part by savages. I refer the reader to that sketch, as it is illustrative of the times and conditions, as well as of Governor Chambers and John H. Gear. The relation I refer to was obtained by me directly from Governor Gear, himself, and may be, therefore, regarded as authentic. He not only became Governor of the State and subsequently one of its United States Senators, but enjoyed other offices of high trust and responsibility. In accounting for the successes of some men, it is difficult to determine how much should be attributed to native ability and how much to fortuitous circumstances. But I think that it is not difficult to arrive at an approximately close result in the case of Mr. Gear. He was reared among the hardships of pioneer life, which had a tendency not only to discipline and strengthen his heroic qualities but to make him acquainted with different conditions of men. He was born at Ithaca, New York, in 1825. He had a natural desire for knowledge, but was obliged to acquire his education from reading books, instead of in school. The country about him was a wilderness. His father was a native of New London, Connecticut, who after being ordained in 1816, emigrated to New York and settled at Onondaga Hill. He became quite a distinguished Episcopal clergyman and served various congregations in western New York until 1836, when he came to Galena and from thence to Ft. Snelling as already stated. Here the son remained until he was in his nineteenth year, when he came to Burlington in 1843, where he resided until the time of his death in 1901. He began life as a merchant's clerk. As such, he first became associated with the wholesale firm of which Arthur Bridgeman was the head; subsequently with W. F. Coolbaugh, who was then the leading merchant of eastern Iowa. At the end of five years, he became a partner of this establishment, which took the name of W. F. Coolbaugh & Company. At the end of another five years, he purchased the whole interest and became the head of the concern. It was in this position that I first became acquainted with him. He later drifted into politics and attained the honors referred to. To trace briefly his political

career: In 1852, he was elected Alderman; in 1863, Mayor of Burlington; in 1857, he was chosen President of the Burlington, Cedar Rapids & Minnesota Railroad Company. And his efforts highly contributed to the success of that enterprise. He wrote a pamphlet entitled, "Five reasons why the people of Iowa should encourage the building of narrow-gauge railroads." It was strongly written, had a wide circulation and did much towards the construction of this new system. In 1871, he was elected a member of the Fourteenth General Assembly; in 1873, to the Fifteenth General Assembly. This was during what was termed the "Granger Period" in Iowa politics, a movement instituted by or in the interests of the farmers, and was joined in by members of all political parties. It greatly reduced the overwhelming Republican majority of the State and made the political contest of that year a comparatively close one. Mr. Gear was nominated by the Republican Caucus as its candidate for Speaker of the House. Jacob W. Dixon, of Wapello County, was nominated by a Caucus of the Granger Party as their candidate for Speaker of the House. Both of these candidates were conspicuously strong men. Dixon had been a member and a leader in the Senate of the Eighth and Ninth General Assemblies. He had abilities of the highest order and was a remarkably skillful diplomat. In the closeness of the contest, it required a strong man to overcome him. When the time for election came, the House was in a deadlock. Neither party could summon votes enough to elect their candidate, and this condition continued day after day for the space of more than two weeks, with Gear and Dixon as political Titans struggling for the mastery. At its close, Mr. Gear was elected Speaker of the House. In this position, he served with eminent ability and with such great popularity that at the close of the session all of the members of the House, without regard to party, joined in a resolution of thanks, which was engraved and presented to him. In 1875, he was again elected to the House of Representatives, and chosen its Speaker over John Y. Stone, who was a strong opponent. In 1877, he was nominated by the Republican Convention for Governor of the State, and triumphantly elected. At the close of that term, he was again nominated and re-elected Governor by an increased majority. In 1887 he was elected to Congress from the First District; re-elected in 1889, and again in 1893. In 1894 he was elected by the Legislature, United States Senator, and re-elected to the same position in 1900, but died before he had finished his first term, in July, 1901.

In each and all of these official positions, he served with great efficiency. As Governor, prompted by his inherent energy coupled with his desire to serve his people, he thoroughly investigated and made himself perfectly familiar with the affairs of each Department of the State. The State never had a Governor who excelled him in these respects. While his early educational advantages had been meager, owing to his isolation and his connection with frontier life, nevertheless, by reason of

his great mental activities, he became, as it were, a self-made scholar; and among all the numerous State papers which he wrote, none will be found which are not models of perspicuity.

To my mind, the qualities I have indicated reasonably account for the successes he attained. The most difficult to account for are those which he attained after what was termed Prohibition became the pretty well settled policy of his party and the State. Everybody knew who had any interest in making the inquiry, that John H. Gear was not a Prohibitionist and that, under a local option policy, he favored high license and close restriction instead of attempted prohibition in the larger centers of population. That this man whose views were so well known should be elected and re-elected Governor and United States Senator of an essentially prohibition State might, to the ordinary observer, seem enigmatical, but to the closer one, it was natural enough. He belonged to the old-fashioned, sturdy element that had founded the State and brought it from a primitive condition into one of advanced prosperity. He was in no sense what is termed a modern reformer, and it was not to be expected that he should or honestly could, abandon the views of a life-time, which his own observation convinced him were sound. In addition to this, he was a man of great popularity and with as little assumption as any man I have ever known. He carried no false colors, he was perfectly independent, and yet so diplomatic and reasonable in his views respecting the opinions of others that he gave no offense. He was so placable and kindly that the humblest man in the community felt no reluctance in approaching him. Of him might be aptly said what the historian Gibbon has said concerning his father:

Such was the pleasing flexibility of his temper that he could accommodate himself with ease and almost indifference to every class—to a meeting of lords or farmers, of citizens or fox-hunters, and was everywhere beloved as a companion and esteemed as a man.*

With the possible exception of Governor Kirkwood, I do not believe that Iowa ever had as universally popular a Chief Executive as was Governor Gear. They were popular for like reasons. They had both learned the uses of adversity in their early experience. They joined to solid and statesmanlike abilities a strong common sense and carried themselves through all the avenues of life without pretense or self-sufficiency. They were plain, strong, reflective men, who were just what they seemed to be, whose whole aim was to serve the people wisely and well. Governor Gear was not what would be termed a society man, though he bore himself finely in any company, and was exceedingly genial, sprightly and entertaining in conversation. In person, he was tall, straight and commanding, but without the least egoism in bearing. He was eminently social and both he and Mrs. Gear were fond of entertaining a few congenial friends at their apartments at the Aborn House, while in Des Moines. His son-in-law, J. W. Blythe, who became General

* Note—The Autobiography of Edward Gibbon, London, 1897.

Counsel for the Chicago, Burlington & Quincy Railroad Company, and myself were particular friends and in course of time, the Governor and myself became such. I was frequently in Des Moines in attendance on the Supreme and Federal Courts, and while there, I rarely failed to call upon him and he rarely failed to invite me, with two or three friends, to while away an evening with him at his apartments. He liked and needed little diversions like this. He was quite fond of a social game of cards, which we occasionally indulged in and endeavored to enliven with racy conversations. Coming to Iowa when it was in its territorial period, he was familiar with the prominent men and prominent incidents of the whole line and could describe them in a manner both graphic and interesting. On these occasions, Mrs. Gear invariably lent the charm of her presence. She was one of the most sensible and delightful ladies it has been my fortune to know. In personal appearance, she was not pretty, but superb and queenly. She was above the medium size in height, rather stout, but not unduly so. Her broad forehead, her deep and lustrous eyes bespoke a superior intellect, while her meditative and amiable face fairly shone with the kindly fires that lighted it. "She moved a Goddess, and she looked a Queen." She had the golden quality of silence in such measure as to make her sometimes seem somewhat reserved, but she was nevertheless an interesting conversationalist, whom it was always agreeable to hear. She was a woman of broad charities and her constant aim was to make others happy. On the occasions referred to, she seemed to take great pleasure in serving those present with some kind of refreshment during the course of the evening, with her own hands. I think she outlived her husband only about two years. They left no sons, but I think, two daughters, one of whom married Mr. Blythe, before referred to, and the other a son of E. D. Rand, who was one of the earliest and largest lumber merchants in southern Iowa.

I thought it due to the fine qualities of this woman, with whom I had the honor of a personal acquaintance, to pay her this brief tribute in connection with my mention of her husband.

CHAPTER IV.
EARLY UNITED STATES SENATORS.

Augustus C. Dodge.

The two first United States Senators from Iowa were Augustus C. Dodge and George Wallace Jones. The first time I saw General Dodge was in public debate in the campaign of 1859 when he and Kirkwood were opposing candidates for Governor.

General Dodge, though warm-hearted and approachable, was highly dignified and courtier-like in his bearing. He was of southern extraction, had associated much with southern gentlemen both in the army and in Congress, and carried with him much of southern manners. He was tall, exceedingly upright, courtly and commanding in appearance. As compared with the perfect simplicity and plainness of Kirkwood, he seemed by the very contrast, somewhat over dignified, and I think this tendency had been somewhat accentuated by his experience at the Court of Spain. Kirkwood was at home with the plain people and was one of the readiest, off-hand speakers, as well as one of the most forcible ones in the whole history of Iowa. These qualities General Dodge did not possess in a closely proximate degree, and though his language was forceful, he labored at a disadvantage with Governor Kirkwood before a mixed political audience. Besides, Kirkwood had the easy side; Dodge the difficult one to maintain.

My sympathies were with General Dodge on this occasion for I was on that side of the political house. The next time I met him was in the Douglass Presidential Campaign of 1860. I was perhaps the youngest Democratic orator on the stump, while he was one of the oldest. We both addressed an out-door meeting at Agency City in Wapello County. I met him again during the same campaign at Burlington where, at his invitation, I addressed a meeting which he had kindly arranged. A warm personal and political relation became established between us. Our personal friendship continued to the day of his death, but our political relations were suddenly severed by the inauguration of the great Civil War, when I felt obliged to support the administration of Mr. Lincoln and that of the Republican party, as better calculated to bring about a speedy suppression of the rebellion. But his patriotism was just as great as my own; we simply looked at the situation from a

different point of view. I had no faith in the idea that war could be averted or its continuance prevented by any sort of compromise. On the other hand, General Dodge hoped to the last that it could, and exerted all of his influence to bring about a peaceful result. But when the last hope was dispelled and the continuation of the war was inevitable, his entire and ardent sympathies were with the Union. The whole course of his life, the influence of heroic ancestors, the hardships that he had endured in the service of his country, and for the benefit of his country-men all along the eventful years of a most eventful career, his every act of public service as soldier and statesman demonstrate in the clearest manner that he was a man of exalted patriotism.

Nor let it be inferred from what has been said that he was not an efficient and accomplished orator, for he was, and able to express his views in well chosen language and enforce them with power. In these respects, and as a noble gentleman, he took rank among the ablest of his compeers in the Senate of the United States, by whom he was universally respected and beloved.

He was born in 1812 at St. Genevieve, Missouri, then in the territory of Louisiana, the oldest settlement west of the Mississippi River. It was settled in 1785 by French people from Kaskaskia. French manners and customs and a patois of the language are said to prevail there to this day. His grandfather, Israel Dodge, was a soldier in the Revolution, and afterwards shared the exposures and perils of the "dark and bloody ground" in the settlement of Kentucky. Upon the purchase of Louisiana, he was present at St. Louis when our flag was unfurled there in March, 1804. His father was the celebrated Governor Henry Dodge, who had been an Indian fighter in the Black Hawk War, a Colonel in the army, Governor of Wisconsin, a delegate of that territory to Congress, and subsequently its United States Senator, when that Territory became a State.* The wife of Governor Henry Dodge was Christiana McDonald. She was born near Bardstown, Kentucky, and came with her parents to Upper Louisiana in 1796. They had thirteen children, nine of whom grew to maturity, among whom was Augustus, the subject of this sketch. "The only school this boy attended, for a few months was kept in a log schoolhouse, in which light came through greased paper in a horizontal aperture. Pencils were made from bullets beaten into shape and hammered to a point; pens were made with a barlow knife and ink from the boiling of butternut bark or gunpowder."* *

* Note—Dr. William Salter in Iowa Historical Record, January, 1887, to whom I am indebted for much of the data herein contained.

** Note—The following extract from a sketch of Henry Dodge by Dr. William Salter in the October, 1889, number of the Iowa Historical Record will shed light upon the family genealogy and will also serve to show how important a factor Henry Dodge was in the early history of the country:

"The settlement and growth of the territory northwest of the Ohio river is one of the marvels of American history; it cannot be better told than in the lives

In 1827 the family determined to move to the lead mines near Galena. Augustus, accompanied by his mother and sisters, took passage on the steamboat, "Indiana," from St. Louis, the father going on horseback, conducting a train consisting of horses and cattle, the household effects and the slaves he had inherited from his father. On account of low water, the passengers on the steamboat could not ascend the Lower Rapids and had to make their voyage from thence on a keel boat. "The boat was pulled against the current by thirty or more French boatmen; sometimes they walked along the shore with a long rope drawn over their shoulders; where there was proper depth of water they 'polled'; where they could catch hold of limbs and brush, they 'bush-wacked.' Indians were the sole occupants of the country on both sides of the river. At the present site of the city of Rock Island, they saw Black Hawk, Keokuk, Poweshiek, Wapello, Mahaska, and other chiefs and braves of the Sacs and Foxes, decked in gaudy attire, seeming like lords of the soil. It was the largest Indian town in the Northwest." On arrival at their destination, they found Galena in a state of excitement from fear of the hostile Winnebagoes, who had committed a number of murders and were threatening to exterminate the miners. Henry Dodge was waited upon and requested to take command of the forces for the defense of the mining district. He did so and cooperated with Governor Cass and General Atkinson in overawing the Indians. Young Augustus was eager to share in the fray. It was thought that he was too young and not large enough to carry a gun, but was finally allowed to do so, and joined the forces.

He marched with W. S. Hamilton's Company (a son of Alexander Hamilton, of New York) from Gratiot's Grove to English Prairie, where they swam the Wisconsin river, and again swam it at the portage, and on their return, re-swam it at both points. His life-long friend, George W. Jones, afterwards his compeer

of its pioneers. Prominent among them, a heroic man, was Henry Dodge. Born in that territory at Post St. Vincents (Vincennes), October 12, 1782, his life covered nearly the whole of the first century of its settlement. The Canadian French had been earlier upon the ground, but he was the first 'American' child born in what is now the State of Indiana. He was a leader in putting an end to the Black Hawk War.

"Among his papers, which were preserved by his son, Augustus C. Dodge, is a package bearing the simple inscription in his handwriting, 'Commissions in the Service of My Country.' There was also included in this package the commission of his father, Israel Dodge, as sheriff of the District of St. Genevieve, signed by William Henry Harrison, Governor and Commander-in-Chief of the Indiana Territory and of the District of Louisiana, John Gibson, secretary, October 1, 1804.

"The commissions of Henry Dodge cover a long period of public service. They embrace the signatures of six Presidents of the United States, and of many other distinguished men. It is doubtful if there exists another collection of equal interest and value in the documentary history of the West, unless it may be in connection with the life of William Henry Harrison, or the life of Lewis Cass, who were illustrious pioneers. They were not born, like the subject of this memoir in the West; but they filled with honor some of its highest stations."

in the United States Senate, was with him in this expedition, and at the semi-centennial celebration at Burlington, gave this account of it:

He and I campaigned together. We slept, and sweetly, too, o'er nights, with our saddles for pillows, resting upon the under saddle-blanket, with no other cover than the upper saddle-blanket, save the starry heavens; frequently we swam rivers together, drawing our hastily constructed rafts, laden with men who could not swim; at one time for several days our only rations were fresh beef killed and butchered upon the ground, the hard-cooked and burnt part being used as bread, we having none of the staff of life, and being without flour to make it.

After the restoration of peace, Henry Dodge with his family, settled in the place subsequently named in honor of himself, Dodgeville, the present county seat of Iowa County, Wisconsin. There he engaged in lead mining, assisted by Augustus, with all the energy and industry that marked his subsequent career. The latter, after he had reached his twenty-first year and made an enviable record as a soldier, returned to St. Genevieve and entered the school of Prof. Joseph Hertic, an educated Swiss gentleman, which was patronized by the old families of St. Louis, who sent their sons there for a thorough education. Here he first learned to write, his teacher being the young daughter of Professor Hertic. A mutual affection sprang up between them. In March, 1837, they were married. He returned to Mineral Point, Wisconsin, where he remained until appointed Register of the United States Land Office at Burlington in June, 1838. His rare tact in dealing with the early settlers and his amicable efforts in adjustment of disputes arising out of pre-emption of lands, frequently allayed strife and prevented trouble among the settlers who thronged into the Black Hawk Purchase. His kind and effectual offices soon gained recognition among the pioneers, and in 1841 he was elected a delegate to the Twenty-seventh Congress. In 1843, he was elected to the Twenty-Eighth Congress, over his competitor, William H. Wallace. In 1845, he was elected to the Twenty-ninth Congress, over Ralph P. Lowe. He served the people with such signal efficiency and fidelity that upon the organization of the State, he was chosen by its General Assembly one of the first United States Senators. George Wallace Jones was chosen as his colleague. There he found and served with his father, General Henry Dodge, who had been chosen United States Senator from the State of Wisconsin. I knew of this co-incidence and had often heard it spoken of as the only case in which father and son sat side by side as United States Senators from different States. But I did not know until quite recent investigation that they had in like manner before sat as delegates to Congress; but such is the fact, for after Mr. Dodge took his seat in the Twenty-Seventh Congress in September, 1841, he welcomed on the seventh day of the following December, his father, to a seat by his side as delegate from the Territory of Wisconsin. So that we have the instances, and the only ones of father and son representing at the same time their different States in the National House of Representatives, and afterwards as fellow members of the United States Senate.

It is also noteworthy that Augustus C. Dodge was the first person born west of the Mississippi River, who became a Senator of the United States. Upon his election to the Senate, he was thus congratulated by Mrs. Fremont, the daughter of Thomas H. Benton, and the wife of General John C. Fremont, the first Republican candidate for President of the United States: "General, I am sure you will be the best behaved man in the Senate, for a dutiful son will be exceedingly decorous in the presence of his father."

His term in the Senate "covered the exciting questions growing out of the addition to the National Territory which followed the war with Mexico, embracing the admission of California, in connection with Mr. Clay's 'Omnibus Bill'—the compromise of 1850. He supported that compromise. He voted against Mr. Jefferson Davis' proposition to make void the prohibition of slavery that had existed under Mexican law, and extend the Missouri compromise line of 1820, so as to authorize slavery south of it; and he voted for the admission of California under her Constitution prohibiting slavery."

He served as Chairman of the Committee on Public Lands and in February, 1853, delivered in the Senate a speech of great strength and replete with historical information in support of the Homestead Bill. From it, the following brief extracts are taken:

The principle upon which the bill is based is one dear to my heart; it has grown with my growth, and strengthened with my strength. Having lived upon the extreme frontier, next to the aboriginal inhabitants, I have been enabled to learn something personally of the dangers, hardships and difficulties incident to the settlement of the public domain, which every individual has to encounter before he reaches a homestead. * * *

The Government stands in the position of a political parent, whose duty it is to watch over, guard and protect the interests of every citizen. That duty requires that we should enable every one within the limits, washed by the Atlantic and Pacific oceans, to secure a farm or homestead for himself and family. The Homestead Bill is emphatically a measure of progress, and, if enacted into a law, is destined to benefit our whole country. I have long been of the opinion that the best interests of the Republic demand an abolition of the auction or private sales of the public domain, and that it should be conveyed only to those who design to settle upon and improve it. The soil of a country is the gift of the Creator to his creatures, and, in a government of the people, that gift should not become the object of speculation and monopoly. Springing from the earth and destined to return to it, every man desires to possess some of it, wants a spot that he can call his own. It is a deep and absorbing feeling which no people have manifested more strongly than the American. If you desire to render this Republic indestructible, to extinguish every germ of agrarianism, and secure for ages the quiet enjoyment of vested rights, you should give an interest in the soil to every man who asks it. If every quarter section of the public land was the bona-fide property of an actual settler, it would do more to perpetuate our liberties than all the constitutions, State or National, which have ever been devised.

The following instance well illustrates the fidelity and moral heroism of the man. It was thus related by Col. John W. Forney in his paper—the "Philadelphia Press:"

In the course of debate on the 25th of February, Senator Brown, of Mississippi, had said that "there are certain mental employments which belong exclusively to

the negro," etc. I was in the Senate when this rhapsody was uttered, and was not surprised when Senator A. C. Dodge, a young man not older than Mr. Brown, and a Democrat without reproach, took the floor in prompt reply. He was very much excited. His straight Indian figure, his strong features, his defiant air, added effect to the loud tone which rang out like a trumpet call through the chamber. Mr. Dodge said:

"Mr. President, I have heard with mingled feelings of astonishment and regret the speech which has just been made by the Senator from Mississippi (Mr. Brown). No sentiments to which I have listened during my Senatorial career have ever made so unfavorable an impression as those which have just fallen from him. With perfect respect for the Senator and the Senate, I desire that he and it shall know my opinions upon some topics connected with the subject under consideration, and to which I think he has improperly alluded. Upon those matters, I wish to say, that I differ from him widely as the poles are asunder. Sir, I tell the Senator from Mississippi—I speak it upon the floor of the American Senate, in the presence of my father, who will attest its truth—that I have performed and do perform when at home, all of these menial services to which the Senator referred in terms so grating to my feelings. As a general thing, I saw my own wood; do all my own marketing. I have driven teams, horses, mules and oxen, and considered myself as respectable then as I do now, or as any Senator upon this floor is."

What added to the interest of the occasion was the fact, that as the son spoke those glowing words, he called as his witness his venerable father, Henry Dodge, then Senator from Wisconsin, and in his seventy-second year, who had been an Indian fighter in the Black Hawk War, a colonel in the army, Governor of Wisconsin, and Delegate when it was a Territory. His romantic history, white hair, and Roman dignity formed a striking contrast with the impetuous manner and vigorous eloquence of the young black-haired Senator, his favorite and devoted son.

As touching his qualities as an effective speaker, I beg leave to make the following quotation from a letter written to him by former Governor Stephen Hempstead at the time the Bill was pending for the organization of Nebraska and Kansas in 1854:

I have attentively and carefully read your speech. I have no end to gain by flattery, and have too much respect for you and myself to attempt it. But I do say what is only the simple truth, that you have made the best speech on that question—and that is saying a great deal; for on no question which has come before the Senate, of late years, have the debates been as high-toned, able and eloquent as on the Nebraska Bill. I have read all the speeches, and I give yours the preference; and I do not stand alone.

On the 8th of February, 1855, he resigned his seat in the Senate, and on the following day President Pierce nominated him to be Minister Plenipotentiary to the Court of Spain. In the May following, he sailed with his family to take his post at Madrid. In that position, he served with signal distinction for several years. Upon his appointment, he immediately began the study of the Spanish language, and acquired such mastery of it that in a year he understood it in conversation perfectly and could read it as well as he could read English. He was the first American Minister that addressed the Court in the Spanish language when delivering his valedictory address. This certainly speaks much for the ability and industry of a man, who had not learned to write until past his majority—under the tuition of the lovely girl who afterwards became the most devoted and exemplary of wives and mothers. His services as Ambassador at the Court of Spain were such as to bring him distinction in diplomatic circles and make him universally popular with his

countrymen, who had occasion to visit that country. As a souvenir of his services, portraits of the King and Queen, beautifully painted in miniature, were presented to him by the latter, on his departure from that land. On taking his leave of the Court, he addressed a farewell letter to the Queen, phrased in her own language, to which she graciously replied. She had the penetration to discern in him the marks of true nobility, which no heraldry can confer, and the graciousness to warmly recognize it. The following are extracts from a translated copy of her letter:

Mr. Minister: I regret that the desire to return to your native country, as expressed by you to the President of the United States, and kindly accepted by him, puts an end to your mission here.

The frankness and dignity with which you have discharged your trust, have contributed to maintain the close relations which are dictated to both peoples by a common interest.

You well understand the people whom Providence has placed under my care, and knowing that they appreciate loyalty and frankness, you will not doubt that they will always preserve an agreeable recollection of your name, with which those noble qualities are united.

The consideration which I have shown you, and my especial appreciation of yourself and family, will follow you to your own country.

In confirmation of what has been said regarding his efficiency at the Court of Spain, I make the following quotation from one of the "Letters from Spain," written to the Press of that time by Wm. Cullen Bryant, the poet:

The American minister, Mr. Dodge, is very attentive to the convenience of his countrymen, and a great favorite with such of them as come to Madrid. He is on excellent terms with the people of the country and has done what I think but few of his predecessors have taken the trouble to do—acquired their language. He has sent his resignation to Mr. Buchanan, that there may be no hesitation in giving the embassy to any other person; but should the resignation be accepted, it is not likely that the post will be so well filled as it is now.

And this to the same point from the remarks of Senator George Wallace Jones at the Semi-centennial celebration, hereinbefore referred to:

As representative to the Court of Spain, General Dodge was spoken of by Lord Howden, Her Majesty's Envoy at the same Court, in a letter to Secretary Cass, as the man above all others whom he (Howden) would select as his counselor and advisor, on account of his firmness, intelligence, and thorough understanding of his duties. Not long anterior to his death, I met Ex-President Pierce at the Astor House, New York, and in the course of a conversation with him, he stated that of all foreign appointments made during his administration, he believed that of General Dodge as Minister to Spain to have been the best.

In the summer of 1859 he returned to the United States and during the same year was nominated by his party for Governor; but with all his strength and popularity, he was not able to overcome the strong majority then existing. At the Joint Convention of the Legislature held in January, 1860, he received the unanimous votes of the Democratic members for United States Senator. In 1872, he advocated union with the "Liberal Republicans" in support of Horace Greeley for the Presidency. In 1874, he was elected Mayor of Burlington by a spontaneous movement of citizens, irrespective of party. In 1875 he was appointed by the Governor and served on a Commission to investigate alleged abuses in the Reform School at

Eldora, and aided in introducing a more humane discipline into that Institution. He was an ardent friend of young people and constantly aided them in their struggles for education.*

His habits were exemplary, he discountenanced the drink habit by consistent example, and looked to the invigoration of men's moral sense for the suppression of intemperance; not to prohibitory legislation.

At meetings of pioneers and old settlers he was an honored guest, and never wearied in commemorating their exploits and labors. He presided over the Semi-Centennial Celebration of the settlement of Iowa on the 1st day of June, 1883, at Burlington, and gave surpassing dignity and zest to that occasion. It was a sight which can never be looked upon again, to see that illustrious pioneer of Iowa, at the age of more than three score and ten, pour forth from his capacious, accurate and ready memory treasures of information concerning the beginnings of the Commonwealth. He seemed as if inspired with a religious zeal to snatch from oblivion the memory of our founders for the instruction of after times.

He had been a man of sorrows as well as successes. His only brother, Capt. Henry L. Dodge, after having been Sheriff of Iowa County, Wisconsin, an officer in the Black Hawk War and United States Agent for the Navajos, was captured and burned at the stake by Indians in New Mexico. Four of his seven sisters had died; one of them, the wife of the Territorial Governor, James Clark, who, with her husband and son, perished in the cholera epidemic of 1850. Of his own family, he had lost three daughters and two sons in early life. Of his remaining children, two have passed away since his death, leaving as his sole descendant, his son, William W. Dodge, a lawyer of Los Angeles, California, and three promising grandsons, children of the latter.* * With almost unbounded opportunities along the line to have become rich, he died poor. In these times of commercial greed and political plunder, to turn the back upon so many opportunities, makes poverty an ornament. He gave his time and services to his country, and turned his face against using his offices as means of speculation. He served as Register of the United States Land Office, when opportunities for speculative gain were open, and laid down

* Note—Among the floral offerings at his funeral was one from the children of the North Hill Public School, accompanied by the following touching note which throws a strong sidelight on the character of this lovely old man:

"For many years past General Dodge has been in the habit of visiting North Hill School at least once a year; and on such occasions interesting its pupils with reminiscences of his long and eventful life, and also counseling and advising them in regard to their future, and now that his voice is hushed in death and we nevermore shall hear his kind admonitions, we desire to express our great sorrow, and to tender his bereaved family the united sympathies of our young hearts. We also as a last token of our regard send for this sad occasion a design of beautiful flowers—faint emblems of the loveliness and purity of the great life now lost to us forever.—Teachers and Pupils of North Hill School."

**Note—William W. Dodge inherited many of the traits of his illustrious father. He was born at Burlington in 1854. He was a graduate of the Notre Dame University of Indiana and of the Law Department of the Iowa State University. He commenced practice at Burlington. He was frequently a delegate to Democratic State Conventions and a Delegate at Large to the Democratic National Convention that resulted in the second nomination of Grover Cleveland for the Presidency.

his staff at the end as poor as when he entered, and without the smell of smoke upon his garments. A poor man, he was three times elected to the National House of Representatives, and twice to the United States Senate, without the aid of money to boost his claims or bribe Legislators. A poor man, he was appointed on his merits Minister Plenipotentiary to Spain. With what distinction to himself and honor to his country, he served, we have seen.

The death of no public man during my day has caused so spontaneous an outburst of veneration and regret as flowed from the Iowa Press. The majority of these newspapers had been the political enemies of General Dodge throughout all the years, and yet, from friend and foe alike came the unstinted tribute of veneration for his memory and for his services to the State.

The following from the pen of the gifted and lamented Samuel Clark, of the "Gate City," one of the foremost Republican papers of the State, and which had always opposed General Dodge politically, may be taken as a sample of the others:

I remember that about six or seven years ago, the late James B. Howell, who had been a leader and fighter in the great anti-slavery contest, and who had hurled many a political broadside at General Dodge, said to me: "One thing can be said of General Dodge: he has been all his life as honest a man as ever lived." That was his noblest trait, but he had many others. He was brave and gentle, kind and courteous, of unsullied purity and of unfailing graciousness to all he met. His manners were like a benediction. He was a gentleman, and put a splendid nobility and exaltation into his personal and social intercourse. His faults were his party's; his virtues were his own. And these made for him a splendid monument in the hearts and memories of all that knew him.

An eloquent eulogium upon his life and public services was pronounced before both Houses of the General Assembly of Iowa by Hon. B. J. Hall on the 21st of March, 1884.

He was born a hundred years ago. He lived through the most eventful period of the world's history. He had come to be the most striking figure in the State and one of the most so in the whole nation. In him were embodied in a sense, the principal events of Iowa's entire history. He had been a leader in its affairs for a longer period than any other man.

In 1885, he was elected to the State Senate from Des Moines County, and by re-election, served in the Twenty-first, Twenty-second, Twenty-third and Twenty-fourth General Assemblies, a rather unusual occurrence in the consecutive senatorial service of the State. He was an influential member, took a leading part in legislation and was the author of several important measures, among which was the Bill prohibiting the employment of children under fifteen years of age in factories, workshops and mines, and the one making the first Monday in September a holiday to be known as Labor Day. He built up a successful law practice in Burlington and attained an excellent standing in his profession, but on account of impaired health determined to remove to the more favorable climate of Los Angeles, where he engaged in the practice and soon became well and favorably known in the profession.

I omitted to say that he was one of the two members selected by the Senate to investigate charges made against the administration of the State University; and that in 1890 he was appointed on the staff of Governor Boies with the rank of Colonel.

He was an incorruptible statesman of the old school, whose pathway was unsullied by the breath of suspicion and unmarked by the trail of the serpent; a sage with a wonderful memory of the past and a prophetic vision of the future; a humanitarian of active sympathies; a patriot who strove with undivided purpose for the highest interests of his country and her people. It was well said in the tribute paid him by the old settlers, that when in the course of political transition, he was relieved from official life, his descent from position was upward rather than downward, and as beautiful and creditable as had been his elevation. Disappointment had no tendency to sour his nature or make him less kindly toward all mankind. Somewhat late in life he became a member of the bar, and as said by Judge P. Henry Smythe, elevated it by having his name placed upon its roll. Leaving an absolutely stainless life behind him, he died at his home in Burlington on the 20th of November, 1883. His last words were, "Bless the Lord."

George Wallace Jones.

George Wallace Jones is certainly a striking figure in the early history of Iowa, and it may be said, of Michigan and Wisconsin, for he was a public man of note in each while they were territories. His father, John Rice Jones, was a native of Wales, a graduate of Oxford University, and a lawyer by profession, who came to Philadelphia at the close of the Revolutionary War and engaged in the practice. Thence he removed to Vincennes, Indiana, where he became eminent in his profession. He subsequently removed to St. Genevieve, Missouri, became a member of the Convention which framed the Constitution of that State, was appointed Chief Justice of its Supreme Court, and held that office until his death in St. Louis in February, 1824.

The son, George Wallace Jones, was born in Vincennes, Indiana, in 1804; marched the streets of St. Genevieve as drummer boy to Captain Linn in raising a Company for the War of 1812; graduated at Transylvania University, Lexington, Kentucky, in 1825; studied law in the office of his brother-in-law, John Scott, then a member of Congress from Missouri; and in 1826 was appointed Clerk of the United States District Court of Missouri at St. Genevieve. On account of delicate health he removed in 1827 to Sinsinawa Mound, then within the territory of Michigan, but subsequently in that of Wisconsin, where he engaged in mercantile business and smelting lead ore. He purchased lead of the Sac and Fox Indians where Dubuque now stands, the mines having been opened by Julian Dubuque in 1787. Here he established a smelting furnace and opened stores in Dubuque and Peru.

In 1832 he was a valiant and adventurous soldier in the Black Hawk War, and Aide-de-camp to the great Indian fighter, General Henry Dodge—afterwards the Governor and United States Senator of Wisconsin, father of Iowa's distinguished United States Senator, Augustus C. Dodge, and grandfather of William W. Dodge,

now of Los Angeles, California. In 1833 he was appointed by the Governor of Michigan Territory, Judge of its western District. He remained on the bench till October, 1835, when he was elected Delegate to Congress from Michigan Territory, which then embraced what now forms the States of Michigan, Wisconsin, Iowa and Minnesota, and the vast territory lying west of them to the Rocky Mountains. In the contest for Congress his competitors were Judge Woodbridge, of Detroit, afterwards United States Senator from the State of Michigan; Judge James D. Doty, afterwards delegate in Congress, Governor of Wisconsin, and member of Congress from that State, and Honorable Morgan L. Martin, subsequently delegate in Congress from Wisconsin Territory. During this session of Congress Mr. Jones drew up and secured the passage of the bill establishing the Territory of Wisconsin, and gave to it its name. In this, through his tact, perseverance and popularity he secured the aid of General Jackson, Daniel Webster, John C. Calhoun, Thomas H. Benton, James K. Polk, and other able statesmen then at Washington, who became his personal friends. He procured large appropriations from Congress for roads from Green Bay towards Chicago, from Milwaukee and Racine to the Mississippi River, from the northern boundary of Missouri, via Dubuque, to Prairie du Chien, and thence to Green Bay; an appropriation of \$5,000 for each of the towns of Racine, Milwaukee, Sheboygan and Green Bay; \$20,000 for the erection of public buildings in Wisconsin, and \$40,000 for the improvement of the Lower Rapids of the Mississippi. He secured also large appropriations to purchase from the Sac and Fox Indians an extent of territory which now forms some of the richest and most populous counties of Iowa, and for the purchase of the Winnebago country east of the Mississippi, and grants of 640 acres of land for each of the towns of Fort Madison, Burlington, Bellevue, Dubuque, Peru and Mineral Point.

In 1837 he was re-elected to Congress and at the session that followed he procured the passage of the bill establishing the territory of Iowa. At the celebration of the Fiftieth Anniversary of the settlement of Iowa, held at Burlington in June, 1883, General A. C. Dodge in introducing Senator Jones to the audience, grasped the hand of his old colleague, and holding it up said: "In early days the pioneers always estimated a workman by his chips. Here, ladies and gentlemen, is the hand that chipped Wisconsin out of Michigan; that chipped Iowa out of Wisconsin; that chipped for us six hundred and forty acres of land covering this original town at a mere nominal price; and to the same hand more than any other man or representative, we are indebted for our railroad grants." At this session he procured the passage of several measures for the benefit of Iowa, which in this limited space I cannot undertake to enumerate.

At the election for Delegates to Congress from Wisconsin Territory, September 10, 1838, Mr. Jones was again a candidate for re-election, but was defeated by James D. Doty. The principal cause of this was the unfortunate part he took in

being second for Cilley in his duel with Graves. His consent to this was only obtained under great pressure. Upon this subject, Lewis F. Linn, United States Senator from Missouri, wrote soon after the affair a letter to the Galena Democrat, in which he said:

General Jones only consented to become second after earnest solicitation on the part of Mr. Cilley and his friends, and because that gentleman could not obtain the aid of any other friend that could be relied on. Our friend is blameless in this unfortunate affair.

Touching the same subject, Franklin Pierce, afterward President, in a letter to General Jones says:

I have never doubted for a moment that a full development of all the facts would completely exonerate you in the public mind from the unjust and injurious expressions which have been made concerning the affair.

It was indeed an unfortunate affair, and in these days would be considered wholly unjustifiable; but such occurrences were not infrequent in those days, though the northern spirit had grown to be much against it; but if William J. Graves, who gave the challenge, had been fatally wounded instead of Jonathan Cilley, the feeling would have been very different.*

The causes which led to this duel and the circumstances connected therewith, as narrated by General Jones himself, were substantially as follows: James Watson Webb was editor of the New York Courier and Inquirer, and a staunch advocate of Henry Clay. Cilley, a brilliant Democratic member of Congress from Maine, had reflected severely on Webb in a speech. Webb, who was himself a duelist, and in after years carried a bullet in his leg, received in a duel, immediately went to Washington and sent Cilley a challenge by the hands of William J. Graves of Kentucky, who was also a member of Congress. This challenge Cilley refused to receive on the ground that Webb's character was so infamous that he could not notice it. This, Graves construed as an insult to himself, as being equivalent to a charge that he was the associate of a scoundrel, and accordingly challenged Cilley himself. Cilley professed great respect for Graves personally, but the latter and his advisors insisted on the meeting which Cilley sought to avoid, and the duel took place with the fatal termination stated. General Jones said he consented to act as Cilley's second at the earnest solicitation of Franklin Pierce, and that if the second of Graves had not lost his head and insisted on continuing the fight after the first shot had been exchanged, the fatal result would not have occurred. As it was, it was thought that a chance shot had produced the fatal termination.

In this connection I am tempted to give the following instance related to by venerable William Graham, of Dubuque, who originally located in Jackson County, in a letter received by me from that gentleman during the present month of June, 1913:

In the early summer of 1861, before the battle of Bull Run, a gentleman came to my office in Bellevue, and introduced himself as Mr. Graves, of Lexington, Ken-

* Andreas Atlas, 254.

tucky. His business was to sell two hundred and forty acres of land he owned in Clinton County. I think he was the most splendid specimen of manhood I have ever seen. I had considerable conversation with him, and after he had left the town I was informed that he was a son of the survivor of the "Cilley duel." I afterward learned that, during the same year, he committed suicide—led to it by dwelling on the tragedy in which his father had such an important part; a tragedy that also shortened the father's life.*

Upon the organization of Iowa territory, its people in recognition of the valuable services Mr. Jones had performed in their behalf, and his eminent fitness for the position, strongly recommended him through mass meetings held at different places, for Governor of the new Territory. This was seconded by many petitions from Representatives and Senators, but the President had scruples about making the appointment of a member of Congress during his term of service, and appointed Ex-Governor Lucas of Ohio.

In 1838 he procured the establishment of the two first Land Offices in Iowa—one at Burlington, the other at Dubuque; and through his untiring efforts during the same session, the bill creating a Surveyor-General's Office at Dubuque was passed. The office was first filled by Albert C. Ellis, of Green Bay, and upon his resignation President Van Buren appointed General Jones, who held it until his removal under the Whig administration of President Harrison, in 1841; but, in 1848, he was restored to it by President Polk. On the seventh of December, 1848, he was elected to the Senate of the United States, and by re-election was continued in that office until the fourth of March, 1859.

His colleague was General Augustus C. Dodge. They were Iowa's first United States Senators. Here, soon afterward, upon the admission of Wisconsin as a State, he welcomed the father of his colleague, the former General Henry Dodge on whose staff he had served as Aide-de-Camp in the Black Hawk War, later Governor, and then United States Senator of Wisconsin. The portraits of all three appear in Healy's celebrated painting of "Webster's Reply to Hayne," a copy of which hangs on the wall before me.

His highly useful services during this lengthy senatorial term I shall not attempt to enumerate. They belong to a wider domain. Major C. D. Ham in the Dubuque Herald at the time of Mr. Jones' death said that Henry Clay was his college guardian while at the Transylvania University; that in 1823 he was Sergeant of the body guard of Andrew Jackson while on his way to Washington to take his seat in the United States Senate, and that when Lafayette visited America the young

* As showing how late the practice of dueling kept up, the following instances, occurring in California where I am writing this sketch, may be referred to. In the early fifties, Stephen J. Field, afterward the distinguished Judge of the United States Supreme Court challenged Judge William T. Barbour. Field was at the appointed place with his second, but Barbour concluded that it would not comport with his judicial position to enter the field, although he had at first accepted the challenge. As late as 1859 Judge David S. Terry, who had recently been on the Supreme bench of California, challenged David C. Broderick to the mortal combat in which Broderick lost his life.—Shuck's Bench and Bar of California, pp. 154, 287.

student was elected by Congress a member of the Reception Committee that escorted the French Patriot through Kentucky.

Under the administration of Buchanan he was appointed Minister to New Grenada, now Colombia, making his official residence in Bogata where he remained for three years, returning during the first years of the great Civil War. Jefferson Davis had been a fellow soldier with him in the Black Hawk War, and there had been maintained through all the years between them an intimate friendship. This friendship together with some friendly correspondence, amid the high wrought feelings that prevailed during the war times, occasioned in certain quarters a suspicion of disloyalty to rest upon General Jones, which finally led to his arrest and imprisonment in Fort Lafayette for a period of sixty-five days; upon his discharge from which he was given a most enthusiastic public reception by the people of Dubuque when he returned.

He lived to a great age, dying at his home in Dubuque in his ninety-third year, and as the years waned, the affections of the people of Iowa for him strengthened, so that towards the last he became with them a universal object of admiration and esteem. On every hand the greatest respect and attention were paid him by the Legislature, by the Pioneer Law Makers' Association, by the Historical Department, and from every quarter. It is said that his father had been a large landholder, and so in turn was he, but it all melted in the stream of his boundless generosity, so that at the end he found himself in very straightened circumstances and with incumbrances upon his home, from which he was unable to extricate himself, and under a foreclosure of which he was about to lose it, when another noble citizen of Dubuque, J. K. Graves, learning of the condition, immediately came to the rescue, raising money sufficient to restore to the veteran Senator the unincumbered title to his home and make him comfortable during his remaining days. This was characteristic of J. K. Graves. All honor to his name and memory.

In personal appearance and address he was one of the most charming of men, a real type of old-fashioned courtly politeness. In his time he was the Chesterfield of Washington Society. His facile courtesy might be illustrated by an instance within my observation.

Judge George G. Wright was engaged in conversation with a company of gentlemen, including General Jones and myself, at Dubuque. The Judge referred to the polite manners of the Castillians at Bogata while General Jones was our Minister there. The Judge said that the General had told him on his return that he could not understand much of their Castillian tongue, but when it came to bowing and scraping he was at home and the equal of any of them. It doubtless was so, and the same in any other society. In the ninetieth year of his age he made a call

upon Charles Aldrich at the Historical Department, and Mr. Aldrich thus wrote of him:

He is still in the enjoyment of excellent health, and is as fastidious regarding the polish of his boots, the twist in his mustache, and the ringlets in his hair (his hair was inclined to curl), as deferential in his treatment of ladies, as kind to little children, as when the writer saw him gliding about the floor of the United States Senate in 1852, throwing salutations to the beauties in the gallery. Our aged Ex-Senator has led a useful, active life, but must be one of that class of men whom Dryden had in mind when he wrote these lines:

“Some few, by temperance taught, approaching slow,
To distant fate by easy journeys go.”

While in the Historical rooms he sat down and quickly wrote a letter, holding his pen with a firm, steady grasp, finishing the page without a blot or erasure, and producing a fine piece of manuscript, to which he signed his name very handsomely.*

The life of General Jones was perhaps more variously eventful than that of any other man connected with Iowa's history. Many of these events will be found in his address before the Pioneer Law Makers' Association of Iowa at the Reunion of 1892, and in that at the Fiftieth Anniversary of the Settlement of Iowa, held at Burlington in 1883. The reader may also be referred to the old series of Annals for April, 1865, page 471; April, 1867, 862; October, 1870, 330; April, 1872, 126; January, 1874, 7 and 13.

James Harlan.

Augustus C. Dodge was succeeded by James Harlan as United States Senator. The life of James Harlan is so interwoven with Iowa and the nation itself that it is unnecessary for me to give little more than a general outline. It is generally supposed that Mr. Harlan at the outset of his career was a Methodist Clergyman and not a lawyer. This popular belief is incorrect, as the following facts relating to his early life will show. He was born in Clark County, Illinois, in 1820. He was a son of Silas Harlan, who with his family moved from Illinois to Park County, Indiana, when James was three years of age. He early displayed remarkable talent, a thirst for knowledge; he was fitted for college and graduated in 1845 from Asbury University, Greene Castle, Indiana, which was then under the presidency of the renowned Bishop Simpson. The following year he proceeded farther westward and located in Iowa City where he read law, was admitted to the bar and entered upon the practice which he continued there for several years and until 1853, when he was elected President and Professor of Moral and Mental Philosophy of the Iowa Wesleyan University at Mount Pleasant. This statement that he was admitted and practiced as a lawyer is fully verified by biographical references all along the line.** In addition to the authorities quoted in this note, it is stated in the annals of Iowa for October, 1874, that in the first case tried in the District

* Annals of Iowa, Third Series, Vol. 1, 154.

**Gue, Vol. 4, 118; United States Biographical Dictionary, Iowa, 1878, p. 29.

Court of Johnson County—in 1853—in which William E. Miller, afterwards a Judge of the Supreme Court of Iowa, was engaged: “James D. Templin and James Harlan, two reverend lawyers of that day, appeared for the plaintiff in the action.” Miller was for the defendant. The case was hotly contested. In addition to this, Harlan’s name appears on the roll of attorneys admitted to practice in the Supreme Court and will be found in the list of lawyers attached to the nineteenth Iowa Report. From all the information to be gathered on the subject, it is clear that Mr. Harlan was a practicing lawyer from the time of his admission to the bar to the time he was elected President of the Wesleyan University; that is to say, from 1847 or 1848 to 1853, though a portion of this time he was principal of the school known as the Iowa City College, which was afterwards succeeded by the State University.

In politics he was a Whig, and between the time he commenced practice and the time he was elected President of Wesleyan University, he was twice elected Superintendent of Public Instruction; first, in 1847, as an Independent candidate, espoused by the Whigs, he was elected for three years, but at the end of the first year, through a species of political legerdemain, the election was declared void; then in 1848 he was nominated by the Whigs and in fact, re-elected, but some votes were cast for James Harland, and some for James Harlin, and on account of this discrepancy these votes were not counted for him by the Democratic Election Board, and by reason thereof the election was given to his Democratic opponent, Thomas H. Benton, Jr. In the first election, that of 1847, Mr. Harlan’s opponent was Charles Mason who had been the distinguished Chief Justice of the Territorial Supreme Court, and held over after the state organization by reason of the failure of the Legislature to elect new officers. Inasmuch as some doubts were expressed by a writer in Volume 6, of the *Annals of Iowa*, third series, p. 634, as to Judge Mason’s connection with this election, I quote from an article entitled “Early History of Iowa by Charles Negus,” in the October, 1873, number of the *Annals of Iowa*, p. 591:

For Superintendent of Public Instruction the Democrats nominated Charles Mason, who was considered one of the best qualified men of the State for the position. The Whigs nominated for their candidate James Harlan.* Harlan was a forceful speaker and as soon as he received the nomination he commenced canvassing the State, making speeches wherever he could get an audience, and as he belonged to the Methodist Church, many of that body took a deep interest in his election. Mason still retained his position on the bench, owing to the failure of the Legislature to elect Judges, and never left his judicial business, and made no effort to secure his election, and the result was that Harlan was elected. This was very mortifying to the Democrats, and soon after it was officially known, Elisha Cutler, Secretary of State, promulgated that the election was of no effect, from the fact that the law creating the office of Superintendent of Public Instruction was not in force at the time of the election.

* Note—This is a mistake as Harlan announced himself and ran as an Independent candidate.

Further along in the same article Mr. Negus says:

The Supreme Court having decided that the school officers elected at the April election had no authority to discharge the various trusts for which they were elected, it became necessary to have another election for Superintendent and other officers. Harlan was the Whig candidate, while the Democrats selected Thomas H. Benton for the position. Upon the counting of the votes it was declared that Benton had received a majority of 17. The Whigs made a great clamor about the election, claiming it was not fair and that Harlan was cheated out of the office. It was considered by many that Harlan had not been fairly dealt with by the Democrats in being turned out of office, and this created a feeling in his favor and made him the prominent man in the Whig party in the State.

The foregoing reproduction of Mr. Negus not only clearly states the situation, but throws some strong sidelights on Mr. Harlan.

In 1849 he had by force of his extraordinary talents made such a profound impression upon the people that he was nominated by the Whig party as its candidate for Governor, but as he was then scarcely twenty-nine years of age, he was compelled to decline this nomination on the ground of ineligibility. In 1855 he was elected United States Senator to succeed Gen. A. C. Dodge. This election was made by the Legislature of the Fifth General Assembly, and was a most notable event.

The passage of the Kansas-Nebraska Act of 1854 had produced a revulsion on the part of many who belonged to the Democratic Party. This element had its representation in the Legislature which elected Mr. Harlan. It was known as the Free Soil element. There was also the so-called Know-Nothing element, and the joining of these two with the Whigs resulted in the election of Mr. Harlan. Fitz-Henry Warren was the regular Whig candidate. Ebenezer Cook of Davenport, and Milton D. Browning, of Burlington, were also Whig candidates, but could not get all of the Free Soil votes. This election was contested in the United States Senate on the ground that the joint convention of the Iowa House and Senate, which had elected Mr. Harlan, did not constitute the required quorum, and the election was declared void by a party vote of the United States Senate in January, 1857. Mr. Harlan's term had commenced on the fourth of March, 1855, and his first speech before that body, on the admission of Kansas, which was delivered on the eighth of March, 1856, made a deep impression on his fellow members and established him as a young man of great force and power. He was then thirty-six years of age. Upon his seat being declared vacant he repaired immediately to Iowa City where the Legislature was in session. By this time the Republican party had become the ascendant one in Iowa and had a majority in the Legislature. He was accordingly re-elected the next day after his arrival, returned to Washington, was re-sworn, and resumed his seat on the twenty-ninth day of the same month in which his former one had been declared vacant. These events and the remarkable ability that he had already displayed brought him into conspicuous public notice. From this time on his progress was until near the end of his career a succession of personal and political triumphs.

I am unable to state what his preparatory studies if he had any aside from his religious training for the ministry were, but that he preached occasionally with great power was well recognized in the early part of his career. In fact, if he had not possessed considerable learning in the theological field, it is not likely that he would have been elected President of Wesleyan University. Charles Negus who has contributed much to the history of the State, in speaking of him as the Whig nominee for Superintendent of Public Instruction in 1847, says, "The Whigs nominated for their candidate James Harlan, who was a young Methodist preacher." The editor of the Iowa Historical Record published by the State Historical Society at Iowa City in April, 1885, in speaking of the Fifth Legislative Assembly and the election of Mr. Harlan in 1855 to the United States Senate had this to say:

The most memorable event in the history of this General Assembly was the election of James Harlan to the United States Senate. Mr. Harlan, in earlier life, had been a Methodist minister. There is no profession like the ministry, and no denominational branch of the ministry like the Methodist, to develop the latent powers of oratory. As a Methodist minister, Mr. Harlan had discovered this power, and had transferred it to the stump, where he made it felt right and left, chilling into dejection the ranks of the Democracy and warming into enthusiasm their opponents. He was consequently stubbornly opposed at every step by the Democratic party, and seemed, moreover, attended by an evil star of bad luck. Whenever he had succeeded by a scratch in apparently securing a nomination or election, it was either found that he was ineligible on account of age, or that there had been fatal irregularities in the methods of his election. He had been selected for Governor, and forced to decline on the score of ineligibility. He had been apparently chosen State Superintendent of Public Instruction, and counted out on a technical irregularity. The same evil destiny hovered over him now.

Many ineffectual ballots had been taken from day to day for United States Senator in the joint convention of both Houses. There were the united Democrats with their candidate, and the opposition, forked into two branches, Americans and Free-Soilers, each with theirs. This was satisfactory to the Democracy, who had no hope of securing the prize for themselves, and were contented with negative results.

When Mr. Harlan took his seat as United States Senator, his Iowa colleague was George Wallace Jones who had been re-elected in 1852 for a term of six years and was the last of the Democratic United States Senators from Iowa. At the expiration of Senator Jones' term James W. Grimes took his seat as the first Republican United States Senator from Iowa and became the colleague of Mr. Harlan and so continued through the course of many years. It may be safely said that no state in the Union had an abler representation in the United States Senate than Iowa had in the person of these two men. The names of Grimes and Harlan will stand out with brilliant superiority throughout all the future of Iowa and of the nation as well. It would be supererogation and beyond the scope of this work to detail the important measures in which Senator Harlan played a leading part. That belongs to a more general history.

To resume the thread of his general career, he was in 1861 elected for a second term, but after serving until the 15th of May, 1865, he resigned his seat in the Senate to accept a seat in President Lincoln's cabinet as Secretary of the Interior.

He had been offered the cabinet position in March, but did not enter upon the duties pertaining to that office until he resigned his seat in the Senate in May as before stated. In the meantime President Lincoln had been assassinated and was succeeded by Andrew Johnson as President of the United States. On the first of September of the same year Senator Harlan resigned his seat in the cabinet. The reasons which led him into this resignation do not seem to have been clearly set down, but I should say that the principal one was the lack of harmony between his views and those of President Johnson and some of his cabinet on what were termed the Reconstruction Measures pertaining to the States lately in rebellion.

The resignation of Mr. Harlan of his seat in the Senate so near the close of his term imposed upon the Legislature the necessity of electing a Senator to fill the unexpired portion of that term and for a new term succeeding it; in other words, as it was called, for the long and short term. Mr. Harlan accordingly entered the field to be his own successor for both terms. Ex-Governor Kirkwood was strongly brought into the field as his competitor for these honors, and the contest was waged with a good deal of severity. It was urged with great force, that Mr. Harlan had already served for some nine years in the Senate, and that after having resigned his seat there, he should not so soon re-enter the field to regain what he had voluntarily laid down. I was a member of the State Senate at that time from Wapello County and with many other Senators took that view of it. It was also urged against Mr. Harlan that his united support by the Methodist churches and church members came too near violating the principal that there should be no alliance between church and state. This, however, was a sword that cut both ways, as we shall hereafter briefly notice. The ultimate result of the contest was that Governor Kirkwood was elected for the short term and Senator Harlan for the long one.

A word now as to Mr. Harlan's connection with the Methodist Church and its influence in his political career. I think it may be truly said that from the outset of that career he had the general support of both the laity and clergy of that church. This was not strange nor to the discredit of Mr. Harlan. As a young man he was powerful as a public speaker and his great natural abilities waxed and extended as the years advanced. These extraordinary abilities were sustained by the integrity of his character and his human sympathies. The Methodists of Iowa were naturally proud of him and always gave him their united and cordial support. It was charged that his appointments or those he was instrumental in securing, especially along the lines of the Revenue Service following the years of the war, were very frequently conferred on members of his church. This may have been true, but it was not strange. Party leaders quite naturally are partial to those who have given them undoubted support. The fact is that Mr. Harlan may be properly regarded as a great man, with great personal influence and magnetism, and it is my opinion that if he had been a Democrat he would have had just as strong and faithful a following as he did have as a Whig and Republican.

But this attitude and the charge which it gave rise to, created some prejudice against him and was undoubtedly one of the factors that led to his defeat when Senator Allison was elected; and it came very near leading to the defeat of his party's candidate for Lieutenant-Governor, as the following incident will show. As prefatory, I may say that during the war the Methodist preachers were nearly all Republicans and nearly all prohibitionists—some of them of the most radical and unreasonable order. In the campaign of 1859 when the gubernatorial candidate of the Republican party was Samuel J. Kirkwood, his "running mate," the candidate for Lieutenant-Governor was Nicholas J. Rusch of Davenport. He was a German by birth, had been a member of the Legislature and had worked or used his influence for a modification of the prohibitory law. It was charged that Mr. Rusch was a beer-drinking Dutchman, that he could hardly speak the English language, and that his nomination was merely made "to salve the wounded feelings of his countrymen in the State*;" whereas Mr. Rusch, in fact, was a highly educated gentleman, and his nomination a wise one. As is well said by Professor Herriott, of Drake University, referring to this campaign, "The discussion of the temperance question became positively vicious in its virulence; not even the State's Representatives in the United States Senate were exempt from gross attack. The Junior Senator (Mr. Grimes) was openly charged with being the owner of a beer garden in Burlington,** and the Senior Senator (Mr. Harlan) was flouted as the "mighty Ajax of the Maine law" with the assertion made on the stump that he was found imbibing in a saloon in Des Moines at the Republican State Convention."** ** The incident referred to occurred at the opening of the campaign and is thus related by Professor Herriott:

"Reverend Mr. Jocelyn, a Methodist Minister, had been engaged to deliver a series of lectures, sermons and speeches upon temperance before the congregations of churches or members of temperance organizations in Central Iowa roundabout Des Moines. He evidently viewed the prospects with a gloomy eye, and with reason. The action which follows drastic sumptuary legislation, as the Maine Law, had set in strong. The open, as well as the surreptitious violation of the statute was increasing. Public sentiment in its favor was waning and its opponents were gaining ground. Vigorous defensive measures were clearly imperative as Mr. Jocelyn regarded the situation, and he spoke with vigor, carrying the war into Africa. He attacked the candidacy of Nicholas Rusch, who being a German, was a representative of the population that especially protested against the prohibitory law. Mr. Jocelyn was quoted as saying that he would rather vote for the most ultra-slavery propagandist than to vote for Rusch. His hard hitting had immediate effect. The Republican leaders, both local and state, became alarmed, for grumbling and

* The Herald, Dubuque, July 21, 1859.

** Iowa Weekly State Reporter, June 8, 1859.

*** The Herald, Dubuque, September 14, 1859.

threats were heard among the faithful. The queries and rejoinders were, Are the Methodists to cut the ticket? We will make it cut both ways. If you cut Rusch, we cut the Methodist. This latter meant Senator Harlan. His friends were informed that if Mr. Jocelyn was not stopped, the friends of the ticket supporting Mr. Rusch would fight Senator Harlan's re-election the following January."*

This incident reminds us of the fatal alliteration of the Rev. Dr. Burchard in his New York speech wherein he said that the Democratic Party chiefly represented "Rum, Romanism and Rebellion," which lost the State of New York and the Presidency to Mr. Blaine.

But combining with these causes that led to the defeat of Mr. Harlan by Mr. Allison for the United States Senate in 1872 was a more serious one. It was the charge that he was connected with the Credit Mobilier Scandal and had received money from Mr. Durant, the Vice-President of the Union Pacific Railway Company, \$10,000, to support its interests. This charge was applied to a number of Senators and Congressmen and a Committee of United States Senators composed of Whigs and Democrats was appointed to investigate the charges of corruption which were made in connection with this scandal. Both Mr. Durant and Mr. Harlan were summoned before the committee to give testimony in respect to the charge as it concerned Mr. Harlan. From the testimony of both it appeared that they had been warm personal friends of many years' standing, and that Mr. Durant, knowing Mr. Harlan's circumstances, had made a present to him of \$10,000 to aid in the canvass for re-election to the United States Senate in 1866, that it did not come in any sense from the Union Pacific Railway Company or from Mr. Durant as its Vice-President, but from the latter as a personal and friendly act, and was used by Mr. Harlan for electioneering expenses. Notwithstanding the vindication of the Committee as to any corrupt motive of Mr. Harlan, these charges which had for some time been rife, had the effect in some degree to discredit him, and contributed to his defeat in his contest with Mr. Allison. Another cause that contributed to the success of Mr. Allison was the fact that the neglected northern part of the State unanimously demanded that a successor to Mr. Harlan should be chosen from that region, and William B. Allison was the person fixed upon for that choice.

On the hustings Mr. Harlan was a power, not by any brilliancy or flights of oratory, but by sheer readiness. It is said to be dangerous to make comparisons or parallels between individuals, but I cannot help making one between Harlan and Kirkwood in respect to their force on the "stump." They were much alike in style, expression and, in many respects, in person. Both belonged to the old regime of men; both were rugged, perfectly plain in argument. I heard them on several occasions, and the parallel I have made was always striking to me. When either

* Prof. F. I. Herriott, on Iowa and the First Nomination of Abraham Lincoln, Vol. 8, Third Series, Annals of Iowa, 216.

spoke, crowds flocked to hear him. Both were plain in person, clear in expression and strong in presentation, seizing the very points in controversy and enforcing their views with irresistible logic, interspersed with illustrations and anecdotes that kept the crowd in good humor and frequently provoked roars of laughter.

Senator Harlan was a magnanimous and just man. He was desirous that justice should be done to his political enemies, and he was faithful to his personal friendships. When Henry Clay Dean was assailed and vilified from one end of the state to the other, Harlan remained his steadfast friend. In speaking of Mr. Dean, the Iowa State Register in its issue of February 13, 1887, said: "Among his Republican attachments was that for Senator Harlan, which ranked not second with any of his friendships in Iowa." When Mr. Dean was an applicant for the position for Chaplain in the United States Senate, Mr. Harlan was his friend and instrumental in securing him the appointment. For a Republican to be the outspoken friend of Mr. Dean during some years of the war required a good deal of heroism, but Mr. Harlan exercised it freely and to his everlasting credit as a man. The following is another example, which redounds to the glory of Mr. Harlan more than any act of mere statesmanship. During the Civil War party and personal rancor ran high. Men of elevated station who adhered to the Democratic Party were by the unthinking looked upon with suspicion, and frequently denounced as traitors. Judge Chas. Mason had received a military education at West Point. He was a prominent Democrat and a revered leader. He fell under the ban. It was sneeringly said in an article appearing in the Saturday Evening Post of Burlington, that but for Judge Mason's love for Jefferson Davis, he would have entered the Union army. This article came to the notice of Senator Harlan and he addressed a letter to the editor, the original of which may be seen in the Iowa Historical Department, wherein he says, "Soon after the commencement of the war of the Rebellion, Judge Mason tendered his services to the Secretary of War, in any position in which it might be thought he could be useful. I personally know that this tender was made. The Judge's letter making it was addressed to me at Washington, and no doubt the letter itself is on the files of the War Department. It impressed me at the time as singularly modest, coming from a man of his recognized eminence, and as patriotic as modest." No greater tribute could be paid to the patriotism of Judge Mason, and, as well, to the manhood and strong sense of justice of Senator Harlan.

We have seen him serving for nearly eighteen years in the United States Senate; years that covered the most eventful and the most critical periods of our history—the gathering of the clouds that foretold the Civil War, the tragic and sometimes darkly foreboding incidents of that long conflict, the re-construction of the states which had been in rebellion. The exigencies of these periods invoked the highest statesmanship, and Mr. Harlan proved himself equal to every emergency. He was

associated with and had for his compeers and rivals the most distinguished men of the nation, among the greatest of whom he was always a peer.

The following incident will illustrate his power of speech and the strength of his advocacy. San Domingo desired to be annexed to the United States, and President Grant had negotiated a treaty with the San Domingo Government for such annexation on favorable terms. Whereupon a combination of Senators opposed to it, was formed, at the head of which were Charles Sumner and Carl Schurz, who assailed the President in speeches of almost unprecedented violence. Senator Harlan was chosen by his colleague to reply. "His speech was considered the greatest forensic triumph in that body since the reply of Webster to Hayne in 1832. It was the leading event of that Congress. Nor was it the result of long premeditation and careful arrangements, for it was late at night when he was waited upon by a number of leading Senators who requested him to reply to the abusive speeches that had been made against the President."*

Mr. Harlan was subsequently appointed as the head or Presiding Judge of the Alabama Claims Commission, and served in that position from 1882 to 1885. He was one of the Commissioners who erected the Iowa Soldiers' Monument.

His last public act was as President of the day in the laying of the cornerstone of the Iowa Historical Building on the 17th of May, 1899, on which occasion he made a fine and characteristic address. He died in October of the same year at Mount Pleasant. He had outlived nearly all of his early contemporaries, and was the last survivor of the Senate in which he had taken his seat in 1855. He had been the confidant of Presidents, and his finger more than once had helped to mould their Cabinets. His wife was Ann Eliza Peck of Maysville, Kentucky, to whom he was married in 1845. Of their children none survived him save Mary E. Lincoln, wife of Robert T. Lincoln, son of the martyred President, Abraham Lincoln.

James W. Grimes, James B. Howell and George G. Wright.

George W. Jones was succeeded as United States Senator by James W. Grimes in 1859. As the biographical sketch of James W. Grimes has already been given in the chapter relating to the early Governors, it is unnecessary to add anything here. On the resignation of Senator Grimes, James B. Howell was elected by the Legislature to fill the remainder of the term in 1870, and served to the end of the term.

James B. Howell will be easy for me to sketch, as I shall feel privileged to freely draw in that behalf from what his long time associate, Samuel M. Clark, and others have said about him. My most intimate acquaintance with Mr. Howell was formed during a political speech-making campaign we made together in Van Buren, Wapello, Jefferson and adjacent counties early in the seventies. My pre-

* Charles Aldrige, July Annals, 1899.

vious acquaintance had been slight, but as we traveled from place to place in the same private conveyance, we had become quite well acquainted at the end of our work at Ottumwa, where he became the guest of myself and family until the fallowing day. He was not then in the most robust health, and during the evening was so indisposed that, under his direction, I procured some medicine for him. The next morning, however, he had sufficiently recovered to take his journey homeward. The general impressions concerning him that I received from this acquaintance are in accord with what follows. I shall first draw upon Mr. Clark, using the following excerpts from what he has said of Mr. Howell:*

As we look about us and see how many men of great brains, character and attainments there are in all departments of life and affairs and compare them with the shallow, frippery character of many men in literature and government whose names history preserves, it seems difficult to give a reason for, or to satisfy ourselves with, the slight hold that many men of great ability have upon public memory. The vastness of modern life with its multiplicity of vocations, consumes personalities, as the great smoking factories consume black diamonds of coal. Already James B. Howell is almost an unknown name to a great multitude of the people of Iowa. Yet there was a time, and that not long ago, when to the people of the Territory and later of the young State, his name was a household word. Of all Iowa editors, at the beginning, his was the strongest and most dominating personality. He was born in New Jersey, near Morristown, July 4, 1816. Three years later his father moved with his family to a farm ten miles from Newark, Licking County, Ohio. * * * His father was elected Sheriff of Licking County. After four years in that office, he was, in 1830, elected to the State Senate, re-elected in 1832, and in 1834, was elected to Congress. While the father was filling these public places, James fitted himself for college at an academy and entered Miami University in 1833 and graduated in 1837. He at once became a law student of Hawking H. Hunter, of Lancaster, and in 1839 was admitted to the bar. He opened a law office at Newark, but the great West drew him. In 1841, he visited Chicago, then an expanse of swamp and lake, but it did not fit his woodland liking and he went to Iowa. After visiting Muscatine and some other places, he made his home at Keosauqua in Van Buren County.

Judge George G. Wright, who was at the time of Howell's coming, a young lawyer in Keosauqua, has furnished this account of him:

J. B. Howell, on horseback, having so traveled, as I understood, from Ohio, first to Muscatine, thence to Keosauqua, arrived at the latter place in May or June, 1841. I remember him well, as also our first meeting. I was taking my meals at the old Keosauqua House. Going to breakfast, I found this stranger. He had arrived the evening before. I was attracted to him, got into conversation, and found that he was a young lawyer seeking a home in the new land. I invited him to my office and together we spent most of the day. That night I took him to my room to sleep, and thus our friendship of years most intimate and close began. Very soon he furnished abundant evidence of unusual ability as a lawyer and the promise of distinction as a citizen. He formed a partnership with James Hall, one of the proprietors of the town, who though not bred a lawyer was a gentleman of the most courtly and popular manners. He was a member of the First and Second Territorial Assemblies, of the Third and Fourth Territorial Councils and afterwards Sheriff of the County. Very soon these two young men had a good business. He had a natural taste for politics and in the campaign of the following year took a very active part. He was aggressive and courageous, arousing enthusiasm wherever he went. He was defiant in manner and caustic in speech and for the time was as cordially hated by the opposition as he was loved by the party for which he fought. As a lawyer he had the same elements and yet was the

* Note—Annals of Iowa, Third Series, Vol. 1.

soul of honor under all circumstances. Few men had better promise in the profession and had he continued therein would have taken highest rank. He was a candidate against Cyrus Olney for the Judgeship in 1846, but was defeated though running ahead of his ticket. About this time, or soon after, he and James H. Cole started a Whig paper in Keosauqua and he gradually drifted from his profession into journalism, his course culminating in establishing the "Keokuk Gate City." He was a most impressive and positive man; this often created the impression that he was haughty, dictatorial and dogmatic, and yet few men have had a kinder or nobler heart by nature.

Of him, Mr. Clark again thus speaks:

The Des Moines Valley Whig had been published some two years at Keosauqua when Mr. Howell and J. H. Coles bought it in 1845. Mr. Howell's force in political management supplemented with a paper to express his views soon made him a power in the Des Moines Valley and throughout Iowa, that had to be reckoned with. I was born in Van Buren County, and his was one of the first names I heard and remember. I never saw him until I went to Keokuk as a law student in the fall of 1863, but his name had been for years a household word in our Van Buren County home. From 1845 to 1865 he was the most potential maker of newspaper opinion in the Des Moines Valley and in Iowa. He took his paper to Keokuk in 1849, and as the wave of migration and settlement moved up the Des Moines Valley, and to the westward, Howell's Whig went along with it, preparing the popular mind for the political change that came to Iowa when James W. Grimes was elected Governor, in 1854. While Mr. Howell was always a man of large reading, and delighted in books, he did not use many of the graces of literature nor give much wealth of learning to his editorial writing. He knew his fact and stated it with great clearness; he knew the weakness of the other man's fact and assailed it with relentless vigor. He was a man of intensely strong convictions, and in the great battles of American politics he took a part in the discussion of every question that arose. He was always a partisan. His power of statement and clear directness had a good deal of the strength of Horace Greeley. He was not a paragraphist. He did not nibble at subjects. He took them in Greeley's way and wrote his subjects out, until he had knocked the other fellow down and made the reader either his convert or his antagonist. From 1842 to 1870, there were few men who held political place in Iowa who did not in some way find their place largely related to Mr. Howell, either as supporter or antagonist. While never an office seeker for himself, he was as indefatigable as if he had been one, but he gave his services to the other man. He was of a fierce and dominating temper, imperious in disposition, and could not bear opposition. At the least opposition to his will, he stormed like a cyclone. This would have alienated men from his own support had he been a self-seeker, but he made himself potential in serving others, for his great ability and sagacity were everywhere recognized, and the very fury of his advocacy of another man's nomination or election constrained the judgment of others. This made him unusually successful in getting his man nominated, but it stood in the way of his own advancement, so that the first office that ever came to him by election was in 1870, when he was nearly fifty-four years old, when he was chosen to the United States Senate to fill the unexpired term of James W. Grimes. Short as his service was, he made a noteworthy Senator. At the expiration of his Senatorial term, in 1871, President Grant appointed him as one of the Judges of Southern Claims, which position he held up to March 10, 1880, thus shortly preceding his own death, June 17, 1880. * * * I have known many great men in Iowa and out. Plutarch has made many generations of readers his debtor for such parallels on the score of interest, but I doubt whether any man's real rank has been drawn by later readers from his admeasurements. I do not care to make parallel or comparison between James B. Howell and the other men I have known as to intellectual rank, but I doubt whether any man I ever knew was so wholly wise and had the like wisdom in forecasting events. In his political judgments, he was the wisest man I have ever known, the one who saw the farthest and with the most unerring accuracy. Towards the end of his life his strenuous fighting quality yielded to the utmost placidity and resignation. It was a pity that those who had known him and many who had been angered by him in the "sturm und drang" period of his political life when he was a stormy political

warrior, did not know him in those closing years and find how under a coat of mail of battle there was the tenderness and gentleness of a child and the utmost kindness and forbearance. In the later years of his life his health had become so frail that he was in relation with only a few people. We have never seen any one of our friends ripen into death with more gentleness and beauty and Socratic wisdom than he. He was a just man, too. Looking back over the years of his strenuous political fight in Iowa, he said, in a conversation with us near the end of his life: "One thing I can say of those territorial and early state Democratic leaders, hard as I fought them, is, that as men nearly all of them were nobly honest and they would have scorned to steal or plunder.

Upon his death, his son, Jesse B. Howell, who had been for many years associated with him, became manager of the "Gate City," and during his connection with that paper made a strong impression upon Iowa journalism. He died in October, 1896.

James B. Howell was succeeded as United States Senator by Judge George G. Wright whose sketch will be found in connection with lawyers of Keosauqua.

William B. Allison.

James Harlan was succeeded as United States Senator by William B. Allison. He was born in Perry, Wayne County, Ohio, in 1829. He died at Dubuque in 1908 in the eightieth year of his age. He was reared on his father's farm which he helped to cultivate. He received his early education in the common schools, and later at Allegheny College, Meadville, Pennsylvania, and the Western Reserve College at Hudson, Ohio. His legal education was acquired in Wooster, Ohio, and he was admitted to the bar of that State in 1852, where he commenced and continued in the practice, at Ashland, until 1857, when he came to Dubuque. Here he applied himself closely to his profession for several years and established a successful practice. He actively identified himself with the public interests of Dubuque and the State. He early developed the characteristics of a very discreet, prudent and able leader. Upon the outbreak of the rebellion he was appointed by Governor Kirkwood as one of his aids, and acted with great efficiency in that capacity until 1862, when he was elected to Congress. Before that he had become so influential in politics that he was made a delegate to the Republican State Convention in 1859, and a delegate to the National Convention which nominated Mr. Lincoln for President at Chicago, in 1860. In 1864 he was re-elected to Congress, and continued to be re-elected for several terms. During his four terms in Congress he had won such a high reputation, that he was brought forward in 1870 by the northern part of the State as its candidate for the United States Senate. His rival was George G. Wright, who had been for many years one of the most distinguished Judges of the State Supreme Court, and who was probably the most popular man in the State. The contest was close and spirited, but it resulted in the election of Judge Wright. In 1872 he was again brought forward with greater strength and emphasis as a candidate for the United States Senate against James Harlan, who was also a very

strong and popular man and had won a national reputation during his long period of service in that body. He was elected over Mr. Harlan. In 1873 he was re-elected, and continued to be re-elected up to the time of his death. He not only served in that body a longer continuous period—36 years—than any other member in its history, but established a distinction that made him one of the most prominent national figures. He was not what would be termed a bold, radical and aggressive Statesman, like Thaddeus Stephens or Benjamin Wade, but so wise, prudent and safe an one, that in the latter part of his years he came to be regarded as the sagest counsellor of that body, and one to be safely followed in matters of great public concern. His joint service in the House and Senate covers a period of forty-four years, comprising the most momentous events in the history of the Nation. He was a most practical and effective Legislator, but I shall not undertake to enumerate his various lines of service, save to say that in the Senate he was a member of the Appropriations Committee throughout his entire career there, serving as its Chairman for eight years, from 1881 to 1889, and again from 1895 until his death. He also served continuously on the Finance Committee from 1877 until his death. He understood finance to perfection, and when talking on that usually dry subject, could, by reason of his familiarity with it, and his clearness of demonstration, hold a popular audience as attentive listeners to the very end of a two-hour speech. He was the only man I have ever heard that could do it. In 1892 he was Chairman of the International Monetary Conference at Brussels.

He had reached such a high point in the national view, that he was brought forward by some of the greatest and wisest men of the Republican party as a candidate for the Presidency at its National Convention in 1888, and came "within an ace" of being nominated. This event was thus clearly described by Massachusetts' distinguished Senator, George F. Hoar, in an article contributed by him to Scribner's Magazine for February, 1899:

After several ineffectual ballotings, in which the votes of the different States were divided among several candidates, the Convention took a recess at twelve o'clock to four o'clock of the same day. Immediately a meeting was called by a number of gentlemen representing different delegations, in a room in the building where the Convention was held, for consultation and to see if they could agree upon a candidate. The Massachusetts delegation had authorized me to cast their vote as a unit for any candidate for whom I should think fit, whom sixteen of the delegates—being one more than a majority—approved. The New York delegation had authorized its vote to be cast unanimously for any person on whom the four delegates at large, Platt, Miller, Depew and Hiscock, representing different shades of opinion in the Republican party of that State, should agree. Three of these gentlemen, Platt, Miller and Hiscock were present at the meeting. Mr. Quay, chairman of the Pennsylvania delegation, was also authorized to cast the vote of the entire delegation as he should think fit. Mr. Spooner, of Wisconsin, chairman of the Wisconsin delegation, was present with like authority. Mr. Farwell, chairman of the Illinois delegation, was present with a like authority from his State. Mr. Clarkson, chairman of the Iowa delegation, was present with authority to vote for Mr. Allison from the beginning. DeYoung, of California, thought he could speak for his people, though, I believe, without claiming authority from them. Filley, of Missouri, was present also. There were several other gentlemen of

influence though not all delegates, and not all entitled to speak for their States, but feeling able to assure the company that their State would accede to whatever agreement might be made there. The names of several candidates were discussed. I made a very earnest speech in favor of Mr. Allison, setting forth what I thought were the qualities that would make him a popular candidate and a wise and able president. Finally all agreed that their States would vote for him when the Convention came in at six o'clock. Depew, as I have said, was absent. But his three colleagues said there could be no doubt that he would agree to their action and there would be no difficulty about New York. We thought it best as a matter of precaution to meet again a half hour before the coming in of the Convention, to be sure the thing was to go through all right. I suppose that everybody in that room when he left it felt as certain as any event in the future that Mr. Allison would be nominated in the Convention. But when we met at the time fixed, the three delegates at large from New York said they were sorry they could not carry out their engagement. Mr. Depew, who had been supported as a candidate by his State, in the earlier ballots, had made a speech withdrawing his name. But when the action of the meeting was reported to him, he said he had been compelled to withdraw by the opposition of the agrarian element, which was hostile to railroads. He was then President of the New York Central & Hudson River Railroad Company. He said that this opposition to him came largely from Iowa, and from the Northwest, where he found the chief support of Mr. Allison; that while he had withdrawn his own name, he would not so far submit to such an unreasonable and socialistic sentiment as to give his consent that it should dictate a candidate for the Republican party. The three other delegates at large were therefore compelled to refuse their support to the arrangement which had been conditionally agreed on, and the thing fell through. If it had gone on, New York, Illinois, California, Wisconsin, Pennsylvania, Massachusetts, Iowa, and perhaps Missouri, would have cast their votes unanimously for Allison, and his nomination would have been sure. I think no other person ever came so near the Presidency of the United States, and missed it. * * * The result was the nomination of Mr. Harrison.

It will thus be seen that but for the unstatesmanlike and narrow action of Chauncey Depew, Mr. Allison would have received the nomination. His election as President of the United States would have as surely followed, as did that of President Harrison.

I need say no more of Mr. Allison's public career. It is all a part of general history. He was a statesman and patriot of the old school, who, by his unprecedentedly long and meritorious services, gave as great and perhaps greater lustre to the State than any other of her distinguished statesmen.

Personally considered, he was a charming and agreeable gentleman, kindly in manner, accommodating in disposition, utterly devoid of hateur and that "insolence of office," which is a part of little men. His address was highly pleasing, conciliatory, and so perfectly natural that it required no strain to make it appear so. He was not particularly a ladies' man," but one that the ladies thought handsome—and so he was. His figure was not striking, neither were his attitudes, but they were pleasing, while his face, particularly his eyes, complexion and general expression, quickly attracted attention. A noted female correspondent of the time, Mary Clymer Ames, wrote that he had the eye of a poet, "in fine frenzy rolling."

One of the chief obstacles in the upward pathway of a few public men of Iowa I have known, was their want of personal fidelity to their friends and appreciation of their kindness. Such was not the case with William B. Allison. He was quick

to recognize their good will and kindly services. A single personal incident will illustrate this. While I had opposed him in his unsuccessful candidacy against Judge Wright in 1870, I had warmly supported him in his successful one against Mr. Harlan in 1872. Eleven years after this last event, in 1883, when I led a forlorn hope as the Republican candidate for Congress in General Weaver's district, in which there was a very perfect combination between the Democrats and Greenbackers, Mr. Allison happened to meet in Chicago our mutual friend, Dr. S. D. Carpenter, of Ottumwa, and knowing that I had no money to spare for necessary campaign expenses, handed to Dr. Carpenter a draft for five hundred dollars, with directions that it be delivered to me. We lived in parts of the State remote from each other, and he had been for years so firmly seated in the United States Senate as to need no help from me. He was far from wealthy, but knew that I personally needed the aid he gave. Such an unsolicited act of kindly remembrance is not often met with in public men.

Unfortunately he died without issue, though twice married—first to Miss Anna Carter in 1854, who died in 1860, and afterward to Miss Mary Neally, an adopted daughter of Governor and United States Senator James W. Grimes. She died in 1883.

James W. McDill.

It will have been seen from my sketch of Governor Kirkwood in the chapter relating to the early Governors, that during the long term for which he was elected to the United States Senate in 1877, Kirkwood resigned that position to accept that of Secretary of Interior in President Garfield's Cabinet in 1881. To fill the vacancy thus occasioned Judge James W. McDill was appointed in the year last named and served until 1883. He was well-known throughout the State for his high character and sterling qualities. He filled many public positions and all with perfect fidelity and credit. I became acquainted with him when we were both young men in 1858. He was a man of lovable traits, mild in character, plain and unpretentious, though not lacking in heroic qualities when occasion required. As a young and middle aged man—for owing to my removal from the State, I did not see him in his advanced years—he had full light or sandy beard and light hair and complexion, was rather below than above medium height, heavy set and round in figure. The last time I saw him, upwards of thirty years ago, we were associated in a case in which his county was a party interested and had been removed for trial at Ottumwa, where I was employed by him to assist in the trial of the cause. He was an able lawyer and possessed literary and philosophical accomplishments of no mean order.

He was a native of Butler County, Ohio, where he was born in 1834. He was a graduate of Miami University, came to Afston, Iowa, in 1857, and entered upon the practice of the law. In 1858 he was elected County Superintendent of Schools,

and a County Judge of Union County in 1859. He was made Judge of the Circuit Court in 1868, and Judge of the District Court in 1870. He was elected to Congress in 1872 and at the end of that term was re-elected, serving throughout both with marked ability. In 1878 he was appointed one of the Railway Commissioners of the State, and in 1881 he was made United States Senator, as before stated. He was subsequently appointed by President Harrison, a member of the Inter-State Commerce Commission, a place he held until his death in 1894.

James F. Wilson.

James F. Wilson, who succeeded James W. McDill in the United States Senate, rose from a saddler's bench to a position of the highest statesmanship and national influence. He was born in Newark, Ohio, in 1828, where he received a common school education, and was early put to and learned the harness trade. Nature had endowed him with the splendid gifts of earnestness and moral power, coupled with an unyielding grasp upon the principals of honesty and right, and crowned with superb intellectual gifts. When he became conscious of these endowments he determined to make the best use of them in his power. He studied law, was admitted to the bar, and soon attained professional eminence, and so strongly and rapidly grew in public favor, that in three years after going there he was elected by the people of Jefferson County a member of the convention that framed the new constitution, which met in the winter of 1856-7. His Democratic opponent was William G. Coop, one of the strongest men in the county, who in quite a long career had never suffered defeat before. In this convention he took a leading part and displayed argumentative ability that not only deeply impressed the members of the convention, but the people of the State at large. Not long after the close of this convention, Mr. Wilson came up to Ottumwa to argue some question before the District Court then in session. I was present, and also was Col. George Gillaspay, who was one of the most powerful leaders in the Democratic party, and who had opposed Mr. Wilson in some of the measures introduced in the convention. I was sitting by the side of Col. Gillaspay when Mr. Wilson arose to address the court, and as he did so Col. Gillaspay said to me: "That young man is an intellectual giant, and displayed great power in the debates of the convention, and my prediction is that he will make a still greater mark in the future."

In 1857 he was appointed assistant commissioner of the Des Moines River Improvement, and in the same year he was elected by the people of Jefferson County to the House, and in 1860 to the Senate. In the House which was of the 7th General Assembly, he was appointed Chairman of the Committee on Ways and Means. In 1861 he was elected to Congress from the first district, and was re-elected for three successive terms, thus serving in the 37th, 38th, 39th and 40th Congresses. This covered the most important period of our history since Iowa had been admitted as a

State. He became one of the most influential leaders in that body, and for six years occupied the position of Chairman of the Judiciary Committee. He introduced a joint resolution for the amendment of the constitution abolishing slavery, and on March first, 1864, made one of the most powerful speeches delivered in that body. It attracted the general attention of the country. In the 39th Congress he reported the bill extending the right of suffrage in the District of Columbia. He was one of the leaders in the same session in support of the Civil Rights Bill, and his speech was universally accorded to be among the very strongest delivered. As Chairman of the Judiciary Committee he closed the debate in an argument of great power.

In the 39th Congress the impeachment of President Johnson came under consideration, and the matter was referred to the Judiciary Committee of which Mr. Wilson was a member. In these proceedings from first to last, Mr. Wilson figured conspicuously. A majority of the committee were in favor of impeachment proceedings, but Mr. Wilson then took a different view, and made a minority report which for learning and research has rarely been excelled. In the course of it he reviewed the whole line of precedents that had arisen before the British Parliament, as well as those before the United States Senate, and elucidated them in the light of the principals prevailing before each of those bodies respectively. Subsequently, however, when new charges were added based on fresh acts of the President, he endorsed the proceedings and was appointed by the House as one of the managers to conduct the trial of the President. He and Senator James W. Grimes were close personal friends and had generally acted in concert on nearly all great measures, but on this they were divided. Senator Grimes was one of the "immortal few" who voted against the impeachment, for which he was at the time politically damned by the leaders and press of his party, but afterwards sainted by the people.*

Upon the inauguration of President Grant, Mr. Wilson was tendered a position in the cabinet as Secretary of State, which he declined. In 1882 he was elected by the State Legislature United States Senator. In speaking of this event, the Editor of the Old Series of Annals, for January, 1882, the venerable Samuel Storrs Howe, says: "It is amusing to see Mr. Wilson ride triumphantly into the United States Senate. One candidate after another dropped out of the list, until Wilson stood alone in "solitary grandeur." In 1886 he was re-elected for another term in the Senate, and served until March, 1895.

His tastes and characteristics were strikingly domestic, and in a conversation at his house in 1889, he told me that he fully intended on the expiration of his Senatorial term to retire from public life and spend the remainder of his days among his family and lifelong friends at Fairfield; but alas, this hope was frustrated by his departure from this life in April, 1895, when he was sixty-seven years of age.

* See Sketch of General Fitz Henry Warren and Senator Grimes, *infra*.

As throwing an apt light upon his characteristics, I have seen fit to give the following further excerpts from the Annals above referred to:

His example is worthy of all praise, and may be quoted for every hard working young man. He stands forth a self-made man, having wrought out his own fortune to his present state and standing, at home and abroad. He is comparatively young, only fifty-three—just the number of acres in his farm in the suburbs of Fairfield. He has constructed a large fish-pond, eighteen feet deep, so that fish can live in the winter. A smaller pond he has made to water his select stock, so that by turning a faucet he can supply his herd. He makes his own gas of gasoline, cheaper than the city can furnish it, at the distance which he lives from town. But he pays all town taxes, and warms his house with steam from his own furnace. Thus independent, he still consents to serve his adopted State on a wider theater, a worthy successor of Grimes and Kirkwood. His late lectures on public occasions, partly literary and partly relating to biblical subjects, discover a very nervous style, very precise diction, and in every way an earnest and eloquent man, going "straight forward" to his aim. He well illustrates Webster's definition of true eloquence: "It's in the man, in the occasion, and in the subject." His printed papers are worthy of study by young men.

I was always rather proud in being reckoned as one of his faithful adherents. I thoroughly believed in the man; and besides, he had early in my life laid me under obligations to him as will be seen in what follows. In the political campaign of 1865 the Republican State Convention met at Des Moines on the fourteenth of June and made its platform and nominations. On the twenty-third of the following August, the so-called "Soldier's" or Anti-Negro Suffrage Convention met, adopted its platform and nominated for every one of the offices to be filled, a soldier, nearly every one of whom was a Democrat. On the same day the Democratic Convention met at the same place and adopted a platform not inconsistent with that adopted by the so-called Soldiers' Convention. It, however, made no nominations but supported the Soldier's ticket. The Soldier's ticket soon came to be known as the "Possum Ticket." Under these conditions I was nominated as the Republican candidate for State Senator from Wapello County. I had before the commencement of the war been a Democrat and had, as perhaps the youngest Democratic Orator on the stump, canvassed the State for Mr. Douglas in company with Henry Clay Dean. There was naturally a rather intense feeling against me on the part of some of my old associates, particularly the leaders, and no effort was spared by them to compass my defeat. The county but a short time before had been known as one of the banner Democratic counties of the State. Under these circumstances the contest was very bitter and very close. The Democrats had nominated a so-called Soldier's county ticket, and Colonel Samuel W. Summers who had been a life-long Whig and Republican, and Colonel of the Seventh Iowa Cavalry, was my opponent. Meetings were largely attended throughout the county, and a general one at Ottumwa at the end of the campaign. A large crowd was in attendance. The afterward distinguished George R. Peck—lawyer and orator—then a young soldier just returned from the war was present. Both sides were well represented, and cheering for Colonel Summers vied lustily with those for me. I made the best speech I could, and was followed by Mr. Wilson who made one so powerful and

persuasive that it carried the audience nearly off their feet. It was an outdoor meeting. Mr. Wilson in his inimitable way took up the Soldier's ticket. He denominated it the "Possum ticket;" and said that the Democratic Party was pretending to be dead, just as the possum does, but that it had simply garbed itself in and was falsely parading under a soldier's uniform. The exposure was effective, and did much to give me my election.

Years afterward, in 1881, when he had been brought into the United States Senatorial contest, he wrote me the following letter:

Fairfield, Iowa, March 12, 1881.

Dear Mr. Stiles: Now that I am in the Senatorial race I should be very glad to have your help. I want Wapello County, and shall hope to have your aid in securing its legislative delegation. I should be pleased to have any suggestions from you that will help me do my part of the work.

Yours truly,

James F. Wilson.

It was with pleasure that I responded to these suggestions, and the delegation from Wapello County came solidly to his support.

But let it not be inferred that Mr. Wilson depended upon political machinery or manipulations for his political successes. They came to him as naturally as they do to all great men of that kind. As a speaker he was not sensational. He dwelt in logical fields, and his pre-eminence was in the greatness of his argumentative powers, mingled with enough of wit and satire to make his efforts both telling and attractive. Had he eschewed politics and devoted his forces to his profession, he would in my opinion have achieved as high distinction as a jurist as he did as a statesman. In appearance he was of medium height, and rather stockily built. His head was finely shaped and thickly covered with short-cropped hair which had prematurely grayed, and showed no parting. His strong and intellectual face, his address and general bearing, though kindly and pleasing, clearly bespoke the firmness of his character and the strength of his talents.

CHAPTER V.

EARLY REPRESENTATIVES IN CONGRESS.

Serranus Clinton Hastings and Shepherd Leffler.

Our first Representatives in Congress, after the admission of Iowa into the Union, were Serranus Clinton Hastings and Shepherd Leffler.

Both of these men were prominent figures in the legal and political history of early Iowa. I have heard many different opinions expressed in reference to Judge Hastings. He left the State at an early day. He had some personal enemies; many things have been written about him, some of them true, some of them false. His real status has therefore been left somewhat in confusion. He was a man of strong will and characteristics and in the political and sometimes personal frictions that prevailed, he doubtless played a strong and sometimes offensive part. As a consequence, he left behind him some personal enemies or at least some who felt rather bitterly towards him. Prominently, and I may say principally, among these was Hawkins Taylor, who was hostile politically and personally to Hastings. Taylor was a very peculiar man with many strong points and some unenviable ones. He was an unrelenting foe and towards his foes he could not refrain from expressing his enmities. Thus prompted, Taylor wrote an article entitled a "Politician of the Primary Days," which appeared in the October, 1871, number of the *Annals of Iowa*, which does Hastings great injustice; in fact, outrageously misrepresents him. Nothing could be more unjust or scarcely more slanderous of a man who had held public office and been greatly honored by the people. The private reasons that instigated this article I have no knowledge of, but that it was actuated by unfriendly impulses there can be no doubt. It was very briefly but nevertheless effectually refuted by a subsequent article of Suel Foster's appearing in the January, 1872, number of the *Annals*. The fact is that taken all in all, Hastings was a very remarkable man, as his career, including both that in Iowa and California, fully verifies, and the slanders that were heaped upon him make one realize the full force of the lines:

He who to mountain tops ascends,
Will find the highest peaks most wrapped in clouds and snow.
He who surpasses or subdues mankind,
Must look down upon the hate of those below.

Though high above the sun of glory glow
And far beneath the earth and ocean spread,
Round him are icy rocks and loudly blow
Contending tempests on his naked head,
And thus reward the toil that to their summit led.

That he had weaknesses and especially one common to that time must be admitted (in view of what Theodore S. Parvin has said of him in connection with my sketch of that gentleman). But if he were to be condemned on that ground, what would become of some of the great men of the past, among whom might perhaps be reckoned Webster, Clay, Douglass, Arthur, De Quincey, Coleridge, Byron, Poe *et id omne genus*. Men should be judged by their accomplishments. The scriptural saying "by their fruits ye shall know them," is still in vogue. Gauging him by this standard, let us briefly review the principal events in the life of this man.

He was born in Jefferson County, New York, in 1814. His early years were a struggle with poverty, but by extraordinary efforts, he managed to pass the requisite tutelage at Gouverneur Academy, from which he graduated with honors. At the age of twenty, he became principal of Norwich Academy in Shenango County, New York. What higher evidence than this could there be of his conspicuous talents and the impression he made upon the community? He subsequently commenced the study of law, completing his legal course at Lawrenceburg, Indiana, to which place he had immigrated. He did not immediately enter upon the practice. He became for a time the editor of the "Indiana Signal" and vigorously supported Martin Van Buren for the presidency. His editorial career was short, but it closed with the triumph of his candidate. In December, 1836, he pushed farther westward—to Terra Haute, Indiana, where he was admitted to the bar. In the following spring, he resolved to go still farther west and came to Burlington in January, 1837. In the spring of that year, he came to the settlement of Bloomington, whence sprang the city of Muscatine. We were then a part of Wisconsin. Upon the organization of Iowa Territory, he had made such a favorable impression upon the people that he was elected a member of the House of the first and second Legislative Assemblies. In 1840, he was elected to the Legislative Council and by successive elections served in the 3rd, 4th, 7th and 8th Legislative Assemblies, with marked distinction, and in 1845 was elected President of the Council. He exercised a wide influence in framing the early laws of the Territory. He was associated with James W. Grimes in compiling the laws and reported from the committee the statute known in the early days and for many years, as the "Blue Book." In 1846 he was elected as one of the first Congressmen in the State organization. Shepherd Leffler was the Associate Representative. In 1848 he was appointed Chief Justice of the Supreme Court of Iowa. At the end of his term, he removed to California, arriving in that State in the summer of 1849. In a comparatively short time, he had made such a favorable impression upon the people and their representatives that he was unanimously elected by the Legislature Chief Justice of the Supreme Court of California.

In this position he served with distinction and general satisfaction. In 1851, the people of that state further showed their appreciation of his talents by electing him its Attorney-General. After this, he devoted himself entirely to his profession and became one of the most widely known and famous lawyers of California. His practice rapidly grew upon his hands. He was employed in cases of great importance; among them were some involving the title to large bodies of land under Spanish grants, which he prosecuted with success. Mr. Parvin says that he received in one case lands valued at a million dollars. In short, his professional success was such that in the end, he became a millionaire. He gave largely to the public, and donated \$100,000.00 for the establishment of a Law Department in the University of California, known as the Hastings Law School. If these successive triumphs do not demonstrate that Judge Hastings was a man of great ability and high character, then by what test shall men be judged? He died in San Francisco in 1893, and I am gratified by the belief that what I have written may, in a measure, vindicate his memory against the aspersions that have been cast upon it in the manner before indicated.

In this connection, I am constrained to embody the following excerpt from the reply of Suel Foster to Mr. Taylor hereinbefore referred to. Suel Foster was one of the leading citizens of the State, distinguished for his exalted character and integrity. He lived in Muscatine during all the period that Hastings did and knew him intimately. He says:

That Judge Hastings took a very conspicuous part in politics in the early history of the Territory and State, is true; that he drank whisky, and sometimes used profane language, is also true. Is Mr. Taylor correcting all of these evils? If so, he has a great undertaking. He is charged by Mr. Taylor with being a lawyer for criminals. What of it? What criminal is without a lawyer or what lawyer declines to serve in that capacity? He says that Hastings had an "expressionless countenance." No man ever walked our fair State with a more expressive countenance, or was a nobler looking specimen of a man. As a political leader of the Democratic party in the County, Territory and State very few men acted with better judgment or more profound statesmanlike wisdom. Nor has Mr. Taylor pointed out a single dishonest act in Judge Hastings. The latter left in Muscatine County an unblemished character for truth, veracity, and honesty. In proof of the estimation and confidence the people put in him in the twelve years he lived here, he was repeatedly elected to the Legislature, once Speaker of the House, once of the Senate, once to Congress and then appointed by the Governor a Judge on the Supreme bench. In all these offices of trust he discharged his official duties with ability and fidelity.

It seems to me that Mr. Taylor did not know intimately or had not observed closely the personality of Hastings, for he describes him as having "long, black hair, dark complexion and expressionless countenance." This is at utter variance with what Mr. Foster has said and also, as will be seen by reference, with the description given by Theodore S. Parvin, a fellow townsman and an intimate, who says: "Hastings had red hair, red complexion, was tall, full of good humor and laugh."

In what has been said, I do not desire to be unjust to Hawkins Taylor, for he was an active and useful pioneer and his sprightly writings along nearly the whole

line of the Annals of Iowa have contributed greatly to the history of the early times. But he was an intense political opponent of Hastings, a rabid prohibitionist, and exceedingly intolerant as will be readily seen if one follows the course of his writings, in which he sometimes indulges in rather unpardonable personalities.

It should be noted that at this time the State comprised only two Congressional Districts, and it remained so limited in its Congressional representation for some sixteen years, until the election of William B. Allison in 1862 as the Representative of the third district.

Shepherd Leffler was a native of Washington County, Pennsylvania, but must have early removed to Virginia. He came to Iowa in 1835, and settled in Burlington. He was a man of marked ability, a good lawyer and an able advocate. He was a strong and logical reasoner and had he devoted his entire attention to his profession, would have taken first rank at the bar. He had been a member of the Virginia Legislature several times and of the Wisconsin Legislature. He was elected a member of the Iowa Territorial House in 1839; again in 1841. In 1842 he was elected to the Territorial Council and by re-election served in the Fifth, Sixth, Seventh and Eighth General Assemblies. He was a member of the First Constitutional Convention in 1844 and the Second one in 1846. He was elected to Congress under the State organization in 1846 with his compeer, S. C. Hastings. In 1848, he was re-elected and again in 1850. In 1856, he was a candidate for Congress but was defeated by his Republican opponent, Timothy Davis. Leffler was a very domestic man, and in a measure, abandoned politics and the law, retiring like Cincinnatus to a farm, where he spent his last days. It was only occasionally after this that he could be induced to take part in a political campaign. He was nominated by the Democrats for Governor against Governor Kirkwood in 1875, and made a brilliant canvass, but was overborne by the political majority against him. He was a kind and devoted husband and father, a good neighbor, a man of great personal popularity, of fine personal appearance and winning manners. He disliked the turmoil of political strife, but when aroused was a host within himself, and was always a tried and trusted leader of his party. He exercised a great influence in the formative period and left his impress upon the constitution of the State. He died at Burlington in 1879, generally respected and beloved.

William Thompson.

William Thompson was a native of Pennsylvania, where he was born in Fayette County in 1818. The family afterwards removed to Ohio where he was reared on his father's farm and endured hard work in clearing the forest with which it was covered. He studied law with Columbus Delano. In 1839 he came to Montrose, and to Mt. Pleasant about 1841, forming a partnership with J. C. Hall, who then resided there. This partnership continued until Hall removed to

Burlington. Thompson was known as "Black Bill" on account of his swarthy complexion, black hair and eyes. He was elected as a Democratic member of the Territorial House of Representatives from Henry County. At a subsequent session he was elected Clerk of the House. In 1847 he was elected to Congress from the southern district of the State, and re-elected at the close of that term, but his election was contested by his opponent, Daniel F. Miller, of Lee County, an account of which will be found in my sketch of J. C. Hall. He removed to Burlington and purchased the "Burlington Gazette," which he conducted for several years. At the breaking out of the Rebellion he entered the service as Captain of Company E, 1st Iowa Cavalry, which he had recruited in Henry County, in the months of June and July, 1861. Holding this rank until the 6th of April, 1863, he was at that time promoted to Major of the Regiment, and in August, 1864, was made Colonel. He was brevetted Brigadier-General for gallant services. At the close of the war he was commissioned a Captain in the Regular Army. He was eventually retired on half pay and resided at Bismark, Dakota Territory. Mr. Woods informs me that he was married four times, that he had one son by his first wife, and two by his last. His last wife was the widow of Lieutenant Cyrus Hall, of the Regular Army, and brother of J. C. and Augustus Hall. He was a man of marked ability, a good lawyer, an excellent scholar, a mathematician of the first order, a valiant soldier, an expert and prudent politician. I first met and became acquainted with him in 1859. He died in Tacoma, Washington, October 7, 1897, at the age of eighty-four.

Daniel F. Miller.

Daniel F. Miller occupies a rather unique position in the profession, for he was not only prominent among the early territorial lawyers, but continued to be among those of the state until a comparatively recent period. He came in 1839, he lived and continued active until a great age. He was a man of the strongest individuality. He was in some respects a wizard, if that term may be applied to a man of almost gigantic stature. He could make a jury cry by crying himself. He knew and was on familiar terms with every man in the county; he would call the jurymen by name while addressing them, talk to them in a kindly, confidential way and frequently allude to some incident calculated to please a particular jurymen. He was, therefore, a power to be reckoned on in the trial of every case in which he participated. He was particularly effective in criminal cases and rarely lost one. His word in all business transactions was as good as his bond and all his dealings scrupulously honest and just, but in the defense of men being tried for their life he followed the tactics inculcated by the great Philadelphia lawyer, David Paul Brown, and left no artifice unemployed, no stone unturned, no resource unexhausted that might save the life of his client. His name and personality became familiar throughout the state. In regard to most men one can generally think of someone else who

in some respect resembles the person under consideration, but I fail in this case. I know of none with whom to compare him. He was over six feet in height, large frame, ruggedly built with broad shoulders, deep chest, well rounded body, not lean but without surplus flesh, and as straight and stalwart as one of General Jackson's soldiers. His head was high, massive, and crowned with very thick, short-cropped, grizzled hair. His habits were generally abstemious, his morals excellent; when old, he might well have said:

Though I look old, yet I am strong and lusty,
For in my youth did I never apply hot and rebellious liquors in my blood,
Nor did not with unbashful forehead woo
The means of weakness and debility.

I have related an incident in my sketch of Judge J. C. Hall, that might indicate differently, but this would perhaps not be fully justified in respect to Mr. Miller, and besides the occasion was special and the circumstances trying. The incident spoken of was in connection with the contest between him and William Thompson for the seat in Congress, which was finally awarded to Mr. Miller, and I respectfully refer the reader to it as highly illustrative of the times, as well as of Mr. Miller and his distinguished associates.

Mr. Miller was a formidable adversary in any case and in criminal ones he was probably without a peer in the State. He was distinguished not only as a lawyer and forensic orator, but as a rhetorician and author. In 1882 I took the liberty of asking him if he would not do me the favor of sketching a brief autobiography for my use in the present work. He kindly responded by sending me the following:

"I have been in continuous general law practice in Iowa since the spring of 1839, and am supposed to be the longest in continuous practice of any lawyer in the State. I was born near the city of Cumberland in the State of Maryland, on the fourth day of October, 1814. My father was a Virginian by birth and my mother a native of New Jersey. They were both intense in their hatred of slavery, and moved to Ohio when I was less than two years old. My parents never owned a slave, and would not remain in the midst of slavery, and so they removed to the then wilds of a free state. My father purchased several large tracts of land in Wayne County, Ohio, and settled and commenced farming; and there I received my first rudiments of education in the primitive log schoolhouses of those early days. When I was scarcely ten years of age, I prevailed on my father to permit me to go into a printing office to learn the trade of a printer and publisher, to which my father consented, and I found a situation as an apprentice in a newspaper office in Wooster, the county seat of Wayne County, Ohio.

"I had been in that office about nine months and was greatly pleased with the business, when my father came into the office one day in an angry mood, and said, 'My son, when you came into this office it was not a political newspaper, but was independent in politics, and I see by yesterday's issue of the paper that it has taken

the part of Mr. Adams in opposition to General Jackson for the Presidency, and no son of mine shall work for a man who opposes General Jackson for President.' The proprietor remonstrated and said he and young Dan were getting along well together, and he wished him to remain; but my father was unyielding, and compelled me to put on my coat and hat and leave the printing office, and it was because of the father's act, rather than the son's wish, that the son did not become a printer instead of a lawyer. I went home with my father and worked and studied as circumstances allowed; and when about fifteen years of age commenced teaching school in Wooster, and taught there and in a country school near by, for nearly a year.

"In December, 1830, I conceived the idea of going to Pittsburgh, Pennsylvania, and see what might there turn up in regard to my future career. I walked with my satchel in my hand to Pittsburgh, one hundred and twenty miles distant, in a four-days travel, and arrived there in December, 1830. Three or four days after my arrival there, I secured a situation as clerk in a fruit and eating establishment on Market street. After being a year there, I went as clerk in a hardware store and in the fall of 1832 (being then eighteen years of age), I concluded to resume my former occupation as teacher for a time, because it gave me more opportunities for education and thought.

"From my early age on the farm or elsewhere, when my day's work was over, I seldom let an evening pass without devoting a portion of it to study of some work on art, science or general literature. I then taught school continuously in Pittsburgh and vicinity until the fall of 1835, when I had accumulated enough money to support myself for several years, which would enable me to engage in the study of any profession I might prefer. Under the advice of friends, I concluded to study law, and on the fifteenth day of October, 1835, I entered as student in a law office in Pittsburgh, and continued in the study of law there for over three years. The law of Pennsylvania would have allowed me to be admitted to the bar after two years' study, but I thought then, as I still think, that no lawyer should be admitted to the bar, until after three years' severe study; and as I had the means to carry me through, I concluded to learn as much law as I conveniently could, before I came to the bar. The gentlemen who examined me as to my qualifications for admission to the bar passed a high compliment on my thoroughness in knowledge generally of the law, and especially such as related to land and criminal laws.

"While a law student, I wrote and published a small work on mental philosophy of which five hundred copies were disposed of. I lost nothing by the publication of the work, but it was not suited to popular reading, and I printed no second edition. I had pursued my studies as a law student so severely that upon my admission to the bar, I found myself much enfeebled in health and subject to an acute form of dyspepsia. My physician directed me to quit all studies and go to the hills of Washington County, Pennsylvania, and there with some farmer live a farm life

until nature could have the opportunity to restore my physical energies. I followed the physician's advice, and finding myself in a few months, improved in health, though not entirely restored, I concluded to visit what was then known as the "Black Hawk Purchase," or "Iowa Territory," consisting of a strip of land fifty miles in width west of the Mississippi River, from the northern line of the State of Missouri, to what is now known as the north line of the State of Iowa. I came on steamboat down the Ohio and up the Mississippi, and my first touch of Iowa ground was on the fifteenth day of April, 1839, at the place where the city of Keokuk now stands. Keokuk being at the foot of the Rapids, the boat I was on lay there several hours preparing by lightering for its passage over the rapids, and while there I first saw a spice of the border life of those days. Just under the bluffs was a low, lone, log building, formerly used by traders as a trading house with the Indians, into which was placed one of those sinks of shame and misery, called a "Saloon, or Whisky Shop," and quite a crowd of whites and half-breed Indians and a few full-blood Indians were there on what seemed to be a big spree. One of the white ruffians from the shore came on the boat and sought a quarrel with the cook of the boat who was a mulatto, and finally drew a knife and made for him. The cook was not daunted, but seized a carving knife from the table and rushed on his assailant. They struck and thrust with their knives at each other several times without doing serious injury to either, when the ruffian suddenly turned, and fled from the boat.

"From Keokuk, I went on to Fort Madison, and there stuck out my shingle. Twenty years afterwards, I moved to Keokuk, which in the meantime had sprung from ravines, rocks and brushwood, to a city of eight thousand people, to-wit, in 1859. All Iowa, when I landed here, had less than forty thousand people. Lee County had in it already four lawyers who had preceded me; to-wit: Alfred Rich, who died in Kentucky in 1843; Judge Edward Johnstone, who now resides in Keokuk, but who has been out of the practice of the law many years; Henry Eno, who left Iowa about thirty-five years ago, and went to California, where he became a Judge; and Philip R. Velie, who died at Fort Madison in March, 1881. I express the belief that there never have been in Lee County four abler lawyers than those four named gentlemen. Judge Viele and Judge Johnstone possessed wonderful gifts of oratory, equal to anything I heard in after years in Congress, excepting Clay, Webster, Benton and Calhoun; but neither of these four excelled in the management of law cases, seemingly not inclined to take an interest in the practical details of law. Rich and Eno both were thoroughly educated in the principles and practical details of law; but while Rich was most artful and successful in the management of a suit before a jury, Eno in the trial of a case before a jury, could not put his knowledge to continuous, practical account.

"In the summer of 1839, Hugh T. Reid came from Indiana and settled at Fort Madison. He was thoroughly educated in law, and while his voice was very in-

harmonious as a speaker, yet he possessed such a double share of practical common sense in the management of a law suit, that it made him a very formidable adversary.

“Lee County, in the early days of Iowa, was a great field of legal controversy, owing to the litigation over the Half-breed land titles. The Half-breed tract includes 119,000 acres of land, besides the city of Keokuk. Eminent lawyers from other states often visited Lee County to engage in its legal contests in the Territorial days of Iowa, amongst whom were Francis Key of Maryland (the author of the National anthem called the ‘Star Spangled Banner’), R. Blannerhasset of St. Louis, O. H. Browning, Archie Williams, and Cyrus Walker of Illinois, each a giant in law knowledge and its practice. Also David Rorer, J. C. Hall and M. D. Browning, of Burlington, Iowa, each noted in his day, as being eminent in his profession, frequently attended and participated in law suits in Lee County, in the Ante-state days of Iowa.

“I was engaged as a lawyer in a majority of all the big suits in Lee County of those ante-state days, especially of those relating to Half-breed titles, and in criminal cases; and from my associations had favorable opportunities to improve myself in the art of successful legal controversy. In 1872, my views in relation to the true status of the colored population was put to a severe legal ordeal. It had been the rule with the officers of steamers on the Mississippi River, to require colored passengers—if women, to eat in the pantry; if men, on the guards of the boat, and they were forbidden the table in the cabin. Miss Emma Coger, a young lady of fine education, gentle manners, and considerable elegance and neatness of dress, who was one-eighth colored and the rest white, who was by occupation a teacher of music, and also a teacher of a common school of colored children in Quincy, Illinois, had been at Keokuk, Iowa, on a visit and was on her return home to Quincy, Illinois, on a steamer of the ‘St. Louis and Northern Line Packet Company.’ When dinner was announced, she stepped up with other passengers and took a seat at the table. The wife of the Captain of the boat, happened to be there, also, and though she and her husband were natives of the North, she took umbrage at seeing Miss Coger at the table, and declared she would not eat at a table where a negro sat. The captain being informed that Miss Coger was at the table, immediately went to her and told her she must leave the table and eat in the pantry. Miss Coger said she was the peer of any lady in morals and manners, and refused to get up. The captain called the clerk to his assistance, and they forcibly seized her and pulled her from the table and pushed her out on the guard of the boat.

“Miss Coger as soon as she got home to Quincy, consulted with reference to a suit against the steamboat company for the assault upon her, but was informed that a suit for a wrong done to a colored person on a steamboat similar to the one she had suffered, had just been tried in an Illinois court, and the officers of the boat had been justified by that court for their action in the premises. She then came immediately

back to Keokuk, and called on me, stated her grievance, and asked me to act as her attorney in prosecuting said Steamboat Company for the wrong done her. I readily complied, and sued the company in a civil action for damages, in the Lee County District Court at Keokuk. When I commenced the action, there was much prejudice in the public mind against my proceedings, and lawyers generally supposed my client would be defeated. The suit was tried in Keokuk and engaged a week's attention in the court. The Steamboat Company secured an able home lawyer on the defense, and also brought to their assistance, as counsel, a gentleman supposed to have no superior as an advocate, from a neighboring state. People came to hear the trial for twenty miles around, and never was there before or since in Lee County such a crowded Courthouse or such a general public excitement about a trial, as that event produced. The result was a verdict for plaintiff for two hundred and fifty dollars and costs. Defendant appealed to the Supreme Court, and the Supreme Court sustained the verdict and ruling of the lower Court. Since the result of that trial, respectable colored men and women have the same rights accorded to them on railroad cars and steamboats that white men and women have; though the Courts allow the boats to set apart tables in their eating cabins for colored passengers, as a proper matter of boat discipline and regulation. I think I may properly say that I so managed that trial that before the case was through, the general public sentiment of Keokuk changed, and the verdict was generally approved by the community.

"I may be pardoned for noticing this particular incident. Of my character and general career as a lawyer and public man, I must let others speak if they will, and with this brief outline I bring this to a close."

I have referred to Mr. Miller's distinction as a criminal lawyer. His experience in that line was extensive and his general success conspicuous. He wrote me that he was engaged either for the defense or prosecution—generally the former—in forty-nine homicide cases. To this number it is almost certain that subsequent cases were added. It is doubtful whether the record of any lawyer living or dead can equal this. His practice in that line may be said to have been co-extensive with the state. He belonged to and was familiar with the people. He exerted all his ingenious powers, and generally with effect, to arouse the pathos of the Jury. He entered feelingly into his cause and as hereinbefore indicated, was, himself, sometimes wrought to the highest emotion. Col. J. M. Reid, in his pamphlet, "Sketches and Anecdotes," published at Keokuk in 1877, gives the following anecdote along the line I have last indicated:

Miller was defending the son of the widow Alic for murder. With a long, serious face, and pathetic voice, he was reading to the jury from the Bible the story of the widow's son, and commenting on it. Tears came to the eyes of many bystanders, and jurors, and even some of the lawyers. A son of Mr. Miller's who was listening went home and told his mother of the scene, who said to him, "Did you cry, my son?" The reply was, "No, mother, I knew pa too well."

But let it not be inferred that he confined himself to criminal cases, for he had a wide general practice, and was able and efficient in both civil and criminal lines. He represented the settlers in the noted Half-breed Tract litigation. He gave special attention to mental philosophy and diseases, and was interested in a number of will and other cases involving the question of mental unsoundness.

He began and ended his political life as a Democrat. In 1840 he was elected to the Territorial Legislature. In 1848 he was elected to Congress. The seat was first awarded to his opponent, William Thompson. It was contested by Miller, a new election was ordered by Congress and Miller was triumphantly chosen. In 1840 he went to the support of General Harrison and continued to act with the Whig Party until its practical disintegration. He was one of the founders of the Republican Party in Iowa, and in its first Presidential campaign was placed at the head of the ticket for Presidential elector. In the stirring events preceding the Civil War, and with the hope of avoiding that catastrophe, he was strongly in favor of the Crittendon Compromise measure. This being defeated, he returned to the ranks of the Democracy, and earnestly co-operated with that Party, to the end of his life. By it, he was several times called upon to preside over its state conventions, twice made its candidate for Presidential elector, and once given its unanimous vote in the Legislature for United States Senator.

In 1860 he was a candidate for Judge of the Supreme Court, but was defeated by his Republican opponent, Judge George G. Wright. In 1893 he was elected to the Legislature from Lee County and took his seat fifty-three years after his first term of service in that body.

Among his other writings, he prepared and had published his work on Rhetoric from his standpoint and experience at the bar. It was received with the most flattering notices from the press, from law periodicals, from Presidents of Colleges, distinguished lawyers and eminent Judges. He was a man of great kindness, generous and liberal, especially to those in poor circumstances.

In his Congressional Contest with Thompson before alluded to, Congress, as is usual in such cases, passed a resolution authorizing the payment of his expenses. But he left Washington without drawing the amount. He afterwards donated his right to do so to the Fort Madison Library Association, which afterwards received One Thousand Dollars in that behalf, as the result of his liberality.

He was steadfastly faithful to his friends and to his promises. As illustrative of this, Ex-United States Circuit Judge Henry C. Caldwell once told me a notable instance. The particulars of that relation I had forgotten, and so recently interviewed Judge Caldwell on the subject. I went to Judge Caldwell's house with a stenographer, who took down his narration of the incident referred to, which I here

reproduce for the purpose indicated, and also to show Judge Caldwell's opinion and estimate of Mr. Miller:

Miller was the Whig candidate and Colonel Thompson the Democratic candidate for Congress at the time that the Mormons had settled at Kaneshville, now Council Bluffs, on the Missouri River. Miller got almost the unanimous vote at the Kaneshville precinct, which for election purposes constituted a precinct of Monroe County at the time. During the time that Miller was practicing law in Fort Madison, he performed many kind acts for the Mormons at Nauvoo, who were finally driven out, and they reciprocated his kindness by giving their votes for his election to Congress. The election officers at Kaneshville returned the poll-book of that precinct to the clerk of Monroe at Albia, the county seat. On the day appointed by law for the clerk to canvass the vote of that county and attached precincts, Judge J. C. Hall, of Burlington, Iowa, and Israel Kiester, of Bloomfield, Davis County (the second Treasurer of the State of Iowa), were present representing Thompson. The clerk proceeded with the canvass, which was not concluded when an adjournment was taken for dinner. When the clerk returned to his office to resume the canvass, the Kaneshville poll-book had disappeared, and could not be found. Deducting Miller's majority at that precinct, it resulted in giving Thompson a majority, and he received the certificate of election and took his seat in Congress. Miller contested. He proved the loss of the poll-book and the consequent loss of votes, but a Democratic Congress refused to give him his seat and referred the case back to the people for a new election. Miller and Thompson were opposing candidates again, and Miller was elected. It was clear enough in the evidence before Congress that Miller had been elected, but Thompson and his friends represented that if they could have an opportunity to run the race over again, Thompson could secure the Mormon vote; and so Congress ordered as already stated.

I want to relate an incident personal to myself, which illustrates Miller's personal fidelity and integrity:

When he was making his first canvass for Congress, he made a speech at Iowaville in Van Buren County, and came home with my father to stay all night. (I was then thirteen years old.) During the night, his horse died and having to go the next day to Bloomfield to meet a friend with a carriage to continue his canvass across the district to the Missouri River, my father furnished him a horse to ride to Bloomfield and sent me along on my pony to bring the horse back home. Riding through the Soap Creek Woods that day, Miller asked me what my ambition in life was and I told him it was to go to West Point and become an officer of the Army of the United States. I had seen the military company at the Agency Station and had seen Wash Street, the son of General Street, the Indian Agent, when he would come home for his vacation from West Point, where he was a cadet, and had become infatuated with the idea of a soldier's life. Miller asked me if I knew how to get to West Point. I said I did not. "Well," said he, "the member of Congress from the District designates the cadet to be appointed; and now, I'll tell you what I'll do, Clay (calling me by my first name), if I am elected and there is a vacancy in the cadetship in my district, while I am in Congress, you shall have it. Say nothing about this to anyone, but you may rely upon getting the appointment to West Point, if I am elected and a vacancy occurs." He said, "I suppose your father will have no objections?" I said, "Oh, my father does not want me to go there. He is opposed to a standing army, and has a very poor opinion of army officers." "Well," said Miller, "I guess it will be all right with him, Clay. You prepare yourself, and you shall have the appointment." I never mentioned this circumstance to a living soul, but felt sure of the appointment if Miller was elected. He was elected, but did not get his seat, and in the meantime I left home and went to Keosauqua, to go to school, and later to study law with the firm of Wright & Knapp. I had been there two years when, on going to the post office one day, I found a formidable official document addressed to me by Charles M. Conrad, the then Secretary of War, and upon opening it, I found my commission to West Point, with full instructions as to how I should prepare myself to enter that institution. Elated beyond expression, I rushed into the office with my appointment, which I exhibited to Wright and Knapp, who at once declared that I must not think of

going to West Point; and Judge Knapp particularly launched out into vehement denunciation and disparagement of West Point and West Point officers in general. He immediately wrote to my father to come down and assist him in inducing me to give up the idea of going to West Point. In a day or two, my father came down and he and Judge Wright and Judge Knapp united their influence and arguments to persuade me to give up the appointment, which I very reluctantly did.

From this incident, personal to myself, and from other actions of Mr. Miller that came to my knowledge, I have always regarded him as one of the best and truest of men I have ever known. I honored and respected him to the end of his life, and I shall honor and respect his memory to the end of my own. The particular incident I have referred to shows both the unselfishness and fidelity of the man. He could expect nothing from me. I was but a boy, without influence and without a vote and I would be in no better condition to assist him, certainly at West Point, and he knew my father would be opposed to the appointment. Moreover, the place was one eagerly sought by boys, whose fathers possessed large influence.

Full of years and full of honors, after fifty-six years of continuous practice, this Nestor of the Iowa Bar, in whom was wrapped the almost entire history of the Territorial and State Period, died at Omaha, Nebraska, in December, 1895, in the eighty-second year of his age. For Judge Mason's estimate of Mr. Miller, the reader is referred to my sketch of the former.

Among his other children, he left a son, Daniel F. Miller, Jr., a lawyer of ability and at one time a member of the General Assembly of the State.

Bernhart Henn.

Daniel F. Miller was succeeded as Representative in Congress by Bernhart Henn of Fairfield. He was elected in the fall of 1850 over his Whig opponent, George G. Wright, who afterwards became one of the most renowned Judges of the Supreme Court of the State and United States Senator. Judge Caldwell, in my interview with him, referred to above, stated to me that, on every principle of political justice as well as of precedent, Miller, especially in view of the heroic struggle he had made to gain his seat in Congress, should have been nominated instead of Wright, and that the latter should have neither sought nor accepted the nomination, and that this feeling was so prevalent that it led to Wright's defeat in the election. At the end of the term to which Mr. Henn was elected he was again nominated and re-elected in the fall of 1852 over the Whig candidate, Phillip Viele, thus serving in all four years in Congress.

Mr. Henn was a public spirited, and at that time, popular citizen though, as we shall presently see, he fell into disfavor by reason of his views on the eve of the Civil War and his intense desire to pacificate the South and bring about a peaceful solution through conciliatory measures of compromise. He had done much for Fairfield and the development of that part of the State. He came to Burlington in 1839, the year after the organization of Iowa as a Territory, and became a clerk there in the United States Land Office. In 1844 Mr. Henn was appointed Register of the United States Land Office at Fairfield. He served four years in that

position with great efficiency and general satisfaction. He was well educated, possessed of a strong literary taste, and a pungent political writer. His frequent contribution to the Burlington Gazette established his reputation as a forceful writer. He was a Democrat of the old school, and an active political partisan. He was dominant in character, and dictatorial in politics. We lived in adjacent counties and I came to know him quite well. In the early 50's he organized the banking firm of Henn, Williams & Co., which became generally and favorably known throughout the State. He was a man of decided merit and decided ability. He, in connection with his banking house, laid out what is now a part of Fairfield, and he contributed in various ways to the development of Jefferson County and its institutions.

I have adverted to his course in connection with the Civil War. He earnestly sought to avoid the horrors of that conflict, which he could readily foresee, by peaceful solution of the difficulties leading to it. To this end he earnestly favored what was known as the Crittenden compromise. He was not a Southerner, but a New Yorker by birth, who thought the whole difficulty lay in the extremists of both the North and the South—the Secessionists and the Abolitionists—and that if their influence could be eliminated, the differences between the North and South could be amicably adjusted. To this end he strove with all his might and main. In February, 1861, he became the leader in a movement designed to promote that end. He was foremost in causing a public meeting of citizens to be called. The meeting was held in Wells Hall at Fairfield on February 2, 1861. He was made Chairman of the meeting and endeavored to enforce his views upon the assemblage. In this he was assisted by David Sheward, who soon after became the editor of a paper so virulent in its opposition to the war that it invoked public indignation. The proceedings of the meeting, and especially the intense anti-war views and arbitrary rulings of Mr. Henn, resulted in other meetings throughout the county, all of which are graphically described by Charles J. Fulton in an article appearing in the October, 1913, number of the Third Series of the Annals of Iowa. That Mr. Henn was actuated by patriotic motives in his desire to effectuate a compromise and avert civil war there can be no doubt. There were many other Democratic leaders in the State who were prompted to like action, and were prompted by like motives. And had Mr. Henn survived long enough, his true character, his public spirit and fine abilities would have enabled him to live down the political temporary unpopularity which his course had produced, but he did not long survive the War, and died in the prime of life in 1868.

He was survived by his wife, a person so useful that she deserves a passing notice. She was a Marylander, born in Baltimore, in the same year that her husband was, in 1820. They were married at the home of Gen. Augustus C. Dodge in Burlington, in 1841. She survived her husband until 1895. It is said of her (Annals of Iowa, Volume 2, Third Series, pp. 326) Mrs. Henn was in

her earlier days a leader in society, and a charitable worker. She was one of the founders of the public library at Fairfield, having made the first subscription for its establishment. The prominence of her husband in early Iowa history and politics, together with her own fine personal qualities, gave Mrs. Henn a state-wide acquaintance.

Lincoln Clark.

Lincoln Clark was one of the striking figures in the affairs of his time. He was highly educated, his life was eventful, and portions of it were spent in four different States. He was born in Massachusetts in 1800, reared on a farm, educated in the common schools, taught a while in them, then entered and was graduated from Amherst College. He then went to Virginia, engaged in teaching for a while, reading law in the meantime. He subsequently located in Perkins County, Alabama, where he was admitted to the bar and commenced practice. At the age of 34 he was elected to the House of the Alabama Legislature, where he served three terms. At the end of his last term he removed to the capital of the State, Tuscaloosa, continuing there the practice of his profession. In 1839 he was made Attorney-General of the State, and subsequently a Judge. He came to Iowa and located at Dubuque in the later forties, and early became prominent. In the Presidential campaign of Lewis Cass and General Zachary Taylor, in 1848, he was one of the Democratic electors with Augustus C. Dodge, Joseph Williams, and John J. Sellman. The Whig electors were Fitz Henry Warren, Jesse Bowen, William Wallace and Stephen V. Shellady. In 1850 he was elected to Congress from the second district over his Whig competitor, John P. Cook. In 1852 he was again nominated for Congress and had for his opponent again John P. Cook. This time he was defeated, Cook receiving a majority of 573. In the Lincoln-Douglas campaign of 1860 he was one of the Democratic electors. In 1857 he had been elected to and served in the House of the 7th General Assembly, in the proceedings of which he took a prominent and very serviceable part in adapting the laws of the State to the new Constitution, which had just been adopted. He was a Democrat of the old school, and during the early part of my career in Iowa, was looked up to as one of the wise and influential leaders of his party.

Samuel R. Curtis.

General Samuel R. Curtis, I first saw at Ottumwa, in 1860, in the Joint Congressional Debate between him and his Democratic opponent, Chester C. Cole. It was an out-of-door meeting; a temporary stand had been erected for the speakers. I can recollect the appearance of the two as plainly as if it were but yesterday—Curtis, tall, finely though heavily formed, with high forehead, large hazel eyes, decidedly grave face adorned by side whiskers; in demeanor, serious, deliberate, in speech and action, undemonstrative. Cole, on the other hand, comparatively small,

keen eyed, facile, alert, smilingly cheerful, skilled in debate, ready to either parry or thrust. In a contest of this kind, Curtis was not his equal in debate, and there were few men in the state or country that were. But Curtis had the right and therefore, easy side—though I did not so look at it then, for I was on Cole's side—and was triumphantly elected over his able and skillful opponent. There were then only two Congressional Districts in the State, the first and second. This was General Curtis' third term, for he had been elected to Congress from the first district in 1856 and again in 1858. While he was not an imaginative or eloquent man, he was a solid and substantial one in all respects. He was not a flowery advocate, but a lawyer that had the confidence of the Court and the Jury. That he was elected for three continuous terms to Congress is sufficient evidence that he had the confidence of the public. While he was a member of Congress, he performed services highly useful to the State, and indeed to the Nation, for he became distinguished in Congress and throughout the country for his efforts in securing the establishment and construction of the Union Pacific Railroad, and in connection with the passage of the bill authorizing the same. While others have claimed the honor, he is undoubtedly entitled to be regarded as the father of that enterprise. He was naturally a mathematician and his education in that line and in Civil Engineering that he had gained at West Point, made him competent to grasp with great ability a project so seemingly Himalayan as the construction of a railroad over the Rocky Mountains, that should connect the Atlantic coast with that of the Pacific. As a lawyer, he was only fairly successful, but as a Civil Engineer, and projector of great enterprises requiring the highest faculties, he is entitled to stand among the first in the country. His prior experience in Civil Engineering and the construction of public works had not been insignificant as will presently be seen from the recital of his previous life.

He was of New England origin. His parents emigrated from Connecticut to the far west in 1807, and settled in Licking County, Ohio, where he was born the same year. He was educated at the West Point Military Academy, where it is said he was the highest in his class. He graduated therefrom in 1831, with a brevet Second Lieutenantcy in the Seventh Infantry, and was assigned to duty at Fort Gibson in the Indian Territory. He resigned his commission the following year, returned to Ohio, studied law, and was admitted to the bar there, and successfully practiced in Wooster for several years. In 1837 he was appointed Chief Engineer of the Muskingum River Improvement and served in that capacity until 1839. He was engaged in the practice of his profession when war was declared against Mexico. He was summoned to Columbus by the Governor, and appointed Adjutant General of the State. A little later he was commissioned Colonel of the Third Regiment of Ohio Volunteer Infantry and led it to the field. "He served on the northern line of Mexico, under General Taylor, and was for a time on the staff of General Wool. As Governor, he commanded the cities of Matamoras, Camargo

and Saltillo.”* After the close of the Mexican War he removed to Keokuk in 1847, the year in which that city was incorporated. Before leaving Ohio, the position of Chief Engineer of the Des Moines River Improvement Company had been tendered to him; he accepted the appointment and served in that capacity for several years. From 1850 to 1853 he was Chief Engineer of the harbor and other improvements at St. Louis, and constructed the dike which connects Bloody Island to the Illinois shore. While engaged in the practice at Keokuk, he was for a time the partner of John W. Rankin. But while his life as a civilian, as we have seen, was distinguished, his military career was even more so. His renown as the hero of the bloody battle of Pea Ridge, in which he commanded our troops is an imperishable part of history, as is his fame as a great Commander in planning and victoriously executing many other important engagements. For his bravery and skill, he was commissioned a Major General in thirteen days after the battle of Pea Ridge. In September, 1862, he was placed in command of the Department of Missouri, and in 1864, of the Department of Kansas. “While in command of the Department of Missouri, his troops fought the following battles: Cane Hill, Old Town, Wayne, Prairie Grove, Springfield, Cape Girardeau, besides capturing Fort Smith and Van Buren, Arkansas. There were also many skirmishes and engagements of lesser note.” Before the Battle of Pea Ridge, he marched against General Price and drove him through Missouri and Northern Arkansas. In the course of this march there were a number of engagements, the culmination of which was that of Pea Ridge. General Grenville M. Dodge, who like General Curtis, was both a great Civil Engineer and Military Commander, thus wrote of that battle:

Probably no one had a better opportunity than I to judge of the battle. My command opened the battle and I think was the last to fire a gun. General Curtis, the commander of that army, was entitled to the full credit of that great victory. The battle virtually cleared up the Southwest and allowed all our forces to concentrate on or east of the Mississippi. General Curtis had under him as the division commanders several experienced, educated soldiers, who performed their duties with great ability, but it was General Curtis who met and defeated on their own ground, three hundred miles away from any base, twice his number. He was attacked in the rear and on the flank with great force, the fighting lasting three days, and he defeated, yes, virtually destroyed Van Dorn's army.

For further details relating to the military career of General Curtis, the reader is referred to Stuart's "Iowa Colonels and Regiments," and Ingersoll's "Iowa and the Rebellion," published near the close of the war.

William Vandever.

William Vandever will long remain a striking figure in Iowa history, though his military renown puts somewhat in the shade his civil career. He was born in the city of Baltimore, in 1817. The family had been former residents of Philadelphia, and when he was ten years of age they returned to that city, where they remained

* Note—Stuart's Iowa Colonels and Regiments.

until the son had reached his majority. There he received his education in the common schools. In 1839, when he was twenty-two years of age, he turned his steps westward and located at Rock Island, Illinois, and remained there until 1851 when he became a resident of Dubuque. During a portion of the twelve years he was a resident of Rock Island he was engaged in the survey of the public lands, and a part of the time owner and editor of the "Northwestern Advertiser." His first two years at Dubuque were spent in the Surveyor-General's office, reading law in the meanwhile. He completed his legal studies with Benjamin M. Samuels, and afterwards became a partner with him in the practice. For a brief period he was Clerk of the Supreme Court of the State. In 1858 he was the Republican candidate for Congress in his district. His able competitor was Mr. Samuels. Despite the eloquence, power and popularity of the latter, Vandever was elected. The State had then but two Representatives in Congress. His colleague was the afterward illustrious General Samuel R. Curtis. In 1860 he was re-elected.

At the commencement of the Civil War both he and Curtis offered their services to the government, which were accepted and they both abandoned their seats in Congress to share in the perils of the great conflict that was to ensue. They both retained their seats, however, until the close of the extra session of that year, during which the disastrous battle of Bull Run was fought. It was the gloomiest day in the history of the war. Horace Greeley, in his "American Conflict," thus refers to both the day and to Mr. Vandever:

It is worthy of record, that on this sad day, while Washington, crowded with fugitives from the routed Grand Army, seemed to lie at the mercy of the rebels, Congress legislated calmly and patiently throughout, and the House, on motion of Mr. Vandever, of Iowa, unanimously "Resolved, That the maintenance of the Constitution, the preservation of the Union, and the enforcement of the laws, are sacred trusts which must be executed; that no disaster shall discourage us from the most ample performance of this high duty, and that we pledge to the country and to the world, the employment of every resource, national and individual, for the suppression, overthrow, and punishment of rebels in arms."

He at once went to work to recruit a regiment from among his constituents, and succeeded. It became the 9th Iowa Infantry and he was commissioned its Colonel, and reported with it for service at St. Louis, in September, 1861. It would not be within the scope of this work to enter into details of his military service. I may briefly say that he accompanied General Curtis in his campaign through Missouri and Arkansas, and that he commanded a brigade and bore a conspicuous part in the famous battle of Pea Ridge. He was especially mentioned for gallantry in the report of the commanding general. His regiment was accompanied by the 3rd Iowa Battery, whose history was one of signal bravery. He was always highly appreciative in his mention of the soldiers and officers of his command. This will be particularly seen in his report to Colonel E. A. Carr, of the Battle of Stone River, in which he compliments the Dubuque Artillery, Lieutenant Herron, Major Coyl, Lieutenant Asher Riley, Captain Dripps and Lieutenant Kelsey, Captain Car-

penter and Lieutenant Jones, Lieutenant Tisdale, Captain Towner and Lieutenant Neff, Captain Bull and Lieutenant Baker, Captain Washburn and Lieutenant Bebee, Captain Bevins and a number of other soldiers of his command. In this battle he commanded a brigade consisting of the 9th Regiment of Iowa Volunteers, Colonel Phelps' Regiment of Missouri Volunteers, the Dubuque Artillery Company, and the 3rd Illinois Cavalry. This report well illustrates the soldierly qualities of General Vandever, and will be found in the January, 1886, number of the *Old Annals of Iowa*.

In 1862 he was commissioned Brigadier-General and participated in the Battle of Arkansas Post. He was afterwards active in driving the enemy from South-eastern Missouri across the St. Francis River. In 1856 he took part in the siege of Vicksburg, and after its capture joined in the expedition to Yazoo City. He was next in the department of the Gulf, accompanied General Banks in his expedition to Texas, and participated in the Capture of Brownsville. He served with General Grant, and afterwards with Sherman on the line of operations to Atlanta, and from there to Savannah and Richmond. He won particular distinction at the Battle of Bentonville, North Carolina, with his brigade, and for it was afterwards breveted Major-General.

He served throughout the war, and it has been well said that while there were men who have won a wider renown and louder applause, there were but few worthier for arduous and faithful service, and sincere devotion to the cause of the Union, from first to last, than General Vandever. He was tall, portly and commanding in person, kindly but dignified in manner.

After the Civil War General Vandever did not return to the general practice of his profession, but engaged in the promotion of various enterprises looking to the advantage of his City and State, among others the construction of the railroads along the west side of the Mississippi River. Subsequently he filled some important positions under the Government, but eventually retired and settled in southern California. The Congressional District in which he had taken up his residence, was so hopelessly Democratic that none of the Republican leaders were willing to make the race for Congress and called on General Vandever to lead "a forlorn hope." The General accepted the nomination, and to the astonishment of himself and everybody else, was elected by a large majority, and at the end of his term was re-elected, and at the close of his second term as a Representative from California, retired to private life and died at Buena Ventura in 1893 at the age of seventy-seven.

Hiram Price.

Hiram Price was a native of Pennsylvania where he was born in 1814. He came to Iowa during the Territorial period, settling in Davenport, which remained

his home for the greater part of his life. I can write of him but briefly. He was a thoroughly self-made man with few early educational opportunities, but impelled by an insatiable thirst for knowledge, he became a wide reader and thoroughly versatile in human affairs. In temperament he was conspicuously ardent and intense, and pursued with great force every line of effort that he undertook. He became a pronounced and widely-known radical reformer, a fierce opponent to the extension of slavery, an uncompromising advocate of temperance, and of laws prohibiting the manufacture and sale of intoxicating liquors. Joined to these attributes was a deeply religious nature which invested his conduct along these lines with additional fervor. He became known throughout the State and the country at large as one of the most aggressive of reformatory leaders.

He was clean cut in figure, rather slim, and the embodiment of activity and alertness. He was quick in perception and impetuous in action. I had some experience with him once to my discomfiture in the Republican State Convention of 1865 to which allusion is made in my sketch of James W. Grimes. He was both fiery and formidable, and no man ever left an encounter with him free of scars. Taken all in all, he was one of the most remarkable men of his time, especially of the class of reformers to which he belonged. His character was without a blemish, his integrity perfect, and even his political enemies conceded his sincerity and honesty of purpose on all occasions.

I can only relate a few leading events of his life. His forceful talents gained him public recognition soon after his coming to Davenport. In 1847 he was made school fund commissioner of Scott County. In 1848 he was elected Treasurer and Recorder of the County, and was continued in that office by the people for the period of eight years, as long as he was willing to serve in it. He became a leader in public affairs and in the development of the natural resources of the country. He was one of the principal factors in the construction of the railroad leading from the East to Davenport, and of the one leading from the Mississippi to the Missouri Rivers. In this latter line, known as the M. & M. R. R., he was remarkably efficient. It is said that he traversed its line, procured its right of way, and had charge substantially of its construction. He was an active participant in the construction of all roads leading to or from Davenport. He was one of the organizers of the State Bank and one of its presidents at Davenport. At the outbreak of the Civil War he generously came forward with his means to assist in the equipment of the first two regiments organized for the service. He was the first paymaster of the Iowa troops. His congressional service was long and distinguished. In 1862 he was elected to the Thirty-eighth Congress, in 1864 to the Thirty-ninth, in 1866 to the Fortieth, and again in 1876 to the Forty-fifth, and in 1878 to the Forty-sixth Congress. His active and useful service during this long period made him well known throughout the country. In 1881 he was appointed by the President Commissioner

of Indian Affairs and served in that department with general satisfaction for the period of four years. He died in Washington, D. C., in 1901. One of his daughters was the wife of the illustrious Judge and Lawyer, John F. Dillon, both of whom are now deceased. Hiram Price Dillon, a leading lawyer and highly influential citizen of Topeka, Kansas, is their only surviving son.

J. B. Grinnell.

Josiah B. Grinnell was one of the best known and most active men in Iowa during his time. He, like Hiram Price, was radical along the lines of slavery and prohibitive liquor laws. A quite elaborate biography of him, by Prof. L. F. Parker, will be found in the Second Volume of the Annals of Iowa, Third Series, pp. 249. In addition to this, Mr. Grinnell himself prepared and published a book entitled "Men and Events of Forty Years." In view of this, it becomes unnecessary for me to add more than a few outlines. I knew Mr. Grinnell quite intimately. I helped to nominate and elect him to Congress in 1862, and again in 1864. He in turn, was a member of the Convention which nominated me for Congress in my District in 1883, was instrumental in giving me his delegation, endorsed my nomination in a speech in the convention after the nomination was made, and assisted me in the speech making canvass that followed. I considered this very generous conduct in view of the fact that I did not support his nomination in Congress against William Loughridge in 1866. Having reason to believe that Mr. Grinnell would not again be a candidate, I had obligated myself to the support of Mr. Loughridge who was a warm, personal friend, and in the court, of which he was the Judge, I frequently practiced. Mr. Grinnell decided to be a candidate and wrote me on the subject. I told him frankly what is here stated, and I will say that it never seemed to affect our subsequent mutual friendship.

He was a man of peculiar and restless temperament, full of life and robust energy. He was a bundle of versatile activities and was constantly busy, in the fullest sense of the word, along his chosen lines. He took a lively interest in public affairs, in the improvement of conditions relating to the public, and in everything going on about him. He was decidedly a man of action, impulsive, quick of movement and decision, and prompt to express himself—sometimes it was thought too vehemently. This proclivity led to an unfortunate rencontre between himself and General Rosseau, of Kentucky, while they were both members of Congress. He was a man of extraordinary talents and achievements who it may be truthfully said, did great things for the State.

He was born in New Haven, Vermont, in 1822, liberally educated, a college graduate, studied for the ministry, became a Congregational clergyman, had a pastorate at Union Village, New York, for three years, then at Washington, D. C., where it is said he preached the first anti-slavery sermon delivered in that city, and

subsequently became the pastor of a church in New York City where he remained until 1854. He then organized an association to establish a colony in the far West, and during that year acquired a tract of several thousands acres in Poweshiek County, established the town of Grinnell, and laid the foundation of that notable institution, Iowa College, commonly known as Grinnell College, which will survive to perpetuate his name through all of Iowa's future. He was one of the leaders in calling the convention which organized the Republican Party in Iowa in 1856, and from this time on he became an active factor in the political affairs in the State. In the fall of that year he was nominated and elected as a Republican Senator for his District, serving four years. His supreme and decided talents brought him promptly into notice. In 1860 he was a delegate to the Republican Convention which nominated Abraham Lincoln for President. In 1862 he was elected to Congress from his District, and re-elected in 1864. He was one of the promoters of the Central Railroad of Iowa, the President of that Company, and also a Director of the Chicago, Rock Island & Pacific Railway. He was a notable and magnanimous gentleman whose like is not often seen in this day and generation.

John A. Kasson.

John A. Kasson was one of the most brilliant, as well as diplomatic men of his time. He came to and entered upon the practice at Des Moines from St. Louis in 1857. He had gained prominence at the St. Louis bar and soon attained prominence at that of Des Moines and the State. He was, however, more inclined to politics than law, and in that line became eminent in a comparatively short period. Scarcely any man of his time figured so variously in public affairs. He was of Scotch-Irish extraction. The progenitor of the family in this country was Adam Kasson, who came over in 1722 and settled in Litchfield, Connecticut, from whence some of the sons scattered to seek new homes on the unoccupied lands of Vermont, New York and Pennsylvania. Mr. Kasson's father was John Steele Kasson. His mother's maiden name was Nancy Blackman. Both were of Revolutionary stock. He was born in Charlotte, Vermont, in 1822. His father died when he was but six years of age. In 1836 the family removed to Burlington, Vermont, where he obtained his preparatory education, and entered the University, from whence he was graduated in 1842. Upon his graduation he began the study of law with his brother, Charles D. Kasson, a distinguished lawyer of Burlington. He continued his legal studies at Worcester, Massachusetts, in the office of Emory Washburn, afterwards Governor of the State, Professor of Law at Harvard, and author of Washburn on Real Property. In 1844 he was admitted to the bar and began practice in New Bedford, Mass. In 1848 he was sent as a delegate of the "Free-Soil" Party to the convention at Buffalo. On his return he was nominated for Congress, but declined the nomination. In 1849 he desired to seek a wider field.

He came to and entered upon the practice at St. Louis. He soon became favorably known for the talents he displayed, and in 1852 was selected to deliver the address of welcome to the Hungarian Patriot, Kossuth, who was then visiting the chief cities of the United States. His practice in St. Louis had become lucrative, but he was determined to sacrifice it for a home in a State where slavery did not exist, and came to Des Moines, as before stated, in 1857. He took a prominent part in politics of Iowa, served as Chairman of the Republican State Central Committee, and in 1858 was commissioned Special Examiner of the departments of the State Government, which had just been removed from Iowa City to the new capital. In 1860 he was a delegate to the Republican National Convention at Chicago, which nominated Abraham Lincoln. He was appointed a member of the Committee on Resolutions, and of the Sub-Committee that shaped the platform. Horace Greeley declared in his paper, "The Tribune," that Mr. Kasson was the principal author of that document.* During the campaign that followed he was conspicuous in promoting the election of Lincoln, and in recognition of his efficient services, the second nomination sent by President Lincoln to the senate was that of John A. Kasson for the office of First Assistant Postmaster-General. From that time down to his final retirement he was in public life.

During his short term as First Assistant Postmaster-General, he accomplished an enormous amount of work in re-organizing the postal service, disordered by the war, and made thousands of new appointments of Postmasters in order to place the control in loyal hands. He also codified all the postal laws, scattered through many and various acts of legislation, and devised a plan for uniformity in postal intercourse between this country and foreign nations, whereby the foreign postal rates might be greatly reduced and international postal accounts be abolished, in which the United States was a large debtor for annual balances in gold. The plan involved the assembling of an international postal conference to consider these and all allied questions. Postmaster-General Blair approved the plan, and invitations therefore were issued by the Secretary of State, Mr. Seward. Fifteen governments accepted the invitations, and their delegates met in Paris in 1863, Mr. Kasson representing the United States. This was the first general conference of nations

* The sub-committee unanimously endorsed Mr. Kasson's declaration "That the normal condition of all the territory of the United States is that of freedom." All resolutions submitted were referred to this sub-committee whose province it was to agree upon the central topics that were to be embraced in the platform. At midnight it seems that all of the members save Kasson and Greeley had become so exhausted that they were compelled to retire, leaving Kasson and Greeley to complete the work. In the morning Mr. Kasson reported the platform to the general committee, and it was approved by unanimous vote. The New York Tribune of May 22d, said editorially: "The platform presented, so generally satisfactory as it has proved, is eminently due to John A. Kasson, of Iowa, whose efforts to reconcile differences, and to secure the largest liberty of sentiment consistent with fidelity to Republican principles, were most effective and untiring. I think no former platform reflected more faithfully the average convictions of a great national party."

ever held for facilitating peaceful intercourse and closer relations between different governments and alien peoples. A common basis was agreed upon for international postal intercourse, and a vote of thanks was tendered Mr. Kasson for his government and for himself in initiating this advance step in civilization. Out of this first conference has grown the admirable Postal Union of today, perfected by successive conferences. In 1867 he was again appointed commissioner to negotiate postal conventions with Great Britain, France, Belgium, Holland, Prussia, Switzerland and Italy, in accordance with the principles settled at Paris, and completed the work with all the states named except France.

In the fall of 1862 he resigned his position at Washington, to accept a nomination for Congress in a district at that time representing twenty-three counties. His service in Congress embraced six terms, to which he was respectively elected, covering the years 1863-67, 1873-77, 1881-85. He was a member of the Ways and Means Committee on Foreign Affairs; he was the First Chairman of the Committee on Coinage, Weights and Measures, organized on his motion in the 39th Congress, and drew the bill which introduced and legalized the metric system in this country. An amendment to the bankruptcy act, whereby the homestead of the debtor was reserved to his family, was carried by his advocacy. Following his first two terms in Congress, he was elected by Polk County for three successive terms to the Iowa Legislature, serving from 1868 to 1872, and conducting the famous fight for a new State Capitol to a successful conclusion. Speaking of this subject, Charles Aldrich says:

Opposition to the new building was at once powerful and bitterly unreasonable. It was denounced as a "corrupt job," and the State was alleged to be filled with "barefooted women and children" who would be still further crushed to earth if this extravagance was undertaken. So powerful was this opposition, so well organized and so ably led, that Mr. Kasson only secured the passage of the bill by two majorities. * * * The obligation the people of Iowa are under to Mr. Kasson for securing this magnificent edifice, for the accomplishment of this grand step in the progress of our State, will not soon be forgotten.*

On the accession of President Hayes, Mr. Kasson was offered his choice between the missions to the Courts of Madrid and Vienna. He accepted the latter and went as Envoy Extraordinary and Minister Plenipotentiary to Austria-Hungary, remaining at this post during 1877-81. Then followed two more terms of service in Congress. But before the expiration of his second term, in 1884, he was unexpectedly to himself, nominated by President Arthur as Envoy Extraordinary and Minister Plenipotentiary to Germany, where he served until the change of administration under President Cleveland, and was successful in restoring the amicable relations between the two governments, which had for a brief period been interrupted. Prince Bismarck paid him the unusual compliment of requesting the new administration to continue him in his post at Berlin. In 1884 he was also commissioned

* Annals of Iowa, Third Series, Vol. IV, 149, 150.

as Special Envoy to the Internal General Conference, held at Berlin upon invitation of Prince Bismarck to establish the Congo Free State and regulate its external relations. The Germans gave the United States the credit of playing a part in that conference second in influence only to that of Germany. In 1889 he was sent by General Harrison as Special Envoy of the United States to the "Samoan" Conference at Berlin, where he brought about a settlement of the serious differences between Germany and the United States with honor to his government. In 1897 President McKinley appointed him a Special Plenipotentiary to negotiate Reciprocity Conventions under the provisions of the Dingley Tariff Act. After successfully negotiating twelve or fifteen such treaties, and finding the Republican Senate had abandoned the policy laid down in the Dingley Act, as well as in the National Party Platform of 1896, he tendered his resignation to the President, who declined to accept it. Again, later, he expressed to the President his unwillingness to draw a salary for useless labor, and the President then authorized his withdrawal from the work, "subject to recall." This was but a few months prior to Mr. McKinley's assassination, and the incident closed Mr. Kasson's official career. But during this last period President McKinley had also appointed him one of the five United States Commissioners on the Anglo-American High Joint Commission to settle questions of dispute with Canada; and he attended the sessions of that distinguished body, both in Quebec and in Washington. In 1870-71 Mr. Kasson, who had already made several visits to Europe, made an extended tour through southern Europe, visiting also Egypt, Palestine, Syria, Turkey and Greece, and studying everywhere the social, religious and political conditions of the lands through which he passed. In 1887 he was President of the Interstate Centennial Commission, which had direction of the three days' celebration in Philadelphia of the One Hundredth Anniversary of the formation of the Constitution of the United States. At the request of the Commission he prepared a condensed history of its formation, which is published in Volume One of Carson's History of this celebration, and has received high praise from jurists and scholars, and has been recommended as fitted for use in law schools and universities. In 1890 he delivered a course of lectures before the Lowell Institute, Boston, on the Historical Evolution of Diplomacy, and has since given two similar courses at Johns Hopkins University by request of that institution. Of political writings, besides a multitude of printed speeches and addresses, the following papers may be cited from "The North American Review:" History of the Monroe Doctrine, September and December, 1881; Municipal Reform, September, 1883; The Congo Conference, February, 1886; Bismarck, August, 1886; The Hohenzollern Kaiser, April, 1888. He also wrote for the "Century" Magazine. He was a member of sundry social and scientific bodies—the National Geographical Society, the Washington Academy of Sciences, the Columbia Historical Society, and the Metropolitan Club, having been President of the last named bodies. In 1882, just fifty years after his graduation, he accepted an invitation to

deliver the oration before the Vermont Alpha of the Phi Beta Kappa Society, and took as his theme, "The Permanent Causes Operating to Produce a Higher Civilization." It was a strong and scholarly paper.

I have entered more into particulars than I intended, for the purpose of not only giving a clear glimpse of Mr. Kasson, but also to demonstrate that he was not a statesman of "glittering generalities," but a utilitarian, and a master of details as well as a diplomat of the highest order. Nor can I omit to say something of his personal side. He had for a time some bitter enemies, the causes of whose enmities need not be inquired into. But he also and always had a host of friends, and his long-trying ability and public service enabled him to pretty constantly carry the arms of triumph. He was a man of great composure, of polished address, and his pleasing suavity was perpetual.

But it was said in substance by those who did not like him, that his suavity was but a French glaze and without warmth beneath; that he was at heart cold and forgot his friends. My observation and the personal incidents connected with his life constrain me to a different opinion. In the early part of my life which was considerably tinctured with politics, I had more or less to do with Mr. Kasson. I have never found a man more obliging or helpful. More than fifty years ago, in 1864, I wrote him asking him to come and make a speech at Ottumwa. I give his reply as illustrative of the man and the times.

Des Moines, September 26, 1864.

There is no point I should be more gratified to visit and address the people, than Ottumwa. I am now in the midst of a joint campaign with my competitor for Congress, and after the present week I shall not be at liberty until after October 26th. The last part of that week, or in the following week, I could meet you. It will be impossible before that time. I only returned last night, or your letter would have been answered before. The good work goes bravely on. Never have the loyalty and patriotism of the people been more manifest, or more decided in expression. Lincoln's majority will be overwhelming. Our armies are crushing our enemies in front, thank God, and our other patriots will terribly crush their sympathizers in the rear.

He eventually complied with my request; and when I was a candidate for Congress he volunteered to come into my District and make several speeches in my behalf. He always seemed to me to be the personification of obliging kindness. I have spoken of his diplomacy. In many respects he might be well called the Tallyrand of America. He had all his bewitching manner and pleasing address, as well as his consummate skill. He was the most popular Minister we ever had at the Court of Vienna, with the exception, perhaps, of the present one, Richard Kerens. More than a quarter of a century after Mr. Kasson's ministry there, I spent several months at Vienna, and found that his remembrance was yet kindly alive with the Viennese. I never failed to call upon him on my visits to Washington, and was always received and treated in a most gracious manner by him. In 1898 I sent him

a copy of the proceedings containing my address before the Pioneer Law Makers' Association, and his acknowledgment I give as characteristic and confirmatory of what I have said:

Washington, D. C., February 20, 1898.

I have to thank you for your letter and your enclosure of the address before the Pioneer Law Makers. Much of the talk before our Association is a sort of gossip about men and things, and does not attain the real object of the Society—which is verified history. You have lifted the standard to the historical demand, and added the charm of style. I hope your work will be continued in a wider field. As to my humble self, I cannot answer your inquiry. There have been various things hastily written by various people, but I hardly know where you will find them. I think Charles Aldrich (Historical Department at the Iowa Capitol) will know more about it than anybody else. When you come to Washington do not fail to find me. My address is given above; and my work keeps me during the day at my room in the State Department. Our old friendly associations are vividly remembered.

His attachment to the profession and its members never ceased, and whenever a memorial service was held for any deceased member of the bar, he never failed, if in Des Moines, to be present. On the death of Judge Stockton, he presented, with an accompanying address to the Supreme Court, the resolutions that had been prepared, both of which will be found in the Appendix to one of the Iowa reports of that period. It may truly be said that he died full of years as well as honors, in his eighty-ninth year, at Washington, in May, 1910.

William Loughridge.

I became somewhat acquainted with William Loughridge soon after my admission to the bar at Ottumwa in the county adjacent to his. I became better acquainted with him after his accession to the bench of the 6th Judicial District. William M. Stone, afterward Governor of the State, had previously occupied the bench, but on the breaking out of the war resigned his seat to enter the army and Loughridge was appointed by Governor Kirkwood to fill the vacancy thus occasioned, in 1861. At the fall election of that year he was elected for the remainder of the term, and in the fall of 1862 re-elected for a full term and served until January, 1867, when he resigned to accept the position of Congressman from the 4th Congressional District, to which he had been elected in the fall of 1866. The district comprised the counties of Appanoose, Monroe, Wapello, Keokuk, Mahaska, Marion, Jasper, Poweshiek, Iowa, Johnson, Benton and Tama, and was said to be the most populous district in the United States. His democratic opponent was John P. Irish of Iowa City. He served until the election of his successor, Madison M. Walden, of Centerville, who took his seat in March, 1871. In 1872 Mr. Loughridge was again elected to Congress from the 6th District which comprised the counties of Appanoose, Davis, Monroe, Wapello, Keokuk, Mahaska, Marion and Jasper. He served in Congress altogether six years—in the 40th, 41st and 43d Congresses, and made an excellent record.

He was born in Youngstown, Ohio, in 1827. His father was a cabinet maker, and under him William learned that trade and followed it for two or three years, studying law in the meantime as opportunity offered. In 1850 he entered the law office of Judge James Stewart, a distinguished lawyer of Mansfield, Ohio, and in the fall of the same year was admitted to the bar, and practiced in Mansfield until he removed to Oskaloosa, Iowa, and entered upon the practice there, in 1852. In 1855 he was elected Mayor of Oskaloosa, and it is said that he was prouder of that honor than any of the other numerous ones he received.

As already indicated, his opportunities for an early education were limited; they were confined to those conferred by the common schools. He was not a wide general reader, but he was an industrious student of the law and in the lines of that profession. After he engaged in politics he developed into a public speaker of force and influence. When he confined himself to argumentative facts he was strong and convincing, but when he undertook to soar in dramatic or fanciful flights, which he sometimes, but not often, did, he detracted from rather than added to his force of speech. He had an excellent legal mind, became a good lawyer, an excellent Judge, and, as already indicated, a forcible public speaker. As such he was an able exponent and defender of the principles and policies of the Republican Party and a public man of high character and wide influence.

As a politician, he had many elements that served to make him popular. He was always approachable, good natured, ingratiating, and possessed the elements of general good fellowship. It was these qualities combined with strong practical sense and adaptability that largely enabled him to defeat J. B. Grinnell in the contest for the Congressional nomination in 1866. Mr. Grinnell had already served two terms in Congress. I was a supporter of Mr. Loughridge in that contest, having previously pledged myself to him in the course of our friendly acquaintance and professional association. With all his suavity Mr. Loughridge possessed great energy and force of character. He was strongly built, and of extraordinary height. His habits were excellent, temperate in all respects, and gave every evidence of a long and vigorous life. But notwithstanding these favorable appearances he was stricken in his prime with an incurable disease, from which he did not long survive. Had his health and life been prolonged, he would have exercised a still greater power in public affairs than that which he actually achieved in this limited time.

James B. Weaver.

General James B. Weaver was the son of Abraham Weaver, one of the first settlers and public officers of Davis County, where the family came from Ohio in 1843. He commenced the study of law two years before he was of age, afterwards entered the Cincinnati law school and was admitted to the bar at Bloomfield in 1856. He was born in Dayton, Ohio, in 1833, and achieved both state and

national fame. He gave early promise of becoming a great orator, and his career fulfilled the promise. I early became acquainted with him, as we lived in adjacent counties. The first time I saw him, he was making a Republican speech at a meeting assembled in a grove that then stood on the hill at the junction of Court and Washington streets in Ottumwa, in 1858. This was one of his first efforts, and a good one. He was a handsome young fellow, well and symmetrically shaped and strikingly heroic in appearance and forceful in expression. Not long after this, he became the District Attorney of our District and served four years in that office with signal ability, and with a fairness towards persons he was called upon to try that justly raised him in the public esteem.

He was making excellent headway in his profession when the Civil War commenced. Soon after that event he enlisted in Company "G" of the Second Iowa Infantry and was made First Lieutenant. As a soldier he displayed great bravery on every occasion, and especially in the battles of Fort Donalson and Shiloh. For his gallantry he was successively promoted to First Lieutenant, Captain, to Major and finally to the Colonelcy. His commission as Major was received after the Battle of Fort Donalson and the day before the first day's fight at Corinth, and that of Colonel, in the latter part of the same month. That the charge upon Fort Donalson was one of the most desperate in the history of the Civil War, is well known. At the Reunion of the Pioneer Law Makers' Association in 1904, General Weaver thus referred to it:

As Fort Donalson has been alluded to, I want for a moment to speak of the kind of heroism that gave the country that victory. When we received the order to make the charge, the order was delivered in the presence of the regiment from the commanding general to Colonel Tuttle. He said to Colonel Tuttle, "Advance with the left of the regiment in front, with the right following about fifty yards in the rear; half of the regiment is enough to be sacrificed at once." That was said in the hearing of every man in the regiment. It was a pretty solemn announcement to deliberately charge on a fortified position, but it did not seem to deter the men at all. Captain Charles C. Cloutman, of Company "K" was standing near me just as we were about to make the charge and said to me: "Lieutenant, I have a strong impression that I am to be killed going up that hill, and if I am, be sure and send my watch to my wife." We started upon the charge and about half way up the hill a bullet pierced him near the heart; he turned around immediately in my presence, sank down upon the earth, folded his hands over his breast and straightened himself as straight as an Indian, and was instantly dead. That is the kind of men that gave this country that great victory at Fort Donalson, which virtually was the beginning of the end of the War, for it threw back the entire Confederate line from the Potomac to the Mississippi river. I wanted to just mention that so that we may keep fresh in our memories the kind of men who saved the Union and gave us that notable victory.

A single instance that occurred at the Battle of Shiloh well illustrates his heroism. While the 2nd and 7th Iowa were running that terrible gauntlet, in the afternoon of the first day's fight, Captain Samuel A. Moore fell in the front, shot through both legs, and Lieutenant James B. Weaver stopped under a galling fire to pick him up and bear him from the field, as "Aeneas did from the flames of Troy the old Anchises bear."

He remained in command of his regiment until the close of the war, receiving a commission as Brigadier-General by brevet, for gallantry, in March, 1865. During the same year he was a prominent candidate for Lieutenant-Governor before the State Republican Convention, receiving the highest vote next to the successful candidate. In 1866 he was elected District Attorney as before stated. In 1867 he was appointed by the President Assessor of Internal Revenue for the First Iowa District, serving in that capacity six years. In 1875 he was a candidate in the Republican State Convention for Governor. So strong had he become, that it was generally conceded that he would be overwhelmingly nominated; but at the last moment, and as the only possible way to defeat General Weaver, the name of the old War Governor, Samuel J. Kirkwood—a name to conjure with—was brought before the convention in a way so dramatic that it caused a stampede which resulted in the nomination of Kirkwood and the defeat of Weaver. How this unjust event, which caused General Weaver to bid adieu to the Republican Party, was brought about, and its effect on the subsequent career of General Weaver has been so well told by the former gifted editor of the State Register, J. S. Clarkson, in the January, 1913, number of Annals of Iowa, that I can not refrain from giving the following excerpts therefrom:

The convention met in Moore's old opera house or hall, with the house so crowded that several of the delegations had to be seated on the stage. There was much gossip and speculation among the delegates as to what was to be done, and the whole convention was plainly nervous and expectant of something sensational going to happen. There was no chosen leader to take charge of the Kirkwood boom, or to openly antagonize the Weaver majority. Suddenly one of the smallest counties, Audubon, and not a saloon county, presented the name of Kirkwood by casting a vote for him, and as Audubon was at the head of the alphabet, this brought on the expected sensation at once. Instantly the convention grew greatly excited, and all the delegations from the different counties began to discuss the matter. The Dubuque delegation was seated on the stage, and was plainly the most excited and apparently the most surprised of all the delegations. It held a hurried consultation and then one of its members, General Trumbull, as I remember it, left the delegation and walked clear down to the front of the stage and leaning over the foot lights and pointing his hand at the Audubon delegation, which sat in the parquette not far from the stage, demanded to know "by what authority is the name of Governor Kirkwood presented?" Then arose in the Audubon delegation the veteran Ballou, tall, gray, impressive, and looking as one of "the prophets of old," and in a voice of peculiar power and magnetism, thundered back, "By the authority of the great Republican party of Iowa." The climax had come, the tornado was on, and swept everything before it. The anti-prohibition and pro-corporation delegates went with it, but I believed then, and believe now, that their action was the wisdom of instantly utilizing a way opened to them in a time of great need, and not the wisdom of having originated the movement. The convention in its highly wrought condition and excitement was hypnotized, as so many large popular bodies frequently are, and enough of General Weaver's delegates were swept off their feet and carried along by the storm to furnish the votes needed to make a majority for Kirkwood—and the great prize that General Weaver had so ardently coveted, and had so clearly and honestly won from the people themselves, was swept out of his hands and his whole course in life changed. * * * I personally know that two Republican Presidents desired and proposed to appoint him to some of the high national or international commissions, both to secure the service of his great and unquestioned ability, and as a final and conspicuous compliment that as soldier and statesman he deserved from the Republic.

They were only prevented from doing this by the protests of some narrow Republicans in official places, men incapable from their own deficiencies of appreciating either the actual greatness of the General's character and ability, or the nobility of his nature. I have no doubt that this desire to do justice to General Weaver in his later years, and to testify in every way to the esteem and affection in which his fellow citizens held him, was particularly true of the people of Iowa also. He was among Iowa's greatest men, and honored the State even more than it honored him. His name will be held in both the State and Nation in unceasing pride and admiration as the years shall pass.

I can fully endorse all that Mr. Clarkson has said in respect to the proceedings of the State Convention alluded to, for I was present at and a member of it. I can also freely endorse all that he said respecting the subsequent regret of many who had been carried away in the stampede. I think, however, that Mr. Clarkson has omitted one element of the opposition to General Weaver's nomination. It was thought and I heard it expressed by some that the General's ambition was too vaulting and that he was too active in enforcing his aspirations. That he had a right, however, to aspire to high places by virtue of his extraordinary ability, must be conceded in view of the accomplishments he reached.

After General Weaver left the Republican Party he became a leader in the National or Greenback Party, and was its most famous orator. In 1878 he was elected to Congress from the Sixth District. In 1880 he was nominated for President of the United States by his party. In 1884 he was again elected to Congress and re-elected in 1886. In 1892 he was nominated for President by the People's Party, receiving a total of 1,042,531 votes and 22 electoral votes. While in Congress he was regarded as one of its ablest men. He was a great debater in enforcing the views of his party in respect to the national currency. I heard General Benjamin F. Butler say in a private conversation that General Weaver understood that subject better and could talk more forcibly upon it than any man in the United States.

I concur in all that Mr. Clarkson has said regarding the personal attributes of General Weaver. He satisfactorily demonstrated by his career that he was entitled to be classed as a great man. There was a complete revolution in the public feeling towards him. One of many evidences of this is, that while he was still living, the Legislature of Iowa placed his portrait in one of its halls. The venerable Isaac Brandt, in speaking of this event at the 1909 Reunion of the Pioneer Law Makers' Association said that he had never witnessed such a day and such enthusiasm as prevailed when General Weaver's picture was received by the Legislature.

General Weaver was mainly instrumental in securing the organization of Oklahoma, in opposition to the efforts of the so-called land barons who herded their cattle on its fertile plains and valleys. Edward H. Gillett,* who served with General Weaver in Congress, at the Reunion above referred to, read a paper in which

* Edward H. Gillett was the son of Francis Gillett, a distinguished citizen of Connecticut, once a United States Senator from that State and the Free-soil candidate for Governor in anti-slavery times. He lived in the town of Bloomfield,

he graphically referred to General Weaver's action in that behalf, from which I make the following excerpts, as it throws a strong light on General Weaver's dauntless character and his influence in Congress:

General Washington was called the "Father of his country," then thirteen States, many of them small ones. General Weaver is the father of one great State which is larger than the six New England States of Washington's thirteen. About a quarter of a century ago, a million people wanted homes in that beautiful wilderness, now known as the State of Oklahoma. A few hundred cattle kings had control down there, and used the vast territory to raise bullocks, while the people, begging for homesteads, were held at bay by proclamations of the President and by United States troops. A large lobby, well equipped with money was kept at Washington by the cattle kings to block any attempt in Congress to open the country to settlers. General Weaver, then in Congress, said that Oklahoma should be opened; that as between bullocks and babies, he would stand for the babies. He introduced a bill to organize and open the Territory, worked it in through the committee, got it onto the calendar, and pressed it for consideration but could never get it up for a vote; something else was always ahead of it. Just before the close of the session his bill was sent back to the committee who reported it. This was a death blow, secured by the cattle men, who had boasted that nobody could dislodge them. Now came the battle royal. The cattle men, watching from the gallery, to see the impudent Iowan, Weaver, knocked out. General Weaver demanded that his bill should be reinstated and considered. He was laughed to scorn. Thereupon he stood up and moved that the House do now adjourn, and upon that motion demanded the yeas and nays, and by other dilatory motions stopped the whole law-making machine for four days. Not a bill could be passed. Threats and persuasion were tried upon him in vain; he stood like the Greek Leonidas at the pass of Thermopylae—stood against all comers. At last the Speaker was alarmed and came to General Weaver for terms. His answer was: "My terms are unconditional surrender. Let the committee on rules meet at once and name an hour when my Oklahoma bill shall be considered." These terms were accepted to save an extra session of Congress. The bill passed, went to the Senate, passed,—but almost too late. Unless the president's name was affixed before the clock struck twelve, the bill would die. Not a moment was to be lost. General Weaver seized his bill, jumped into a waiting carriage, and drove a mile up Pennsylvania Avenue to the White House with running horses; then past the guards with his bill into the presence of the President, who promptly affixed his signature. The victory was now won. The cattle kings were routed, the great Southwest was thrown open, and a million bullocks marched out, and a million homeless Americans marched into the new Eldorado, Oklahoma. I say to you that General Weaver's singlehanded battle for Oklahoma on the floor of the House, in which the despotic rules of the House were used to defeat the despots who made them, required more nerve, more bravery, more skill than did the battles of the War. I say to you that no other man ever before or since has undertaken such a fight. If the people of Iowa paint General Weaver for this hall of fame, the people of Oklahoma should chisel him in marble and place his statue in their Capitol with this legend upon it: "General James B. Weaver, the Father of Oklahoma."

I have always felt that General Weaver was unjustly treated by the Convention, and that his defeat told perhaps more severely on the Republican Party than

which was adjacent to that of Granby, Connecticut, where I was born and reared. His house, which I many times passed, was conspicuously situated on the highway leading from Granby to Hartford. I remember distinctly when he was the Free-soil candidate for Governor of Connecticut, and this house was pointed out and noticed as his residence by persons going to Hartford from Granby, Bloomfield lying intermediate between the two places. The son, Edward H., was born there in 1840. He was highly educated, and became a leader in the National or Greenback party. In 1878 he was elected by it to Congress and served with General Weaver in that body. He was an earnest and continual advocate of popular rights and one of the most eloquent public speakers of his time.

it did on him. Most men would have sunk under the defeat he sustained, but not so with him. He immediately became the leader of a new party, and for years the Republican Party in his district suffered defeat in the Congressional elections. I had a taste of that myself in 1883, as did others before and after me. As I have said, his defeat in the convention would have disheartened most men, for what a prospect at that time seemed to lie before him! If he had been elected Governor, his election to the United States Senate would have followed, and his superior mentality and great powers of debate would have perpetuated the renown Iowa had gained through the services of its United States Senators.

It is but just to say that the induction of the old War Governor's name into the convention was without his knowledge or consent, and had he followed his own inclinations, would have declined the nomination. General Weaver died at the residence of his daughter, Mrs. H. C. Evans, in Des Moines, February, 1912.

Marcellus E. Cutts.

Marcellus E. Cutts was a striking figure in the Iowa of his time. He had remarkable talents, and a nervous organization so intensely active that in the end his physical forces were no longer able to withstand his intellectual fires. I knew him intimately, for, through the course of many years we practiced law together in adjacent counties, and in addition to this we were fellow members in the State Senate of the 11th General Assembly. He was a most influential, and, with the exception of General Fitz Henry Warren, the most conspicuous member of that body. He was a natural-born satirist, and there was scarcely an occasion on which he failed to show his inclinations in that respect. In sardonic ridicule and irritating invective he was without a peer, and when these were poured without stint on the object of his attack, in that grating voice of his, the effect on the victim was harrowing. And yet, everybody admired him, and everybody liked to hear him, except the victim who smiled and writhed and writhed and smiled during the operation. There was but one man in the Senate competent to hold his own with him in these tilts, and that was Warren, to whom I have alluded, and of whom a sketch will elsewhere be found. Cutts was not only a very able lawyer, but an unrivaled debater as well. As was once said of Lord John Russell: "He became not indeed a great orator, but a very keen debater, who was especially effective in a cold, irritating sarcasm, which penetrated the weakness of an opponent's argument like some dissolving acid."*

But over all and under the most exciting circumstances, he managed to preserve his temper and serenity, and at all times was cheerfully open to questions from any quarter, but the answers he gave rarely failed to contain the most pungent forces of his argument, and bring discomfiture to the questioner. His efforts were frequently

* Justin McCarthy's History of Our Own Times, Vol. 1, p. 40.

invested with dramatic power of no ordinary character. This latter quality is well exemplified in the descriptive scenes which John A. Kasson gave in his paper, read before the Pioneer Law Makers' Association in 1896, of the struggle, in the 13th General Assembly, over the appropriation bill for the new capitol building, and to which, under then existing conditions, Mr. Cutts was opposed. Mr. Kasson says:

Of our old and irreconcilable enemies, J. W. Traer, of Benton, Charles Dudley, of Wapello, Joel Brown, of Van Buren, were all back again, and were now strongly re-enforced by a new and able leader, M. E. Cutts, of Mahaska County. * * * He was argumentative, sarcastic, bold in statement, and persistent, refusing all concessions. * * * He far more loved to attack than defend any cause.

In describing the most exciting debate of all that had taken place, Mr. Kasson further says:

After John P. Irish (who was in favor of the measure) came Cutts, the Ajax of the opposition. He made a long speech of mingled wit, vamping and argument, and dealt especially on the amount of delinquent taxes in different counties, as evidence of the poverty of the treasury and the people. He displayed this poverty in picturesque language, and portrayed little children running around with their knees protruding through their pants, their coats ragged, tattered and torn, their caps with the fore pieces off, their fathers gone to the county seat to pay out the last half-dime, which was to go into that magnificent State House. He rehearsed the picture of English taxation where everything is taxed from the cradle, and even added some embellishments to that. He appealed to every element which might create timidity in the members, excite their prejudices, and turn them by both these influences against the bill. He aroused the apprehension of the members from the institutional counties lest money should be lacking for their home wants. It would be difficult, indeed, to surpass that speech in its artful adaptation to intimidate fearful members and prejudice doubtful ones against the entire proposition.

After serving as State Senator from Poweshiek County where he then resided, in the 11th and 12th General Assemblies, and as a member of the House from Mahaska County, to which he had removed, in the 13th General Assembly, he was, in February, 1872, appointed, by the Governor, Attorney-General of the State to fill a vacancy caused by the resignation of Henry O'Connor; in the fall of the same year he was elected by the people for a full term, and re-elected to the same position in 1874. His services of five years in this position were characterized by extraordinary ability. In 1880 he was elected to Congress. In 1882 he was re-elected for another term, but died before entering upon it, and your humble servant was nominated to fill the vacancy, but luckily for the people and himself, was defeated by a few votes in the fusion between the Democrats, the Greenbackers and the idiots.

Mr. Cutts was a rising man, and had he lived until the full maturity of his powers and a wider range of their exercise, he would in my opinion, have become one of the most distinguished men in the nation. He died in the prime of life, in 1883; but he lived long enough to demonstrate that he was a lawyer of great ability and a man of most extraordinary and brilliant talents. He had no predecessor nor has he had any successor with whom he might be aptly compared in the leading traits to which I have briefly adverted.

He was born in Vermont, in 1833. He was well, but not classically educated. When twenty years of age, in 1853, he took his way westward, locating at Sheboygan, Wisconsin, where he engaged in teaching for two years, reading law at the same time. He came to Iowa in 1855, locating at Montezuma, in Poweshiek County, where he successfully practiced his profession until his coming to Oskaloosa in 1866.

To me, Mr. Cutts was always an attractive personality. He was a man of kindly heart and high principles; broad in his general views, a friend of the people, firm in his convictions and bold enough to openly maintain them. In person, he was slender, and under the strain of continued tensity his not physically rugged forces at last gave way.

He left surviving him, his widow and some children, among whom was his most lovable and charming daughter, Miss Lizzie Cutts, who inherited many of her father's traits and talents. She was a rare lady. Upon my nomination to fill the vacancy caused by the death of her father, she sent me the following congratulatory letter which gave me a personal satisfaction so great that I may be pardoned the vanity of here giving it:

Oskaloosa, September 19, 1883.

Do not think me presumptuous in extending to you my congratulations upon your nomination for Congress. Knowing you to have been a friend of my father, there is no one whom I should rather see occupy his seat in Congress than yourself. My mother and brother join me in their best wishes for your success. Hoping the health and strength which was denied my father may be granted to you, I am

Very respectfully yours,

David B. Henderson.

David B. Henderson was a native of Scotland, where he was born in 1840. The family emigrated to America in 1846, locating near Rockford, Illinois. In 1852 they removed to and settled in Fayette County, Iowa, purchasing a large tract of land, which became known as Henderson's Prairie. He was reared on his father's farm, attended the common schools and finally entered the Upper Iowa University, where he remained until the commencement of the Civil War, when he enlisted as a Private, in September, 1861, and was elected First Lieutenant of Company "C," of the 12th Regiment of Iowa Infantry. He participated in the battles of Fort Henry, Donelson, Shiloh and Corinth. He was wounded in the Battle of Fort Donelson, and so severely in that of Corinth that it necessitated the amputation of one of his legs. In consequence of this he was obliged to leave the service in 1863, but when the 46th Regiment was organized in June, 1864, he had so far recovered as to use a wooden leg in place of the one amputated, and such was his invincible courage and will that he insisted on re-entering the service and again taking up arms for his country. He was appointed Colonel and assumed command of that regiment. After his return from the army he studied law with F. E. Bissell

and O. P. Shiras (Bissell & Shiras), and was admitted to the bar in 1865. During the same year he was appointed Collector of Internal Revenue for the Third District of Iowa, and served in that position until 1867, when he resigned and became a member of the law firm of Shiras, Van Duzee & Henderson, the death of Attorney-General Bissell having made a vacancy in the previous firm. He was subsequently appointed Assistant United States District Attorney for the northern district of Iowa, and served in that capacity for two years. In 1882 he was elected to Congress from his district, and was continuously re-elected to that position for a period of twenty years. At the opening of the 56th Congress in December, 1899, he was unanimously nominated as the Republican candidate for Speaker of the National House of Representatives and was elected to that position.

He was a man of tremendous energy in everything he did or undertook to do; I remember no man more characteristically so. The single instance, in the outset of his career, of his insisting on re-entering the service after he had lost a leg, illustrates his unconquerable spirit. He was full of drive; it appeared in all of his actions. In his younger days it was hard for him to be serene. He was a stormy petrel.

He was a born leader of men. He inherited the dashing qualities of his Highland ancestry. I could never refrain from picturing him in the plaided garb of a Highland chieftain leading with uplifted claymore and inspiring shout, his followers to the onset. But underneath the impetuous surface there were stores of deep thought, profound reflection. From a daring and intrepid soldier, he developed into a quick and brilliant student, an able lawyer, a distinguished statesman, achieving the highest office open to a foreign-born citizen and placing his name high upon the roll of national honor. Had his military services not been interrupted by the loss of his limb, it is more than likely he would have won equal renown as a soldier.

As a lawyer, he gave brilliant promise from the start, and won professional laurels of no ordinary kind. His judgment of men, his keen insight of human nature, his superior mental alertness, his dominant executive forces, gave him auxiliary equipments as a lawyer, and especially as a trial lawyer, not often combined in the same person. Of him in this respect, one of his old professional brethren, the venerable William Graham thus wrote me:

In Colonel Henderson a splendid trial lawyer was spoiled by his becoming a Congressman. Had he lived in a State where his party was in the minority, I think his career as a lawyer would have even surpassed his achievements as a statesman.

I shall not undertake to recount his prolonged services as Congressman and statesman. They cover a period of nearly twenty years—the longest continuous service of any Iowa Congressman. He was ambitious of success, and he attained it in no common measure. But Ah! he fully realized

How hard it is to climb
The steep where Fame's proud
Temple shines afar.

His own nature was highly strenuous, and so likewise were the course and circumstances of his whole life. The wounds he had received at Donelson and Corinth began to tell upon his once powerful forces. The first amputation of his leg was followed by subsequent operations made necessary long afterward. These, with the continuous suffering he endured, combined with his long and wearing Congressional service, so seriously sapped his health and strength that he felt compelled to resign the proud position he held and retire to private life. With the hope of regaining his strength, his beloved wife and daughter went with him to southern California. But it was of no avail, and he was brought home to die after months of slowly failing strength. He expired at his home in Dubuque in February, 1906.

In personal appearance he was the type of manliness, of good height, full chested, athletic in build, erect in bearing. His oval, cleanly shaven face—save for the heavy mustache—was strongly expressive, heroic, open as the day, without trace of furtiveness or deceit. In disposition and manner he was hale, outspoken, vehement in expression, emphasizing on rare occasions his speech with what General Fitz Henry Warren used to call the "energetic idiom," open-hearted, open-handed, with a personal magnetism that drew everybody into his good fellowship. I knew him well, and always felt a real pleasure in meeting him.

Difference of politics constituted no barrier to his personal friendships. For instance, he and James Burns, of Missouri, one of the Democratic leaders of the House, were strong personal friends, and when the latter died, Colonel Henderson went all the way to St. Joseph, Mo., to attend his funeral. His generous nature made him liked by all classes, and his death was sincerely mourned by political foes and friends alike. Iowa has had many notable Congressmen, but none more strongly marked and individualized.

Since writing the above I have received from that distinguished octogenarian of the Dubuque Bar, William Graham, a communication in which he relates the following incident, highly illustrative of Colonel Henderson and to some extent of General William Vandever. Using Mr. Graham's own language, he says: "I will mention an instance which I relate on the authority of my friend, Major Myron H. Beach, whose family was intimate with the Vandevers." Here is the incident. General Vandever was too generous to enable him to lay up much money and he died in far from affluent circumstances. His son, Charles, who was an active business man in San Francisco, and a family support, died suddenly about the time of his father's death. This left Mrs. Vandever and her two daughters in rather straightened circumstances. General Vandever's California successor in Congress strived to get a bill passed giving Mrs. Vandever a pension of fifty dollars per month, but was met with objection every time he tried to call it up. Colonel Henderson was at this time in Congress, and, although there had always been some friction between himself and General Vandever, he determined to get the bill

through if it were possible by any means in his power. He waited and watched for an opportunity. It came one day when he received a note from Speaker Thomas B. Reed, that he had gone to New York, and designating him, Colonel Henderson, as Presiding Officer of the House for that day. As soon as the Colonel got to the capitol he sent for the principal objector to pension legislation, and appealed to him as a personal favor not to object to the calling up of the bill. This his friend would not promise, but agreed to be opportunely absent at lunch when it should be brought up. The Colonel then sent a note to the California member to the effect that he would recognize him for the purpose of calling up Mrs. Vandever's pension bill. As soon as the Colonel observed that the seat of the principal objector was vacant, he, as the Speaker *ad interim*, recognized the member from California, and immediately called the second principal objector to the chair, and taking the floor himself, made one of his characteristic speeches—reminding the members that the General had several times been a member of that body, and had done valiant service in the field, but that he would not urge the passage of the bill on that particular ground, but on that of his widow. He then went on to eloquently tell how Mrs. Vandever had left her own children and gone down to the scene of warfare, and taken charge of the sick and wounded and made no distinction between Union and Confederate soldiers, and how many of them had recovered their health under her tender ministrations and care, and returned to their friends. When he closed his speech, the bill passed by a unanimous vote.

A few days before, the California member had written Mrs. Vandever that owing to objections made, he had no hope of the bill getting through that session. While Mrs. Vandever and her daughters were in despondency over this news, a messenger came to the door with a telegram which read:

Mrs. Vandever: Your pension bill passed the House today, and will pass the Senate and be signed by the President tomorrow. God bless you. Henderson.

John F. Lacey.

Major John F. Lacey, from humble beginnings, became one of the most distinguished lawyers and constructive statesmen that Iowa has produced. His strength lay in his constant persistency and tireless industry, backed by strong resolution, sound judgment and an eminently practical mind. He was born in New Martinsville, West Virginia, in 1841. He was educated in the schools of his native place and in those of Oskaloosa, Iowa, his parents removing to the latter place in 1855, when John was fourteen years of age. Though not a collegian, he became a man of learning. His eager spirit, his thirst for knowledge, and his quite wide reading, made him one of the most accomplished men in the State. In his profession, he was the most persevering and industrious of lawyers. In that respect, I do not think he had his equal in the State; the nearest approach to him, so far as my observation goes, was William McNett, of Ottumwa. Major Lacey was not rugged in ap-

pearance, and to look at him the unacquainted observer would not think him capable of enduring long and trying strains of professional labor. But such a judgment would be erroneous in the highest degree, for in that respect, I have never seen his superior. For many years he had a wide practice and was engaged in many cases of the greatest importance. He worked unceasingly while carrying on a large practice and engaged in intellectual exertions that would have exhausted most men. But he never flagged; and in the midst of his ardent professional labors, he prepared a general digest of the railway decisions that had been made in the United States, which appeared in two volumes, under the title of "Lacey's Railway Digest," which came into general use and made him known throughout the country. The first edition of his work was published in 1875. Before that, he had prepared and published in one volume, a Digest of the decisions of the Supreme Court of Iowa, supplementing the prior digests, each in one volume, of Judge John F. Dillon and Professor William C. Hammond. I may remark as a matter of legal history, that these were supplemented by the Digests prepared by the writer, in four volumes, containing the decisions of the Supreme Court from the earliest Territorial period to the 57th Iowa report; which in after years was, in its turn, superseded by the Digest of Judge Emlin McClain.

What has been said will, without entering into details, illustrate not only his extraordinary ability and deep learning as a lawyer, but also his working powers and great endurance. To exemplify the latter qualities, I may, however, refer to the case of the State against Pleasant Anderson for the murder of Chris McAllister, referred to in my sketch of Daniel Anderson, and which attracted wide public attention. I was employed to assist the District Attorney, John Donnell, of Sigourney, in the prosecution; Major Lacey, with Judge H. B. Hendershott and Daniel Anderson, appeared for the defense. The case was tried at Oskaloosa, on change of venue from Wapello County, and Major Lacey was active in conducting the defense. The trial lasted two weeks with both day and night sessions, and at its close each and all the lawyers engaged showed evident signs of exhaustion, except Major Lacey. He seemed to me as fresh and vigorous as at the beginning.

He had been a youthful soldier and officer in the great Civil War, and he has unconsciously disclosed much of his own heroic career in those he has drawn of General Samuel A. Rice.* and Major-General Frederick Steele.** While in those sketches he modestly refrains from saying scarcely anything of himself, the halo he has shed upon the career of his subjects reflects itself upon his own, for he was an active participant in the scenes he describes.

To the Oskaloosa Daily Herald of October 4, 1913, I am indebted for many of the details of his military services. On the outbreak of the Civil War, when not fully out of his teens, he was among the first to respond to the President's call for

* Annals of Iowa, Third Series, Vol. 2.

** Annals of Iowa, Third Series, Vol. 3.

volunteers, and was the fifth person to get his name down upon the enlistment muster roll. He left Oskaloosa on his twentieth birthday, May 30, 1861, to enter the service as a private in Company "H" of the third regiment of Iowa Infantry. This regiment was sworn into service at Keokuk, Iowa, in June, 1861. The details of its service will be found in Stuart's Iowa Colonels and Regiments, page 83. Its early service was in North Missouri and its first severe battle was that of Blue Mills Landing, on the Missouri River, not far below Kansas City, and nearly opposite the town of Liberty. The command was under the gallant Lieutenant-Colonel John Scott. The engagement was a severe one, and Lacey among others was taken prisoner, and carried to Lexington, Mo. He was later paroled, and discharged as a paroled prisoner, in November, 1861. He was fully released by subsequent exchange of prisoners.

He had commenced studying law before he entered the service, and upon his return to Oskaloosa, resumed his legal studies, under the already civilly distinguished Samuel A. Rice. In August, 1862, Rice himself entered the service and was commissioned Colonel of the 33rd Regiment of Iowa Infantry, and young Lacey again laid down his law books to enlist as a private under the command of his preceptor, in Company "D" of that regiment. He was soon made Sergeant-Major of the Regiment, and in May, 1863, was promoted and commissioned First Lieutenant of Company "C," and later served as Acting Adjutant of the Regiment. Upon the promotion of Colonel Rice to the position of Brigadier-General, Adjutant Lacey was promoted to a position on his staff, and continued as such officer until the death of General Rice, resulting from the mortal wound he received at the Battle of Jenkin's Ferry. When the General received that wound, Major Lacey was by his side and helped to carry him from that bloody field. He was then appointed on the staff of General Frederick Steele as Adjutant-General and served in that capacity until after the fall of Richmond. During this service he was breveted Major for gallantry on the field of battle at the siege of Mobile, Alabama. This special promotion was made at the personal request of Major-General Canby. Shortly after the fall of Richmond, General Grant, anticipating some trouble with Mexico by reason of circumstances not necessary here to relate, sent an army of about 40,000 men under General Steele to make observations on the Rio Grande. Major Lacey accompanied this expedition as Assistant Adjutant-General. The headquarters of the Army of the Rio Grande was Brownsville, Texas. From there Major Lacey was transferred to the staff of General Phil Sheridan, commanding the division of the Southwest, at New Orleans. In releasing Major Lacey from his staff, General Steele addressed the following communication to General Sheridan:

The undersigned deeply regrets losing from his staff so gallant and meritorious an officer, and from his military family, so amiable and accomplished a gentleman as Major Lacey. He entered the service at the age when most young men have not left school, and by his energy and good sense soon became distinguished as a staff officer.

He served for four years and until the end of the war with conspicuous gallantry, and participated, among others, in the following engagements: Battle of Helena, the Yazoo Pass Expedition; the campaigns against Little Rock and Camden; the Battles of Terrenoir Creek; Elkin's Fort; Prairie d'Anne; Poison Springs; Jenkin's Ferry, and finally in the last engagement of the war, the storming of Fort Blakley, opposite Mobile, on April 9, 1865, the day of Lee's surrender.

Upon his return to Oskaloosa he re-opened his law books, was admitted to the bar and entered upon the practice at Oskaloosa in 1866.

I turn now to briefly advert to his political career. He was a strong, but always conservative Republican. In 1869 he was elected on that ticket to the lower house of the Legislature, and became an influential leader in that body. He also served a term or two as City Solicitor of the City of Oskaloosa. In 1888 he was elected to Congress from his district. This was the commencement of his long Congressional career. He continued to be re-elected until he had served for a period of sixteen years—in the 51st, 53rd, 54th, 55th, 56th, 57th, 58th and 59th Congresses. But few, if any, members of that body accomplished more for his State and the country at large, than did he. I shall not undertake to detail his services in that behalf. They will be found in the Congressional record of that period, and in the different measures which he originated or was instrumental in having passed. Of him President Roosevelt, in one of his speeches said:

In public life generally, we are not apt to find the man whose efforts go to the whole country. I wish to congratulate this district in having in Congress a man who spends his best efforts for the welfare of the whole United States. I can ask Mr. Lacey to come to me or I can go to him on a matter of consequence to the Nation, with the absolute certainty that he will approach it simply from the standpoint of public service. I regard this as high praise for any man in public life.

Again, in a personal letter to Major Lacey, President Roosevelt thus wrote:

I desire to say to you how much it means to any man who believes in hard, intelligent and disinterested public service to see such a career as yours has been in Congress. It has been my privilege to be closely associated with you and to watch the many different ways in which, without hopes of or expectation of personal reward, you have rendered efficient public service.*

Major Lacey was a lover of nature. He was fond of the fields, of the woods and of all the natural beauties which the Almighty has spread about us. Above all, he loved the birds that gladden with their songs. He was the author and secured the passage of what is widely known as the "Lacey Bird Protection Act." Our forest reserve system is due to his efforts. He drew the bill under which the Yellowstone National Park is managed and governed. As was well said by the Oskaloosa Daily Herald:

His judgment and foresight established a conservation policy for the Government far in advance of its present advocates. His services in connection with the public lands committee has been of inestimable worth to the country and will be all enduring.

* Oskaloosa Daily Herald, October 4, 1913.

And of him the Sac City Sun said:

While on most matters political he lined up with what is known as the "old guard," an examination of his work will show that he was one of the original conservationists. He had a prominent part in securing legislation to protect the lives of coal miners in the territories. He was a forceful factor in establishing our system of forest reserves. It was also he who prepared the law for the government and protection of Yellowstone Park and of other noted national objects of interest. He was also the author of a measure for the protection of birds, adopted many years ago. Major Lacey will be remembered as one who has contributed worthily toward the welfare of his countrymen.

Of him, Congressman S. F. Prouty said:

Major Lacey was one of the brainiest men I ever saw. For twenty years we were thrown constantly together in our law practice, he at Oskaloosa and I at Pella. We differed on politics, but were warm personal friends. Major Lacey was one of the most influential men in Congress. He was an indefatigable worker. He was an authority on forest reserves and was active in the conservation fight. As chairman of the Committee on Forestry he framed most of the laws dealing with forests and wild animal preservation.

As already indicated, he was a Republican of the uncompromising conservative order, and without doubt would have been indefinitely continued in Congress, and probably elected United States Senator, but for the split in or weakening of his party by what was known as the "Progressive Movement," with which he had no patience. Through this, he lost his seat in Congress, and was defeated for the United States Senatorship by Governor A. B. Cummins, after a close and somewhat embittered contest. He was more than once called upon to be a candidate for the office of Governor, but steadily declined this honor. After the close of his political career he fully resumed the practice of his profession from which he never separated himself and which had been ably sustained by the help of his partner and brother, W. R. Lacey, under the firm name of Lacey & Lacey. In the height of his professional and personal activities, he was suddenly stricken with death, on September 29, 1913. He left his office a little after the noon hour, walked down the street in his accustomed sprightly manner, stopping on the way to converse with friends. Arriving at his residence, he was met by a member of the family to whom he said, "I am not feeling well. I believe I will lie down for a few moments. Please bring me a glass of water." The water was at hand almost instantly. He held the glass for a moment, then his hold relaxed, the glass fell to the floor, and Major Lacey dropped back on the couch, dead. It was a painless end, which one with such a background might well have wished. He needed no time for preparation; his noble life was a sufficient one.

The death of no public man has caused more general grief in Iowa than did his. Political enemies and friends shared in it alike. At his funeral there was an immense gathering from all parts of the State.

To no other citizen or resident of Oskaloosa has been paid the signal honor that was accorded the memory of John F. Lacey. Every flag was at half mast and business was suspended during the afternoon. From two o'clock practically every office, store and shop was closed. Thousands of people were at the home.

Almost everyone in town was at the place of funeral and the throng was swelled by the visiting hosts who came by train, by auto or other conveyance. The crowd at the residence at the hour of service has been variously estimated. Gathered together at one time on the Lacey lawn were enough people to fill the largest auditorium in the city several times over. In addition the streets in all directions from the home were lined and crowded with people a block distant. People stood about the business streets, and when the procession moved to the cemetery the streets leading thereto were all occupied by a moving mass of humanity.*

The universal sorrow that prevailed, and the esteem in which he was held, was voiced by the entire press of the State—Democratic as well as Republican. To confirm what I have said of him and to aid in giving a graphic picture of the man, I can do no better than give a few brief extracts from this source.

Thus the Oskaloosa Herald:

Oskaloosa never had another citizen who had won such great distinction in so many fields of labor. In every walk of life and wherever he might be, he was always alive to the best of the situation. He was observing, keen and witty, ever the life of the group about him. His triumph in politics and his victories in court never changed the character of the man. He was persistent and bitter in a fight, but never harbored a spirit of retribution. He never hesitated to express his opinions nor wavered from his fixed ideas of right, but he respected the beliefs and principles of others. As a citizen he was plain "John" to his associates, and he lived the life of the true gentleman and friend.

He was a Protestant, and a member of the Episcopal Church, but Father Loftus, of St. Mary's Catholic Church, of Oskaloosa, did not hesitate to pay him this tribute:

John F. Lacey in his life and in his death has been visibly and signally dealt with of God. He blessed him with a high purpose, an ambition to live a noble life. God blessed him in his search for material out of which to construct the edifice of that life. * * * The very suddenness of his death, coming with a sure swiftness and brilliancy of the lightning flash, rifted the clouds that obscured our view; pulled back the curtains and we beheld in all the refulgence of transfiguration, Lacey, as he was before his God, the perfect masterpiece of the highest and noblest in American life.

Iowa City Citizen:

That Major Lacey was one of the ablest Congressmen Iowa has sent to Washington is conceded. As a debater he had few equals. If he leaned to what seemed conservatism in his later years it was not from any lack of courage or progressive ideas, but merely from the habit of considering good what he had helped to fashion and believed to be based on sound and enduring principles.

Council Bluffs Nonpareil:

Major John F. Lacey was one of the grimest political fighters in Iowa. He gloried in his standpatism. His political beliefs were convictions of the most sincere character. Lacey defended these with the ardor of a crusader. He disliked a trimmer and never did such things himself. He made political enemies and he retained political enmities. But Lacey was as honest as he was sincere. And he fought his political battles on the square and accepted results with soldiery courage. As a man and citizen he commanded the respect of both political supporters and opponents because both knew that he was prompted by the best of motives.

* Oskaloosa Daily Herald, Saturday, October 4, 1913.

Oskaloosa Times (Democrat):

Whatever of honor or distinction may have come to Major Lacey, the soldier, lawyer and politician, was far overshadowed by the record of Major Lacey, the citizen. The writer had known the Major for many years, and though we differed from him in politics, there never was an hour in all our acquaintance that we did not recognize him as Oskaloosa's foremost citizen and most kind and generous neighbor. The kindly advice, the encouragement and counsel he has given to his friends at home, the countless deeds of kindness and of love to his neighbors will build for him a monument in the memory of his friends higher and more enduring than any marble shaft.

Dave Brant, in the Iowa City Republican:

In Congress Major Lacey was a natural leader. He was not a political legislator. He stood in Congress for something better than politics. He was constructive. He was called a standpatter, but there was never a moment in his career when he did not stand for something new, something of benefit to the people. Few men are there but would have weakened when defeat was before them. But John F. Lacey was the exception. He retired from public life rather than surrender his principles. Today when we have weathervane men in Congress from nearly every district in the State, with the same kind of men in most of our public places, it is refreshing to pay tribute to one who never faltered.

Lafayette Young, in the Des Moines Capital, has given a fine summary of Major Lacey's leading qualities, from which the following extracts are given:

It was a wonderfully active, purposeful and achieving life which closed at Oskaloosa yesterday. Indolence was entirely foreign to John F. Lacey's nature. In the three score and ten years which came to him those who knew the man will readily testify that he had no idle hours. Work was one of the dominating passions of his life and it was always notable the ease with which he could glide from a long tenure of office-holding to the active practice of his profession. Some men go to Washington, serve a few terms in Congress and return to find their law practice has passed into other hands. We believe this was less noticeable in the career of Major Lacey than that of any other Iowan identified with public life. He was so thorough in everything he undertook that he was constantly equipped and his services were always in demand.

He early displayed the abilities which single out men for public service and he lived to a day when he was recognized as one of the most constructive statesmen at Washington. Appointed to committees having in charge important affairs affecting the public domain he became an ardent student of the public lands question, Indian affairs, forestry and conservation and the most of our present laws pertaining to these issues bear the imprint of his painstaking work. He was a great lover of birds and the Audubon societies were highly appreciative of his support of legislation for their protection. Major Lacey was a Republican of the old school. He knew just what he believed. He knew how his conclusions had been reached, and he could defend himself whenever the occasion required. He was never rattled in a congressional debate and he loved the antagonism of a law suit. He was ready to face the spirit of contest anywhere.

But now this gallant old soldier has fallen in the ranks. He had breathed the atmosphere of his law office and pressed the leaves of his favorite law books on the very day that the summons came. He dropped upon his couch at the noon-tide hour—as he probably thought, for a brief rest. The voices of his faithful wife and children were the last earthly sounds which he heard. From that couch of rest Major Lacey had passed into the dreamless sleep.

James M. Mansfield, belonging to the Oskaloosa Herald's staff, gives a delightful picture of Mr. Lacey's lovely traits and home life, from which I make the following brief extracts:

As I gazed into his death-stilled face, my memory reverted to when I was a lad of twelve years of age, and employed at the Lacey home; and many of the

scenes and incidents of that time came before me as vividly as though it were but yesterday. Though then young in years, I seemed to realize that Mr. Lacey was a great and good man, and it naturally followed that I watched him closely, and admired him. His exemplary routine and kindness about his home were so instilled on my youthful mind that as the years passed on, I came to a true realization of the noble man's worth. No man ever loved and worshiped his family more than Mr. Lacey. He held the sacredness of his home above all else in the world. His legal and other professional business, which were of inexhaustible volume, were a secondary consideration. His home and family came first. He was the kind of a husband and father that God intended man to be, kind, loving, devoted, and pure. And often with childish envy have I watched his children run to the old front gate, as I called it, to meet him at the noon hour, and how a smile would illuminate his face as he gathered them in his arms and caressed them, and I feel safe in saying that there were never happier moments in this good man's life than to hear the prattle of his little ones coming to meet him. His home-coming was looked forward to with joy by his family. I knew it. He was happy in their presence. I could see it with my own eyes. He was loath to leave them; they hated to see him depart. I see him again in the library of his home at evening time,—which, by the way, was his favorite room—with his family gathered about him, and I often tried to conceive of a prettier, more sublime picture of happiness and contentment. Such were the environments that made the Lacey home an ideal one. And it can also be truthfully said, that never was a needy one turned from the door of the Lacey home empty-handed.

Perhaps more than enough has been said to properly typify the character and accomplishments of Mr. Lacey; but I could not forbear the elaboration I have given, for the reason that the memory of a public man so useful and deserving should be perpetuated in a manner broad enough to encompass his various traits, and disclose the consensus of public and private opinion concerning him.

In person, he had a well-rounded, but not apparently robust figure of medium height. He was always well dressed and I never saw him, save in a tightly buttoned Prince Albert coat of dark material. He was polite in manner and his agreeable address was well calculated to ingratiate him in the favor of any company in which he might be placed. The last time that I saw him was, I think, in 1908. In company with his then unmarried daughter, he called at my law office in Kansas City, Missouri, where he found me and my partner, Ex-Governor Thomas T. Crittenden, with whom I think he was previously acquainted. He seemed as vigorous and sprightly as when we separated at the close of the Pleasant Anderson murder trial, more than twenty years before. We had a delightful little visit, and bade each other, as it proved, a last farewell.

His writings, particularly his sketches of Generals Rice and Steele before alluded to, show that if he had devoted himself to purely literary pursuits, he would have attained distinction in that field.

He was in his 73d year at the time of his death. He left surviving him, his widow, whose maiden name was Martha Newell, a most interesting and lovable lady, and two daughters, Mrs. James B. Brewster, of San Francisco, and Mrs. Carroll E. Sawyer, of Oskaloosa.

CHAPTER VI.

FEDERAL JUDGES UNDER THE STATE ORGANIZATION. *JUDGES OF THE UNITED STATES DISTRICT COURT.*

John J. Dyer.

The Federal Court of Iowa before the creation of the Eighth Circuit embracing states and territories west of the Mississippi River was the United States District Court. The first Federal Judge under the State organization was John J. Dyer, of Dubuque, who was appointed United States District Judge for Iowa in 1846. He died ten years after his appointment, in 1856. Many years ago, I talked with a number of his survivors, who knew him intimately. They all spoke of him in the highest terms, both as a judge and a man. The following description, furnished me by James W. Woods (Old Timber) concerning him, is in keeping with the general estimate of Judge Dyer:

Judge John J. Dyer was a Virginian. He married a sister of Ben Samuels, and resided in Dubuque. He was the first Federal Judge after the State organization. He was appointed in 1846, United States District Judge for Iowa. He was a man of marked ability and one of the purest men that ever graced our judiciary. He was small in stature, but large in soul, which beamed constantly. He had been on the bench only a few years before he died. He was succeeded by James M. Love.

In the first Democratic Convention of the State, which was held at Iowa City on the twenty-fourth of September, 1846, before his appointment as United States District Judge, he was a member. The first Governor of the State, Ansel Briggs, was nominated at that convention.

Among other important cases in the trial of which Judge Dyer presided, was that of the noted Fugitive Slave Case of Ruel Daggs vs. Elihu Frazier, tried at Burlington, June term, 1850. The proceedings in this case were taken down by George Frazee, a member of the Burlington bar, who was then one of the few shorthand reporters in the world. This case I have referred to in my sketches of J. C. Hall and David Rorer. In it, both of those gentlemen made speeches of extraordinary power, which were taken down and reported in full by Mr. Frazee. The case was brought to recover compensation for the services of nine slaves, who had escaped from Missouri into Iowa, and whom it was claimed the defendants had assisted in their concealment and final escape. The proceedings referred to will be

found in Volume 6, Third Series, The Annals of Iowa, Page 9. The instructions or charge of the Court give ample evidence of a clear head and forceful mind on the part of Judge Dyer.

Judge Dyer also presided on the trial of the case of Chouteau against Maloney, which was one of absorbing interest to the people of Dubuque, who claimed title through persons who had purchased the lands at the United States Public Land Sales. The adverse claimants were the assignees of Julien Dubuque, who, it was claimed, derived title under a Spanish grant. The nature of the case and its great import is clearly set forth by Thomas S. Wilson, one of the Territorial Judges of the Supreme Court, in connection with my sketch of that gentleman. The case involved the study and effect of Spanish grants and Spanish law applicable thereto, and it is stated that Judge Dyer, as well as Judge Wilson, spent a long period in the investigation of these subjects. Judge Dyer in a learned and forcible opinion upheld the settler's title and adversely to the validity of the claim advanced by the successors in interest of Dubuque. The case was carried to the Supreme Court of the United States, where the whole history of the claim of Dubuque was presented for consideration in connection with the legal points involved, as appears from the briefs of counsel and the opinion of the Court, which was reported in the Sixteenth Howard—United States Reports, 203. The decision of Judge Dyer was fully sustained. M. M. Ham, who was for many years the highly accomplished editor of the Dubuque Herald, in an article published in Volume 2, Third Series, Annals of Iowa, P. 338, thus refers to this case and incidentally to Judge Dyer:

This law suit in its day was one of the most celebrated in the whole United States, because it involved the title to all the land in an entire city, and its terrors are well remembered by all early settlers. It was the only legacy Dubuque left the people who were to come after him, except his name. He made claim to all the land, not only where the city stands, but for seven leagues up and down the west bank of the Mississippi river and for three leagues back. This is a distance of twenty miles in length and nine miles deep, and included all the lead mines, all the farms and homes of the people settled upon it. It was a source of great vexation and annoyance, and so continued for twenty-three years after the first settlement, and until it was finally settled by a decision of the Supreme Court of the United States in 1853, in favor of the settlers and against the Dubuque claim. * * * In the course of time Dubuque became largely indebted to Chouteau; and being pressed for a settlement, in October, 1804, conveyed to Auguste Chouteau, of St. Louis, seven undivided sixteenth parts of this body of land, said to be about 73,324 acres. * * * On the 17th of May, 1805, Dubuque and Chouteau, as his assignee, jointly filed their claim with the Government for possession. Thereafter for a period of forty-eight years the claim was knocked about before councils, commissions, cabinets, congresses and committees of the same, the courts higher and lower, the decisions sometimes being one way and sometimes another, but none of them ever agreeing at the same time. It was finally put in the shape, by agreement, of a suit of ejectment against Patrick Malony, a farmer of Table Mound Township, who held his land by patent from the United States. This suit was tried before that learned jurist, Judge John J. Dyer, of the United States District Court for Iowa, and judgment rendered for Malony. The case was appealed to the Supreme Court of the United States, where in March, 1853, it was finally decided, the judgment of the lower court being affirmed. This opinion, an elaborate and able one, was delivered by Judge J. M. Wayne, of Georgia. Chouteau was represented by

able attorneys from St. Louis, and by Reverdy Johnson, of Maryland; while the Dubuque settlers were represented by T. S. Wilson, Platt Smith and Attorney-General Caleb Cushing. All the members of the Court at that time, all the attorneys, all the claimants, are now dead, the last one being Judge T. S. Wilson.

Judge Dyer was born in Franklin, Pendleton County, Virginia, in 1809. His grandfather was Major Wagner of the Revolutionary Army. He was a graduate of the University of Virginia and was admitted to the bar at Stanton. After practicing for a time in Pendleton and adjoining counties, he came to and settled in Jackson County, Iowa, in 1835. During his term of office, he returned to visit his old home, where he was taken sick and died. He was buried at Woodstock, West Virginia.

James M. Love.

Judge Dyer was succeeded as United States District Judge, by James M. Love, who was appointed by President Pierce in 1856. I wish I were greatly more capable than I am, of portraying his rare qualities. He served not only with great distinction, but with a satisfaction so general as to make it extraordinary. After an exalted judiciary service of thirty-five years, he died at Keokuk in 1891. He had what may be properly termed, a natural legal mind. This he had enriched by the deep and conscientious study of legal principles, and also by historical and literary research. Taken all together, he was not only a profound lawyer, but a highly accomplished scholar. There were no elementary legal writers with whose works he was not familiar, through close and conscientious study. In addition to this, he had a great fondness for books, and I venture to say, from my intimate acquaintance with him, that there was scarcely a single work or production of signal literary merit that he had not read. He was, indeed, a great reader, and frequently, when there was a lull in the proceedings, or court had adjourned before the appointed hour, he would draw out some book he had with him and enter upon its reading. I recollect one instance distinctly, as it impressed itself upon my mind in connection with an anecdote which he related to me of Mr. Lincoln, with whom he was well acquainted, and on whom, he told me, he always called when visiting Washington. I was attending an extra session of court at Dubuque in the interest of a client who formerly resided in my county. The Court was prematurely adjourned, and the people all retired but myself and the Judge. I remained to have a little visit with him—as he had removed some two or three years before from his previous home at Keokuk to Ottumwa, where I resided. We both attended the Episcopal Church—where, by the way, he sang from his seat and followed the service with both unction and harmony. We early became acquainted, and ultimately warm, personal friends. Upon the retirement of the crowd, he had taken up a book and was reading it when I approached him on the bench. It was Tourjee's "The Fool's Errand," which purported to portray conditions in the South following the Civil War, and especially the treatment of northern men who went there

to sojourn or abide, and which attracted general interest when it was published. It had been denounced by some as extravagantly overdrawn. I asked the Judge what he thought of it, and though of southern birth and a Democrat, who might be supposed to have imbibed some prejudices, he said he could well appreciate that its portrayals were correct exemplifications of the conditions and events of which it treated. This was indicative of the broad and Catholic spirit of the man.

Personally and socially, he was one of the most delightful of men, and though naturally rather diffident and retiring, when once drawn out, became charmingly companionable. To those who possessed his esteem, he was always gracious, and never failed to show his appreciation for any kindness or solicitude exhibited by any of them towards him, as the following letter will show. I had heard of his illness, which proved to be his last, and wrote, expressing to him my sympathy and good wishes. To this he replied:

Keokuk, Iowa, November 18, 1890.

My dear Mr. Stiles: Your very kind and highly appreciated favor of the 16th instant duly received. I thank you from my heart for your kind expression of sympathy and although I am like a soldier hors du combat at present, and under orders to do no writing of any kind, yet I cannot deny myself the satisfaction of offering you my very sincere thanks for the kind expression of your concern for my present situation. I am really improving and gaining strength and stability daily, and, I believe, on the road to a perfect restoration to my normal condition of health; but the distance I have yet to travel is long and the way weary and tedious.

Pray excuse me for using a pencil. It is more suitable to my nervous condition, and therefore much more convenient than a pen would be.

Mrs. Love desires to join me in kindest regards and remembrances. Wishing you, my dear sir, all possible success and prosperity, I remain

Truly your friend and servant,

J. M. Love.

While at the bar, he displayed qualities which insured professional success. He brought to every case a patient and exhaustive research, which left no field unexplored to discover the foundation and reason of the law. His constant aim was to ascertain its origin, to unfold the causes which brought it into existence and the philosophy of its elements. In proof of this, examples are not wanting. The report of the case of *Miller vs. Chittenden*—2 Iowa, in which his argument is given at length, is a lasting monument of his deep research, and critical power in the learned, clear and accurate review of authorities, both English and American, as to the grounds of equitable jurisdiction over devises to charitable uses, and from which he successfully deduced the principle that the exercise of jurisdiction by Courts of Chancery, in cases of grants or devises to charties, is not dependent upon the Statute of 43 Elizabeth, commonly known as the Statute of Charitable Uses, but existed at common law before that Statute.

With a mind essentially logical in its cast, there was united a power of analysis, which gave him a readiness in resolving a complex case into its simple elements, and of distilling an argument down to its essence; but above all, he had an almost intuitive perception of what was radically just and right.

It was in every way befitting that such talent should be rated at its true worth, and that one so thoroughly equipped in forensic qualities and attainments, should be promoted to the Bench. When, therefore, Judge Dyer died, Mr. Love's qualifications were by many friends warmly and successfully pressed for the appointment. His commission bears date the twenty-first of February, 1856, and at the time of his death, he was the eldest in commission of all the United States District Judges in the Union.

The United States District Court of Iowa was in its creation invested with the powers of a Circuit Court. These powers it exercised till 1862, when Congress by Act of July 15th, reorganized the Circuits, and included Iowa in the Eighth Judicial Circuit as one of its Districts, wherein the Circuit Court was held at Des Moines, presided over by Justice Miller, who was assigned to that Circuit. This arrangement lasted till the creation of the office of Circuit Judges for the various Circuits, and the Hon. John F. Dillon was appointed as Circuit Judge for the Eighth Circuit; with both of these Presiding Judges the District Judge was associated.

For the first two years of Judge Love's incumbency little business occupied the District Court. It is but necessary to examine its docket and records, to see how meagre was the business transacted. It is also easy to discover from the same sources in the years succeeding, how rapidly the business increased, and how multiplied became the subjects of litigation, and the labor and learning and skill demanded for their proper determination.

With the facilities now afforded to the bench and the bar, in the numerous text-books, and reports, and manuals of Federal Procedure, it is hard for one to realize the difficulties which at an early day in this District, arose from the want of these facilities, and which compelled a constant recurrence to principles, instead of cases, for the regulation of proceedings in the Court, and hence we owe a debt of gratitude to the plastic mind, and wise foresight of a judge who laid the foundations of practice, and made precedents to guide in the future.

As an Associate Judge of the Circuit Court, Judge Love took an active part in its business, sharing the labors of the Circuit Judge, and was often called to continue the trial of causes, after the presiding Judge was compelled to leave, to open the session of his Court in some other District of his widely extended Circuit. But not alone to Judicial matters in open Court was the time of Judge Love devoted. In the transaction of business in Chambers, his continued presence in the District afforded facilities to parties to apply to him for relief, on preliminary and summary motions; and matters of great weight were then often argued and decided.

This outline of the duties and labors of Judge Love, throughout a period of thirty-five years, the most eventful years of our State and Nation, affords, if anything can, a test of character, of learning, fidelity and judicial integrity. It is safe

to say that through this crucial test, he passed unscathed, and that never has a reflection from any source entitled to the slightest weight or respect, been cast upon his purity as a man, or his fitness, or his integrity as a judge. Throughout his judicial career, his characteristics were a modesty of demeanor almost shrinking, an entire absence of all parade and ostentation, and a simple dignity born of innate virtue and self respect, which have never failed to conciliate all who came within the sphere of his influence, and to call forth their regard and reverence.

The qualities which distinguished him at the bar ripened and matured by the exercise of the functions of a judge into a more complete acquisition of the reason and philosophy of the law, and he was distinguished notably in his rulings upon the evidence in a cause, for his acute insight into its true bearing, and his convincing reasons for which the evidence should be admitted or rejected. The analytical powers of his mind had fair play not in advocacy of one side of a question, but to present the whole truth in its various forms and colors, and to concentrate its entire light upon the point to be elucidated. He was the very antipodes of a mere case lawyer. His even temper, gentle manner and unwearied patience in hearing arguments, his modest suggestions of doubt and difficulty which court argument, indeed, demand it, his quick comprehension of the decisive points of a case, his clear, simple, concise and impartial statement of the facts, especially in charging juries, rendered him deservedly popular with counsel practicing in his court.

Though his judicial career comprised years in which war raged, when vindictive feeling and great political excitement were engendered, he ever held the scales justly poised, and no tincture of prejudice or undue bias stained his decisions, or warped his judgment. This was in the public prints of the time a theme of commendation on the part of his political friends, and a tribute which political opponents were prompt to award him.

Imbued in early life with a love of English History, his study of the subject was not relaxed in his subsequent years. His knowledge of the salient events recorded, and his generalizations thereon, particularly as to the gradual evolution of the great principles of the English constitution, formed one of his most valuable attainments, preparing him in an eminent degree to comprehend our own written constitutions, both State and Federal, and to expound the principles upon which they are based. This wealth of historical information, from which to draw his illustrations in discussing the topics of the day, made him a most entertaining and edifying conversationalist. Nor, as already indicated, was he wanting in familiarity with English classics. Especially was he an ardent admirer, and a critical scholar of the works of the Great "Bard of Avon," whose graphic pictures tragic, dramatic, and comic formed his study, while apt quotations illustrative of traits of human character in all its phases frequently seasoned his discourse.

Grave without austerity, severe in his Republican simplicity of habits, without a touch of aceticism, dignified and yet always accessible, reserved and retiring among strangers, yet ever genial among his acquaintances and friends, a good talker and a good listener, appreciating a good anecdote and knowing full well how to tell one, these are the qualities which obtained for him a welcome to the fireside of his friends and gave a charm to his social intercourse. Withdrawn from the busy mart, and the world's traffic, living above the turmoil and strife of the political arena, seeking rest in the love and peace of home, or amid the amenities of social life, he came forth from this retirement untrammelled by prejudice, unmoved by passion, and unswerved by interest, to deal justly and judge righteously between his fellowmen.

He was born in Fairfax, Virginia, in 1820. When he was twelve years of age, the family removed to Zanesville, Ohio. There he was educated and studied law with an elder brother. He was admitted to the bar and practiced there several years. At the outbreak of our war with Mexico, he volunteered, was chosen Captain and served valiently to the end. He located at Keokuk in 1850, soon stood in the front rank of his profession, and was steadily advancing to the summit, when he was appointed Judge. In 1852, he was elected by the Democrats to the State Senate, from Lee County, where he served for four years, and notwithstanding his comparatively short period in the State, he had attained such professional eminence that he was appointed Chairman of the Judiciary Committee.

For some of the foregoing data, I am indebted to his distinguished and intimate friend, Edward Johnstone, and to P. T. Lomax, the able Master in Chancery of Judge Love's Court, who were kind enough, many years ago, to respond favorably to my requests in that behalf. I desire to add, that in the thirty-five years of Judge Love's judicial service, but three of his numberless decisions were reversed by the Supreme Court.

Oliver Perry Shiras.

Oliver P. Shiras, who was for twenty-one years Judge of the United States Court for the Northern District of Iowa, was born in Pittsburg, Pennsylvania, in 1833, being the third son of George and Eliza (Herron) Shiras. In 1838 the family removed to a farm on the Ohio River, about twenty-one miles from Pittsburg, on which Oliver remained until he was fifteen years of age, when he was sent to Athens, Ohio, and entered in the preparatory department of the Ohio University, located at that place. In 1849 he became a Freshman and completed his college course in 1853, graduating with the degree of A. B. Thence he went to Yale University, first entering the Scientific School, spending a year in the study of the natural sciences. Having concluded to make the law his profession, he then entered the Yale Law School, graduating therefrom in 1856, with the degree of LL. B. Thereupon he came to and settled in Dubuque, was admitted to the bar, and

became the junior member of the firm of Bissell, Mills & Shiras, composed of Frederick E. Bissell, William Mills and himself. In 1861 Mr. Mills retired from the firm, which then assumed the name of Bissell & Shiras.

Early in the great Civil War he entered the Union Army, in August, 1862, and was commissioned First Lieutenant in the 27th Regiment of Iowa Infantry. He did not, however, serve with this regiment, as he was, upon the application of Brigadier-General F. J. Herron, at once detailed by order of Major-General Pope, commanding the Department, to report for duty to Herron, and to become a member of his staff. General Herron was then in command of the 3rd Division of the Army of the Frontier which was being organized at Springfield, Missouri, under command of Major-General John M. Schofield. He served as Aid and Acting Judge Advocate of General Herron's staff through the campaigns of the Army of the Frontier, in Missouri, Arkansas, Mississippi and Louisiana.

He continued in the service until General Herron was ordered to Brownsville, Texas, when he returned to Dubuque and resumed the practice of his profession. In June, 1867, his partner, Frederick E. Bissell, died, and for a few months the firm was Shiras, Ballou & Van Duzee, composed of Mr. Shiras, John M. Ballou, and A. J. Van Duzee. Soon afterwards, Mr. Ballou left the firm and D. B. Henderson was taken into it, and it then became Shiras, Van Duzee & Henderson. This firm continued in active practice until August, 1882, when Mr. Shiras was appointed Judge of the United States Court for the Northern District of Iowa. He thereupon appointed Mr. Van Duzee Clerk of his Court, and Colonel Henderson in November of the same year was elected to Congress. The Eight Federal Judicial Circuit was very large, containing some eleven states and territories. For various causes, and especially by reason of his superior qualifications, Judge Shiras was called upon for much service outside of his own district, frequently holding the courts in Minnesota, the southern district of Iowa, Missouri, Arkansas, Kansas, Nebraska and South Dakota, and upon the creation of the United States Circuit Court of Appeals he was frequently required to sit with the other judges on that bench. After a service of twenty-one years that had been as arduous as it had been distinguished, and having reached the age of seventy, he retired from the bench in November, 1903, and died January 7, 1916.

As will have been seen, he was highly educated. He took a deep interest in educational and literary affairs, and other matters relating to Dubuque; and after leaving the bench gave much attention to these subjects. He was a Trustee in and Chairman of the Administrative Committee of the Carnegie Free Public Library of Dubuque; Trustee of the Finley Hospital, and for a number of years Chairman of the Park Board of the City.

Judge Shiras possessed qualities of an exceptionally high order. In him the attributes of an indefatigable student, a well-equipped scholar, a learned lawyer, a

wide reader, a keen observer, were bottomed on a well-balanced mind. His modes of thought and conclusions were distinguished for their clearness. He displayed these qualities preeminently, both at the bar and on the bench. He had in a high degree the rare one of patience, of perennial composure. He was a good listener, and free from that inclination, which constitutes the weakness of some judges, of talking too much, interrupting counsel, seemingly for the purpose of displaying their superior astuteness. Greville, in his *Memoirs*, says of Lord Brougham:*

Brougham is a bad presiding Judge, for he will talk so much to the counsel, and does not avoid saying pungent things, which elicit rejoinders and excite heat. The extreme gravity and patient attention of Old Eldon struck me forcibly as contrasted with the flippant and sarcastic interruptions of the Chancellor.

Judge Shiras was remarkably free from these faults. His mind was naturally reflective; resembling not the shallow brook that babbles on its way, but rather the deep and silent stream that flows with resistless current to the sea. I met him often at the Federal and State Supreme Court while we were members of the bar. His arguments always invoked the closest attention of the court. His appointment as Judge of the United States Court received the hearty and general approbation of the bar and the people. His integrity was spotless; no combination of interests, power or wealth dared approach him, and he laid aside his judicial robes as unblemished as when he put them on.

Personally, he was engaging and attractive; not tall, but shapely and graceful. In bearing, he was modest and retiring, and though his career had been highly successful, he was without the least tinge of self-importance or vanity. His smoothly shaven face was finely chiseled, placid, but resolute in expression; his head and brow fine, his hair dark and luxuriant, his eyes, lucid and penetrating. In fine, his whole appearance, *the tout ensemble*, furnished a ready index to his personality, and carried the impress of intellectual strength combined with natural refinements and purity of character.

The opinions of Judge Shiras are models of clearness and brevity and will be found in the numbers of the *Federal Reporter* covering that period.

He was a younger brother of George Shiras, formerly one of the Judges of the Supreme Court of the United States.

John S. Woolson.

John S. Woolson was visited by death in the midst of a highly useful and promising career as Judge of the United States District Court for the Southern District of Iowa, to which he had been appointed only eight years before. He was born in Erie County, New York, in 1840. He was the son of Theron W. Woolson, for many years a prominent lawyer of the Mt. Pleasant Bar, a man of high character

*Greville's *Journals of the Reigns of George IV and William IV*. Vol. 2, p. 239.

and ability, with whom I served as a fellow member of the Iowa State Senate in the Eleventh General Assembly. The parents removed from Erie County, New York, to Henry County, Iowa, in 1856. John S. Woolson was reared and educated here. He was a graduate of Wesleyan University.

During the Civil War, in March, 1862, he was appointed Assistant Paymaster in the Navy, and assigned to service on the sloop of War, Housatonic. He was on this ship when it was sunk by a torpedo near Charleston, South Carolina. He and other officers and the crew were picked up from the water. He was at the attacks on Fort Sumpter, and Fort Fisher, and with his ship on the James River at the capture of Richmond. At the close of his naval service in 1865, he again took up and completed his legal studies, and was admitted to the bar in 1866. For a number of years he and Judge W. I. Babb were associated as partners in the practice at Mt. Pleasant; it was a strong firm and did a wide and successful business. He was for many years a member of the State Senate, where he distinguished himself for his efficiency as a legislator. In 1891 he was appointed by President Harrison to the position which he held at the time of his death, which occurred in 1899. His predecessor on the bench was Judge J. M. Love, with whose services his own were placed in contrast. This was a test of no ordinary character, for of all the Federal Judges in the Nation Judge Love was among the very best. Judge Woolson filled well the position and public expectation, and but for his untimely death, which was brought about by his arduous and unceasing labors, would have achieved still higher rank as a jurist.

His character was of the highest order, and his nature charitable. While he was sometimes severe with incorrigible offenders, towards young ones and those brought before him for a first offense, he was lenient, and gave them the benefit of every mitigating circumstance. It is said that when the ends of justice had been reached he was always ready to join in a petition for the pardon of the offender. He was of a lovely as well as heroic nature, and his intellectual endowments were of a superior order. His premature death was a cause of universal and sincere regret.

Smith McPherson.

Smith McPherson was appointed by President McKinley to fill the vacancy on the bench caused by the death of Judge John S. Woolson. Neither Judge Woolson nor Judge McPherson can properly be classed as among the early United States Judges, but as they are both dead, I have thought it proper to speak of them. Nor had either of them been on the bench sufficiently long to fully demonstrate his real judicial capacity, though both displayed many strong essentials for the position and promised well.

Smith McPherson I knew from the time he was admitted to the bar. We both lived on the line of the Chicago, Burlington & Quincy Railroad, and were its local

Representatives in our respective Districts. While he could not be considered deeply learned or highly educated, he was, nevertheless, a man of striking talents and strong capabilities. I always thought that Nature had done more for him than he had done for Nature. He was too highly social and fond of pleasant varieties to be a constantly close student. If, in his early life, he had been closely disciplined in scholarly lines, and his activities been tempered and directed thereby, his course would have been more evenly, though perhaps not so strikingly marked. He was naturally robust, mentally and physically, and carried in his action perhaps too much of the brusqueness of the pioneer. These qualities, however, were of no disadvantage to him in his early career, for they served to initiate him rapidly and favorably into political lines. He was in his youth, what is termed a hale fellow well met, and this characteristic early brought him clients and political honors. Notwithstanding the disadvantages I have indicated, he constantly added to the stores of his legal knowledge and in the end became justly regarded as one of the ablest trial lawyers in his part of the State. He almost necessarily became interested in politics in which he took an active and conspicuous part from the time he entered the practice until he was elevated to the bench. He early gained the reputation of being an able and successful lawyer for one of his age, and his political progress was equally rapid and conspicuous. His talents and career had attracted the attention of Governor Carpenter and he was appointed by him in 1874, within four years of his admission to the bar, district attorney of his district to fill a vacancy that had occurred, and at the end of that term he was elected by the people for a new one. In performing the duties of this office he exhibited talents of so remarkable a character that it brought him into quite general notice. His practice increased, his fine natural abilities were given a wider sweep professionally, while his keen, active political management steadily advanced his popularity in that direction. He had become so strong in these respects that in 1881 he was nominated and elected to the high and responsible office of Attorney-General of the State, the duties of which he discharged in a creditable and satisfactory manner. So strong had he become with the people that in 1899 he was nominated and elected to Congress, and in my opinion, had he continued in his political career, he would have gained new honors, for he was naturally a very potent and skillful political leader. He resigned his seat, however, to accept the appointment of United States District Judge. This position he filled for some fifteen years and to the time of his death. His service covered a period that was at times greatly ruffled by perplexing conditions and questions, especially those connected with the efforts on the part of the public and legislatures to reduce railroad rates. Some of his decisions were made the subject of criticism. It is likely that no Judge in his place could have escaped some degree of censure whichever way he might have decided. From my long acquaintance with Judge McPherson and my observation of his conduct on the bench, I have no doubt that he dealt with the difficult questions that arose during his period with perfect

honesty of purpose. He was greatly improving, his judicial knowledge ripening, his judicial character being more completely rounded when he was overtaken by death. Some of his opinions are conspicuously strong, and gave promise of that general perfection which time and experience alone can confer.

In figure, he was of medium height, somewhat inclined to corpulency, rugged in appearance as he was in character, independent and courageous. In disposition he was the personification of good-fellowship, highly social, liked good stories and no one could tell better ones. Under his rather brusque exterior, he carried a warm and sympathetic heart; kind to the poor, compassionate for the oppressed, generous to a fault, and well illustrated what Webster once said that the history of most good lawyers could be briefly written—that they worked hard, lived well and died poor.

He was born in Morgan County, Indiana, in 1848; was reared on his father's farm and received his education, attending the common schools in the winter, while he worked on the farm in the summer. Removing to Iowa, he entered the law department of the State University, from which he was graduated, was admitted to the bar, entered the practice and located at Red Oak, in Montgomery County, where he continued to reside until the time of his death.

Considering the shortness of the time in which his successive triumphs were achieved, he may be properly regarded as one of the highly remarkable men of his time.

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SAMUEL F. MILLER

CHAPTER VII.

FEDERAL JUDGES UNDER THE STATE ORGANIZATION. *JUDGES OF THE UNITED STATES CIRCUIT COURT.*

Samuel F. Miller.

On the re-organization of the Federal Circuits in 1862, and the creation of the 8th Circuit, embracing states and territories west of the Mississippi, to which Judge Miller was assigned on his appointment as Justice of the Supreme Court of the United States, he became, *ex officio*, an associate and presiding judge of the circuit, which is fully explained in the sketch of Judge James M. Love.

Preparatory to writing this sketch, I wrote to Judge John F. Dillon, who had been associated with Judge Miller on the Circuit, and who knew him intimately, to give me his views concerning him, in response to which he was kind enough to furnish me an epitome, from which the following excerpts are made:

“In considering Iowa’s contribution to the Constitutional Jurisprudence of the United States, there is one name so conspicuous and pre-eminent that it dominates the whole legal landscape—the name of Mr. Justice Miller. To appreciate the value and extent of his labors in this field, a brief glance at the Constitution as it had been evolved and as it existed when his services began, is necessary.

“The Constitutional history of the United States divides itself into two great and distinctive periods—the one the period that precedes, the other the period that follows the Civil War.

“Fortunately the first period fell to probably the greatest legal genius the world has ever seen—I mean, of course, Chief Justice Marshall, to interpret, construe and apply the new instrument and to determine whether it means ‘everything’ or ‘nothing.’ Whether it was a mere mechanical bond of sovereign States, loosely articulated, or whether ‘created a vitalized and self-existent Nation, instinct with evolutionary force’ and clothed with all the powers of sovereignty needful for its growth, development, preservation and protection against all hostile comers, foreign and domestic.

“By successive judgments of the Supreme Court during Marshall’s thirty-five years of service, from 1801 to 1835, the question was solved, and the constitution

received its fixed and permanent form so far as its original provisions are concerned. He and his associates established with equal firmness the principle on the one hand of nationality in the general government, and on the other, the reserved rights of the States and of the people as against the central government. And they also established the doctrine not less vital and important, that the Supreme Court, in Ambassador Bryce's language, '*is the living voice of the Constitution,*' and the ordained tribunal peacefully to settle all rival powers and pretensions of the States and Nation and all controversies and cases, when presented for judicial decision, arising under the Constitution and laws of the United States.

"A narrow, iron-clad, jealous construction of the Constitution would have changed our whole history and perhaps have shipwrecked the Union. No military chain binds us together. The only bond of Union is the Constitution. Under Marshall's views it has been possible for our stupendous national expansion in territory and population to take place by the natural process of evolution without any strain upon the Constitution, without destruction of the States, and without a division of the Nation into rival and hostile republics.

"The second period of our Constitutional history, with which Mr. Justice Miller is so closely connected, commences with the termination of the Civil War and the reconstruction of the Union.

"Justice Miller was appointed from Iowa by President Lincoln to the Supreme Bench in 1862, in the 46th year of his age; after about ten years' practice as a country physician in Kentucky, and fifteen years practice as a lawyer. He lived in the mountainous, sparsely settled region of southeastern Kentucky, in the little town of Barbourville. He told me on one occasion how he came to quit the profession of medicine and adopt that of the law, namely, his unsuspected powers of debate exhibited in a local debating society.

"He removed to Iowa in 1850, led to do so by his pronounced anti-slavery views. He was a Henry Clay Whig, and was prominent in an unsuccessful attempt to amend the Constitution of Kentucky by abolishing slavery. On or before coming to Iowa, he emancipated his own slaves. He died in Washington in 1890, in the 74th year of his age, after a service of twenty-eight continuous years as a Justice of the Supreme Court. He left no fortune, dying a poor man, and his remains rest in Keokuk which was his home from 1850 until his death.

"The Rebellion showed that the source of danger to the Union was at that time in the States and not in the central government. Thirteen states were able to combine into a confederacy, form and establish a government, raise armies and wage a formidable war for four years against the Union from which they had seceded. The natural effect of the failure of the Rebellion was a strong sentiment to enlarge

and strengthen the powers of the National government and correspondingly to limit the powers of the States.

“First came the 13th amendment abolishing slavery, then the 14th amendment directly operating on the states and prohibiting any state of the Union from depriving any person of life, liberty or property without due process of law or denying to any person, black or white, the equal protection of the law; and then the 15th amendment, forbidding a denial of the elective franchise on account of race, color or previous condition of servitude. These amendments and the legislation of Congress and of certain southern States gave rise to an enormous amount of litigation and to new questions as vital, as difficult, as supremely important as any that had arisen and been determined by the Court prior to the Civil War. In the decision of these questions Mr. Justice Miller took a most conspicuous, active, influential and often decisive part. In Federal constitutional law, he became an acknowledged master, and his judgments have given him an established and permanent place in our judicial and constitutional history as a great and illustrious Judge, second only to Chief Justice Marshall.

“From the first, Justice Miller’s great intellectual powers were recognized by his associates on the Bench. As early as 1869 Chief Justice Chase, in a social conversation, said to me, ‘I consider the opinions of Judge Miller, of your own State, remarkable for their logical power, force, directness and in point of judicial style superior perhaps to those of any member of the Court.’

“Justice Miller gave special study and attention to constitutional cases and questions. During his twenty-eight years of service his recent biographer, Professor Charles Noble Gregory, states that Justice Miller wrote 783 opinions, of which 169 are dissenting opinions, and 141 relate to Constitutional Law.

“We have it on record that Justice Miller himself told Mr. Kasson that he had given during his term on the Bench, more opinions construing the Constitution, than all that had been previously announced by the Court during its entire existence. (Gregory, 18; *Annals of Iowa*, January, 1894, p. 252.)

“Such is the extent of Iowa’s contributions from a single source, during a period of twenty-eight years, to the Constitutional jurisprudence of the United States.

“Concerning the extent and value of this contribution, Chief Justice Fuller, at Justice Miller’s death, in words judicially measured, said:

The suspension of the habeas corpus; the jurisdiction of military tribunals; the closing of the ports of the insurrectionary States; the legislation to uphold the two main nerves, iron and gold, by which war moves in all her equipage; the restoration of the predominance of the civil over the military authority; the reconstruction measures; the amendments to the Constitution, involving the consolidation of the Union, with the preservation of the just and equal rights of the States,—all these

passed in various phases under the jurisdiction of the Court; and he dealt with them with the hand of a master. * * *

His style was like his tread, massive but vigorous. His opinions running through seventy volumes, were marked by strength of diction, keen sense of justice, and undoubting firmness of conclusion.

"Time allows only a few words as to Justice Miller's general views of the Constitution as disclosed in his opinions. The most important function of the Supreme Court is to draw the line between the relative powers of the National and State Governments. Concerning this, it may be said generally that Justice Miller belonged to the Constitutional school of Chief Justice Marshall. He believed in maintaining in all their force and efficiency the plainly conferred and plainly implied powers of the national government as against encroachment by the States, and in likewise maintaining as against the national government all the reserved powers of the States. Speaking on this subject, he once made to me the important declaration that in considering questions of this nature his first and fundamental inquiry was, where does the Constitution, fairly construed, draw the line between the powers of the general government and the powers of the State; and when that is determined, to hold that there can be no interference, not the slightest, by either with the powers or province of the other.

"It was my good fortune to hear the oration of Mr. Justice Miller at the Centennial of the Constitution on 'Memorial Day,' in Independence Square, Philadelphia, September 17, 1887. He put into that production his ripened experience. He declared that the Constitution as it stands is 'adequate to the exigencies of the Union.' He expressed his solemn conviction in these striking and almost prophetic words:

While the pendulum of public opinion has swung (since the Civil War) with much force away from the extreme point of state rights doctrine, there may be danger of its reaching an opposite point on the other side.

"He thus continues:

In my opinion the just and equal observance of the rights of the States and of the General Government, as defined by the present Constitution, is as necessary to the permanent prosperity of our country, and to its existence for another century, as it has been for the one whose close we are now celebrating.

"These words of Justice Miller are words of the highest wisdom."

In view of what Judge Dillon has so well said in the foregoing, and of Mr. Gregory's life of Judge Miller,* it would be unnecessary for me to traverse to any considerable extent, the same field, or do more than endeavor to enliven it with some instances touching his personality. That he was the greatest constitutional lawyer on the Supreme Bench since the time of John Marshall, is universally conceded. This is not only the opinion of the general bar, but was that of his associates on

* Note—Samuel Freeman Miller, by Charles Noble Gregory, A. M., LL. D., Dean of the College of Law, State University of Iowa.

the bench, and to him they delegated the task of framing and pronouncing the decisions of that august tribunal in cases involving grave constitutional questions. His profound and virile mind naturally enabled him to grasp and analyze fundamental principles, and lucidly apply them in a manner almost, if not quite, unexampled in judicial history; and it was by virtue of this that his associates deferred to him in the respect indicated, and that in course of time he came to be regarded as the greatest constitutional lawyer of his period.

Upon his coming to Keokuk, he formed a partnership with Lewis A. Reeves, and on his death which occurred a few years afterward, with John W. Rankin, who was a very able lawyer, under the firm name of Rankin & Miller. This association continued until Judge Miller's appointment to the Supreme Court of the United States in 1862. With Mr. Rankin, I became more intimately acquainted than with Judge Miller, by reason of the absence of the latter from the State, the greater portion of his time, after his appointment; but as, under the then existing law, he occasionally sat with the Judge of the Circuit, Iowa lawyers, who had known him, were thus enabled to maintain his personal acquaintance. Among the last occasions on which I met him was that of the opening of the Supreme Court rooms of the new Capitol on the eighth of June, 1886. That was a notable occasion, and it called together many of the older lawyers of the state. Judge Miller was among those who addressed the Court and its attending audience. He spoke without notes and without any particular subject being assigned to him. He spoke feelingly and, as he looked over the audience, upon heads whitened with years, upon men, some of whose professional lives had been coeval with the state, and with whom he had associated in the early days, he was visibly affected. The quaver of his voice and the tears that were seen to start from his eyes denoted plainly enough the depth of his emotions and the tenderness of his heart. In speaking of the profession, of lawyers of the past, present and future, he said:

The great lawyers of the future are to be raised up in the agricultural regions, and Iowa stands as fair a chance as any other State. In the bar of the cities of New York and Philadelphia there are no worthy successors to the great men of the past. There are none who equal Seargeant, Binney, nor Ogden, nor Webster from the cities in which they lived. The practice consists of motions, attachments, injunctions, and cases referred to referees and seldom is any case tried in the good old-fashioned way of argument and evidence under issues of law and fact, but each morning in the court appears a row of lawyers, standing in a line, waiting to catch the eye of the judge and to ask his signatures to orders and motions which control the case. This is not the way that great lawyers are made. In the practice of the country towns, in an agricultural population like Iowa, the young lawyer has his half dozen cases in a year, has ample time and opportunity to make full preparation, both as regards the facts of his case and the law; having but a few books, they are necessarily the best, and using them well and thoroughly, he investigates the principles at issue in his case, runs them down to their source in the common law and in doing this familiarizes himself with the great principles on which the law is administered. This naturally makes him a lawyer on principle with substantial bases of knowledge in the foundations of the law, and to this class must the nation look for its future Mansfields and Marshalls. * * * I now have to add that the bar of Iowa is equal to the bar of the East in all that pertains

to the practice of law, and to presentation of the principles on which the case is founded. Twenty-four years of service have never brought me to be ashamed of the bar of my own State. * * *

As advancing years admonish me that this may be the last time that I shall ever address any considerable number of that bar, I want to say that I owe all that I have been to my country and to my State to their kindness and consideration.

His name has given a new lustre to the Judicial Literature of the Nation. But his great mental strength was not confined to the limit of courts. He was by nature a great statesman, and his wisdom and counsel were sought for by every president of his time. He had the capacity of looking far into the future; of analyzing and discriminating among men; of distinguishing between bluster and storm. So signal had his fame become, so impressed was the entire nation with his real greatness, that had it not been for the prevailing prejudice against taking judges for presidents, it is altogether likely that he would have been called to that position. On this subject, Mr. J. S. Clarkson, the former very able editor of the Des Moines Register, said:

For twelve years, the undertow of public sentiment has been very strongly in his favor. In the convention of 1880, the under feeling was so plainly in favor of him that it is very sure, if Garfield had not been personally present, the convention would at last have turned to him as its choice. Those who were members of the Iowa delegation in that body know how ready many states were to come to him. There were so many indeed that, if Wisconsin had not made the break for Garfield that it did, a formidable break of several states would have been for Miller on the next ballot, doubtless resulting in his nomination. If he had departed from the rule of his life, never to ask for public place, and had encouraged his friends to effort, we believe he would have been the winning man in that convention. And we speak from a personal knowledge of many facts not at all known to the general public.

Reference has been made to the large number of dissenting opinions which he filed. He lived long enough to see a number of them become the majority ones. The most notable instance, perhaps, was in the legal tender cases. He wrote the dissenting opinion in the first one that was decided, and survived to see the entire court, with the exception of Justice Field, adopt his view and establish it as the law, after reversing the previous ruling. In 1869, he declared that the doctrine of the majority in holding the legal tender act unconstitutional was wholly unauthorized, and if sustained would "substitute a court of justice for the National Legislature." The issue thus presented remained in conflict for many years and was not finally settled until the ruling in the Juillard case in 1884. The court there went to the full extent of Justice Miller's dissenting opinion in 1869, reiterating in substance by a practically unanimous court, the grounds of that dissent, in declaring that the question of issuing legal tender notes was "a political one to be determined by Congress when the exigency arises, and not a judicial one to be afterwards passed upon by the courts." The Court felt compelled not only to reach his conclusion, but to adopt his reasoning.

Recurring to the opening of the Supreme court rooms before referred to: Judge George G. Wright, formerly and for many years one of the Judges of the State

Supreme Court, gave a sort of banquet at night to some of the lawyers who had been present during the proceedings of the day. Among the guests was Judge Miller.* He had then passed his seventieth year, and was consequently eligible to retire on his salary as Judge for the remainder of his life. About this we had some conversation, and the substance of his remarks on the subject was that while he might properly retire, leaving quite a long service behind him, he did not intend to, as he considered himself in good condition both physically and mentally. The next day, we rode in the same car seat together from Des Moines to Ottumwa. We talked upon a variety of subjects, upon the early lawyers and events, and among other things, of the present work for which I was then gathering material; and in this connection, I have remembered distinctly through all the years, one remark he made to me, and this is it: "Mr. Stiles, don't write much if anything about little men; don't spoil your book by crowding it with a lot of insignificant people."** He was eminently agreeable and I felt honored by his attention and his politeness. This was four years before his death, which occurred from paralysis in 1890. He carried in his person an air of real greatness. You felt impressed that you were in the presence of a man of great mental power. In build, he was stout, broad shouldered, deep chested, full blooded, commanding, and moved with a tread that was strong and resolute. He showed indications of the German extraction from which, on one side of his family, he sprung. On the bench of the Supreme Court, where I last saw him, he was the most striking figure in that body, while Justice Harlan was next. These two men, indeed, lent an air of majesty to the Court. Associations and circumstances had tended to heighten and expand the strong intellectual light, which beamed through every feature, and in every expression. He had been intimately associated with the great men of the nation; with presidents, judges, senators, congressmen, diplomats, and statesmen; with authors, actors, poets, and painters. In the first years of his Judgeship, he was associated with distinguished judges, who had grown gray in the service and come down, so to speak, from a former generation. Among these was Chief Justice Roger B. Tanney, then a

* Note—In noticing this occasion, the Daily State Register of the next morning said: "The elegant home of Judge and Mrs. George G. Wright, on Pleasant Street, was thrown open last evening to a large number of the visiting members of the bar and other distinguished guests. The reception was in every particular an agreeable gathering, long to be remembered for the kindness and hospitality of the genial host and hostess. The following were among those present: Justice Samuel F. Miller, Judge Adams, Judge Beck, Judge Day and wife, Governor Merrill, wife and daughter, Henry O'Conner and wife, Judge Robert Sloan, Judge Hendershott, John N. Baldwin, Arthur Springer, E. H. Stiles, Judge Burton, S. A. Carruthers, E. H. Perry, T. S. Parvin, Ex-Governor Sherman, wife and daughter, Captain I. W. Griffith, and G. B. Pray."

**Note—This advice I have followed perhaps too closely by omitting names that should have been mentioned, but this omission has been due in part to want of information, but more to the fact that for the greater part, what I have written has been reminiscent of men I have personally known; and, besides, it must be remembered that I am not writing much of the present generation—of those who are, so to speak, still on deck.

very old man, linked by all his associations and achievements to the past. And though Miller was then a comparatively young man, filled with promise of the future, between these two men, so dissimilar, and apparently discordant, there sprang up a rare and tender friendship. The summer before his death, Judge Miller told an acquaintance that he accounted it one of the special favors of fortune to have been associated as he was with Chief Justice Tawney. He used frequently to sit with the Judges of the Eighth Circuit—with Dillon, Love and McCrary. He was Jove-like on the bench, but like Jupiter sometimes nodded in a manner that made Olympus shake. Off the bench, he was one of the most approachable and kindly of men. Within his great bosom, there beat a heart as tender as a woman's. Mr. J. S. Clarkson, formerly of the Des Moines Register, and Asst. Postmaster-General under President Harrison, who lived for several years in Washington and knew Judge Miller intimately, told me that he was one of the most sympathetic men he ever knew, and that he kept himself poorer than he really need be by giving generously to those in want. We can obtain a glimpse of his charming personal side through the following graphic description of it, from the pen of the gifted and deeply lamented Samuel M. Clark, one time editor and proprietor of the Keokuk Gate City:

He was Titanic, Jovelike and fear-compelling on the bench, but at the breakfast or dinner table or in the circle of his friends, Judge Miller was one of the most gracious, cordial and greatest of talkers. He was famous throughout America for this. Not excepting Blaine, Conklin, or Henry Ward Beecher, he was probably the best table talker in the United States. But what opportunities he had had! He had been on the Supreme Bench and in Washington from 1862 to 1890. He had met as a personal experience the best that there was in the Old World and the New. You may recall how Chauteaubriand in the outset of his Memoirs, throws one into a glow by the classic French sentences, full of nerve and grace and epigram, making you see on one page, as through a panorama, the diverse, brilliant and regal things he had seen and by right of which he speaks. If so, you can fittingly recall them to match what Judge Miller has gone through. He was the youngest man on the Bench when Chief Justice Tawney, author of the famous Dredd-Scott decision, was at its head. He was there through the full service of Chase. Was there through the heroic period of our national history; through the tremendous passion of the War and the tension of reconstruction. Talked and dined and took counsel together with Lincoln and Seward, and Thaddeus Steven and Edward M. Stanton, and every other man of great note who has come and gone from this national stage in the last quarter of a century. He had talked campaigns with Grant, Sherman, Hancock and Sheridan; law with Curtis and Edmunds, Jerry Black and Matt Carpenter; literature and books with Bancroft and Mathew Arnold, Charles Dickens and Oliver Wendell Holmes; foreign lands and their affairs with Chief Justice Coleridge and Lord Harrington, with the ministers and diplomats of all lands.

Notwithstanding his superb industrial energy, and his great capacity for intellectual labor, he liked relaxation, good dinners and convivial company. As already intimated by Mr. Clark, he was a good diner-out, and any board favored by his presence soon radiated with his strong and charming personality. He loved to hear a good anecdote and sometimes told one himself. In speaking of this quality in Mr. Lincoln, he once said:

Many of his stories were gracefully told for the purpose of avoiding expression of an opinion or to turn off a disagreeable person who persisted in monopolizing

his attention. Nevertheless, he had an abiding proclivity for anecdote. The last time I saw him was at the inauguration ball after his second election. I came into the ante-room to leave my wraps and found there Mr. Lincoln talking with Charles Sumner. Mr. Lincoln turned with great cordiality to greet me and said in an excess of good humor, "How are the Justices and their gowns?" Then he added, "Judge Miller, you were brought up on a farm, were you not?" "Yes," I replied. "Well, then you must have seen the breaking of land and burning of timber in a clearing; and you, of course, have seen the heavy bark fall from off a half-decayed log, while out from under the bark would come great winged ants, which would waddle off with the funniest kind of clumsy dignity. Do you know, Judge, I never see one of you Justices with your gown on but I think of one of those ants, which we used to see on the farm in the clearing."

He had some eccentricities, which were characteristic of certain veins of his humor. This incident told me by Judge Dillon will serve to illustrate: Judge Dillon and he were holding Court at Omaha. At an unusually good dinner, Judge Miller had dined very heartily. When they took the seat at the afternoon session, a tedious lawyer entered upon a dull and prosy argument of some question presented to the Court. A thunder storm was brewing and the atmosphere became heavy; added to these sleepy influences was perhaps the greater one growing out of the prolonged and uninteresting talk of the lawyer, which seemed to cap the climax. And Judge Miller closed his eyes and nodded. At this instant a tremendous crash of thunder came, which caused Judge Miller to start and open his eyes, and bending forward, say in a whisper, to Judge Dillon, "I am glad there is something to keep us awake."

To give a little more in detail some account of his parentage and early life, I may say he was born in Richmond, Ky., April 5, 1816. His father was of Pennsylvania German origin, who was born at Reading, in that state, and afterwards emigrated from there to Kentucky. The mother was of good North Carolina stock. He was reared on his father's farm and was used to the drudgery of an agricultural life. He left school when he was about fifteen years of age, but had at that time showed remarkable capacity as a student, especially in grammar and mathematics. He became at that age an apothecary's clerk and learned that business. At the end of that apprenticeship, he entered and was graduated from the medical department of Transylvania University—when he was twenty years of age. He entered upon the practice of medicine at the little hamlet of Barbourville, in Kentucky, not far from the Tennessee and Virginia line. Here he married, and for ten years lived the life of a country practitioner. He was the only doctor in the town, and had the monopoly of the practice for a wide region of the country. What gave the turn of his mind towards law was developed in a debating society. His own powers of argument seemed to have surprised him, and opened a new revelation of his being, which determined him to leave the medical and enter the legal profession. He immediately, and before he finally retired from the medical profession, entered upon a course of legal study by the perusal of such law books of an elementary character as he was then able to obtain. He was admitted to the bar in 1847, and practiced

law three years in Kentucky before his removal to Iowa. In twelve years from that time, he was placed on the bench of the highest tribunal in the nation. As will have been seen, he was over thirty years of age when he was admitted to the bar. Such a career, crowned with such achievements is without a parallel in judicial history.

A good deal of importance has been attached to the Barbourville Debating Society, on account of its having been a prime factor in giving Judge Miller to the legal profession, and different accounts have been given as to its exact nature. Some years ago, I clipped and preserved from the columns of the Louisville Courier Journal, the following special to that paper, which will disclose definite particulars as to that famous society:

Barbourville, Kentucky, September 25.—A relic which is attracting a great deal of attention was discovered here yesterday by Mr. Thomas D. Tinsley, an attorney. It is the minute book of the famous Barbourville Debating Society, which flourished in the thirties, and contained on its list the names of many men who afterward became famous. Although the book is over seventy years old, covering the years 1837 and 1838, the writing is as legible as though written but yesterday, and the subjects of debates and essays as set forth by the minutes are interesting in the extreme.

Among the list of members were such men as Samuel F. Miller, who was called to the bench of the United States Supreme Court during Lincoln's administration, and who served in that capacity for twenty-eight years, handing down more decisions than any other Justice. Other prominent members of the debating society were Green Adams, who was twice in Congress and also served on the Kentucky Bench; W. P. Ballinger, who was Governor of Texas for several years; Joseph Eve, who was the only minister to the Republic of Texas, and Silas Woodson, former Governor of Missouri. All the members, thirty-six in number, were prominently identified with the early history of this country, and not a few obtained fame and fortune in the West.

The constitution of the debating society was prepared May 27, 1827, and begins as follows: "Having agreed to unite in forming a society which shall have for its object to induce and encourage a more free interchange of sentiment on all the important subjects which are daily interesting the active mind—to form habits of reflection, and thereby inculcate just sentiments and profound reasoning on the many questions which come under observation." Meetings were held each Saturday night at candle light, according to by-law adopted. Another by-law provided for a fine of twelve cents for each absence from the meeting without excuse.

Among the timely subjects which came up for debate were the following: "Would it be politic to admit Texas as a member of this Confederacy provided she established her independence," "Have the acts of Andrew Jackson been of more benefit than injury to the United States," "Is it a greater crime to drive the Indians from their land than to keep the negroes in bondage," "Would it be politic for the Legislature of Kentucky to grant a bank charter to the Charleston & Ohio River Railroad Company," "Should Henry Clay be the candidate run by the Whigs for President in preference to William H. Harrison," "Would it be to the interest of the United States to declare war against Great Britain, should she refuse to give possession of the disputed territory," "Would it be politic for the government to exterminate the Seminole Indians," etc.

Justice Miller was the embodiment of enlightened jurisprudence; of absolute integrity. Not the slightest suspicion tarnished his long career; no trail of the serpent crossed his pathway. Although seventy-four years of age when stricken, he

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JOHN F. DILLON
(Taken in the earlier period of his life)

was in full possession of his remarkable powers. During that year, he had told a friend that he was in good health and spirits and scouted the idea of retiring, saying, "I have never been more capable than I am now. I cannot be idle. Why should I retire?" Thus died this great jurist in full panoply, with his judicial robes as unspotted as the newly fallen snow.

He left surviving him, his widow, two widowed daughters, Mrs. Corkhill and Mrs. Touzalin, whose husband was formerly President of the Achison, Topeka & Santa Fe Railroad Company, and Vice President of the Chicago, Burlington & Quincy Railroad Company; and a son, Mr. Irvine Miller, a practicing lawyer in Chicago. The eldest daughter of Judge Miller married Colonel George B. Corkhill, a lawyer of note in Mt. Pleasant, United States District Attorney for Iowa, and afterwards United States District Attorney for the District of Columbia, who as such conducted the prosecution against Gitteau, the assassin of President Garfield. Their daughter, Miss Corkhill, became the wife of Coker F. Clarkson, a son of James S. Clarkson, hereinbefore referred to, who at this writing is a practicing lawyer in the city of New York, and with whom also resides Miss Touzalin, another granddaughter of Judge Miller.

John F. Dillon.

I venture to say that no son of Iowa has conferred a more substantial and enduring honor upon her name, or more justly deserves to be embalmed in her history, than John F. Dillon. He was successively Judge of one of her District Courts; Judge and Chief Justice of her Supreme Court; Judge of the United States Circuit Court for the Eighth Judicial Circuit, in which Iowa with other States was embraced; Professor of Real Estate and Equity Jurisprudence in the Columbia College Law School; Storrs-Professor of Yale University; author of *Dillon on Municipal Corporations*; of *Removal of Causes from the State to the Federal Courts*; of *Dillon's Reports of the United States Circuit Courts for the Eighth Circuit*; of *Laws and Jurisprudence of England and America*; of various opinions, essays, lectures, addresses and papers; member of L'Institut de Droit International; lawyer, author and publicist of conspicuous international fame.

The causes which led to this high distinction and those, as well, which established him in the universal esteem and veneration of his compeers, it will be my endeavor faithfully, though but in outline, to trace.

When in January, 1867, I became Reporter of the Supreme Court of Iowa, the Judges composing its bench were John F. Dillon, George G. Wright, Ralph P. Lowe and Chester C. Cole. The Court then ranked as one of the strongest in the nation and its decisions were held in high esteem. Under the existing law it became the duty of the Reporter to be present at each session of the

Court for the purpose of observing the proceedings and hearing the arguments of counsel, with the view of his gaining thereby a more accurate knowledge of the cases he was to report. The Court, so to speak, was perambulatory, for while its principal sessions were held at the capital, Des Moines, both spring and fall terms were held respectively at Davenport and Dubuque, whither the Reporter went with the Judges. In this wise it was my good fortune to come in personal touch and association with the Judges, and thus began my personal acquaintance with Judge Dillon.

I may be pardoned for these self-allusions. I make them as tending to show my acquaintance with the personality as well as the career of which I purpose to write.

In the execution of this purpose I shall confine myself to an impartial narration of the leading circumstances and achievements of his life; for upon these, aided by the judgment of his contemporaries, rather than upon the tributes of a friendly biographer, must rest all proper estimates concerning him.

At the time of which I have spoken, Judge Dillon was thirty-six years of age; in the very flush of his splendid manhood. In figure he was rather above the medium height; rotund in person, placid in temperament, active, but not nervous in movement. His features were strikingly attractive and well chiseled, though, much to his disadvantage, as I always thought, partially concealed by a full beard, save the upper lip which was always cleanly shaven. His ample head was well poised on shapely shoulders; his forehead broad and full; his hair dark, his nose prominent, his upper lip wide and handsomely curved, his mouth firm and characteristic; his dark eyes, deeply set under heavy brows, full, lustrous and penetrating. His whole expression beamed with the superbly intellectual, patient, kindly, but heroic forces which unflinchingly supplied him.

In the latter period of his life his appearance had somewhat changed, from the inroads of time, from his having adopted an entirely full beard which had faded from its dark hue to one of gray, from the effects of long years of close and trying intellectual labors, and, more than all, from the unspeakable grief flowing from the loss of his devoted wife and daughter, who perished at sea while making passage to Europe on the ill-fated French liner, *La Bourgogne*, in 1898.

But his mind relaxed not in the least its pristine vigor. He kept up his daily office rounds, and continued in the performance of professional and literary work of the greatest importance until a very advanced age, as we shall see.

His manner on the bench, while not lacking in firmness or dignity, was considerably urbane on all occasions and under all circumstances. He seemed to be utterly devoid of that acerbity of temper and precipitancy of action which occasion-

ally mar the Judicial Office. In return he was respected and beloved by the entire bar, and by the suitors and witnesses who came before him. Counting in round numbers, he was on the bench twenty-one years; five on the State District bench, six on that of the State Supreme Court, and ten on that of the United States Circuit Court for the Eighth Judicial Circuit.

Though born in the State of New York, he was essentially a product of Iowa. He came here as a child. His home was in Davenport. Here he lived for forty-one years, until his removal to the City of New York. His affection for Davenport and, indeed, for all of Iowa and her institutions, was constant and profound, and no man did more to build substantially and strong their foundations. In 1838 Iowa was organized as a Territory, out of what was previously a part of the Territory of Wisconsin. In that year the family, attracted by the possibilities of the distant west, removed from their eastern home to Davenport, then but an unorganized village or settlement on the Mississippi. As the interior of Iowa was then for the most part an unbroken wilderness, and Davenport but an outpost of civilization, his means of education were necessarily limited. He had, however, the irrepressible instincts of a scholar and that insatiable thirst for knowledge which deeply characterized his whole life, and brought forth fruits which will durably perpetuate his name.

His original purpose, like that of his distinguished associate, the late Mr. Justice Miller, of the Supreme Court of the United States, was to be a physician; and, indeed, such was the actual calling of both for a time. He commenced the study of medicine when but seventeen years of age, and two years thereafter, in 1850, was graduated as a physician at the College of Physicians and Surgeons at Davenport. In June of that year he was one of the regular physicians of the State who met at Burlington to organize the Iowa State Medical Society. The organizers of this Society, many of whom had already gained eminence in their profession, were as follows:

Drs. E. Lowe, G. R. Henry, Phillip Harvey, E. D. Ransom, J. H. Rauch, J. W. Brookbank, H. M. Matthews, Burlington; John F. Sanford, J. C. Hughes, D. L. McGugin, E. R. Ford, Josiah Haines, Keokuk; N. Steele, J. Robinson, J. F. Moberry, Fairfield; *John F. Dillon*, Farmington; J. D. Elbert, J. E. Evans, James Flint, Keosauqua; J. J. Ellison, Wapello; E. G. Fountain, Davenport; J. H. Hershey, George Reeder, Muscatine; M. J. Morseman, Iowa City; W. H. Rosseau, Washington. I have given these names because of their historic interest and because I thought it would pleasantly stir the memories of many who knew or in family converse had heard of, at least some of them.

Judge Dillon is the only survivor of that group, and of the charter members of that Society, which still flourishes. Though then but nineteen years of age, his

talents must have attracted the attention of that distinguished body, for he was elected Librarian of the Society. He also had the honor of writing the first article in the first number of the first medical journal published in Iowa, "The Western Medico-Chirurgical Journal," published at Keokuk. The article is entitled "Rheumatic Carditis, Autopsical Examination, by John Forrest Dillon, M. D., Farmington, Iowa." The foregoing general facts are gathered from the address of Dr. George S. Jenkins, President of the Keokuk College of Physicians and Surgeons, appearing in the February, 1908, number of the "Iowa Medical Journal," published at Des Moines.

Dr. Dillon evidently had a taste and a fitness for the medical profession, and had he remained therein he would undoubtedly have attained high professional rank. How the shift from medicine to law came about we shall presently see. In tracing his early life, we happily meet along the line occasional autobiographical sprinklings that serve authentically to light the way and invest the narrative with a charm that would be wanting in the mere recitals of a biographer. I will, therefore, in great measure let them tell this part of the story.

Dr. Jenkins, in preparing the address hereinbefore referred to, wrote to Judge Dillon for some data respecting him and his early connection with the Society. In response he received the following letter from Judge Dillon which I am sure will of itself invest this sketch with interest:

New York, February 1, 1907.

Prof. George F. Jenkins, M. D., Keokuk, Iowa.

My dear Doctor: I duly received your letter stating that you expect to make an address before the Iowa State Medical Society at its next meeting in which you will consider the history of that society since 1850, when the society was formed, down to the present. You remind me in your letter that I was one of the charter members of the first Iowa State Medical Society, organized in Burlington in June, 1850, and that I was for a time connected with the medical profession in the State, and you ask me for some personal recollections in respect of that meeting and of my own connections with the medical profession.

I feel sure that anything I can say will have very little intrinsic value and I fear very little interest to the members of the profession who are now upon the scene fifty-seven years distant. I shall make my response as brief as I can and you may use any portion of the same that you may deem suitable to the purposes of the occasion.

I was born in the State of New York on December 25, 1831. My father moved with his family, of which I was the eldest, to Davenport, Iowa, in July, 1838, I being then a little less than seven years of age. I lived in Davenport from that time until 1879, when I came to New York to accept a professorship of law in Columbia University and the position of general counsel of the Union Pacific Railroad Company.

I commenced the study of medicine when about seventeen years of age in the office of Dr. E. S. Barrows, at Davenport, Iowa. Dr. Barrows was a prominent physician and successful surgeon, having been a surgeon in the United States Army in the Seminole Indian war. He had wonderful skill in diagnosis and was a bold and successful practitioner. He made very little use in his ordinary practice of any other remedies but calomel, blue mass, Dover's powder and compound cathartic pills.

A year or so after I entered the office of Dr. Barrows as a student, was formed the Rock Island Medical School, the prototype or original, as I understand it, of the present College of Physicians and Surgeons of Keokuk, Iowa, of which you are President.

I attended one course of lectures at Rock Island. The next year the college was removed to Davenport, Iowa, where I attended a second course and was regularly graduated in the spring of 1850 an M. D.

The professors as a body were able men, some of them men of great learning and even genius. Abler teachers than Professor Richards, who taught Practice, Professor Sanford who taught Surgery and Professor Armor who taught Physiology, it would have been difficult to find in the chairs of any contemporary medical institution.

I happened to attend the first meeting of the Iowa Medical Society in 1850, at Burlington, in this way. Having been graduated I desired to seek a place in which to practice my profession and I consulted Professor Sanford, having an admiration and affection for him. He said, "I have lived many years in Farmington, Van Buren County, a small place on the Des Moines river, but my duties in connection with the medical college are such that I have resolved to change my residence and follow the college to Keokuk." Dr. Sanford had obtained great celebrity as a surgeon and indeed had outgrown the little town of Farmington. He suggested to me that his leaving Farmington would create a vacancy which would perhaps make that town a desirable place for me in which to locate. When I reflect that I was really under twenty years of age, without experience, the idea that I could go to Farmington and occupy in any degree the place which Dr. Sanford left seems now to me almost amusing. I resolved, however, to take his advice and so arranged my journey from Davenport to Farmington as to enable me to attend the first meeting of the Iowa Medical Society in Burlington in June, 1850.

After the lapse of fifty and seven years I distinctly recall that meeting and I regarded it then, as I have regarded it ever since, as an assemblage of men of remarkable learning and ability. Among those present were Sanford, Hughes, McGugin, Henry, Elbert, Fountain, Haines, Lowe, Ransom, Rauch, all distinguished names.

My exchequer was far from plethoric and I was obliged to practice strict economy. I rented for an office a small brick building on the crumbling bank of the Des Moines river, one story high, about twenty feet square, in a dilapidated condition, at a cost of \$4.00 per month. I engaged board and lodging at a boarding house kept by Mrs. Corwin, where I made my home during the three or four months I remained at Farmington at a cost of \$3.50 per week. Among the boarders was a young lawyer by the name of Howe, who had resided in Farmington some little time. We became well acquainted and spent nearly every evening walking up and down the banks of the Des Moines river, speculating upon what the future had in reserve for us. He was almost as destitute of clients as I was of patients.

There were at least two old established physicians in this little place, Dr. Barton and Dr. Lane. How could a young man under twenty years of age expect to find employment under these circumstances unless both of these physicians were engaged or out of the place? I will mention one case with a little particularity since it was epochal, having had the effect of changing the whole current and career of my life. On the hills near Farmington, about two miles distant, there was a large brick yard. On a hot August day the men worked hard, and their skin being relaxed and their appetite vigorous, they ate a hearty supper, when a cool and grateful breeze sprang up and swept the valley. These workmen sat out in it, became chilled and two or three hours afterwards were seized with violent attacks of cholera morbus. They sent post haste to town for a physician, but both Dr. Barton and Dr. Lane were absent and there was nothing to do but call on me. I had no horse or buggy of my own and if I had I would have found it difficult to have driven over the rough roads, and as I had been troubled with inguinal hernia for many years, I could not ride on horseback. The last time I attempted to do so nearly cost me my life.³ There was no alternative but walk to the brick yard where I found the men in great suffering, requiring liberal doses of laudanum and stimulants and my personal attention for several hours. Weary and exhausted I

sought my way home on foot, and I saw the sun rising over the eastern hills just as I was approaching my lodgings. Maybe it was the sun of Austerlitz, but I didn't so regard it at that time.

Two or three years ago when Dr. Lorenz, of Vienna, was in this country he took lunch with myself and several gentlemen, one of whom mentioned I had formerly been a physician, whereupon Dr. Lorenz evinced curiosity to know why I had left the profession, and I proceeded to give him the narrative I am now relating. When I had finished one of the gentlemen said, "Now that you have told all about this, there is one thing you have not mentioned, did these men live or die?" to which I responded. "That question has been more than once asked but I have always evaded an answer."

This night's experience set me thinking and the next evening when young lawyer Howe and myself were taking our regular walk up and down the banks of the Des Moines river I turned to him and said, "Howe, I have made a great mistake. I cannot practice medicine in this country without being able to ride on horseback, which I am utterly unable to do. I might as well admit the mistake and turn my mind to something else. I shall read law. Tell me, what is the first book that a student of the law requires?" He answered "Blackstone's Commentaries." "Have you got them?" He replied, "Yes, I have them and the Iowa Blue book of laws, and those are the only books I have." He was kind enough to loan me his Blackstone and I began at once to read law in my little dilapidated office.

Another event in my brief medical career at Farmington is chronicled in the first number of the Medico-Chirurgical Journal of Keokuk, of September 1, 1850. It is the first article and first number of that publication, entitled, "Rheumatic Carditis, Autopsical Examination, by John Forrest Dillon, M. D., Farmington, Iowa," thus connecting me in a slight way with the earliest medical literature of the State.

On inquiry of the present officers of the Keokuk Medical College I learned that they had no copy of the publication and I only succeeded in obtaining one through the kindness and courtesy of the Historical Department of Iowa.

I shall not undertake to re-state the substance of that article; briefly outlined it is this: A laborer on the public works at the small town of Croton, about five miles distant from Farmington, suddenly died under circumstances that led to a very general belief among the people of Croton that he died from malpractice. The postmortem examination disclosed, however, that he died of apoplexy caused by hypertrophy of the heart. The heart was found to be nearly double the normal size and double the weight. It fell to my lot after conducting the examination to take the organ in my hand and explain to the excited citizens the cause of the death and thus allay public excitement. The article concluded as follows:

"Before taking my departure from Croton, I took occasion to give the botanic physician some salutary advice—adverted to the unenviable predicament in which his ignorance had plunged him, and endeavored to inspire him with a love for scientific knowledge, by following the example of *Le Maitre de Philosophie*, in a *Comedie* of the celebrated Moliere, in which he endeavors to impress the truth of the following sentiment upon the mind of Monsieur Jourdain, "sans la science, la vie est presque une image de la mort." Whether I succeeded in convincing him of it, so readily as was the case with *Le Bourgeois gentilhomme*, the future must determine. I have drawn up this hasty sketch of the above case for two prominent reasons; in the first place, to present your readers with some additional testimony confirmatory of the frequent connection between arthritic and cardiac disease; and in the second place, to illustrate the great benefit often derivable from necroscopic examination. The one is frequently overlooked, the other too sadly neglected."

In the fall of 1850 I concluded to return to Davenport where my mother and sister lived and take up my home with them and utilize my little knowledge of drugs and medicine and get a livelihood by opening a small drug store, which would also afford leisure time to enable me to read law. This I continued to do until the spring of 1852, when I applied for admission to the bar of the District Court of Scott County, Iowa, and on motion of Mr. Austin Corbin, a man very well known afterwards in Iowa and elsewhere, I was admitted. The same year I was elected prosecuting attorney for the county and practiced law in Scott and adjoining counties until 1858, when I was elected Judge of the District Court of the Seventh

Judicial District for the Counties of Muscatine, Scott, Clinton and Jackson; re-elected four years afterwards. Was then transferred to the Supreme bench of the State and was re-elected six years afterwards. Before qualifying for my second term I was appointed by President Grant, United States Circuit Judge for the Eighth Judicial Circuit, comprising the States of Minnesota, Iowa, Missouri, Arkansas, Kansas, Nebraska, and afterwards Colorado. I held the last mentioned office for ten years, until 1879, when I resigned the same to accept the professorship of law at Columbia University and removed east, where I have ever since practiced my profession. I find the little knowledge that I acquired of medicine and its principles not only to be a great satisfaction to me throughout my life but at times to be of utility, and I maintained a nominal connection with the medical profession until about the period when I came to New York by delivering each year lectures on medical jurisprudence at the Iowa University to the combined law and medical classes of that institution.

I fear the foregoing is a weary waste of way but I relieve myself of all responsibility because you asked me for it and because you are under no compulsion to use the same, except so far as it may meet the purposes of the occasion for which you desire it. It gratifies me exceedingly to know that the small gathering at the first Medical Society in 1850 has grown into 2,000 members, and I wish with all my heart the Iowa State Medical Society a long and continued career of usefulness. I am, dear Doctor,

Very sincerely yours,
John F. Dillon.

In the further utilization of autobiographical data touching his early life, as well as the primitive conditions and character of the times, which necessarily constitute a part of his environments, I give the following excerpts from a letter written by him to the editor of *The Davenport Democrat* in October, 1905, on the occasion of the semi-centennial of that paper:

You remind me that I am a Davenport, and ask me to send you for the Half-Century number reminiscences of Davenport of 1855 and of an earlier day,—not history, which you say your readers can look up for themselves, but something personal concerning myself and others. If what I shall say has too personal a flavor, put not the blame on me but yourself. * * * Yes; you are right! I am a Davenport and always expect to be in my memories, my sentiments and my affections. It was my home and my only home for the long period of forty-one years—from early boyhood to beyond the meridian of life. Though absent, it is and will ever remain to me the city of the heart. What wonderful changes, general and local, have I witnessed! In 1831, the year of my birth, what is now known as Iowa was an uninhabited region filled with savages. In 1837, my father left his young family in Herkimer County, New York, and in company with his brother-in-law, John Forrest, sought a home in the far West and finally fixed upon Davenport, and in August, 1838, my father brought his family to Davenport, and thus became one of the pioneer settlers. In 1839, when the town was incorporated, my father became one of the first trustees or councilmen of the infant place. Its population at that time probably did not number 500 people. Such was the humble beginning of the present large and prosperous city of Davenport.

Though I well remember, I shall not recount the privations and struggles of the early settlers for many years after 1838. Money was there almost none. Everything was done on a traffic or trade basis. My father kept a hotel on the bank of the river near Western Avenue, for the accommodation of travelers and especially of the farmers in the surrounding country, who, coming to town with their produce or on business, had to remain over night. The standard charge for supper, lodging and breakfast for man, and stable accommodation for beast for the night, was 50 cents, for which we were not paid in money, but in store orders on Burrows, or Burrows & Pretymen, Charles Leslie, or other merchants who bought the farmers' produce, "payable in store goods." I well recollect this, for it fell to my lot to help take care of the farmers' horses, and to take in my hand

the store orders, go to the store for sugar, coffee, or what not, have the amount of each purchase endorsed on the order, and to carry home the articles purchased. We were passing through the hard times of 1837.

In the campaign of 1840, "Tippecanoe and Tyler too," General Harrison was elected president on the alluring cry of "two dollars and roast beef." Davenport, thrilled with the excitement of the hard cider campaign, built a log cabin at the southwest corner of Third and Harrison streets, which was used afterwards for a schoolhouse and in which I attended school. When my grandfather, Timothy Dillon, with his family, followed my father to Davenport in 1840, he brought some silver money with him, and he gave to me a new coined silver dime, the first I ever saw. How rich I felt! It was many years afterwards before business got on a cash basis. Not long ago there still remained on the Iowa side opposite Moline and its mills a warehouse with a conspicuous sign, "Cash for Wheat." This meant at that time a good deal more than the passing traveler of today would think. It meant that at last the time had come when the farmer could get cash and not merely store goods.

During the period of 1838 to 1841, the Iowa Sun, a small weekly Democratic sheet, was the only newspaper, but like the greater Sun of a later date in New York, the Iowa Sun shone for all. The first number was issued in the very month my father and his family arrived in Davenport. Andrew Logan was proprietor and editor, and his sons set up the paper, and carried it around the streets on publication day and sold it. It was as eagerly sought for as the Democrat of today. I hope your anniversary number will contain from some correspondent a fitting notice of the Sun and its proprietor, Andrew Logan. He did a good work in his day. The last time I saw him was in 1858, at the first annual meeting of the Pioneer Settlers' Association of Scott County.

The Sun continued to shine until 1841, which year marked the advent to Davenport of Alfred Sanders and Levi Davis, and the establishment of a Whig newspaper—the Davenport Gazette—with which these gentlemen from the first, and later Gen. Add. H. Sanders, were so long, honorably and usefully connected. The Gazette was afterwards absorbed by the more prosperous Democrat, but it was, throughout its existence, a most respectable and influential paper, ably edited, and standing always for the right as Alfred and Addison Sanders saw the right.

I have many pleasant memories of the Gazette—too many to recount. I saw the press when it landed. I have seen Levi Davis, after setting up the type and working off the paper, carry it around the streets to distribute and sell. I have sat hour after hour in the press room and watched Levi Davis wet down the paper, put it on the old Franklin hand press, and himself work it off, sheet after sheet, on one side, and the next day repeat the process on the other side. The proprietors were very proud of the record of their paper, and justly so. In 1858, at the Old Settlers' meeting, I heard Alfred Sanders (who was an elocutionist, and who gave lessons in elocution gratis to young men, myself included) swell with pride when, in sonorous voice, speaking of the pioneer press of Scott County, he exclaimed:

"With pride I say it—as I presume it to be the only instance on record in the West—that although we had to purchase all our paper and material in the East, and have them brought out by the slow and tedious course of the Ohio and Mississippi rivers, and although we had our paper sunk, and burned, and delayed by accidents, and although my assistants were sick, and I alone had to fill every department of the paper—editorial, typesetting, working the press, and rolling the paper, yet during the sixteen and a half years I have controlled the Gazette, it never has missed a single number."

It may be expected, perhaps, that I shall say something concerning the old and early bar of Davenport. A few words must suffice. Of the earliest territorial bar of Iowa, say from 1837 to 1846, its high order of ability has often been remarked,—for example, Grimes, Starr, Rorer, Mason, Hall, Darwin, Browning, of Burlington; Hastings, Lowe, Woodward, Richman, of Muscatine; Folsom, Byington, Carleton, of Iowa City; Leffingwell, of Lyons; Platt Smith, Hempstead, Bissell, Samuels, of Dubuque; Smythe, of Marion; Knapp, Wright, of Keosauqua; Love, Beck, D. F. Miller, of Lee County, etc.

In Davenport we had Judge Grant, Judge Mitchell, Ebenezer Cook, and afterward John P. Cook, who were, in all respects, the peers of the Iowa lawyers above named. The semi-annual terms of court in Davenport were also attended by Knox and Drury, of Rock Island, and often by lawyers from other places. Court week, to hear the lawyers plead, ranked with the annual circus as one of the few entertainments possible in this new and distant region. In early life I have spent many an hour in the old brick courthouse on Fourth Street, listening to the trial of cases, at a time when I had no fixed purpose of becoming a lawyer myself. Every day I used to see the erect form of Ebenezer Cook as he passed my father's house, walking to and fro, cane in hand, between his home on the Cook farm and his office in the town. One day he was kind enough to stop and say to my mother that when I was old enough he wished me to enter his office and become a lawyer, which (after a detour by way of Dr. Barrow's office and a short course of medical instruction) came to pass in 1851. In 1850 and 1851 I studied law by myself whilst keeping, for a livelihood, a small drug store at the corner of Third and Brady. I had no instructor or aid in my studies. As a law student I was never in a law office or law school. Of law schools there were but few in the country at that time, and none within my reach or means. I recollect when reading in Kent about mortgages, I wished to see the form of such a document, and that I was compelled to walk down to the courthouse, where Hiram Price was the recorder, and there had, on the records, my first inspection of this important instrument.* In 1851, Austin Corbin came to Davenport, bearing with him a letter of introduction to me from Judge Grant, who was holding court in Dubuque. In May, 1852, Corbin moved my admission to the bar. The last time I saw him in New York, just before his tragic accidental death, he pleasantly admonished me, as we parted at the corner of Cortlandt and Broadway: "John, don't forget I am your godfather in the law."

The old bar of Scott County by 1855, and soon afterward, had been much enlarged, and contained lawyers whose ability and character are an honor and an ornament to the city, the State, and the profession. I cannot name them all, but may mention Davison, True, Hubbell, Lane, Bills, Putnam, Rogers, Corbin, Dow, Cook, Waterman, French—and there are many others.

Noted as the bar of Davenport has ever been for its character, talents and learning, the present bar may look back with a sort of ancestral pride upon the first and oldest bar: Knox, the most eloquent jury lawyer I have ever heard; Drury, the judicious counselor; Grant, the intrepid and fearless advocate; Mitchell, the comprehensive and well-poised lawyer; Ebenezer Cook, whose judgment on legal questions and problems was as sure-footed as that of any man I ever knew; John P. Cook, a natural born trial lawyer, aggressive, bold, courageous, who, like General Taylor, was generally victorious, and who, like him, never knew when he was whipped.

Along the same lines and as further showing his deep and abiding affection for Iowa and for all that concerns her welfare, the following extract is given from the address delivered by him on the invitation of the faculty before the graduating class of the law department of the Iowa State University in 1893:

Coming once more into the State, and into this academic city, with whose University not a little of my uneventful career has been connected, the memories and associations of half a century, re-awakened and refreshed, throng around me!

* Colonel J. H. Benton, one of the leaders of the New England bar, in speaking recently of Judge Dillon, said:

"He told me many years ago that when he was reading Kent, trying to learn law, he did not get a very clear idea of what a mortgage was and in order to do so went to the courthouse, asked permission to look at the Register of Mortgages in order to copy one and did copy it in full, and then he said to me, 'I knew what a mortgage was; I had read it and handled it.'"

"This," says Colonel Benton, "impressed me very much and I used it in my lectures in the law schools as an illustration of the qualities of mind which make a man a great lawyer, that is what I call the *instinct of the concrete*."

I recall the happy days, when a barefoot boy with stone-bruised feet I hunted carmelians on the shores of the Mississippi, swam and sailed and fished in its waters, and skated upon its frozen and burnished surface. Fifty years ago in a spring that issued from its banks, I saw mirrored the first eclipse of the sun my youthful eyes ever beheld. The Indians were then more numerous than the white men. The wolf's long howl was a familiar sound. Behold the wonderful contrast and transformation!—the Iowa of 1838 and the Iowa of 1893! When the Supreme Court of the State was held in yonder building—the old Capitol,—I argued therein with fear and trembling my first causes—Stanchfield vs. Palmer (4 G. Greene's Rep. 23, 1853), and McManus vs. Carmichael (3 Iowa Rep. 1, 1856). In my judicial capacity I have held courts in this city in exchange with your former fellow citizen, Judge William E. Miller. I was afterwards honored with an appointment as one of the Regents of this University, and for several years, and down to the date of my removal from the State, I filled the chair of Medical Jurisprudence, lecturing to the combined Law and Medical classes. I therefore feel as you may well suppose a deep and abiding interest in all that concerns the weal of the State and its University. Their growth and prosperity truly rejoice me. I know and feel that they are a large part of my own life, and I love to cherish the pleasing hope, however illusory it may be, that in some humble, albeit unperceived degree, I, too, am some part of their history. I never come into the State of my love and affection without going down to the banks of the great river, there to meditate in age where I sported in youth, and to dip my hands lovingly into its waters and therewith bathe and cool my fevered brow.

For the same purpose and as throwing additional light upon his early years, I give the following excerpt from his address at the dedication of the Davenport Free Public Library in May, 1904:

From early boyhood Davenport was my home. "The mystic chords of memory" here bind me to the past by the sweetest and the saddest of ties. Other days and scenes involuntarily rise before me. I see the little town of 1838 with its few hundred people, without schools, without libraries, without many of the comforts and with few of the luxuries of modern life, when the Indians were thicker than white men, when packs of wolves coming out on the ice from the island below the town were a familiar sight and their long, dismal howl a familiar sound. The earliest school was kept in a small log cabin near the river below Western Avenue by the aged father of Alexander W. McGregor. There it was that I received from him my earliest lesson in astronomy. In those days the banks of the stream abounded in springs. With our hands we scooped out the sand and gravel, rudely walled up the space, and behold there was living water bubbling up from below at which we slaked our thirst, the girls mediately by the use of a gourd cup, the boys immediately by laying down flat and drinking directly from the crystal spring. A partial eclipse of the sun occurred near mid-day and the teacher, good, albeit severe, having no smoked glass in readiness, led us to the spring, showed us the sun in eclipse mirrored in the waters, and explained as best he could the wonderful phenomenon. It was a miracle to us small boys then, and it seems to me to be a miracle still that finite man on this atom of the Universe called the Earth, which to the inhabitants of the planet in the eclipse would seem no larger than the diamond that sparkles on a lady's finger,—can foretell years and years ahead the very day and hour when such a phenomenon will recur or appear.

Later some years and before there were any public schools in Iowa, on the very site where this library edifice stands, a school for girls and boys was kept by James Thorington. For his kindly nature I hold his name in affectionate remembrance. This school I attended with many other pupils, and among them one who in after years was actively connected with the Davenport Library Association and to whom that institution, next to Mrs. Clarissa C. Cook, is as much if not more indebted than to anyone else, but who, though the heart and memory are fraught with tender and insurgent recollections, shall be nameless in this connection further than to say that the Trustees of the new building have fitly voted to place the portrait of this rare and gifted woman upon its walls.

And now, when everything is changed except the overarching sky, the majestic river and the encompassing hills, when the small town of those early days has grown to a city of 40,000 people, a city of wondrous beauty, prosperous, well ordered, well governed and with undimmed hopes for the future, it has the good fortune to become and be the owner of this noble structure, consecrated to noble ends. * * *

The distinct personal note which I find runs through these remarks I have sought neither to encourage nor repress. It seemed natural under the circumstances, and I feel confident that your friendship will not ascribe it either to the reminiscential propensity of age or to personal vanity, but will rather regard it as spontaneous and not unfitting in an address to my former fellow-townsmen and to friends of a lifetime. As recollections of the past must percolate through the memory they are necessarily flavored by the character of the soil through which they have passed, and this quality I have made no attempt to neutralize or eliminate.

These delightful papers throw a flood of light on his personality and character, and it only remains to summarize the events thus disclosed and place them with others not yet told in their proper settings.

In 1850 he commenced the study of law. In 1852 he was admitted to the bar, and soon thereafter became associated with John P. Cook, one of the most widely known and distinguished lawyers of the State, under the firm name of Cook & Dillon. In the same year he was elected Prosecuting Attorney of Scott County. He displayed abilities of a high order. As a result, he was chosen by the Republicans in 1858 as their candidate and elected by an overwhelming majority of the people, Judge of the District Court of the Seventh Judicial District. He performed the duties of this position with such signal ability and general satisfaction, that at the end of his term he was requested by the entire bar, without distinction of party, to accept another term and was elected thereto without opposition. In 1863 his exalted abilities and supreme fitness for high judicial position had become so conspicuous that in the fall election of that year, he was chosen Judge of the Supreme Court of the State for a term of six years, to accept which he resigned his position on the District Bench. In 1869 he was re-elected for another term. Before qualifying, therefore, he was appointed by President Grant, and confirmed by the Senate, Judge of the United States Circuit Court for the Eighth Judicial Circuit, comprising the States of Iowa, Minnesota, Nebraska, Missouri, Kansas, Arkansas and, soon after, Colorado.

After a decade of the most distinguished service on the Federal Bench, in the fall of 1879, he tendered his resignation to accept the position of Professor of Real Estate and Equity Jurisprudence in the Law School of Columbia College, and that of General Counsel of the Union Pacific Railroad tendered him at the same time. This resulted in his removal to New York, and thus ended his official and professional career in the State which he so deeply loved and had so highly honored. Let us briefly review it before touching upon subsequent events.

For the repeated honors which had been bestowed upon him he was indebted to no political stratagems. His rapid advancements did not spring from that source.

They were gained by the steady display of those superlative qualities that inhere in and, as it were, create great lawyers and judges, and of which the instinct of unremitting toil is the greatest. He recognized with Carlyle that "there is a perennial nobleness and even sacredness in work," and that rare excellence can be attained only by its exercise. A more constant observance of these principles has rarely been so well exemplified in any other public man.

Of his labors on the State District Bench and the superior abilities he there displayed as a *nisi prius* Judge, no attestation need be added to those carried in what has already been said. While Judge of that Court, he prepared and gave to the profession the first Digest of Iowa Reports, known as "Dillon's Digest." How this came about he once related to me, and as it illustrates the searching industry and thoroughness he gave to every undertaking, I give that relation. He told me that when he was elected District Judge he entered upon the careful study of each and every case that had been before and decided by the Supreme Court, as they appeared in the Reports, making notes as he proceeded and placing each under its appropriate head; that his sole purpose in doing this was to familiarize himself with what the Court had decided in order that he might not run contrary thereto, and be in harmony therewith; that he kept this up and added to it as additional reports appeared; that it then occurred to him that by a little remoulding and enlarging it might be useful to the profession. This he did, and that is the way the lawyers of Iowa came to have what at that time was of the greatest convenience to them. I cannot refrain from remarking as I pass that if all our judges would so qualify themselves, we should have far less incongruity in our Jurisprudence.

When at the age of thirty-three he came to be Judge and afterwards Chief Justice of the Supreme Court, he brought to that bench, notwithstanding his lack of years, equipments of the highest order; his fitting experience on the District Bench; a thorough knowledge of the State, her history and people; a virile and well poised intellect; a thoroughly judicial temperament; a keen and unerring sense of justice; a mind disciplined by years of the closest legal study, and, as the result of scholarly promptings and wide readings, enriched with varied learning.

His opinions from that bench, as well as from that of the United States Circuit Court are, by reason of his name and fame, as well as the general soundness of the opinions themselves, deferred to as authority by all the courts of this country. Those of the State Supreme Court run through fourteen volumes of the Iowa Reports. The first case is that of *Welton vs. Tizzard*, 15 Iowa (7th of Withrow) 495; the last one *Greenwald vs. Metcalf-Graham & Co.*, 28 Iowa (7th of Stiles) 363. Those of the Federal Court will be found in volumes 1, 2, 3, 4, 5, of Dillon's Circuit Court Reports. There they will stand as perpetual memorials of a great Judge and as beacon lights in judicial history.

The retirement of Judge Dillon from the bench was the occasion of profound regret; so strikingly and spontaneously profound that I cannot omit some of its public expressions, as they will serve to throw light upon his character as a man, upon his fitness as a Judge, and strongly tend to establish proper estimates of both, as well as to confirm what I have already said or may hereafter say in that behalf.

His letter to the president tendering his resignation was dated May 26, 1879. By its terms it was not to take effect until the first day of the following September, in order that in the meantime he might dispose of the unfinished business, and his successor be enabled, if nominated and confirmed before the adjournment of Congress, to qualify in time for the fall terms. He was notified that his resignation had been accepted, on the eleventh of June, through a letter expressing the regret of the President and that of the Attorney-General for the loss the Judicial service of the government would sustain by his retirement.

The bar of every State embraced in his circuit took prompt action through meetings, resolutions, addresses, and other testimonials to show their personal affection and their ardent appreciation of his rare qualities and valuable services. They were of no ordinary character, and from some of them I make brief excerpts. The following are from an address presented by Mr. A. L. Williams, late Attorney-General of Kansas, on behalf of the Kansas Bar at the opening of the June, 1879, term of the United States Circuit Court at Leavenworth, Mr. Justice Miller, of the United States Supreme Court, presiding:

It is seldom, we believe, that there is mingled in so great a degree the respect and admiration due to an able and upright Judge with the tender regard which only characterizes sincere and intimate friendship as may be found in the case of the bar of your Circuit towards yourself.

We cannot hope to add by this tribute anything to your great fame as a Chancellor and Judge. Neither can we extend your reputation as a philosophic student and writer upon the law, already firmly established amongst all Anglo-Saxon people.

The bar of your Circuit owe you a debt of gratitude for many things, and not the least for the uniform help and encouragement you have ever extended to young practitioners. Your unflinching patience, the stimulus of your approving smile, your genial obliviousness of the crudities of the young lawyer struggling for a place with his abler fellows, have endeared you to both young and old, and taught us all lessons of charity and forbearance.

You have taught us not only that there is no excellence without great labor, but how marvelous a degree of excellence labor united to probity of conduct may attain. We behold in you one who owes nothing to fortune, and but little to preferment: one who has risen by force of merit alone. No envy or detraction can shadow any honor you have received, or any fortune with which you may be endowed, for it must be admitted on all hands that every step in your ascending ladder has been fairly and industriously scaled. You have ever impressed upon the laity no less than the bar, by your clear and comprehensive judgments, that law is a rational and coherent science, the end of which is justice. Your decisions have always been illustrated with clear and judicious expositions which satisfied the reason and convinced the judgment. Your practical intellect has always penetrated the husks of discussion to the kernel of controversy, and your conclusions have not only met the approval of the bar generally, but for the most part have been acquiesced in by counsel whom your judgments have defeated.

A term of this Court has not only been regarded by the oldest and most experienced of our practitioners as a school where the better parts of their profession were ably taught, but it has been a source of pride to us all that, as counselors here, we were assisting in as pure and efficient an administration of public justice as is possible anywhere.

Following the address, remarks were made by several distinguished members of the Bar. These extracts are from those of Mr. Geo. R. Peck, sometime President of the American Bar Association:

This is no time for praise, unless it comes from the heart. What I could wish to do is to impress upon this proceeding that it is a tribute, not to the Judge, but to the friend. As has been so well suggested by Mr. Willams, no motive for mere compliment exists. Whatever may be said here is the genuine and spontaneous feeling of the heart, or it is nothing.

Genius may inspire admiration, but it is only the kind and sympathetic heart that can win affection. Judge Dillon's crowning glory is that goodness and greatness which have endeared him to all, and especially to those who, by reason of their professional duties, know him best.

I ought to speak of his learning, known and recognized by jurists and lawyers everywhere; of his legal writings, which are cited as authority in the rude courtroom of the frontier and in the classic walls of Westminster Hall; of his industry, that devotion to the laborious duties of his station which has enabled him to do what I believe no other circuit judge has done—to hold two terms of court in each district of his circuit during every year of his administration of the judicial office; and when we remember that his circuit is an empire extending from the British possessions to Louisiana, from the Mississippi to the mountains and beyond, it seems almost marvelous. I ought to speak of that high sense of duty which governed all his judgments, and by which he measured all rights in the just and even balances of the law; of that clearness of vision which guided him straight through all our fallacies and all our argumentation to the very heart and truth of the matter; of that dignity mingled with human sympathy, which made it plain to all men that here was a man who never forgot that he was a judge, a judge who never forgot that he was a man; of that strong sense of justice and equity, that hatred of wrong and oppression, which were so marked in his judicial character, that I have thought if, like Sir Mathew Hale, he should enter unheralded the courtroom of the unjust judge, robed only in a miller's coat and hat, all heads would bow and tongues exclaim, "This is a judge!" I ought to speak of our pardonable pride that when that venerable institution of learning, seated at the commercial gateway of the continent, with wealth and power at its command, sought to find the one man who could fill a most important chair, she reached her hand across the prairies and plucked this flower of our western civilization. But I have no heart to speak of these things at this parting moment. I can think only of his goodness, his kindness, and his sympathy. I know not whether a lawyer's prayer can avail anything in the chancery above, but, speaking for all my brethren of the bar, if I would take him by the hand—that hand which has led us all so long—I would say, good bye, and may God give you peace, health, strength, and happiness, always.

Mr. Justice Miller then said:

The Court is full of sympathy with the bar in the sentiments which have just been expressed in regard to the retirement of one of its members. Judge Dillon's resignation is a loss which must be felt by the bar of the Eighth Circuit, by the people among whom he has administered justice so long and so well, and by his associates on the bench of which he is about to take leave. This loss, however, is not equal to its effects upon all these classes. His brethren in the courts, who have co-operated with him in the arduous duties of a judge, who have received his aid, who have been with him in counsel and shared his labors, are the heaviest losers.

It is, therefore, eminently appropriate that they should join in testifying to their appreciation of the man and his services by directing that the communication from the bar be spread upon the records of the court.

If I may be permitted, as the presiding justice for the circuit for a period including the entire time of Judge Dillon's service in the court, to indulge in a suggestion of my own special misfortune in the matter, I must say that it is greater than that of others; for he whom I had hoped, as he came later, might remain longer in this court than I, and to whom would have fallen the duty of making the sad comments appropriate to the severance of our official relations, is the first to leave our common sphere of official duty.

Though in his case the cause is one which carries him to a less laborious, a more profitable, and let us hope a more agreeable and perhaps useful field of labor, and though this must, as it ought, mitigate the pains of separation, it remains true, as regards myself, that I cannot hope in any successor, however talented by nature or accomplished by learning, the same assistance in the performance of my own judicial duties, and the same relief from unnecessary responsibility as presiding justice, which have made my relations with him so pleasant.

When you add to this the interruption, more or less, of our social relations—relations which are imperfectly expressed by the strongest terms of affectionate friendship and unlimited confidence—it will be seen with what emphasis I unite with the bar and other members of the court throughout the circuit in this cordial tribute of respect and expression of regret at the retirement of Judge Dillon from the bench.

The following excerpts are from an address on behalf of the Minnesota Bar, prepared by its committee consisting of former Chief Justice Charles E. Flandreau, General John B. Sanborn, George L. Otis, Judge George B. Young, Harvey Officer, and presented at the opening of the June, 1879, term of the United States Circuit Court, at St. Paul, Judges Dillon and Nelson being on the bench:

On this occasion nothing could induce us to give expression to what we did not conscientiously believe. Let the value of our views, then, be measured by their sincerity.

We recognize in you a man of extraordinary learning in all the branches of knowledge that combine to make a thoroughly good Judge. We also concede to you all those qualities of temperament which are essential to the same end. You have been patient when we have been tedious; you have been amiable when we have been irritable; you have always been clear when we have been in doubt. It has been an edifying pleasure to us to listen to your lucid expositions of the many difficult questions which we have, in the discharge of our professional duties, so often submitted to you for solution. The varied interests that have been referred to your decision have involved the welfare of the greatest enterprises of the Northwest, and these contests have arrayed in antagonism forces of corresponding magnitude; yet your wisdom and impartial justice have enabled you to satisfy all interests and make your judgments respected by all parties.

We have, by our long and intimate association with you, not only respected and venerated you as a judge, but also have learned to love you as a friend.

The loss to the bench may be supplied, and the wheels of the law revolve as before, but the severance of the closer ties which unite us is irreparable.

And this from the remarks of Mr. Gordon E. Cole:

The patience and painstaking with which you have ever sought to solve the most difficult problems of both law and fact; the wisdom with which, under your administration, the harshest and most technical rules of the common law have been tempered by equity; the ripe legal learning and felicitous language which has adorned your judicial decisions; the uniform kindness and courtesy which has characterized the intercourse of the bench with the bar, have endeared you to the bar of this district in a vastly more than common degree. Every country and state

has, or has had, its golden age of the law, to which the profession loves to recur. The era of Marshall in the Nation, of Kent in New York, of Shaw in Massachusetts, of Gibson in Pennsylvania, of Mansfield in England, and of your honor's administration in the Eighth Circuit, were all such periods, and will alike be remembered as luminous epochs of judicial history.

And this from those of Governor, afterwards United States Senator C. K. Davis:

The bar of this State received the announcement of your resignation with expressions of regret more touchingly eulogistic than words can here express with due regard to the formality of this proceeding.

It so happened that we urged your appointment as Circuit Judge, many years ago. Of the many eminent names which were under consideration for that nomination, your own was preferred by us, not for any personal reasons, because few of us then enjoyed your acquaintance. We had, however, become familiarized with your judicial character by a frequent application in our courts of your decisions as Judge of the Supreme Court of Iowa, and we were guided to our preference by them. We found in them learning always more than sufficient for the case; intellectual vigor, to which that learning was an armor, not an encumbrance; mental independence creative in its character, a judicial conscience which dealt with the case and not with its consequences. With these prepossessions you came to us, and there is not a member of this bar in whom they have not passed into convictions which are adorned and made forever beautiful by an abiding love and esteem for those personal traits which experience can only teach, and which absence cannot destroy or even dim.

There are limitations to all endeavor and ambition, and surely the administration of the laws of seven commonwealths, which hold six millions of people, which present diverse institutions, codes which, though perhaps analogous, are yet so different as to perplex; where civilization and empire are so visibly over-spreading, where Terminus has not yet set up his land mark; where a legal system must be created in a few years which will survive when the erasing finger of time has made illegible the decrees which establish it; surely these are boundaries which circumscribe the greatest capacity and resolution.

It was for you, and not for us, to say when you should pause. It is our gain and your glory that so much of the vast work has been done. It will not pass away. It will endure in precedents, guiding human concerns when all recollection of us is lost.

I will not stop to mark the like proceedings in the other States of the circuit. The foregoing will suffice to confirm my statements in the outset, respecting the universal affection in which Judge Dillon was held by his contemporaries, and the exalted opinion they entertained of his abilities. There is no mistaking the sincerity and depth of the common voice in which they speak. They cleverly reveal a character of superlative traits.

And since I have so far touched upon his personal side, I feel justified in further illustrating its lovable qualities by the production of two rare letters which twenty-four years afterwards passed between Judge U. M. Rose, of Little Rock, Arkansas, and himself. Both were then over three score and ten. Who U. M. Rose was, it is unnecessary to explain, further than to say that he was the President of the American Bar Association, our representative at the Hague Peace Conference, a finished scholar, and one of the most accomplished lawyers of the American Bar.

Judge Rose to Judge Dillon:

Terminal, California, September 21, 1903.

Dear Judge: As one gets older he is more prone to think of absent friends; accordingly I have been thinking of you much and often of late, wondering how you were, and in what manner you were spending the summer, and finally I am impelled to trespass on your time by sending you a note, and thus putting an end to a long silence.

As I do not know how you have passed these last months, I must fall back on myself and tell you what I have been doing of late. You may remember that I have a married daughter, Mrs. Gibbon, living in Los Angeles. She has two very bright, lovely boys of nine and three years respectively, and she and the family occupy a cottage here by the sea. I and my wife left home on the 13th of July, and have been here ever since, staying in the cottage with them, and all of us boarding at a hotel. On the whole I have never spent a summer more pleasantly; and I might well compare the days thus spent to those you and I passed in Paris years ago, fishing for books in the Rue Soufflot and on the Quai Voltaire. Man's capacity for happiness is certainly varied, since I have found equal pleasure in the busy city and here in the seclusion of a small watering place, listening to the incessant moaning of the disconsolate sea, with but little companionship, but plenty of good books to read. All summer the weather has been superb; and not a drop of rain or a cloudy day have I seen since leaving home. The sea bathing has proved unusually pleasant, and now we are about to start for home with feelings of joy mingled with sentiments of regret to think that we are leaving so pleasant a spot; remembering also that in the nature of things we may be going away for the last time.

I suppose you may have been in this part of the country, which is so full of interest of many kinds. I know of no part of America that seems to be so highly advanced in civilization; and to the traveler it is a striking revelation. When I was first here, nineteen years ago, Los Angeles had about 20,000 inhabitants; now it has about 130,000 and the evidences of prosperity are everywhere visible. The aspect of the country, with its mountains and fruitful plains, is extremely attractive; but it is perhaps the climate that is the greatest factor in the universal progress. My health has greatly improved since I came out here, and my wife is quite as well as ever she was in her life. I do not think of coming here to live; but I should be glad of an opportunity of spending other summers here like that just closing, engaged in the genial occupation of Lotus eating, and rejoicing in the ebb and flow of the sea, shimmering in the triumphant and unvarying sunshine. And this brings me to another theme. Is it not time that you and I were leaving off the courts and the law, with all of the turmoil of this weary and unintelligible world, forever incorrigible, both to precept and example? I am beginning to think so; and to long for rest like the overworked steer. Still the future is as yet not quite clear to me; perhaps it will never be.

Wishing you, my dear sir, health and contentment and long life, with some rest from the arduous labors, so well performed, of many years, I remain,

Sincerely yours,

U. M. Rose.

Hon. Jno. F. Dillon.

Judge Dillon to Judge Rose:

New York, October 19, 1903.

My dear Judge Rose: I am doubly indebted to you. It filled me with pleasure to receive your delightful letter from Terminal, California, giving me a relation of your pleasant summer in the companionship of wife, children and grandchildren, and in communion with nature and with that unfailling resource at all times and in all situations,—plenty of good books. No possessions or treasures are more secure or of more value than your unextinguishable love of study and reading. I have read and re-read your letter, so replete with interesting suggestions and thoughts, and which reflects throughout that contentment and tranquil serenity of mind which befits, but unhappily does not always accompany age.

I am also under obligations for the valued invitation of Mrs. Rose and yourself to attend your golden wedding anniversary next week. Let me with all my heart felicitate you, your wife and family, on an event which so many hope for, but alas! so few realize. I note your interdict, but I hope I do not disobey it in sending to Mrs. Rose not a "present," but a slight souvenir or memorial, which I hope may remind her and possibly those who survive her of my warm friendship and regard, deeply regretting that the wide distance will deprive me of the pleasure of being present in person.

Answering your inquiry, I am glad to say that my health remains very good, even better than when I saw you at Saratoga last year. I have spent the summer here at my country place with all of my children and their families. My son Hiram and family were with me and have just returned home to Topeka to celebrate their silver wedding next month.

The closing inquiry in your letter, whether it is not time for us to leave off courts, the law and the turmoil and burden of professional life, opens a question which constantly recurs, seriously demanding solution, but one which is too large to enter upon here. I hardly know what it is best to do. I sometimes gloomily think that old age is almost an unmixed misfortune, and that there is nothing for one of my years to do but keep on and on till Fate settles what the man cannot himself decide. Idleness to me would be intolerable, and as much as I love books, I fear if left with them only, I should feel as Gibbon expressed it, that I would be "alone in Paradise."

And having referred to Gibbon perhaps the conclusion of his delightful Autobiography best expresses my own feelings. I enjoy the "autumnal felicity" of life, "but reluctantly have to observe that two causes, the abbreviation of time and the failure of hope (with me the former rather than the latter) tinge with a browner shade the evening of life." But I am not unhappy and have no dread of the future, and as Landor says of Pericles, I am ready when the time comes to "extend my hand to the urn, and take without reluctance or hesitation what is the lot of all."

Wishing you and Mrs. Rose many, many years of health and happiness, I am,
as ever, Most sincerely yours, John F. Dillon.

Hon. U. M. Rose, Little Rock, Arkansas.

As further apropos from the point of view under consideration, I cannot refrain from giving an excerpt from a letter of his son, Hiram, on the unveiling of his father's portrait in the Courthouse at Davenport, in 1900. I appreciate that a letter, coming from a son, would naturally speak well of his father, but there is in this one a spontaneous vein so graphically, as well as touchingly true, that it throws, as it were, a new light on the inner life and being of his father. The letter was received by Mr. S. F. Smith, Chairman of the Committee of Arrangements on the occasion referred to, and the excerpt is as follows:

You meet at this time to do my father honor as a lawyer, but I know him as a man. He is a great lawyer, but he is a greater man. In saying this my judgment is not warped by filial pride, but is the result of seeing and knowing him day in and day out for years. When I see him after years of experience, burdened with large interests and many cares, in a world that is as our world, dealing with each man as a fellow man, treating the tramp at his door with the same kindness that he would a President, giving him the consideration that he believes is due because he is in the likeness of his Maker, I forget the father and believe in the man.

In view of the length which this sketch has already reached and the limitations under which I am necessarily placed, it remains for me only to touch briefly some of the salient features of Judge Dillon's life after his removal to New York, and his matured views on the underlying principles of our government and laws.

On account of his rapidly increasing practice in New York he felt obliged to relinquish his professorship in Columbia College, which he had filled with eminent distinction. In a comparatively few years his clientage embraced some of the largest interests of the metropolis, and he came to be regarded as one of its ablest lawyers, and one of the most profound jurists of the American Bar. By high authority he was ranked as its foremost leader, and, taken all in all—the depth and comprehensiveness of his learning, his distinction as a Judge, the accuracy of his opinions, his strength of argument, his judicial aptness, his fame as an author, his felicity of speech, his general literary merit, in short, the *tout ensemble* of his varied accomplishments—he may justly be so regarded. The following instance will, I think, exemplify the general estimate: At the Annual Meeting of the State Bar Association of Rhode Island, in 1904, Josiah H. Benton, one of the leading lawyers of Boston, delivered the principal address. His subject was “The Qualifications of Judges.” He strongly inculcated patience as an important one of them, and in illustrating this topic of his discourse, said: “Now, my friends, I remember an incident about which I want to tell you. When lawyers, whom, with the exception of the one who speaks to you, I may designate as leaders of the bar in New England, had gone on for two hot June days in that miserable, stuffy Federal Court-house in Boston before Judge Colt, in a very important case, and the case was closed, Judge Dillon, whom I regard as, perhaps, in all respects the leader of the bar in the United States, who had himself held high judicial position, said, looking at our friend, Judge Colt, who had sat through those two hot days clothed in his judicial robe, and who had been most courteous and kind to us all: ‘Your Honor has, in this cause, exemplified the highest and finest of judicial qualities—patience.’”

Like reference was made to Judge Dillon in the address of James A. C. Bond, a distinguished Maryland lawyer and President of the Bar Association of that State, at its Annual Meeting in 1905.

Judge Maxwell in delivering the opinion of the Supreme Court of Florida in *Skinner vs. Henderson*, 26 Florida, 122, uses this language: “A similar ruling in Iowa is invaluable as coming from Judge Dillon, one of the most eminent American jurists and law authors now living.”

Upon questions relating to the law of Municipal Corporations, especially, his opinions were relied upon as absolute authority. Many large cities, as did my own municipality of Kansas City, Missouri, when about to place an issue of bonds upon the market, submitted the question of their validity to his opinion. If this was favorable, his certificate never failed to furnish a ready sale of the bonds. It was as potent in that respect as Webster described the touch of Hamilton to have been on the “dead corpse of the Public Credit.”

His work on Municipal Corporations is the most celebrated and generally useful legal production of the time. “Dillon on the Law of Municipal Corporations”

stands supremely alone; a *chef d'oeuvre* that has carried the fame of its author to the remotest English-speaking people. Mr. Justice Bradley of the Supreme Court of the United States declared it to be "A Legal Classic," and so it is regarded.

We are naturally curious to know in view of his other absorbing duties, why and how he undertook and carried on this work, which he amplified from time to time through five successive editions. This, the following excerpt from his address at the dedication of the Davenport Public Library, will show:

It so chanced in the course of time that I found myself on the bench of the Supreme Court of the State, with an ambition not unnatural to write a work upon some subject that I hoped might be useful to the profession. The first indispensable requisite to such an undertaking was access to a full law library. That of Judge Grant, which was one of the largest private law libraries in this country, supplied this condition. The next requisite equally indispensable was the needed leisure for study and research, and the only leisure possible to a judge was in the intervals of uncertain length between terms of court. The library being at hand in my own city, enabled me to do what otherwise I could not have done at all, that is, utilize my days, snatched from judicial labor, by working in the Grant library, collecting material for my projected book. I selected my subject—"Municipal Corporations"—and entered upon the work of thorough and systematic preparation. Without the aid of stenographer or typewriter, I began an examination, one by one of the thousands of law reports, commencing with Vol. I of the State of Maine and continuing down through successive reports to date, and so on, in like manner, the reports of every one of the States, and of the Federal and English courts, occupying all of my available time for about six years. The result I have never had occasion to regret. It has profoundly affected my whole professional career.

He thus feelingly wrote of the last edition when in press:

Forty years and over have elapsed since the preparation was begun, and more than thirty-five years since the publication of the first edition. The work is thus not only a child, but the companion, of the far larger part of a prolonged professional career. Any justifiable satisfaction I might feel in its success is somewhat subdued, if not saddened, by the reflection that in this edition I am taking my final leave of a work which is so intimately incorporated with the studies and labors of so many years. We must, however, accept, as I do, without murmur or regret, the inevitable. Every scientific work, like the present, can have but a limited period of existence. The progress of society and the corresponding development and changes in the laws that govern and regulate the interests of the people, never cease, and a work of this practical and technical character commences to become obsolete from the moment of its birth. Such a limitation and such a doom can neither be averted nor rationally regretted.

To me it is a wonder that with his manifold duties as an overworked Judge, and then as a lawyer, with a clientage covering in its course, either as general or advisory counsel, such interests as those of the Union Pacific Railroad Company, the Missouri Pacific, the Texas Pacific, the Manhattan Elevated, the Western Union Telegraph Company, the estate of Jay Gould and of different members of that family, and the various other matters that came before him, he could have possibly found time to give to the world productions of his pen, so numerous and worthy, that they have strewn his entire pathway with a wealth of solid and useful literature.

I shall not attempt to enumerate productions not specifically mentioned in the outset of this sketch, but among them are:

The Inns of Court and Westminster Hall. (Before Iowa State Bar Association, 1876.)

Iowa's Contribution to the Constitutional Jurisprudence of the United States. (Before the Iowa Society of New York, March, 1908.)

Early Iowa Lawyers and Judges. (Judges Mason, Wright, Love, Miller. Before the same Society, 1906.)

Dedicatory Address Davenport Free Public Library. (Davenport, 1904.)

Chancellor Kent: His Career and Labors. (Before New York State Bar Association, Albany, 1903.)

Uncertainty in Our Laws. (Before South Carolina State Bar Association, Charleston, 1885.)

Law Reports and Law Reporting. (Before American Bar Association, New York, 1886.)

American Institutions and Laws. (Before American Bar Association, Saratoga, 1884.)

Commemoration Address on Chief Justice Marshall. (Before New York State Bar Association, Albany, 1901.)

Opening Address First General Meeting New York County Lawyers' Association. (New York, 1908.)

Address of Welcome at Banquet of New York County Lawyers' Association. (New York, 1909.)

Bentham and His School of Jurisprudence. (Before Ohio State Bar Association, 1890.)

Our Law: Its Essential Nature, Ethical Foundations and Relations. (Before Graduating Class of Law Department, Iowa State University, 1893.)

Bentham's Influence in the Reforms of the Nineteenth Century. (In Select Essays on Anglo-American Legal History, Boston. Little, Brown & Co., 1908.)

John Marshall: Life, Character and Judicial Services. (Three Vols. Chicago. Callaghan & Co., 1903.)

Laws and Jurisprudence of England and America. (Being a series of lectures delivered before Yale University. Boston. Little, Brown & Co., 1895.)

Anna Price Dillon: Memoir and Memorials. (Privately printed for distribution among relatives and friends.)

He also delivered an address before the Columbian Exposition at Chicago in 1893, and at the St. Louis Exposition in 1904.

An important work in his professional career was as a member of the Commission appointed under an act of the Legislature of New York to prepare the charter for the greater City of New York; that is to say, the preparation of the charter uniting into one city, three existing cities (New York, Brooklyn, and Long Island City), each living to a considerable extent under local laws and each with different charters; and that would also bring into the enlarged city a considerable area of territory, besides that still remaining under town and village government. These different communities to be consolidated into one were located upon three different islands and upon the mainland, with distinct histories and antecedents. The problem was to form a charter which would combine these into one great municipality.

with working machinery adapted to the whole and to the separate parts. He took an active and leading part in framing this charter of greater New York, which went into effect on the first of January, 1898. The difficult niceties of this work are apparent, and its vastness will be appreciated by referring to the charter which is embodied in the legislative act which vitalized and put it into effect. It consists of sixteen hundred and twenty sections and covers seven hundred and forty-two pages. The report of the Commissioners recommending the charter to the favorable consideration of the Legislature, covered thirty-two pages. The consolidation thus effected remains, with certain minor changes, and I am authentically told that it is remarkable how little litigation has sprung out of the consolidation itself as respects the meaning and application of the different sections of the charter. I think this result may be largely traced to the clear vision, keen foresight and wide and varied legal experience of Judge Dillon, which enabled him to practically apply his thorough knowledge of the law relating to municipal corporations to the particular work in hand.

His "Laws and Jurisprudence of England and America," embracing the series of his lectures before Yale University, it seems to me cannot be too highly estimated. After reading and re-reading it many times, I do not hesitate to pronounce, that, to the serious reader who desires in the narrowest limit to gain at once the most interesting and instructive information respecting the fundamental principles of our government, and the prime objects of its administrative justice, it is the most valuable and philosophical collection that, in the same space, has ever been given to the public.

These lectures were delivered in 1891-2, and embody his mature views on many of the great practical topics of the law. Upon them the author has bestowed the ripened powers of his mind. Every line teems with a warmth of interest that unmistakably reveals the infusion of his highest forces. They display the amplitude of his learning, not only in the field of law, but of the best literature. They are so replete with rare and forceful statement and are so strikingly illustrative of the man, that I cannot forbear making a few extracts:

It is natural for some minds to revere the past, to accept the present, and consciously or unconsciously to resist agitation and change. It is equally natural for other minds to question the wisdom of the past, to refuse to accept its lessons or results as final, to be discontented with them, and to welcome novelty as the means of effecting improvement.

When recently crossing the bay of New York, the Statue of Liberty with its uplifted torch enlightening the world, suggested to me that the truer ideal of a modern judge was no longer a figure with bandaged eyes, but rather the figure of one who carries in his upraised hand the torch of truth lighted from on high, and who, throughout the arguments of counsel and in the maze and labyrinth of adjudged cases, walks ever with firm step in the illumination of its constant and steady flame.

Unadmonished and undeterred, I venture a timid forecast of some of the changes which our laws and jurisprudence will witness within the next century:

I predict that the rational practice of settling disputes between nations by

arbitration, so successfully applied in recent years, will become general; that wars, the opprobrium of Christian civilization, if they shall not wholly cease, will be comparatively infrequent.

I predict in view of the universality and increasing intimacy of commercial intercourse between nations, that substantial unity in the various departments of mercantile and maritime law on the great subjects of Bills of Exchange, Maritime Contracts, Marine Insurance, Marine Torts, etc., will replace the diversity and conflict which now exist.

The separation of what we call equity from law was originally accidental—or at any rate was unnecessary; and the development of an independent system of equitable rights and remedies is anomalous, and rests upon no principle. The continued existence of these two sets of rights and remedies is not only unnecessary, but its inevitable effect is to make confusion and conflict. The existing diversity of rights and remedies must disappear, and be replaced by a uniform system of rights as well as remedies—what we call a legal right ceasing to exist if it is in conflict with what we now distinguish as the equitable right.

The forecast may be ventured, that while the law will in its development undoubtedly keep pace with the changing wants of society, yet the work of jurists and legislators during the next century will be pre-eminently the work of systematic restatement, probably in sections, of the body of our jurisprudence. Call it a code, or what you will, this work must be done; if not done from choice, the inexorable logic of necessity will compel its performance.

When the idea of legal education shall be the mastery of principles, so that the first impulse of the lawyer in cases not depending upon local legislation, will be to find the **principle**, and not some **case**, that governs the matter in hand; when arguments at the bar shall be directed to an ascertainment of the controlling facts of the case under consideration, and then to the principles of law, which apply to these facts; when the bench shall be constituted of the flower of the bar, and appellate judgments shall not be given without a previous conference of the judges, at which the grounds of judgment shall be agreed upon, before the record is allotted for the opinion to be written; when opinions shall be rigidly restricted, without unnecessary disquisition and essay-writing, to the precise points needful to the decision, we shall have an abler bar, better judgments, and an improved jurisprudence, in which erroneous and conflicting decisions will be few.

As a means of eliciting the very truth of the matter both of law and fact, there is no substitute for oral argument. I distrust the soundness of the decision of any court, in any novel or complex case, which has been submitted wholly upon briefs. Speaking from my own experience, I always felt a reasonable assurance in my own judgment when I had patiently heard all that opposing counsel could say to aid me; and a very diminished faith in any judgment given in a difficult cause not orally argued * * * The mischievous substitute of printers' ink for face-to-face argument, impoverishes our case-law at its very source, since it tends to prevent the growth of able lawyers, who are developed only in the conflicts of the bar, and of great judges, who can become great only by the aid of the bar that surrounds them.

Another practice which injuriously affects our case-law is the practice of assigning the record of causes submitted on printed arguments to one of the judges to look into and write an opinion, without a previous examination of the record and arguments by the judges in consultation. This course ought to be forbidden, peremptorily forbidden, by statute. This most delicate and most important of all judicial duties, ought always to be performed by the judges in full conference **before** the record is delivered to one of their number to write the opinion of the court.

Trial by jury is an essential part of our judicial system * * * Its roots strike down deep into the experience, the life, and the nature of the people who have developed and perfected it. Its shortcomings are not inherent. If judges will do their full duty, jurors will do theirs. I have tried literally thousands of cases with juries, and the instances are few where I had reason to be dissatisfied with their verdicts * * *

I have made the jury the subject of much observation and reflection * * * In my judgment the jury is both a valuable and essential part of our judicial and political system * * * I protest against the continentalization of our law. I invoke the conservative judgment of the profession against the iconoclast who in the name of reform, comes to destroy the jury; against the rash surgery which holds not a cautery to cure, but a knife to amputate. Twelve good and lawful men are better judges of disputed facts than twelve learned judges.

The constitution is the final breakwater against the haste and passions of the people; against the tumultuous ocean of democracy. It must at all costs be maintained. This done, and all is safe; this omitted, and all is put in peril and may be lost.

Local self-government is the true and the only solid basis of our free institutions. A jealous state pride and watchfulness in all that justly belongs to the state, and a dominating national pride and concern in all that justly belongs to the nation, are the valid, healthful, and recognized sentiments of American citizenship and patriotism.

The great fundamental rights guaranteed by the constitution are life, liberty, contracts and property * * * But we cannot close our eyes to the fact that to some extent the inviolability of contracts, and especially of private property, is menaced both by open and covert attacks.

In respect to law reforms he took an active and leading, though an altogether sane and conservative part, and left along those lines a deep and lasting impression upon our jurisprudence. As a continuous member of the American Bar Association, for a time its President, and as an author, and deliverer of occasional addresses before learned bodies, his opportunities were favorable to this end.

Probably the most important of law reforms, and the one that has most agitated, and continues to agitate, the professional and, as well, the public mind, is what is commonly known as "codification" of the law; its reduction to systematic arrangement, restatement, and rules, generally governing its principles. Although much of actual accomplishments has as yet not been reached, it is pretty clear that such results must be gained eventually, in order to relieve us from the thousands of law reports, that are continually piling up and multiplying with our rapidly increasing interests and consequent litigation, and which, by their conflicting decisions and overwhelming numbers, keep the law in confusion, and its ascertainment frequently impossible. To this work he has given much thought. His views thereon will be found at length in the work we have just been considering.

While giving all praise to Blackstone and Eldon for their work as conservatives, he gives to Bentham, the radical, the palm of being the initiator of this, as well as nearly every other law reform of the last century, quoting, with apparent approval, the following statement of Sir Henry Maine: "I do not know a single law reform effected since Bentham's day which cannot be traced to his influence." Bentham gave it the name by which it is now universally known, "codification." He also originated the common expression, "judge made law," as applied to the decisions of the Judges and even the common law itself. "He meant," says Judge Dillon, "that a code should embrace all general legislation, not simply as it exists, but as it ought to be amended and made to exist—that is, all legislation except local and

special statutes; that it should also embody all of the principles of the common law which it were expedient to adopt; the whole to be systematically arranged, so that all possible cases would be expressly provided for by written rules; that the function of the Court to make 'Judge made law,' as he stigmatized it, should cease, and that thereafter all changes or additions to this complete body of law should be made by the lawmaking body and it alone."

To Judge Dillon this did not seem practical. "Bentham," said he, "believed it was possible to extract from the reports all that was valuable in them and to embody it in a code; whereupon he would have been willing, I fancy, to have burned the law reports, and himself to have applied the torch. Unfortunately there is no alchemy by which the value of the law reports can all be extracted and transmuted into statutory coin."

Judge Dillon thus expressed in epitome his own views on the subject:

We have two great divisions of law—statute-law and case-law. The statutes are frequently fragmentary, superimposed one upon another. Case-law has to be sought in almost numberless reports and often among conflicting decisions. Our law is thus fairly open to the threefold objection of want of certainty, want of publicity, and want of convenience.

Our laws will, I believe, even if codification be not adopted, become relatively more and more embodied in legislative forms. The greater certainty and convenience of a carefully considered enactment which covers the entire subject with which it deals, over the chaotic and unmethodized condition of the law when it has to be sought through volumes of reports and a variety of detached statutes, will constantly operate with no inconsiderable force in expanding the scope of legislative action.

To me it has always seemed inexpedient, even if it were possible (which it is not), to attempt a scheme so ambitious as the embodying into a code or statutory form rules applicable to all the complicated transactions of modern business and society, with a view to supersede the reports.

The judicial office will, at all times, under any possible code have to deal with and determine questions and cases not possible to be provided for by any express statutory provision. A well constructed code may, and doubtless will, lessen the number of such questions and cases; but no code can do more.

The infinite details of this mountainous mass of case-law, no industry can master and no memory retain. I do not believe it is practicable to codify it all in the sense that the resulting code shall supersede for all purposes the law reports; but on many subjects, and to a very large extent in respect of all, codification is practicable, and so far as it is practicable, it is **if well done**, desirable.

A capital need of our law today is for some gifted expositor who shall perform upon it the same operation performed by Blackstone more than a hundred years ago; that is, an institutional work systematically arranging and expounding its great principles as they have been modified, expanded, and developed since Blackstone's day, so as to make it as faithful and complete a mirror of the law, as it now exists, as Blackstone's work was of the law as it existed when his commentaries were produced.

But I can no longer pursue these subjects. I both refer and recommend the reader to the book of lectures I have been speaking of. There he will find clear disquisitions not only upon law reforms, but on the great actors that have lived along

the lines of Bentham, Blackstone, Marshall, Kent and Story; and constant evidence as well, of his wide reading and cultured mind.

In the outset of this sketch, I referred to his love of books. This, or rather its result, is especially exemplified in these lectures, and in his address at the dedication of the Davenport Free Public Library. In the latter, he referred to this quality in Mr. Lincoln. Following this, Robert T. Lincoln wrote him a letter of appreciation, which, for its manifest interest in this connection I here give:

My dear Judge Dillon: I have read with great pleasure your address at the opening of the library at Davenport. This must have been a very interesting occasion to you in your old relation. I noticed especially, of course, what you said about my father. You could not say too much of his love for books. I do not remember ever seeing him without a book in his hand. From my earliest recollections he was devoted to Shakespeare and Milton. Bunyan, of course, he had, and it was in consequence of his having it at hand, that it was one of the first large books that I myself ever read. In the latter years of his life, he always had a Bible and a set of Shakespeare very near him, and went to them for relief at all times.

Very sincerely yours,

Robert T. Lincoln.

January 5, 1905.

This shows not only a parallel between Judge Dillon and Mr. Lincoln in the respect mentioned, but, as it seems to me, throws a new or added light on the latter.

Among the important labors of Judge Dillon's latter years were those in connection with the work hereinbefore mentioned in the list of his productions, "John Marshall. Life, Character and Judicial Services," consisting of portrayals in the centenary memorial services that were held throughout the country on what was known as "Marshall Day," in 1901, and his introduction to the three volumes composing them. In this movement he was a leading initiator, and in preserving its results the principal factor—at once, the collector, the compiler, the editor, and in a sense, the author. His introduction, as well as his address, is remarkably strong in all its features. He portrays with vivid force the personality of the "great Chief Justice," and demonstrates by successive steps, and particular cases in which certain provisions of the Constitution of the United States were construed by him, that his services to the Republic in its infancy, when the workings of its constitution and governmental machinery were experimental, were not only invaluable, but really furnished the preservatives of the nation in its subsequent perils. In these brief excerpts he characteristically summarizes the situation in a nutshell:

Marshall has no parallel but himself, and like the Saladin in Dante's vivid picture of the immortals he stands by himself apart. The inquiry fitly comes, whether this veneration is a mistaken idolatry or whether it rests upon rational and enduring grounds.

The nature and value of Marshall's judicial services can only be satisfactorily shown by selecting and briefly stating a few of his leading judgments which determine the boundaries and establish the vital and fundamental principles of our Constitution. This was his distinctive work. On this his fame chiefly rests.

In the course of his long service as Chief Justice, he construed and expounded for the first time, nearly all of the leading provisions of the Constitution, and in

this he performed an original work of the most transcendent importance, and one which it is the universal conviction no one else could have performed as well.

It was the supreme work of Marshall that carried our constitution successfully through its early and perilous stages and settled it on its present firm and immovable foundation.

He had the golden opportunity, which he promptly took by the hand, the singular, the solitary felicity, of connecting his name and fame imperishably with the origin, development, and establishment of constitutional law and liberty in the great American Republic.

Marshall belonged to one political school, and Jefferson was the leader of the other. Marshall was penetrated by the sentiment and spirit of nationality, and believed that the Constitution properly construed conferred upon the Union all the essential powers of national sovereignty. Jefferson believed that powers in the central government in such amplitude as Marshall held them to exist, were dangerous to the existence of the state and to the liberties of the people. For this he should not be blamed, nor does it diminish our sentiments of respect and gratitude for his great public services. He will go down to posterity proudly holding in his hand the Declaration of Independence, and Marshall will go down holding in his the Federal Constitution.

Was the new government another confederation, and the Constitution simply the mechanical bond by which the States were for certain enumerated purposes, and for such only, loosely articulated? Or was it a new nation, instinct with life and clothed with all the powers and attributes of sovereignty necessary for its growth, development, preservation, protection and defense, against all hostile comers, foreign and domestic?

Each one of the cases which I have brought under review today, could have been decided the other way. Many lawyers and statesmen firmly believed and earnestly maintained at the time, that they ought to have been decided the other way. On all these subjects, Marshall's views have been finally accepted by the country as necessary to the integrity and welfare of the Union, and are no longer disputed or challenged.

When Marshall went upon the bench, the new government itself, and the Constitution as the only bond of union, were in the experimental stage of their existence. When he left it both were firmly established. Marshall's great service to the country was that his celebrated judgments expounding the Constitution supported it and carried it safely through the feebleness and perils of its infancy, and placed it securely upon the foundations on which it has ever since rested.

In the past, coming down even to the present, states have passed many laws of a character that would have broken up the Union, had it not been for the limitations on their powers, which they disregarded, and which have only been made effectual by the judicial enforcement of Marshall's principles of nationality.

Of his numberless judicial opinions, I cannot further speak or particularize than I have in the first part of this sketch; nor can I of the arguments which he has from time to time delivered before the courts. His argument in the *Mercantile Trust Company vs. The Texas and Pacific Railway Company et al.*, 154 U. S. Rep., in which were involved the constitutionality of the Texas Railroad Commission Act, and the rates of tariff fixed by the Texas Railroad Commission, in the course of which he reviewed the leading cases on the subject, is one of his ablest and most elaborate arguments in the Supreme Court of the United States. Its general views were sustained by the Court (pp. 362-420 of the report alluded to).

In spite of his accumulated years, of his long and exhausting labors, and the continuous sorrow that shrouded the remainder of his life in the loss of his wife and

daughter at sea, he kept up his professional labors and his daily office rounds until a very advanced age. Without this, he once told me, it would have been impossible for him to have borne this affliction. In his seventy-eighth year, he made the journey and the forensic effort disclosed in the following letter to me, dated December 1, 1908, in response to the communications referred to by him:

Your deeply esteemed favors of November 6th and November 7th, came to New York during my absence in West Virginia. On the 5th of November I left this city for Charleston, the capital of West Virginia, to argue an important case in the Supreme Court of Appeals of that State, involving some sixty thousand acres of coal lands. The court gave five days to the arguments, extending from the 9th to the 15th. I hesitated somewhat at my age to take the trip and undergo the exertion of such an argument, but I found after attending the court during the five days, that I was able to make a three hours' argument without being more than usually tired. I mention these circumstances to show that the delay in answering your letters was unavoidable.

In the "Memoirs and Memorials of Anna Price Dillon," he pays the noblest of tributes to the memory of his devoted wife. In this connection I must be pardoned for saying a word or two concerning her, as being a part of his own life, and from whom he drew constant inspiration in his multitudinous labors. She was the daughter of Hiram Price, for a long time one of Iowa's distinguished men. He was successively School Fund Commissioner (1847); Registrar and Treasurer of his county, Scott (1848-1856); President of the State Bank of Iowa from its organization, 1859 to 1866, when it was superseded by the National Bank; Paymaster General of the State during the Civil War; five times elected to Congress between 1862 and 1881, and Commissioner of Indian Affairs from 1881 to 1885.

She and John Dillon had been schoolmates. They had grown up in Davenport together. Their lives were closely interwoven from childhood. In Davenport they commenced their married life, and on one of its sightly bluffs built an attractive home. There their children were born and there they lived until their removal to New York. It was my good fortune on more than one occasion to sit at their table as a guest. In the home and house affairs she reigned supreme. This home in all of its features and surroundings displayed both exquisite taste of selection and family comfort. She was a bountiful hostess, and in appearance, superb and queenly. She was pre-eminently a strong character, bounteously endowed with intellectual gifts and womanly graces. Her letters to her husband and personal friends, written during her different sojourns in Europe, whither she went mostly on account of the lovely daughter who perished with her and who for some years had been a patient sufferer, are models of graphic and interesting descriptions of foreign countries, their people and ways.

His "Laws and Jurisprudence of England and America," composed of his Yale lectures, he dedicated to her. Why he did so, he thus tells in the "Memoir and Memorials:"

Prior to 1875, and while she lived in Davenport, she gave considerable time to charitable and other work, as already stated, but during the years when her

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GEORGE W. McCRARY

children were young it was to them that she devoted her paramount attention. She found time, however, to assist her husband, in 1872, in putting his book on "Municipal Corporations" through the press. He always realized that his itinerant professional and judicial life had thrown almost exclusively upon his wife the care and anxieties of the family; and years afterward, when, in 1894, his Yale University Law Lectures were published, he publicly recognized the obligation which it created, in the dedication of the volume to her in these words:

A. P. D.

"The years of professional studies, circuit journeyings and judicial itinerancies whereof this book is in some measure the outcome, as well as the time required for its preparation, have been taken from your society and companionship. The only reparation possible is to lay these imperfect fruits upon your lap. As to you, indeed, they justly belong, this formal dedication serves alike to accredit your title and to manifest my grateful sense of obligation and affectionate regard."

This inscription was pleasing to Mrs. Dillon, and on her return from Europe, a friend called her attention to a review of the book in which the writer, speaking of dedications to wives, compared this not unfavorably with John Stuart Mill's, whereupon her husband said that his was as much inferior to Mill's as Mill's to Tennyson's.*

I must now bring this narrative to a close. If I have not accomplished all I desired, I have at least massed or indicated the material on which some future biographer may do better.

Judge Dillon died in New York in 1914, his setting sun leaving behind it, like that of the day, as it sinks beyond the horizon, the mellow influence of its departing rays.

George W. McCrary.

This distinguished jurist and statesman was born near Evansville, Indiana, on August 29, 1835, and died at St. Joseph, Missouri, June 23, 1890, at the age of fifty-five. His comparatively short life was a remarkable one viewed from any standpoint. He was of Scottish descent, his ancestors having emigrated from Scotland in the early part of the eighteenth century, and settled in the neighborhood of Gettysburg, Pennsylvania. From thence his great-grandfather, James McCrary, moved to North Carolina, prior to the War of the Revolution, and settled in what was then Rowan, but now Iredell County. There his grandfather, John McCrary, and likewise his father, James McCrary, were born. His great-grandfather, James, served as a Captain in the Continental Army during the Revolutionary War. The

*Mrs. Tennyson, always seemingly fragile, outlived her husband, who died October 6, 1892; but, not long before his death, he signalized their long and felicitous union by dedicating to her, in these words, his last book:

"I thought to myself I would offer this book to you,
 This and my love together,
 To you that are seventy-seven,
 With a faith as clear as the heights of the June-blue heaven
 And a fancy as summer new
 As the green of the bracken amid the gloom of the heather."

maiden name of Judge McCrary's mother was Matilda Forrest. About the year, 1812, the family removed to Tennessee, afterward to Indiana, and from thence, in 1835, the year of his birth, they removed to McDonough County, Illinois. After a short residence there, they, in 1837, pushed toward the western frontier, and across the Father of Waters to Van Buren County, Iowa, then a part of the territory of Wisconsin. Here, amid the wilds of that new country, he was reared to that stalwart manhood, which was afterwards able to bear him through the great intellectual and political emergencies which he was called upon to pass. With a natural thirst for knowledge, he acquired the rudiments of an English education, and some knowledge of the higher branches of learning. Having early determined to make the law his profession, at the age of nineteen, he entered the offices of Miller & Rankin at Keokuk, a firm composed of Samuel F. Miller, the subsequently distinguished Justice of the Supreme Court of the United States, and John W. Rankin, one of the ablest lawyers of the Iowa Bar. In 1856, he was admitted to the bar there, at once entered upon the practice, and soon after formed a partnership with Mr. Rankin, under the firm name of Rankin & McCrary. At the age of twenty-two, in 1857, he was elected to the Iowa House of Representatives, and was the youngest member of that body. Four years later, in 1861, he was elected to the State Senate, where he served four years. During the first two years of his Senatorial term, he was chairman of the Committee on Indian Affairs, at that time one of the most important Committees of that body, and during his last two years, he served as Chairman of the Judiciary Committee. In 1868, at the age of thirty-three, he was elected to and took his seat in the National House of Representatives. He was re-elected to the forty-second, forty-third and forty-fourth Congresses, and served with marked ability and distinction. Having displayed great legal ability, a strong love of justice and fair play that enabled him to rise above party prejudices in the consideration of contested election cases, he took rank as one of the best lawyers in that body, and as authority upon election law. In accordance with the general desire of his fellow members, he was appointed in the forty-second Congress, by Speaker Blair, Chairman of the Committee on Elections, and in that capacity, induced the House of Representatives, probably for the first time in its history, to consider contested election cases upon their merits, irrespective of party affiliations. Upon the assembling of the forty-third Congress, questions relating to transportation and matters connected with the subject of interstate commerce were attracting great public interest, and Mr. McCrary was made Chairman of the Committee on Railroads and Canals, to which all these subjects were referred, and to which he gave his best thought and action. He prepared the report on the constitutional power of Congress to regulate interstate commerce, which was regarded as one of the ablest and most exhaustive papers ever presented to Congress. Having reported a bill on the subject, he advocated it before the House with remarkable power, and after one of the most memorable debates on record, it passed that body. This seems to have

been the original basis of subsequent legislation regulating interstate commerce. He was the author of and introduced the measure proposing the appointment of an electoral commission, the adoption of which brought about a peaceful solution of the disturbing questions which had arisen concerning the result of the Presidential election of 1876, when Hayes and Tilden were the opposing candidates, "and which must now, in view of the danger which it obviated, be regarded as wise statesmanship, no matter how we may differ as to the correctness of the decision reached." He was one of the Joint Committee which framed the electoral bill, afterwards acted as one of the Republican Counsel before the Commission and made one of the strongest arguments sustaining the election of President Hayes. The country was about evenly divided in opinion as to what had been the actual result of the Presidential contest. That tumult and war were imminent, no one who distinctly recollects that period will question. In this emergency, he was the first to step forward with the proposition referred to for the adoption of a lawful and peaceful solution of the difficulty. He always believed that under all the circumstances, this was a wise measure of statesmanship, which gave to the country peace instead of turmoil, an amicable adjustment instead of possible Civil War.

In the Forty-fourth Congress, he was created a member of the Judiciary Committee on which he served with distinction. He was the author of the bill to reorganize the Judiciary of the United States, which he advocated on the floor as well as in committee and which finally passed the House by a large majority.

In 1877, he was appointed Secretary of War. In this position, he began the first systematic work leading to the publication of the official records of the great Civil War. The Signal Service Bureau was improved and connected with similar institutions abroad; and the authority of the Department was construed by the Secretary for the first time to be sufficiently broad to authorize the issuing of tents, blankets and rations, to persons rendered destitute by pestilence, the immediate occasion being the destitution in southern Mississippi, resulting from an epidemic of yellow fever.

In 1879, he resigned his position in the Cabinet to accept the appointment of United States Circuit Judge for the Eighth Judicial Circuit, and assumed his duties in January, 1880. The pre-eminent manner in which he discharged the duties of this high office is a part of our Judicial History. He had during his Congressional service maintained to a great extent his practice in both the State and Federal Courts, and his Congressional labors had been principally along the lines of legal and constitutional research. Hence, though coming fresh from the political field, where lawyers are generally ruined rather than made, he brought to the bench a discipline, which, under the subjection of his naturally judicial mind enabled him to discharge the duties of his position to the entire satisfaction of a bar made critical under the ministrations of his eminent predecessor, Judge Dillon. Of all the judges it has

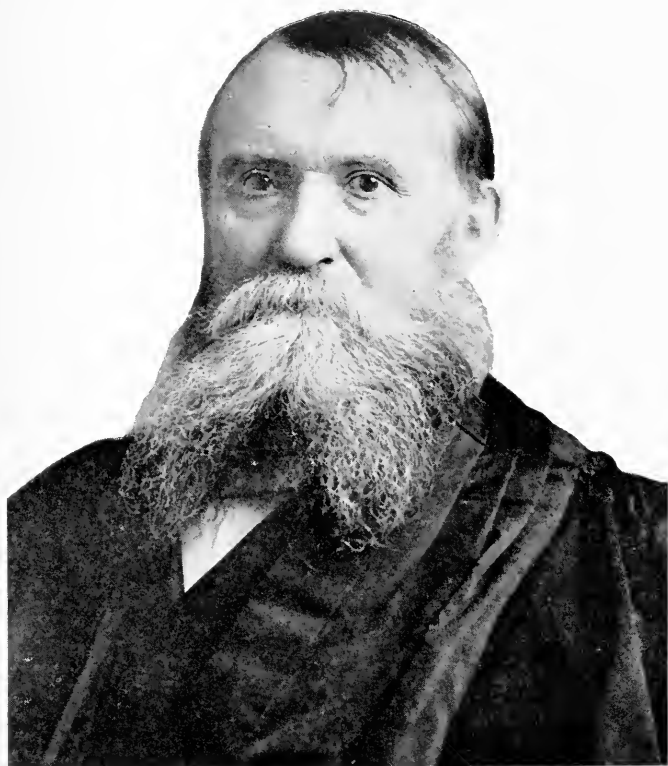
been my fortune, in the course of a long professional life to see, I think Judge McCrary exhibited the most perfect judicial temperament. His equanimity was perpetual; nothing could ruffle or disturb it; he held the scales with such an impartial hand, that though he might have formed an opinion on the facts, no one could discover it during the progress of the trial, from anything in his bearing. His decisions, to be found in the five volumes of McCrary's Circuit Court Reports, will endure as monuments of his superior ability as a Judge.

In 1884, he resigned the Judgeship to accept the position of General Counsel of the Atchison, Topeka & Santa Fe Railroad Company. To this he was moved by the largely increased salary he would receive which would enable him the better to provide for his family, and approaching age. In this I thought and still think he made a mistake, for it is morally certain that had he remained on the Circuit Bench, he would in the near future have been elevated to that of the Supreme Court of the United States. As a law writer, his "American Laws of Elections," which is the standard authority on that subject, entitle him to a place in the front rank.

Personally, he was one of the mildest and most amiable of men. I became acquainted with him when we were both young, more than fifty years ago, and the friendship thus begun continued to the day of his death. Our first meeting was in the forepart of January, 1864. We were both members of the Tenth General Assembly and were on our way to the Capitol. The railroad from Keokuk to Des Moines had been extended only to Eddyville, some ten miles west of Ottumwa, and the remainder of the way, some eighty miles, had to be made in conveyances of the Western Stage Company. The winter was an unusually severe one and the day on which we were to commence our journey from Eddyville was one of the coldest of the season; so cold that the Stage Company, instead of the usual vehicle, had placed a wagon-box on the top of runners. Into that was put an abundance of straw and blankets, on which we were to lie down and be covered with buffalo robes, plentiful enough at that time. We placed ourselves in position, and here to me arose an embarrassment, of which the Judge was afterwards fond of occasionally telling. He said that, dressing after the fashion of some young men, I wore a stove-pipe hat, which I could not lie down in and for which no safe receptacle could well be found. I frankly confess that a stove-pipe hat was hardly the thing for a journey of that kind, but we managed to find a place for it and I made the journey without any, covering my head with the robes.

Our personal friendship and association continued in Iowa until he removed to Kansas City, in 1884, where I found him when I went there in 1886, when our friendly relations were renewed and continued. I never saw him ruffled or exhibit the least temper in the whole course of our acquaintance. During a portion of the time we were in Kansas City, we used to go camping out and trout fishing on the upper waters of the Rio Grande River in Colorado, which furnished both enjoyment

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HENRY C. CALDWELL

and healthful exercise. Through these various associations, I came to know him well and the more intimately I knew him, the more I admired and venerated him. But few personages in our history can be found with a nature so well rounded and possessing such perfect equipoise. His tastes were purely intellectual and withal so spiritual as to be absolutely devoid of that gross alloy which constitutes the weakness and impairs the usefulness of so many distinguished men. His sympathy for the unfortunate was warm and responsive. He believed, as he constantly exemplified, in the fatherhood of God and the brotherhood of man. As a legislator, he was wise; as a jurist, profound; as a public servant, clean; as a man, beneficent and just.

In religious belief, Judge McCrary was, like Judge Samuel F. Miller, a Unitarian. "There was no uncertainty in the tone of his Christianity, and he vigorously combatted the effort made in 1886 by certain Unitarian churches to commit that denomination to a purely ethical belief, declaring that his church stood for a positive faith in God, in immortality, in worship and in personal righteousness as exemplified in the teachings of Jesus Christ." With innumerable opportunities to become rich, he died poor, leaving to his descendants a legacy of incomparable worth.

A widow, whose maiden name was Helen A. Gelatt, three daughters and two sons still survive. The youngest son, George, is now a practicing lawyer in Kansas City. One of the daughters is the wife of Henry L. McCune, a gentleman of high standing, and a lawyer of rank and first-class ability, who for quite a while presided with distinction as one of the Judges of the Circuit Court at Kansas City, from which he subsequently resigned to re-enter the practice. To Judge McCune, I am indebted for some of the data comprised in the foregoing sketch.

Henry C. Caldwell.

Biography is the soul of history, and biography in its turn must properly rest upon facts, incidents, and achievements attendant upon the person, and to some extent on the consensus of public and private opinion in relation thereto, rather than upon the mere statement or estimate of the biographer. In this wise I shall endeavor to corroborate by particular facts what I may say in a more general way concerning the subject of this sketch.

Of all the distinguished men I have known in my time, none stand out as strikingly along the line of remembrance as Henry Clay Caldwell. It is considerably more than a half century since I first saw him. He was then twenty-five, I was twenty. It was at Ottumwa, Iowa, while I was being examined for admission to the bar by the committee appointed by the court for that purpose, according to the usage then prevailing. The committee consisted of Christian W. Slagle, of Fairfield, Amos

Harris, of Centerville, and Edward L. Burton, who afterwards became a distinguished Judge in that District—all were able lawyers and all have passed away. The committee and myself disagreed in respect to a nice question that was put to me. Mr. Caldwell turned abruptly from an adjacent table where he was writing, and in that decidedly energetic manner characteristic of him, exclaimed, "The young man is right." This incident early impressed me with him, and I refer to it for that purpose, as well as to illustrate the natural quickness of his mind and his vivid personality.

I next saw him engaged in arguing a question of great public interest before Henry B. Hendershott, the presiding Judge of the Ottumwa District. The case was that of the State of Iowa *ex rel. vs. The County of Wapello*, reported in 13th Iowa, 388, in which it was held for the first time by an undivided court that counties had no power to subscribe stock to build railroads, overruling the prior decisions of the court holding a contrary view. The case has ever since been regarded as a leading one on that subject throughout the entire country. Though quite young, he had already attained the reputation of being one of the brightest and ablest lawyers of the State. Associated with him in the argument was James F. Wilson, of Fairfield, afterward a Congressman and United States Senator, whose distinguished services and great ability shed a permanent lustre on the State. Senator Wilson paid the debt of nature some years ago. Judge Caldwell, full of years and full of honors, retired from the Federal bench in 1903, after continuous service there of forty years. His service had been the longest of any Federal Judge then on the bench, and it had been as illustrious and beneficial to the country as it had been long. It would have been a national blessing could it have continued. He exerted all of his great powers to hold the judicial course to just and proper lines. His wonderfully strong personality, his high character, his keen and exalted sense of justice, and the extraordinary vigor with which he enforced his views, gave him a national reputation. His virile opinions have been far-reaching in their influence and will increase in interest as time passes. They are distinguished for their entire consistency, for the profound knowledge of the law which they exhibit, and for the heroic application of those great principles of justice upon which our jurisprudence is founded. "He carried the torch of justice lighted from on High." He is justly entitled to be ranked as a great man, whose long and conspicuous services in the administration of justice and in the accomplishment of judicial reforms have left a lasting influence upon the country and its laws.

It has been said: "From a great man, subtract all that he owes to opportunity, and all that he owes to chance; all that he has gained from the wisdom of his friends and the folly of his enemies, and our Brobdingnagian would often turn out a Lilliputian." But this statement has no application to him, for his early years lacked opportunity, and chance took little part in his success. He exemplified the old say-

ing, that every man to a great extent, is the architect of his fortune, for by his own forces he compelled what opportunity did not offer, and his successes were mainly wrought as results of his own efforts and individuality. Of him it has been well-written that "He furnishes one of the most notable examples to be found at the bar of this country, of the triumphs of intellect and industry over grave and discouraging obstacles."

Had he remained at the bar he would have undoubtedly attained as great distinction in the field of practice as a lawyer as he did on the bench as a Judge; for he strikingly displayed, while young, the essential qualities necessary for that purpose.

In addition to his accomplishments as a Lawyer and Judge, he possessed those of a varied kind. Though not a collegiate or schoolman, his insatiable thirst for knowledge had impelled him to read widely, and made him conversant with history and general literature. His productions give evidence of a cultivated mind; but above all, they give evidence of intellectual and reasoning forces of the highest natural order. Every line teems with vigor. The productions of most men, on grave subjects, are sometimes tedious and require special cause to make them interesting. Not so with his. About them, and upon whatever subject, there is a lively quality, an intellectual fire, that at once fixes attention and kindles interest. Nor were his productions confined to judicial opinions. His diversified qualities made him a favorite at bar meetings and banquets, and on various occasions his presence and speech were sought after. What he said or was expected to say never failed to evoke interest, and his audiences were rarely disappointed.

Among his most widely known addresses and papers are:

"Railroad Receiverships in the Federal Courts." Before Greenleaf Law Club, St. Louis, 1896. Pamphlet.

"Trial by Judge and Jury." Before Missouri Bar Association. *American Law Review*, Vol. 33, 1899.

"Receiverships and Preferential Debts." Before Colorado Bar Association. *American Law Review*, Vol. 37.

"The Relation of Debtor and Creditor." Before Arkansas State Bar Association. 1886. Pamphlet.

"The Insecurity of Titles to Real Estate." Pamphlet.

"The American Jury System." Pamphlet.

"A Lawyer's Address to a Lay Audience." Pamphlet.

Address, Dedication Hot Springs County Courthouse. 1889. Pamphlet.

Address, Monticello Fair Association. 1886. Pamphlet.

Address, Before New England Society. St. Louis. 1895. Pamphlet.

Address, Old Settlers Association. Van Buren County, Iowa. 1899. Pamphlet.

Address, Pine Bluff Banquet.

Address, St. Paul Bar Banquet. 1892. Subject, United States Court of Appeals.

Viewed as an individual from a social standpoint, no one could be more interesting or charming: interesting, in his reminiscences, in his wonderful memory of

early events, in his graphic narration of incidents connected with the Iowa frontier, under the shadow of whose primeval forests he was reared amidst the struggles of the hardy pioneer, and from these deep surroundings imbibed that love of nature and drew that inspiration of divine protection and human sympathy that characterized his subsequent career; charming, in his tall, broad-shouldered and commanding figure—a little bowed by the stoop of the student; in his markedly strong and heroic face, “bearded like the pard;” in his frank and open personality, in his bluff and boundless hospitality, in his hearty welcome and generous entertainment; in short, in the supreme originality of the man, which no art could conceal, and which displayed itself in his spirited and racy conversation, in which wit and wisdom were happily blended; in his animated table-talks and post-prandial speeches, in his keen sense of humor, in his amusing stories, his hearty laugh and robust manners.

It was these traits that endeared him to the people of Iowa, where he lived for nearly thirty years, to the soldiers of his command, and especially to the people of Arkansas, of whose federal court he was the judge, of whose capital he was a resident of nearly forty years, and whose civic institutions he helped to rescue and rebuild from the smouldering ashes of Civil War. Though he was viewed at first by them with suspicion, if not actual aversion, as a northern intruder and soldier who had actively and directly aided in encompassing their defeat, and who at the head of his conquering command had been the first to enter Little Rock, they soon came to know and respect, and finally to revere him, for his many qualities, his unspotted character, and his very able and absolutely impartial administration of justice, untrammelled by senseless impediments; for, though deeply learned in the law and intimately familiar with its history and the course of judicial decisions, he had no patience with mere quibbles and stale precedents when interposed to thwart the course of substantial justice.

As an Iowa soldier and officer, he served with conspicuous gallantry, and was on the point of being made a Brigadier-General for distinguished service when he accepted from Mr. Lincoln his appointment as Federal Judge.* Had he remained in the service and been given a wider field of operations, he would doubtless have attained still greater distinction. In this connection I cannot refrain from quoting

*At about this period or not very long after, James F. Wilson wrote Colonel Caldwell from Washington:—

“You can be a Brigadier-General or, a United States Judge. Which do you prefer?”

I heard it said at the time, that Wilson had been instrumental in securing the Judgeship for Colonel Caldwell, because he feared his rivalry, and wanted to thus shelve and get him out of his way to the United States Senate. There is nothing in this letter, however, to show this, but it would seem rather the contrary, as his promotion to a Generalship, which he might have chosen, would have added still more to his strength and popularity.

as apropos the following extract from General Davidson's official report of the capture of Little Rock:

"Lieutenant Colonel Caldwell, whose untiring devotion and energy never flags night or day, deserves, for his varied accomplishments as a cavalry officer, promotion to the rank of a general officer."

Coming, as already indicated, to judge among a people with whom he had been actively at war, and who were naturally stirred by resentment and distrust, it seems strange that he so soon and thoroughly gained their entire confidence and esteem. His extraordinary personality and high sense of justice furnish the explanation. That such was the case, is shown by the following correspondence and references. In response to a communication addressed by me to one of the foremost lawyers and citizens of Arkansas, George B. Rose, of Little Rock, he writes:

It is a great pleasure for any citizen of Arkansas to testify to the immense service which Judge Caldwell rendered to this State. It is probable that Arkansas never had a citizen to whom it was more deeply indebted. He came here during the Civil War as an officer in the northern army, and was appointed almost from the saddle to the bench. It was expected that he would carry into his new office the animosity which the war had engendered; but it was found that as a Judge he had neither friend nor foe, and that his one purpose was to do justice between the parties. Shortly after his appointment the policy of reconstruction was inaugurated, all citizens who had participated in the late rebellion or sympathized with the rebels were disfranchised, and the State was ruled by a horde of adventurers who came down for the purpose. In those evil days it was almost impossible to get justice in the State courts, but if any man could obtain admission to Judge Caldwell's Court he was sure to receive a fair and impartial hearing and an honest judgment. His court, therefore, became the refuge for every one who by any means could gain admission under the Federal laws.

During the six years that the Carpet-Bag regime lasted he was the greatest protection that the people of the State had. He remained all the time a strong Republican, but did not carry his politics upon the bench, nor did he permit himself to be drawn into any of the machinations of his party, as unfortunately did some of the Federal Judges of the South.

When the Carpet-Bag yoke had been cast off, it was proposed in Congress to re-establish it, and a committee was sent down composed largely of the bitterest enemies of the State, for the purpose of investigating conditions. It was expected that they would make a report favorable to the plan, but largely through the influence of Judge Caldwell, who exposed the abuses of the Reconstruction government, and whose authority and influence were too great to be ignored, they reported in favor of the maintenance of the government which had been established by the people. Had Judge Caldwell at that time taken the other side, it is practically certain that the Carpet-Baggers would have been restored to power by the aid of the bayonet, and the State would have suffered an injury from which it could not have recovered for many years.

Judge Caldwell has also been a great benefactor in the liberalization of our laws. He has always taken very advanced ground in favor of judicial reform, and has left imperishable traces upon our statute books. He was largely instrumental in securing the adoption of the code of civil practice. At first, our courts were disposed to look upon it with disfavor and to construe out of it all of its vitality. Judge Caldwell, however, always gave it in his court a most liberal, beneficent construction, as indeed he gave to all acts; and finally he infused into all our tribunals and into our bar the same contempt for technicalities which he himself felt. In consequence, Arkansas is, of all the states, the one which has, I believe, the most liberal system of practice; the one which looks most exclusively to the justice of the case, and which cares least for the forms of procedure.

The women of the State are particularly indebted to Judge Caldwell. He felt very strongly the injustice which was done them by the common law, and through his exertions acts were passed securing them in their rights to enjoy their property and earnings and to dispose of them, which are as liberal as could possibly be devised.

He was also a friend to honest debtors, and procured the passage of statutes giving them the right of redemption from sales under foreclosure and the like. During a part of his early tenure, there was no limitation in this State upon the interest that might be exacted, and he witnessed a great many abuses by the descendants of Shylock which he was powerless to prevent. This gave him a strong distaste for usury, and he induced the legislature to adopt strong laws against contracting for interest in excess of ten per cent. At first the usurers set up a cry that money could not be lent at that rate, but the result has been that money has been more plentiful and more easily obtained than before, while the fangs of the usurer have been drawn.

There are a great many other reforms in our law of which he is the author, but it would perhaps be too tedious to enumerate them all.

As a Judge, he was not only fearless and honest, seeking only to do justice, but he was also conspicuous for his learning, particularly in the decisions of the Supreme Court of the United States.

When Judge Caldwell left the State, it is safe to say that his departure was looked upon with regret by every person within its borders. So far as I know he had not an enemy; while the members of the bar regarded him with the strongest personal attachment. He was sometimes hasty of speech, but never unkind in intention. He was particularly kind to young lawyers, and always took care that their clients did not suffer in consequence of their inexperience, and he did this in so gentle a way that they felt no humiliation. Whatever success I have had at the bar has been largely due to his teaching. But my sense of personal attachment has not led me to exaggerate in any degree his incalculable public services to our State.

Judge Jacob Trieber, Judge of the United States District Court for the Eastern District of Arkansas, writes concerning him: "You have no idea of what a warm place he has in the hearts of the people of this State."

The following extracts along the same line are from Democratic newspapers, and cannot, therefore, be supposed to have been influenced by any political bias towards Judge Caldwell. This is from the *Arkansas Democrat*:

In place of Judge McCrary, recently resigned from the bench of the Eighth Circuit, we know of no man upon whose shoulders the judicial ermine could so justly and so fitly be placed as upon those of Henry C. Caldwell, the present Judge of the Eastern District of Arkansas. There is no district judge who has had so many novel and interesting questions of first impressions before him, and who has so rarely been mistaken in dealing with them.

When he first went upon the bench, now nearly twenty years ago, he had to deal with the acts of Congress confiscating the property of Confederates. These laws were designed to act upon the principle and follow the usages and procedure of Admiralty Courts, where no juries are allowed, and nothing was said in the act in regard to jury trial. Hence most, if not all, of the district judges, in administering these laws, held that causes under them were admiralty causes, and no trial by jury should be allowed. But Judge Caldwell, then newly administering Federal procedures, saw through the fallacy of this reasoning, and held that under the constitution they were common law causes, and their issues triable by jury; in which he was sustained by the United States Supreme Court. He then had to pass upon the perplexing question of the statute of limitations growing out of the closure of the courts during the war and the construction of the limitation act of Congress of 1863—in all of which he was correct, and his rulings sustained by the Supreme Court.

And then came before him the questions growing out of the "direct tax" laws of Congress of 1861, and their amendments; in these cases he was also sustained.

Then came the variety of questions of slave contracts, contracts arising from the purchase and sale of slaves, negotiable paper and conveyances of property based upon slave consideration, in which he was also sustained.

Then in regard to contracts, agreements and conveyances based on confederate money consideration. Also contracts and conveyances and "ex-delicto" rights dependent upon the legislation of the confederate governments in the revolted states and the decrees, judgments and orders of their courts, and the action of their ministerial officers.

And later the administration of the reconstruction laws, the election laws, and civil rights laws passed by Congress, all of which involved new issues and the new application of legal principles. Besides these, the administration and construction of the revenue and bankrupt laws of the United States, both of which were new.

In the construction and application of this long array of new statutes, great caution, sound judgment, clear, precise and accurate knowledge of legal principles were necessary, for there were few, if any, precedents to guide the steps of the traveler in these then unexplored regions of the law. To evolve just conclusions from all these various and momentous issues, required a clear intellect, great grasp of mind, and thorough familiarity with legal principles and their analogies to enable the Judge to safely thread his way through the mazes of this legal terra incognita. It is safe to say that no judge upon the Federal bench has had so many nice and difficult questions to pass upon, and made so few errors. It may truly be said that Judge Caldwell, though sitting on the bench with such distinguished jurists as Justice Miller, Judge Dillon and Judge McCrary, has never appeared to a disadvantage in such august presence. He has, as a Judge, kept his ermine pure and unspotted, against which no breath of calumny has ever breathed. And this, though his judicial career for ten years was surrounded by all the temptations, opportunities and corruptions prevailing at the close of the war and in the demoralization of reconstruction. The inducements for political preferment and wealth held out to the weak, the avaricious, the ambitious and corrupt during that trying period, swerved him no jot from the path of duty and honor. Though an inflexible Republican, he has so justly and discreetly performed the functions of his office among a people who were for years strongly opposed to the legislation he was enforcing, that he has convinced all parties and all shades of opinion, of his justness, integrity and wisdom, and endeared himself to the profession of the law and to the people.

The following is from the *Helena News*:

A soldier serving his country on the field of battle, he sheathed his sword and was appointed to a Federal Judgeship by Abraham Lincoln. No man could have been placed in a more trying position. The Carpet-Baggers looked to him to reward their devotion to the Republican party by sustaining all of their attempts to plunder the people of the South. The Southern people, smarting under the sting of defeat, which Caldwell had helped to administer, naturally looked upon him as an enemy. But quickly they realized that in Judge Caldwell they had a just and honorable Judge; a man only to be feared when they were guilty of wrongdoing. He has commanded and still commands the love and respect of the people of the entire South, of all political parties, though no opportunity ever escaped his quick perception and masterly use of language, to score unmercifully the highest as well as the lowest for their misdeeds.

In the field of judicial reform, in addition to the instances pointed out in the foregoing references, his views, orders and opinions in respect to railroad receiverships, stand out conspicuously, and have operated as powerful factors, especially in respect to claims that should be deemed preferential to mortgages securing the bondholders. It is not very long ago that the doctrine that claims for operating supplies

furnished railroad companies were preferential to those of the mortgage bondholders, was unknown. The doctrine is comparatively new, because railroads are new. It was supposed and so held that such mortgages were superior to any and all subsequent debts that the railroad might incur. After a time this rule became so softened as to admit as preferential claims of this kind which had arisen just before, or a very short time before, the receivership. Judge Caldwell may be properly regarded as a pioneer in this field, and the first to declare and carry out by appropriate orders the doctrine that such mortgages must give way to the claims of creditors for supplies and labor necessary to the operation of the road, without regard to any special limitation as to time, other than that fixed by the order appointing the receiver.

To avoid the confusion that had arisen in the courts as to what claims were or were not preferential, and as to the time within which they must have arisen, he made it an invariable rule in all proceedings to foreclose such mortgages, where a receiver was asked, to make specific provision in both these respects in the order appointing the receiver, and as a condition thereof. His course in this regard was at first bitterly assailed from certain quarters, but it gradually grew in favor until the rule has become universal in the ten states and territories composing the Eighth Circuit, and I think generally throughout the country. The principle received the approval of the Supreme Court of the United States in *Fosdick vs. Shall*, 99 U. S., which was the first utterance of that court on the subject, and has been amplified and applied in a variety of cases since.

Through and by what processes of reasoning he came to these conclusions is clearly shown in his response to the toast, "Coon-Skin Cap Law," given at a famous banquet of the Colorado Bar Association a number of years ago, which has been rescued from oblivion and from which I must be allowed to make the following liberal quotations, as it so completely covers the case, and probably cannot elsewhere be found:

Mr. Toastmaster: I am persuaded that you are possessed of some occult power. In no other way could you have knowledge of the legend of the "Coon-Skin Cap Law."

To those not blessed with the occult power of the toastmaster, the toast implies a comedy, but in fact it relates to a tragedy, and to the saddest of all tragedies—a tragedy directly traceable to judicial ignorance and error, and which "revives the memory of a rooted sorrow, which weighs upon the heart."

Mr. Ruskin says, "The greatest thing a human soul ever does is to see something and tell what it saw in a plain way." I will essay that task.

A man entered into a contract with a railroad company whose road ran through two or more states, to furnish wood and ties to the company, to be taken from the timberlands in the Mississippi River bottom, which at that point was fifty miles wide and annually overflowed from five to twenty feet in depth. In this bottom, perched upon stilts, he built a log cabin, and, with his wife and an old negro man who assisted him in his work, lived there, except during the periods of overflow, when they were driven to the hills.

He was engaged in this work about four years, during which time the company, which was in a chronic state of impecuniosity, only paid him on account a sum barely sufficient to buy enough meal and bacon to subsist upon.

The annual overflow drove him out of his cabin to the hills. Sickness ensued, and it was nearly a year before he was ready to resume his work; and just as he was ready to do so, the railroad went into the hands of a receiver, upon a bill filed to foreclose a mortgage upon it.

All of this happened more than a quarter of a century ago. When the bill was filed the timid and callow Judge (alluding to himself) found some authority for treating as preferential, claims for labor and materials that had accrued within three or four months; and he stretched this to six months, and made an order accordingly.

Presently a petition of intervention was filed in the case, and when it came on for hearing, the intervenor appeared in person to represent his claim. He wore a coon-skin cap, with the tail hanging down the back, coarse cotton shirt, and pants and shoes to correspond. He was long past the meridian of life; his hands were calloused by toil, and his face wore the "shadowed livery of the burnished sun." But the wrinkles, the sunburn and the unkempt beard could not conceal from view that ineffaceable and unfading charm that always marks the face of the man of honest good will. The poet took no liberty with truth when he said, "Honest labor bears a lovely face." It was evident that he had earned his bread according to the divine decree, "in the sweat of his face."

In a plain, modest manner he told how he had worked getting out wood and ties for the road, and how the company had made small payments from time to time, always promising payment in the near future. The balance due him for wood and ties amounted to over \$700.00, a sum which to him was a fortune, and all his fortune.

At the close of his testimony, with deference and modesty, he said: "When I sold wood to steamboats on the Mississippi River I had a lien for its price, on the boat, ahead of mortgages, and I suppose there is no difference between wood sold to run a steamboat and wood and ties sold to run a railroad!"

But the Supreme Court had said they could not find that the rule which has obtained in admiralty from the dawn of commerce, which prefers such claims over mortgages, had ever been applied to railroads; and this, of course, was true, for there had been no railroads to call for its application; they were a modern invention. The court might have fortified its opinion by citing a case in point: A suit was brought before a Justice of the Peace in Vermont by one farmer against another for breaking his churn. The Justice took time to consider, and then said that he had looked through the statutes carefully, and could not find that any action had ever been brought before for breaking a churn, and gave judgment for the defendant.

It is a curious fact that the errors and mistakes of great men and great tribunals are proportioned to their greatness. When they do err, the error is colossal. * * *

The last item in the account was eleven months old when the road went into the hands of a receiver. The Judge decided that this was fatal to his claim, according to the then decision, which restricted the payment of such claims to those which had accrued within six months; that although his wood and his ties kept the railroad running and from being utterly valueless either as an instrument of commerce or as a security, he had no equity to be paid in preference to the mortgagees, whose security he had preserved.

The decision was a thunderbolt for that old man. He looked like a man sentenced to death. With a trembling hand he reached for his coon-skin cap, with difficulty arose from his seat, and tottered rather than walked out of the courtroom.

He took the train for home and was let off at his cabin. His aged wife and the old negro man were waiting his return with eager expectation. He entered the cabin, and in anguish said, "Oh wife! Oh Ned! We are ruined! The Judge

will not pay us anything for our wood and ties." While his wife and the old negro man gave way to tears and sobs, the coon-skin cap man sat silent and dejected. Presently he rose up and went out of the cabin.

His wife prepared their frugal meal and called her husband. There was no answer. No answer coming to repeated calls, his wife and the old negro went out to search for him. They found him—hanging to the limb of a tree, dead. The coon-skin cap was lying at the root of the tree.

No lesson is lost to us if it doesn't come too late. The specter of that man of honest toil hanging from that tree, the vision of that cap, and an uneasy and alarmed conscience, imposed upon that Judge the burden of prayerfully enquiring whether the judgment that produced this awful tragedy was just, and upon making that inquiry he found that there was a close analogy between ships and railroads; that both were instruments of commerce; that neither could perform their functions or be of any utility to the public, or of any value as a security, unless they were kept running, and that they could not be kept running without labor, materials and supplies, that were not and could not be paid for at the time they were procured or purchased; and that every one taking a mortgage on such property knew this, and must therefore be held to have impliedly consented that such claims should have preference over his mortgage.

He found that there was just as much law for saying that such claims were valid if they accrued within six years, as there was for saying that they must have accrued within six months; that the length of time depended on the length of the chancellor's foot; in a word, that all of the law on the subject was judge-made law; and that Judge thereupon determined to measure out equity according to the length of his own foot instead of that of some other Judge, and to make a little judge-made law himself, and he then and there made it a rule of his own court that no railroad receiver would be appointed except upon the condition that all claims for labor, supplies and materials, necessary to keep the road in operation, and all claims for damages resulting from its operation that were not barred by the statute of limitation, should have preference over mortgages. And this rule is what the toastmaster has been pleased to call the "Coon-Skin Cap Law." This rule was without any precedent to support it, but it was sublimely just. It was its own precedent, and it would be happy for mankind if all judicial precedents had the same everlasting and impregnable foundation. Since the adoption of that rule no citizen of Arkansas has had occasion to commit suicide for the same reason that the coon-skin cap man did. * * * After all, the human skull is but the temple of human error, and judicial clay, if you analyze it well, will be found to be like all other human clay.

At first the "Coon-Skin Cap Law" was not in favor with most judges, but its author consoled himself with the reflections that great truths commonly dwell a long time with minorities. But it is a gratifying fact that the sun sets every night on an increased number of supporters of the "Coon-Skin Cap Law." Through legislation in some states, and by judicial decisions in others, it is fast becoming the law everywhere. Like John Brown, the body of the man with the coon-skin cap "lies mouldering in the grave, but his soul goes marching on."

In relation to the limit of time and the character of supplies to entitle to a preference, there is a total want of uniformity in the decisions of the courts, and even in the decisions of the same court. Claims six years old have been allowed by the Supreme Court, and at another time it has said that only claims which accrued "some short time" before the receiver was appointed could be paid, which is exactly as definite as to say that a certain thing is as big as a piece of chalk. The equity is admitted by allowing any debt to be preferential for ever so short a time. The principle being established, the equity should be complete. There is no difference in principle whether such a debt is six days, or six months, or six years old—if it was a preferential debt in its inception that equity inheres in it until it is barred by the statute of limitation. There is no rule of law or equity to the contrary; there is only the varying and conflicting opinions of judges. It is a legislative function to make a statute of limitation, and every state has such a statute, which is applicable to preferential debts as to any other.

It has also been said that there is no difference between a mortgage on a farm and a mortgage on a railroad. Before a mortgage on a railroad can be likened to a mortgage on a farm, the farm must be put on wheels and, propelled by steam or other motive power, be under obligations to the public to carry passengers from the Atlantic to the Pacific, and enjoy the high privilege of running over every other farm on the line of its route between the two oceans, and from the nature of its business be compelled to obtain on credit the labor and materials essential to keep it moving, and enable it to discharge the duties it owes to the public. * * * The whole doctrine is bottomed on the essential difference between a railroad and all other kinds of property except a ship; between a ship and a railroad the analogy is perfect.

The law on this subject should be known, but all that is known about it outside of the jurisdiction where the Coon-Skin Cap Law prevails is, that it is consistent in its inconsistency, certain in its uncertainty and uniform in its want of uniformity.

The fine distinctions drawn by some courts between preferential and non-preferential debts are simply bewildering. In one case a claim for fuel was preferred, and a claim for headlight and lubricating oil rejected, presumably upon the ground that red hot boxes resulting from the non-use of lubricating oil would perform the office of the headlight, and that the pungent odor emitted from the hot boxes would advise all animal creation having nasal organs of the approach of the train. Such microscopic administration of equity requires a much keener vision than ordinary men possess, or, according to Pope, were ever intended to possess:

"Why has not a man a microscopic eye?
For this plain reason, man is not a fly."

In time of war it is permissible to send out a column of cavalry with orders to "subsist on the country," but courts of justice ought not to decree that railroads can, either in peace or in war, "subsist on the country" through which they run for the profit of their bondholders, who are always practically their owners.

That this was an important step in judicial reform which has redounded greatly to the benefit of the people in the correction of a crying evil there can be no question. What this crying evil was is clearly told in the following excerpt from his paper on Railroad Receiverships:

Another benefit inuring to the railroad company and its mortgage bondholders from a railroad receivership was the opportunity it afforded to escape the payment of all obligations of the company, for labor, supplies and materials, furnished and used in the construction, repair and operation of the road. Whenever a railroad company became so largely indebted for labor, material and supplies, and other liabilities incurred in the operation of its road, that it could profitably pay the expense incident to a receivership and foreclosure, for the sake of getting rid of its floating debt, it sought the aid of a friendly mortgage bondholder through whose agency it was quickly placed in the hands of a receiver, and immediately a court of equity was asked and expected to do the mean things which the company itself was unable or ashamed to do. The President of the company was commonly appointed receiver, and the work of repudiating its debts was swiftly and effectually accomplished through the aid of a court of equity. The floating debts incurred in improving and operating the road, for the benefit of the company, and its security holders, were repudiated, and the road formally sold under a decree of foreclosure to a new company in name, organized by the owners of the stock and bonds of the old company. By this process a railroad company was enabled to escape the payment of its debts by what was little more than a mere change of its name.

He also adopted a rule of court providing that such receivers might be sued. Generally, leave to sue a railroad receiver in a court of law was rarely given. The

result was that all of the litigation growing out of the operation of a railroad, which might be hundreds of miles in length, was concentrated in the court appointing the receiver, and on the equity side of that court, where the suitor was denied a trial by jury, although his demand was purely a legal one. This mode of procedure was attended with great delay, costs and inconvenience to the claimant. To remedy this condition was the object of his rule, giving the right to a claimant to establish the justice and amount of his demand, by the verdict of a jury in a court of the county where the cause of action arose and the witnesses resided.

Among his many decisions enforcing his views on the subject of railroad receiverships, those in *Dow vs. Railroad*, 20th Fed. Rep., and *Farmers' Loan & Trust Company vs. Railroad Company*, 53rd Fed. Rep., may be mentioned; and in the paper above referred to—*Railroad Receiverships in the Federal Courts*—his views on the whole subject, enforced with all the powers of his mind, will be found.

That the value of his judicial services in the direction mentioned was highly appreciated by the country, was fully shown by the press and other publications of the times. As illustrative of this, in 1894 there was presented to Congress a paper bearing the following title:

Memorial of the General Assembly of the State of South Carolina to the Congress of the United States in the matter of receivers of railroad corporations, and the equity jurisdiction of the courts of the United States.

In the course of this memorial the following language is used:

There have been instances in which Judges of Federal Courts have refused to appoint receivers of a railroad. Appalled at the power that such an appointment would place in the hands of the court, and with a just sense of the responsibility thus devolved upon the court, they have shrunk from granting the order of appointment. Had all the federal Judges been like Mr. Justice Miller, Mr. Circuit Judge Dillon, or Mr. Circuit Judge Caldwell, the courts of equity of the United States would never have been degraded to their present position of being feared by the patriotic and avoided by the honest; nor would they have opened the door to the mismanagement, corruption and nepotism which have marked, and still do mark, the administration of railroads by the court.

When it is noted that the three great Judges here referred to, were all from this State, Iowa may well be proud of her products, and each of them proud of this association of his name.

In the *American Law Review* of August, 1893, Vol. 27, will be found an article entitled *The Court Management of Railroads* from the pen of that notable Lawyer, Judge and Legal Writer, Seymour D. Thompson, with whose name the profession is familiar. He was for some years a Judge of the Missouri Court of Appeals, and the strength of his opinions attracted the general attention of the bench and bar. He afterward became generally known as one of the ablest law writers of his time, giving to the profession among other works, *Thompson on Negligence*, and later *Thompson on Corporations*, considered the most elaborate and best treatise

that had been given on that subject. In the article referred to, after touching upon the action of Judges Miller and Dillon in refusing to grant a receiver of the St. Louis, Iron Mountain & Southern Railroad, and take the property out of the hands of the railroad company pending the foreclosure, he thus refers to Judge Caldwell:

Proceeding on similar views, Mr. Circuit Judge Caldwell when Judge of the United States District Court for the Eastern District of Arkansas, and *ex officio* Circuit Judge, persistently refused to allow his court to go into the general railroad business, and granted receivers of railroads on a principle of necessity, and then, only upon equitable terms. * * * The Supreme Court approved his policy. One of the equitable conditions imposed by him on bondholders soliciting the appointment of a receiver, was that they should consent in advance, that the receiver might be sued in the State Court, and that they should appoint an agent within the jurisdiction, on whom the process of said court might be served. His decision in *Dow vs. The Memphis, etc., R. R. Co.* (20th Fed. Rep., 260), is one of the best judgments that has ever been delivered on the subject of railway receiverships. One cannot read it without acquiring the impression that if other Judges had pursued the same policy, the disciplinary Act of Congress, passed in 1887, authorizing actions against receivers of railroads appointed by the Federal Courts to be brought without obtaining leave of court, would not have become necessary. * * * One cannot read the decision of this eminent Judge without feeling regret that he has not long before this, been transferred to a seat on the highest Federal bench. His long experience as a Federal Judge, his clear perception of legal principles, his strong sense of justice, his well-known firmness of character, and especially the entire absence of any unsteadiness in his judicial work, point to that place as his proper sphere.

His decisions upholding the rights of the public, against powerful interests, are numerous and may be found in the reported cases of the Federal Court covering a period of nearly four decades. I feel privileged to refer to just a few of these in corroboration of my statements. The first relates to the rights of persons under contracts with life insurance companies, some of whom it must be confessed display more energy in soliciting business and collecting premiums than they do in paying losses. The case of *McMasters vs. New York Life Insurance Company* was tried in the Circuit Court of the United States for the Northern District of Iowa, whence it was taken to the United States Circuit Court of Appeals, where it was held by a divided court that the plaintiff was not entitled to recover—Judge Sanborn delivering the opinion for the Court, and Judge Caldwell a dissenting one. Both are exhaustive, and taken together constitute a masterful review of the authorities on the subject. That of Judge Caldwell illustrates his powers of keen discrimination, close analysis, and forceful statement.

The pivotal question in the case was whether preliminary statements of the soliciting agent, and one contained in the application, as to when the policy was to commence, as affecting the time within which the premium must be paid, should control, or the express terms of the policy itself in that behalf as it was finally written up. *McMasters* signed an application for insurance. It was dated December 12, 1893. It was the express oral understanding and agreement between him and the agent that the first year's premium was to be paid by *McMasters* upon the delivery of the policies to him, and that the contract of insurance was not to take ef-

fect until such delivery. The application itself provided that the policies should not be in force until the actual payment of the premiums to the company. The agent in forwarding the application and for the sole purpose of enabling him to get the benefit of an extra commission for that month, interlined on the face of the application, and without the knowledge or consent of McMasters, the words, "Please date policies same as application." The company did not fully comply with this request, but dated the policies as of December 18, 1893, and provided for the payment of the annual premiums from that date, and also provided that after the policy had been in force for three months, the assured should have a grace of thirty days for the payment of the next premium. These policies were taken by the agent to McMasters, December 26, 1893, who asked him if they would insure him for the period of thirteen months (the one year with the period of grace added), to which the agent replied that they did so insure him, and thereupon McMasters paid him the full amount of the first annual premium, and *without reading the policies*, received them and placed them away.

Calculating from the date of the policies, and the time for the payment of the premium expressly fixed therein, the thirteen-months period would expire January 11, 1895; but calculating from the date the policies were delivered and the premiums paid, it would not expire until January 26, 1895. McMasters died January 18, 1895. It was contended by the company and so held by the court, that the express terms of the policy fixing its duration and the time within which the premiums must be paid, must govern, and that all prior acts and negotiations between McMasters and the agent, were merged in the policy—the final written agreement of the parties—the express terms of which could not be changed by extraneous evidence; and that the operation of this rule was not varied by the fact that McMasters, relying on what had taken place between himself and the agent, did not read the policies, as there was nothing to prevent him from so doing. Judge Caldwell took the opposite view and fortified it by a thorough review of authorities on the construction of life insurance contracts, which he contended should receive a more liberal construction than that applied to ordinary contracts. To one reading the able opinion of Judge Sanborn, it seems perfectly invulnerable, until he reads the dissenting one of Judge Caldwell, 99 Federal Reporter, 856. The case was taken on a writ of certiorari to the Supreme Court of the United States, and that court sustained the contention of Judge Caldwell, reversed the majority opinion, and ordered judgment to be entered for the plaintiff. 183 U. S. Reports, 25.

The case is one of public interest as protecting the rights of the citizen under insurance contracts, and defining the duties of insurance companies in the respect referred to.

The next case of public interest I desire to notice, and in which grave constitutional questions were presented, is that of the Pacific Express Company vs. Seibert,

Auditor of State, 44th Fed. Rep., 310, in which was involved the constitutionality of the statute of Missouri providing for the taxation of the property of express companies, defining what should be regarded as such and prescribing the mode of taxation and the rate thereof.

The District Judge had granted an injunction staying the collection of the tax. Judge Caldwell held that the act was valid. The case went to the Supreme Court of the United States. That Court affirmed the judgment, 142 U. S. Rep., 339, and in the concluding words of its opinion, specially commended both the reasoning and the language of Judge Caldwell's opinion in these words: "The opinion of the Court below on this branch of the case is elaborately argued, and is conclusive. We concur in the reasoning of it as well as in the language employed, and refer to it as a correct expression of the law upon the subject."

His views on what is termed "Government by Injunction," and the growing tendency to fly to the equity side of the Court on every occasion for that relief; on the right of trial by jury; and of wage earners to organize, to peaceably assemble, and to strike for the increase or against the reduction of wages, are well exemplified in what is widely known as the Union Pacific case, in that of Hooper vs. The Oxley Stave Company, and in his address on "Trial by Judge and Jury," before the Missouri Bar Association. His action and decision in the first of these, and the somewhat startling boldness of the views therein expressed upholding the right of the employes of the Union Pacific Railroad Company, whose wages the receivers had arbitrarily reduced without giving them the preliminary notice required by the agreement previously entered into by them and the railroad company before it went into the hands of the receivers, at once drew upon him the attention of the whole country, and though criticised by mortgage bondholders and those in that line of interest, they were hailed with general approval. I should greatly desire to enter into the details of these cases and exhibit his views by quoting from his opinions, but as limitation of space forbids, I must content myself with this passing reference. Suffice it to say, that in my opinion, they present as powerful arguments as were ever used in support of the rights of the people, of the rights of trial by jury, and against its insidious infringement by the too frequent appeals for the writ of injunction.

In epigrammatic expression he has rarely been excelled. I have gathered at random from his miscellaneous productions the following, most of which may be classed as apothegms:

The four cornerstones which support the social fabric are the dwelling house, the house of God, the schoolhouse, and the courthouse. The first three of these institutions teaches us to do voluntarily what the fear of the fourth compels us to do. They are the fountain heads of the virtue and intelligence essential to the maintenance of a free and stable government, and the institutions which form the citizen. The dwelling house is the sacred abode of virtue and security; nations that do not possess them are nomads or savages. The house of God symbolizes the Christian religion, which anchors society on the moral foundation indispensa-

ble to the continued existence of a Republic. A despot without faith may govern by force, but a free people cannot successfully govern themselves without faith in God. The schoolhouse symbolizes the education of the youth to qualify them to discharge the duties of citizenship, but these three cornerstones are not of themselves adequate to support the social fabric. The lessons that teach the reward of virtue and the woes of vice are lost on many men. For the perverse and wicked, who break away from the teachings and restraints of moral agencies, there must be something stronger than moral suasion. The contests of passion and selfishness render it necessary that authority should exist somewhere and always be at hand to do justice and to repress and punish crime. This necessity gives rise to the laws regulating the conduct of man as a member of society. These laws require him to do right and punish him for doing wrong, but they would be of no utility without a tribunal clothed with authority to compel obedience to them, and which has a fixed time and place of meeting for that purpose; and the courthouse is that place. The courthouse therefore symbolizes the law and its enforcement.

The most fearful and wonderful thing about man is the imperious sway of superstition over his mind; it overpowers all sense of reason and humanity, and renders cruel and ferocious the mildest people on earth.

Sincere and kind-hearted Christians delighted in burning the living bodies of heretics and witches, but would not permit physicians, in the interest of science and humanity, to dissect the dead body of saint or sinner.

A lawsuit may be likened to a labyrinth into which the parties enter full of hope and confidence, but from which they are likely to emerge weary and broken in spirit and estate.

These are some of the qualifications a judge should have: He must have a strong and unerring sense of justice which is better than learning in the hair-splitting technicalities and refinements of the law, which often defeat rather than promote justice; he must have moral courage and be indifferent alike to censure and applause; he must be serene and tranquil under all circumstances, for emotion is the grandest of levelers, and impairs the force and dignity of magistracy; he must not believe without reason, nor hate on provocation; his constant contact with the unjust and wickedness of men must not shake his faith in the virtue of mankind; he must be mild and compassionate, but firm, inflexible and just; he must hear before he decides, for Solomon says, "He that answereth a matter before he heareth it, it is folly and shame unto him."

Clean, plain justice, honestly administered, in blunt English, is just as good as the polished article, and is likely to have about it a stronger flavor of common sense.

One who looks solemn and wise, usually enjoys a reputation for superior wisdom, whether he possesses it or not. Mr. Fox, speaking of Lord Chancellor Thurlow, said his aspect was so solemn and imposing that it proved him to be dishonest, since no man could be so wise as Thurlow looked.

Prosperity and contentment will be the happy lot of the children who inherit broad acres, if they have the good sense to keep them, when the poverty, vice and crime of the city will make the nation mourn.

Macaulay has left on record a prophecy that the great cities will breed the barbarian who will some day destroy modern civilization. Recent events in some of our large cities give significance to this prophecy.

Corporations formed for business purposes are useful and necessary agencies, as a general rule. They furnish a convenient method of aggregating and managing capital in business pursuits, such as banking and insurance, building railroads and the like, and in all enterprises requiring a larger expenditure of money than individual capital can supply. But a corporation created for the sole purpose of lending money, is nothing but a concentrated and intensified usurer and miser. The man who lends his money and deals honestly with his customers, and resorts to no fraudulent or sham devices to evade the usury law, is a respectable and useful citizen. Even the miser has a soul which may sometimes be filled with gen-

erous emotions, but this artificial and magnified money lender has no soul, no religion, and no God, but mammon. By the law of its creation it is legally incapable of doing anything but lend money for profit; every other function is denied it by law; the song of joy, and the cry of distress, are alike unheeded by it; it neither loves, hates nor pities; its chief virtue is the absence of all emotion; it is argus-eyed and acute of hearing, or blind and deaf accordingly as the one or the other of these conditions would best subserve its interest. Though a legal unit, it is infected with all the mean and plausible vices of those who act only in bodies, where the fear of punishment and sense of shame are diminished by partition. It never toils, but its money works for it, by that invisible, sleepless, consuming and relentless thing called interest. It never dies; and, unlike the man who lends money, has no heirs to scatter its gain. In the eager and remorseless pursuit of the object of its creation it turns mothers and children out of their homes with the same cold, calm satisfaction that it receives payment of a loan, in "gold coin of the present standard of weight and fineness." They have agents whose offices are embellished with a flaring placard reading "Money to loan." Over the door of every such office there ought to be inscribed in characters so large that none could fail to read, the startling inscription that Dante saw over the gates of hell: "Abandon hope, all ye who enter here."

His happy blending of wit and wisdom in his lighter vein of speech and conversation to which I referred in the outset, is well illustrated in his remarks at the St. Louis New England dinner, and in his address before the Pine Bluffs Banquet. From the former, which is a gem, I cannot refrain from making the following brief extracts:

An after-dinner speech is a kind of intellectual skirt-dancing that I know nothing about. To prevent misapprehension, I will take the precaution to add that I don't know anything about any kind of skirt-dancing. * * * I have no business here anyway. I am not a New Englander, but very far removed from them. Norse on one side and Scotch on the other, the reason that I am a dead failure at the intellectual skirt-dancing is apparent. The Norse in me is too stupid to make that kind of a speech, and the Scotch too religious. I never was in New England but once in my life, and then I got lost in the labyrinths of Boston and had to give a man a dollar to take me to my hotel. I had not forgotten the name of my hotel, however, and I was that much better off than the Colonel from Missouri who forgot the name of the suburb near Boston he wanted to go to. He said to the hotel clerk: "It runs in my head it is something like 'Whiskey Straight,' though that is not it exactly." "Oh," said the clerk, "I know. You mean Jamaica Plain." "Yes, that's it," said the Missouri Colonel, and immediately ordered a whiskey straight for the clerk and himself.

Undoubtedly the Puritan was a grand man. He was a Christian as he understood Christianity. Religion was a very solemn thing with him. He believed that much feeling was synonymous with sin. Among scenes of pleasure there was no joy in his smile, and in the contests of ambition there was no quicker beat to his pulse. He rather endured than enjoyed life. His religion was so solemn, that singing, except when out of tune, was a sin, and dancing a device of the devil. A tuning-fork was the nearest approach to a musical instrument he could tolerate. He was infected with that curious and almost incurable infirmity, infallibility. He was sure of his creed, and a man who is sure of his creed, is sure of his own infallibility. The consciousness of his infallibility gave him splendid moral courage, which is the only kind of courage that elevates our character. * * *

The New Englander of today is much more tolerant than his ancestors. He has learned that there is more good in bad men, and more bad in good men, than his Puritan ancestors ever dreamed there was. But while the Puritan thought a great deal about the next world, he did not lose his interest in this. He was frugal and thrifty and never mistook his capital for his income. When his conscience pricked him for owning slaves, he quietly unloaded them on the Virginia

tobacco planters and immediately organized an abolition society to set them free, expiating the sin of trafficking in slaves himself by freeing the slaves of others.

He worked zealously for the conversion of the heathen. He had the happy faculty of mingling business with his missionary work, and when he sent a ship-load of 5,000 casks of New England rum to the heathen Africans, he sent on the same vessel a missionary; and the world has wondered ever since what the heathen with 5,000 casks of New England rum wanted with so much missionary. * * *

A cynic has said of him, that he was entitled to little credit for his virtues, because he had neither money enough to be extravagant, nor leisure enough to be dissipated. He believed in the providence of God, and his faith gave him splendid courage. He had the merit to conceive and the courage to execute grand things, but he did everything in the name of the Lord, to whom he gave the credit. He never was troubled on this score with the doubts that beset the old darkey in my State. An old colored woman who was teaching her grandchildren the catechism wound up with the statement. "Yes, and de Lawd freed your gran-daddy and your gran-mammy." "What you telling them children dat for," said the old man, who sat in the corner smoking his pipe. "The Lawd never done no such thing. 'Twas the Union soldiers freed us, 'cause I done see 'em with my own eyes." "Well," said the old woman, "I reckon the Lawd hoped 'em to do it." The old man responded, "Well, maybe the Lawd hoped 'em some but he never done it by hisself. He done been tryin' to do it by hisself for a long time and couldn't."

Ladies and gentlemen, the difference between your ancestors and mine is this: Mine left their native country for their country's good, and yours left their native country for their own good. Mine left to come to a country where they could "swear and chew tobacco," and yours left to come to a country where they could pray as they pleased and make everybody else pray as they did.

In 1896 he was seriously considered as a candidate for the Republican nomination for President. It was thought by a considerable following that he would make a great President, in whose hands the country would be safe, and its laws enforced with the same unswerving strength, wisdom and justice that he had displayed in their administration from the bench.

But while his advanced views along judicial lines and his heroic treatment of growing evil had endeared him to the people, they had not done so with the most influential leaders of his party, and especially those of the East. In short, the very things that made him popular with the former had a contrary effect with the latter. The movement was purely spontaneous, and without the least participation on his part. While it was a tribute to his fitness, it lacked, as already indicated, the conditions to give it any assurance of success.

In 1900, his views favorable to the double-money standard, which had always prevailed, and in the support of which the leaders of both parties had vied with each other on all occasions, and which he took no pains to conceal, put him somewhat at variance with his party when it suddenly, and to most people unexpectedly, changed its policy by declaring for the single gold standard, at the St. Louis convention, when Mr. McKinley was nominated.

In consequence of this, and because of his great ability, and his well-known views on the subjects hereinbefore referred to, he was prominently mentioned for the Vice Presidency by those opposed to the new policies declared by the Republicans. There was quite a strong pressure brought to bear for the purpose of inducing his

consent to accept a nomination for Vice President on the ticket with Mr. Bryan. I personally know that this was not at all agreeable to him, and against all his notions of propriety as a Judge. The following interview reported through the press of the time, expresses his views and is perfectly characteristic of him:

The Associated Press correspondent called on Judge Caldwell today and said to him: "An Associated Press dispatch from Minneapolis is authority for the statement that you have declined to permit the use of your name for Vice President. Is the statement in the dispatch true?"

The Judge replied:

"Yes. Several weeks ago I received letters from some of the leading and influential members of the party intimating that it might become desirable to nominate me for Vice President. I paid no attention to the previous loose talk on the subject, but learning from these letters that the matter of my candidacy was assuming somewhat of a serious aspect, I immediately advised these gentlemen by letter that I could not under any circumstances consent to the use of my name for that position. A brief extract from one of these letters will disclose my reason. 'No federal judge should become a candidate for any political office and continue to hold his judicial office. It would subject him to merited criticism, and impair his influence and usefulness as a judge. Moreover, I esteem the office of United States Circuit Judge of equal dignity with that of Vice President, and of more practical importance and authority. The Vice President has nothing on his mind except the state of the President's health, and nothing to do but to be the guest of honor at big dinners that kill. He is more ornamental than useful. The position would not suit me.'"

It only remains for me to mention some facts connected with his birth, parentage and rearing, and some general ones not included in previous mention.

He was born in Marshall County, Virginia, on the 4th day of September, 1832, and was brought by his father to Iowa when but four years of age.

His father was Van Caldwell, who deserves a passing notice. He was born in Virginia in 1799. He came with his family to Iowa, then a part of Wisconsin Territory, in 1836, and settled in the edge of Davis County on the Des Moines River, where he died in 1856.

It was the primitive wilderness; the Indian country. The Sac and Fox Indians had not yet parted with the title to what was afterwards known as the Second Purchase. They were in possession and proximate neighbors. They were in frequent evidence. Black Hawk had been their Chief. He died and was buried there. His grave was afterward robbed and his body treated in the most ruthless manner. Judge Caldwell had once told me of a thrilling incident through which he and the other members of the family passed when the robbery of the grave was discovered. At my request he afterward sent me a written account of it, which I here produce, as it preserves an interesting historical episode, and an important and impressive incident in the early life of my subject:

Our relations with the Indians during the time we lived in their country were of the most friendly character. Once only we came near having a deadly encounter with them. Black Hawk's grave was half a mile from our cabin and in plain view from our back door. From the time he was buried up to the time his grave was

violated, a squad of Indians would, at intervals of a week or more, visit the grave; pluck the weeds from the blue-grass sod that covered it and sprinkle over it corn soup or other food to sustain him on his journey to the Happy Hunting Ground.

The year after he was buried a squad of seven Indians visited the grave to perform the usual ceremony, when they discovered that the puncheon roof over the grave had been torn down and Black Hawk's head and his medals and many other things buried with his body taken.

It is a curious fact that Indians have even a greater reverence and regard for the graves of their dead than the civilized man has for the graves of his dead. The violation of an Indian grave, particularly of a chief's, is the highest offense that can be committed against his family or tribe, and when the desecration of Black Hawk's grave was discovered by the seven Indians who had come to perform the accustomed solemn rites over it, their savage passions were aroused to the highest pitch. They knew at once that a white man had done the deed, and according to the Indian's idea of retaliation and justice, some members of the white race must be made to atone for the wrong, without regard to the question whether the persons punished had perpetrated the wrong.

Looking in the direction of the grave, my father perceived unusual actions on the part of the Indians indicative of great excitement and divined at once that Black Hawk's grave had been violated.

Mounting their ponies they started for our cabin with their tomahawks and knives flashing in the sunlight. Half way between the grave and our cabin was a fence, and the road followed the fence to the river bank and thence at right angles up to the cabin, but the Indians scorned to follow the road and springing from their ponies threw the rails right and left until the fence was leveled to the ground, and mounting their ponies pursued their course in a straight line through the growing corn to our cabin.

In the meantime my father perceiving our danger took measures for our defense. The double-barrel shotgun was hastily loaded with slugs of lead and the daubing and chink knocked out at a suitable place to make a port-hole, and I was given this gun at full cock and told I must take deliberate aim and bring down an Indian with the contents of each barrel, but not to touch the trigger until ordered to fire. My father and brother, each holding an ax in his hand, stood just inside of the cabin door. My father said no blow must be struck except to repel an attack by the Indians, that if a blow was once struck we should probably all be killed in the struggle, but that we must sell our lives as dearly as possible.

On reaching the cabin all the Indians, with the exception of one, dismounted, and one of them who appeared to be the leader, approached the door flourishing his tomahawk in a most menacing manner, exclaiming that the white man had robbed Black Hawk's grave. The door of the cabin was very low, so low that the Indian, who more than once raised his tomahawk in an attitude to strike, could not deliver an overhead stroke that would be effective, and but for this obstacle he probably would have delivered the blow. We told them we did not rob the grave and that we were their friends and would go up to the Indian Agency and get General Street, the Agent, to send the dragoons down and catch the bad man who did it. Our pleading seemed to exasperate rather than pacify them, and matters had reached such a pitch that a deadly struggle appeared inevitable, when the Indian who had remained motionless on his pony suddenly dismounted and running up sandwiched himself in between the belligerent Indian and my father, turned to the Indians and with great emphasis repeated what we had said and much more to the same effect; for a time they disputed with him, but finally they acquiesced in what he said, quieted down and metaphorically we smoked the pipe of peace, but as soon as they did so they demanded that some one go to the Agency with them to get the dragoons. My father wrote a letter to General Street, the agent, reciting what had happened and telling him what we had promised as a peace offering and begged him to send down a squad of dragoons. Mounting my pony I rode to the Agency, a distance of ten miles, with the Indians, and delivered father's letter to General Street. After reading the letter, General Street said the robber had gotten out of the country and it was useless to send the dragoons; that he would take the matter up with the War Department and that Department would

take steps to recover and restore the stolen articles and punish the guilty party, but I pleaded so earnestly that he send the dragoons down, as we had promised the Indians he would, and assured him in such earnest terms that unless he did so we would certainly all be killed, that to please the Indians, but mainly I think to quiet my fears, he said he would comply with my father's request, and accordingly sent for Captain Allen, who commanded the company of dragoons, and requested him to detail a sergeant and five men to return with the Indians, which the Captain did.

The dragoons went with the Indians to the grave and found the tracks of a carriage which they followed to the limits of the Indian's country, when becoming satisfied that further pursuit would be useless they returned, and our friendly relations with the Indians were re-established.

The story of the subsequent recovery of Black Hawk's head and its destruction by fire when the building in which it was stored in Burlington was burned, has been often told.

I observe a curious mistake (probably the result of a clerical or typographical blunder) in a volume entitled, John Brown Among the Quakers, and bearing the imprint of the Historical Department of Iowa,—it is there stated at page 100 that Black Hawk died "at his lodge on the Iowa river," and the implication is that he was buried there. He died at his palatial bark wigwam on the left bank of the Des Moines river and was buried on a slight elevation in the prairie, half a mile back from the river. He died and was buried on the land of the Indian trader, Captain Jim Jordan, and a wagon load of stone placed there for the purpose by Captain Jordan marks the spot where he was buried.

Van Caldwell was celebrated throughout the Des Moines Valley for his hospitality. He was an ardent Whig and a great admirer of Henry Clay, for whom the subject of this biography was named. He was one of the highest types of the early pioneer; tall and commanding in figure; sympathetic and generous to a fault. Like father, like son. No man in trouble was ever turned comfortless from his door. Strong in common sense and heroic in character, his counsel and advice were often sought by his neighbors. His memory was fragrant of good deeds in that part of the valley when I went from New England to Ottumwa in 1856. His warm personality and his interest in public affairs made him a favorite with the people, and his home was frequently visited by leading men of the Territory and State. It is more than likely that the influence of these visitations had the effect of firing the intellect and ambition of the son; for though without the continuous advantages of even a common school, he soon became a student at home, and eagerly devoured all the books that came within his reach. Judge Caldwell studied law in the offices of Judge J. C. Knapp, and George G. Wright—afterwards Judge of the Supreme Court and United States Senator from Iowa. Both Knapp and Wright were distinguished lawyers. Young Caldwell was admitted to the bar in 1851.

At the age of twenty-four he was elected Prosecuting Attorney of Van Buren County, and in 1860 a member of the State Legislature. He was made Chairman of the Judiciary Committee, and his display of talents attracted general attention. Upon the breaking out of the war he resigned his seat in the Legislature to enter the military service. He served successively as Major, Lieutenant-Colonel, and Colonel of the Third Iowa Cavalry. It is not my purpose to refer to the details of his

military career any further than I have in the prior part of this article, and in the note below,* for they are given in Stuart's *Iowa Colonels and Regiments* and Ingersoll's *Iowa and the Rebellion*.

On the 20th of June, 1864, he was appointed Judge of the United States District Court of Arkansas. In 1890 he was appointed United States Judge for the Eighth Circuit. In 1903 he resigned that office to spend the remainder of his days in the quietude of private life.

The announcement of his retirement was received with the most profound regret, not only by the profession, but by the nation at large. From the many communica-

* Colonel Odon Guitar who commanded the Federal forces at the battle of Moore's Mill (July 28, 1862) says in his report:

"Captains Duffield and Cook (Third Iowa Cavalry) were upon the right: Major Caldwell was upon the extreme left. The buckshot rattled upon the leaves like the pattering of hail. I could not see our line forty feet from the road on either side, but knew that Caldwell, Cook, Duffield, Glaze and Dunn were at their posts and felt that all was well.

"Of the conduct of officers and men I cannot speak in terms of too high commendation. Where every man discharged his whole duty it would seem invidious to discriminate. It is enough to say that with such officers and men I would never feel doubtful of the result upon an equal field.

"The following is a summary of our loss: Third Iowa Cavalry, killed 2, wounded 24. We lost twenty-two horses killed, belonging almost entirely to the Third Iowa Cavalry." (Rebellion Records, Series 1, vol. 13, pp. 187-189.)

General Davidson, commanding Cavalry Division, in reporting the operations of his Division on the march from Pilot Knob to Little Rock, from August 1 to September 1, 1863, referring to his staff officers says, "They have efficiently aided me, especially Lieutenant Colonel Caldwell, Third Iowa Cavalry, whose accomplishments and gallantry as a soldier deserve acknowledgment." (Ib., pp. 485, 486.)

General Schofield in his report of the operations of the army in Missouri, referring to the battle of Kirksville, says:

"Among the other officers especially deserving mention are Lieutenant Colonel Shaffer and Major Clopper, of Merrill's Horse; Major Caldwell, Third Iowa Cavalry; Major Benjamin and Major Dodson, of the Missouri Militia. Colonels McNeil, Guitar, Wright, Smart, Phillips and Warren; Lieutenant Colonels Shaffer and Crittenden, and Majors Clopper, Hunt, Caldwell, Banzhaf, Hubbard, Foster and Lazear showed on numerous occasions gallant and officer-like qualities, which on a larger field would have secured for them the highest commendation." (Rebellion Records, Series 1, vol. 13, pp. 13, 14.)

In his report of December 10, 1863, of the operations of the army in Missouri and Arkansas, General Schofield says:

"Some cavalry sent from Little Rock and Camden under Lieutenant Colonel H. C. Caldwell, Third Iowa Cavalry, pursued the rebel cavalry to Arkadelphia, captured the place with a number of prisoners and some property." (Rebellion Records, Series 1, vol. 22, part 1, pp. 14, 15.)

Major General Steel in his report of this expedition says:

"Caldwell captured more property than fell into the possession of Marmaduke during his raid."

Colonel La Grange in reporting an engagement at Chalk Bluff, Missouri, May 9, 1863, says:

"Our artillery which had been ordered to advance was thrown into confusion, but by order (Adjutant Ed D. Towne, First Artillery) fell back to a suitable position and was well supported by the Third Iowa Cavalry, Lieutenant Colonel Henry C. Caldwell." (Ib., p. 265.)

tions touching it, which his family have placed in my possession, I must be privileged to refer to the following:

On the receipt of his resignation the President and Attorney-General of the United States wrote him over their own signatures, respectively, the following letters:

White House, Washington, June 8, 1903.

Sir: It is with sincere regret that your resignation as United States Circuit Judge for the Eighth Circuit, to take effect June 4, 1903, is hereby accepted as tendered.

I desire to take this occasion to congratulate you upon your long and faithful service upon the United States bench with such distinguished usefulness, and to assure you of the high esteem which your ability and integrity have always commanded. The impartial administration of law and justice which has marked your judicial career should bring a serene satisfaction to you in your remaining years which I trust will be many and full of health and happiness.

Sincerely yours,

Theodore Roosevelt.

Hon. Henry C. Caldwell,
Wagon Wheel Gap, Colorado.

Office of the Attorney-General, Washington, D. C., June 8, 1903.

Hon. Henry C. Caldwell,
Wagon Wheel Gap, Colorado.

Sir: I regret to find upon my return to Washington your resignation of the office of United States Circuit Judge for the Eighth Circuit. You have filled the office of federal judge for so long a period and with such distinguished usefulness that it is indeed a matter of the most sincere regret that you feel constrained to retire.

I will present your resignation to the President for formal acceptance.

Very respectfully,

P. C. Knox, Attorney-General.

The following is from John W. Noble, of St. Louis, a former Iowan, a lawyer and statesman of national reputation, and who was Secretary of the Interior during the administration of President Harrison:

Dear Judge Caldwell: Your retirement from the United States Bench impresses me deeply with a sense of your long and most worthy service for our country. From the forum to the field, and from the field to the court, your course has been marked by a single purpose to do your duty; and this you have done with marked fidelity to every trust and with usefulness to all.

To have been associated with you in those early days and to have been at the bar over which you have presided, are sufficient to call forth my expression of continued friendship and admiration.

You have already the thanks of the Republic through the President of the United States—please accept this faint tribute of affection from an old comrade and friend.

John W. Noble.

And this, from U. M. Rose, of Little Rock (father of George B. Rose hereinafter referred to), one of the most accomplished lawyers and scholars in the country; for a period President of the National Bar Association, Representative of our government to the recent Hague Conference, and whose appointment to the bench of the Supreme Court of the United States was warmly urged a few years ago:

Little Rock, Arkansas, June 28, 1903.

Dear Judge: I have had something of a feeling of sadness since I learned that you are no longer on the bench, though the event was not unexpected. It was,

however, very striking and impressive as closing a long series of important events, and recalling to my mind many associations that have been rudely severed from time to time.

I however fully approve of the step you have taken. After so long a period of labor, surely some days of rest are due, and you have done so much for the profession and for the country in many ways, that I cannot think that they can justly claim that you should sacrifice your repose and health by longer service.

You have retired with a reputation among all classes that any one might envy, and that public esteem that has been justly and honorably earned.

With compliments, I remain,

Very truly,

U. M. Rose.

Hon. H. C. Caldwell,

Wagon Wheel Gap, Colorado.

And this, from the distinguished Colorado lawyer, Charles J. Hughes, of Denver:

Denver, Colorado, March 19, 1903.

Dear Judge: A rumor has reached us here that you have determined to retire from the Circuit Bench within the next few months. Many of us have entertained the hope that you would not feel either the necessity or inclination for this step, for years to come, and have seen no evidences of any reason why this step should be taken. * * * I could not permit an occasion like this to pass without expressing the deep appreciation I have felt for your many courtesies, and also express my opinion, shared in universally by the bar, of the distinguished services you have rendered to the Bench, to the Bar, and the country, by your conscientious, devoted and unswerving discharge of singularly high, trying and delicate duties.

Yours very truly,

Charles J. Hughes.

And this, from Henry D. Estabrook, of New York, General Solicitor of the Western Union Telegraph Company:

New York, June 10, 1903.

My dear Judge: It has been many years since I have seen and talked with you, nor was my practice ever so large as to bring us into frequent relationship. But now that you have retired, full of years and honors, I want to tell you how often I have thought of you, and always admiringly. I admired your legal attainments, of course, but I particularly admired your native sense of justice, your hatred of wrongdoing, your sympathy with the friendless, the tempted, the unfortunate. I shall never forget how, during enforced idleness in Little Rock one day, I was permitted to see, through the magistrate, the heart of a man; to learn that a certain curt gruffness of manner, which was wont to discourage me, was after all the outward defense to a susceptible generosity.

You take with you in your retirement, the affectionate remembrance of all who knew you.

Sincerely,

Henry D. Estabrook.

And this, from the *American Law Review*:

Judge Henry Clay Caldwell has recently resigned the office of Circuit Judge of the United States for the Eighth Judicial Circuit. * * * Like Jesus of Nazareth, Judge Caldwell at every turn, in every act, on every occasion, "had compassion on the multitude." The consciousness of having, on every occasion where it was possible, done good, and having, on every occasion where it was not possible, endeavored to do good, is a rare jewel for a judge to take with him into his retirement.

He remembered and revered the past, the scenes and personages of his early years; the hardships of the pioneer, the struggles of the wilderness. He remembered and revered its plain mannered and heroic men; its faithful and devoted wom-

en; its deep woods, its flowing streams, its stretching prairies, and all the natural bounties which Heaven unfolds to serious men.

In his later years he decided to make his summer sojourns in Colorado; he selected an isolated mountain glade near Wagon Wheel Gap, which furnished a broad and beautiful open space at its foot, narrowing as it ascended into the mountains. Through it coursed a clear brook which took its rise in the mountain side. There, away up the narrowing glen, towards the source of the rivulet, in the midst of a natural park luxuriously wooded, and with the timbered mountains rising on either side and at the rear, he built a commodious summer abode, amply supplied with water piped from the brook, and in the large sitting room of which he erected a huge fireplace—such as he had seen in his father's house and warmed his youthful limbs before. To make the reminiscence more complete, he equipped this fireplace with a long iron crane like those of the olden time, provided with a hook on which constantly hung a teakettle over the fire which was never suffered to die out.

“Here”—using the language of another—“at a stated hour each day, the wild birds gathered under his window, and upon the same plank enjoyed a free lunch with his chickens. The antelopes pursued by hunters took refuge upon his ground; he warned or drove off the pursuers and threatened them with prosecution under the game law. The little timid animals learned that on his ground they had a haven of refuge, and they sought those grounds for safety as a matter of acquired habit. Thus the great Judge made a daily example of his doctrine of a universal brotherhood, a brotherhood that embraces not only man but the dumb animals as well. Abraham sat in his tent at the cool of the day and angels visited him. Judge Caldwell sat in his door at the cool of the day and breathed the wonderfully bracing mountain air; and great marches of mountain and valley spread out before him.”

I lay down my pen with a feeling that I have not done justice to my subject, and with a regret that the work had not been wrought by an abler hand. I trust, however, and believe, that the simple facts I have related will be found to carry the highest eulogy in themselves, and fully justify all I have written.

After the foregoing sketch was written Judge Caldwell determined to make his final residence in Los Angeles, Calif., believing the softness of the climate would prolong his life. Here for a period of five years we lived not far apart and our visits were as constant as they were enjoyable to the time of his death which occurred in February, 1915.

CHAPTER VIII.
LAWYERS AND PUBLIC MEN.
BURLINGTON.

David Rorer.

The subject of this sketch I knew intimately. He used often to visit the Ottumwa Bar. I met him frequently elsewhere—the last time at his own house and fireside. I participated in the last case in which he personally appeared in the Supreme Court of Iowa. It was that of Wapello County vs. The Chicago, Burlington & Quincy Railroad Company, and is reported in 44 Iowa, 585. He was the general counsel of and represented the railroad company. I had for many years been its local counsel at Ottumwa, but this case was the heritage of ancient litigation growing out of stock subscriptions by the county, and owing to circumstances not necessary to explain, I represented the county. The case was a leading one and the questions involved difficult of solution. The Judges were divided, and the opinion was carried by a bare majority. Of the lawyers who had participated in the trial below, he and myself were the only ones present. We both made oral arguments. He was then seventy years of age, but his strong and well-sustained effort evinced no infirmities. His mental forces were unabated.

Taken altogether, he was one of the most remarkable men I have ever known, and decidedly the most unique. He had been the compeer of all the distinguished men of the Territory and State and stood shoulder to shoulder with them. For politics he had neither taste nor adaptation. He was peculiar in appearance and manner. He was short in stature, with short arms and limbs, heavy set, well rounded, very erect, and strongly built. His whole demeanor denoted great intensity of thought and action. His voice, naturally deep and sonorous, was capable of ascending and descending the gamut of sound quickly. His eyes, large, lustrous and keenly expressive, fairly scintillated when his action was excited. Though his figure, as indicated, was not commanding, his face and features were interesting and attractive, and his whole bearing indicated at once that he was a person of distinguished traits. His action and gestures when addressing the court or jury, were extremely animated and, if the term may be properly used, picturesque. He was perfectly *sui generis*. I never saw a man that resembled him. The *tout ensemble*

of the person was without a model. He carried the green bag of the olden time lawyer on his arm for his books and papers, and never deigned to call the statement of plaintiff's cause of action, the "Petition," but always the "Declaration." He was an able lawyer and a highly gifted man. Though ordinarily affable and gracious, he was determined, self-willed, and, when heated, sometimes domineering. Nothing could quench his indomitable spirit. "Age could not wither, nor custom stale his infinite variety." Even when comparatively an old man he wrote and gave to the profession three highly prized works—*Rorer on Judicial Sales*, *Rorer on Inter-State Law*, and *Rorer on Railroads*. The last, in two volumes, was written when he was verging close to eighty, and is used as a textbook in the Columbia College Law School and in that of the Wisconsin University. All are standard works, and prized as such throughout the English-speaking world, and will serve to carry his name into the future beyond most if not all of his personal associates at the bar.

But let it not be supposed that because of his restless activity, he lacked the qualities of a patient student, for his works, his arguments, his writings demonstrate the contrary. The spirit of research was deeply founded in his nature. He had the instinct of the antiquary and the historian, and found time among his diversified labors to collect much material and make several sketches for a history of the early Northwest—a work which, it is to be regretted, was left unfinished.

Though most of his life was spent in dealing with hard facts and the logic of events, so to speak, he was by no means deficient in aesthetic qualities. He loved the beautiful and the grand. He loved nature in all her various moods and forms. He loved and remembered the lines of her poets. To illustrate: After completing our arguments in the case referred to in the opening of these remarks, we concluded to walk from the Capitol, instead of riding, to our hotel. We pursued a roundabout way and wandered into the environments of that part of East Des Moines. He pointed out the denuded hills once crowned with magnificent forests, as he had seen them nearly half a century before; where the old fort and the wigwam of the Indians had stood. As we advanced we saw ahead of us, smoke rising above the treetops. I wondered what was the cause, but in a moment he divined it in repeating the old familiar lines:

I knew by the smoke that so gracefully curl'd
Above the green elms that a cottage was near;
And I said if there's peace to be found in the world,
A heart that was humble might hope for it here.

While he was a learned lawyer, his researches were not confined to his professional work, for he was an omnivorous reader and had a well-developed taste for general literature. While as already indicated, he had a lively imagination and the high instincts that belong to great orators, he was not what would be termed an eloquent one, for his oratory had been mostly trained to logical courses; it was es-

entially of the argumentative kind; strong, heroic, devoid of vacuity. And yet implanted in him were the faculties of real eloquence, as the following scrap, which has been fortunately preserved, will show and than which, I think, but few rarer specimens of native eloquence can be found. A condemned man whom he had defended and against whom the evidence was overwhelming, being called up for sentence was thus addressed by the Judge: "The prosecution has resulted in a conviction, after an able defense of counsel. If you have anything to say, before judgment, the Court will hear it." Whereupon Mr. Rorer, putting himself in the place of the condemned and speaking in the first person for him thus responded:

May it please the Honorable Court:—I am an old man, fast tottering down to the grave. The frosts of seventy-three winters, though they have not whitened my brow, have wrinkled my face, and chilled my heart with many sorrows.¹

Mine has been a chequered life; and now when about to be separated from my fellows, I may give a truthful version of the past.

I had a family—and a home—a rude home it is true, and a plain and humble family—but they were my all. The deceased robbed me of the one and invaded the sanctity of the other²—two small sons, a lovely daughter, and a wife—ah! a cherished wife. On returning to that home the day of the fatal deed, I learned the certainty of the maddening truth, and hastened to the field, my rifle still in hand. I know not why I went. I had no fixed design;—he met me with a club—~~he~~ shot him—and though I claim not to have acted in defense, I do assert that there was mutual combat. You know the rest. I fled; my family followed; but for the fifteen years I lived at Lockland, I made no secret of the deed that I had done.³

Now, time has done its work. The government itself has changed;⁴ new laws are passed, and old ones are repealed; and those who then surrounded me have mostly passed away. A different people now are in the land. A different code of morals now prevails. But I drank liquor, it is said, and true it is I drank it; not to have done so then would have been the exception. Men high in station leaned upon the dram shops for support, and to treat one's fellow to the poisoning cup, was deemed proof positive of genteel training. I may not be held responsible alone, for the vices of society; it is enough that I have been their victim. Those days are passed, and that loved wife is gone—borne down with troubles, she sank into an early grave. That lovely daughter is now a hopeless cripple, wearing a haggard face. Of those two boys who should have been the prop of my old age, the one has gone to join his injured mother as witness against the dead destroyer of their peace⁵—the other—and my heart sinks within me when I say it, still lives—but not to me—with an ear deaf to my calamity, he comes not near me; but I forgive.⁶

To this Honorable Court, the Jury, Attorneys and officers, and to the people of this community, I return my humble thanks for their impartial bearing.

I have never been a criminal of choice, but rather the creature of circumstances, beneath the weight of which far better men than I have sunk. I may have been too jealous of mine honor, but never have but once proved faithless to a trust. When my country's rights were invaded, I avenged them, and so I did mine honor.

¹Though 73 years old, his hair was coal black.

²McCardle, as Jones alleged, and the evidence tended to prove, had slandered Jones' family and cheated him out of his farm. ³After killing McCardle, Jones fled to Lockland, Ohio, and there remained fifteen years before arrested. ⁴The killing was in Iowa Territory, in 1840. The trial was in Iowa State, in 1855. The government had changed. ⁵Jones' wife and one of his sons had died, and the daughter was an invalid. ⁶His remaining son refused to aid or come near him.

With General Jackson in all his Creek campaign, I battled for my country and its laws. At the fast in the wilderness, I was there—at the fast of acorns, I was there—at Emucfaw and Talladega,⁷ I was there; and when the shouts of victory drowned the cries of the dying at the Horse-Shoe, in the front ranks of my country, I was there; and then the name of him whom we call Jones,¹⁰ was but another word for deeds of glory! But these things are of the past—a long life is nearly spent—the scene is changed—yet He alone who reads the human heart is, further than the formal sentence of the law, competent to judge me.

In the case of Ruel Daggs vs. Elihu Frazier *et al.*, tried to a jury in the District Court of the United States at Burlington, in 1850, before Judge Dyer, the proceedings in which, including the arguments of counsel, were happily preserved, will be found the following excellent specimen of his forcible style of oral argument. Though an emancipationist and a hater of the principle of slavery, he was, nevertheless, in favor of loyally supporting the constitutional provisions and the laws framed for its protection, so long as they remained on the statute book. The case was brought under the Fugitive Slave Law to recover the value of certain slaves who had escaped from their master in Missouri, and whom it was claimed he had been prevented from retaking by the acts of so-called Abolitionists in the Quaker settlement of Salem in Henry County. Judge Rorer represented the plaintiff, Judge Hall the defendants. Probably no two more powerful legal combatants ever met in an Iowa forum. Judge Rorer in his closing argument thus urged upon the jury the duty of the citizen to support the constitution and the law:

"The gentleman (Mr. Hall) complains that I have abused the inhabitants of Salem. Have I done so? What are the facts? He says I termed it an Abolition Meeting House, in which they were assembled, and that I endeavored to produce the impression that all the inhabitants of Salem were Abolitionists. I did use the expression Abolition Meeting House, but did I invent it? Is it not in testimony that this is the title by which it is known, and did it not run more fluently upon the tongues of all the witnesses than any other? The gentleman has no right to complain if I give it its usual and well-known appellation—if I call it just what the witnesses have called it. I have made no charge upon the people of Salem in the aggregate. I have spoken of abolitionists living there, and it is in evidence that abolitionists do live there. Am I not to speak of this? Men have a right to be abolitionists, and there is no harm in it, if, as all opinions should be, they keep their sentiments within the prescribed limit of the law. There was much sympathy manifested, especially by the females present. This was natural enough. I do not complain of it—I, too, have feelings of sympathy—nor do I complain of the offices of humanity which such feelings may have dictated; but our sympathy should manumit our own, and not other people's slave. * * * Here are men who have established a law of their own. Like all fanatics, they assume that there is a moral law, paramount to the Constitution, and even to the oracles of God himself. They affirm that they may aid in the escape of persons held to service under the Constitution of other states, though, by so doing, they violate the laws of the Union. If you find fugitives from service secreted among such a people, what is the presumption? Can it be anything else than that they aided and assisted in their escape, or assisted to secrete them? * * *

⁷Allusion is made to the starving condition of Jackson's army in the Creek wilderness. ⁸Many of the troops ate acorns on arriving in the oak woods, just before meeting supplies. ⁹Emucfaw, Talladega, and the Horse-Shoe Bend, were noted battle-grounds of Jackson, with the Creek Indians. ¹⁰Jones was not his real name; he assumed it after leaving the army, for reasons not necessary to mention. The case was reversed in Supreme Court, by reason of change of government, and the prisoner discharged.

The gentleman indulged in some remarks upon what he terms my abuse of the "Dumb Walls of the Abolition Meeting House." I remember no abuse. I think what I said was rather in its defense. I observe that when appropriated to the purposes of religious worship—that purpose which is so well calculated to inspire the heart of a man with the highest and holiest of emotions—it was entitled to the respect and reverence of all. But when desecrated by its being converted into the "Committee Room" of the "Underground Railroad Company" where their schemes of robbery and wrong were deliberately concocted, I then compared it to a place which shall be nameless. But walls are not dumb, gentlemen; they speak to us in the boldest and most pleasing language. The defendant's witnesses may be dumb—may stand mute. As it was said of old, "Eyes have they, but they see not, and ears, but they hear not" anything which you as arbiters of justice are interested in knowing. But the walls of a church are not dumb—they have their language and their influence. Yon lonely steeple of the house of God points from earth to Heaven with an eloquence more powerful than that of living tongue. The veriest skeptic of the present day would acknowledge the influence and appreciate the association, could he but look upon the humble stone upon which Jacob of old pillowed his head at night; where he saw the vision of the ladder and the angels, and reared an altar and vowed a vow to the God of Abraham and Isaac, when journeying into Paden-Aram. Why were these persons assembled in that Meeting House, for what purpose did they go there? Was it out of a sincere desire to see justice done to a citizen of Missouri? To redress a wrong? To obey the law? We are told it was out of mere sympathy. What kind of sympathy it was we shall see.

Iowa is almost the youngest State in the Union. Missouri is the oldest of those west of the Mississippi. She was one of the Union when we knocked at the door for admission. It was the suggestion of our own mind. We knew what the Constitution was—the terms upon which we could be made a party to that compact that not only Missouri, but many other states tolerated and sanctioned the institution, and that every state was bound by the Constitution to deliver up fugitives when claimed. Shall we now repudiate the compact we have made—shall we be the first to violate it? Shall we affirm that there is a moral law above this, and that we must obey it at all hazards? Shall we be permitted to prate about morals and sympathy with canting hypocrites or maddened fanatics, when we have ourselves sanctioned the institution of slavery, by entering, with full knowledge, into a compact of which it forms a part? No, gentlemen, treason must first do her work and avoid the institution, by placing us beyond the pale of the Constitution. We cannot serve God and Mammon, nor claim all the benefits of the Constitution, while we repudiate that which does not happen to agree with our individual notion of right and justice. A fig for that sympathy whose first fruits amount almost to treason against the Union. It is but a pretended matter of conscience. The holiest of books and the teachings of inspiration are adduced to support the direct violation of the law. This is not the first time we have found that Satan can cite scripture for his purpose. * * *

Witnesses may lie, but circumstances cannot. Can there be stronger than those we have proved? What are they? First, we learn that John Comer, one of the defendants, told one of the witnesses that there were runaway negroes in the neighborhood. They are found concealed in the bushes near Salem and almost at the moment of their discovery, the Fraziers and their associates are found upon the spot, acting in such a manner as to deter the agents of the plaintiff from asserting their undoubted right to convey them back to Missouri. One says they shall be taken back under no circumstances; another that he will wade through Missouri blood before they shall be taken back; and another tells one of the negroes to knock Slaughter, the plaintiff's agent, down if he touches him again. Finding he can do nothing better, Slaughter agrees to go before a magistrate. They go towards Salem, the crowd increasing until they arrive at the Stone House. Here the women make their appearance—the procession halts—they join the throng. It is said that one woman is equal to ten constables to keep the peace—but not so here. Some bring bread for the fugitives, it is true, and that is very well. It is a work of benevolence and shall return unto them after many days.

Some exhort the crowd and others pray aloud for Slaughter and the negroes—for Slaughter a little, and for the negroes in particular. The excitement becomes intense. Threats, imprecations and prayers emanate from the crowd until the whole scene becomes a mixture of the terrific and the ludicrous. The village school master here appears, makes a speech and pours oil upon the troubled sea of human passions, and quiet is restored. They then go to the Justice's office; the crowd still increasing, the office becomes too small to hold them and they proceed to the Abolition Meeting House—the crowd confident in its own strength, and Slaughter and McClure, plaintiff's agents, acting under control of the attending circumstances. The crowd acted as one man and so acted as to deprive the plaintiff of his rights. It was a riotous assemblage—it was a conspiracy to injure the plaintiff, and all who were present were guilty. * * *

I have said that this was an important case, and I repeat it. In whatever light you choose to view it—whether as citizens of Iowa, desirous, as you should be, to convince our sister states that you will deal out justice as impartially to them as to your immediate neighbors—as citizens of the Union, determined to support and sanction in all its parts, the compact to which, upon our admission, we became parties—as neighbors to Missouri and anxious to maintain peaceful and friendly relations with her and her people—as law-abiding men, acting under and by authority of the law and the Constitution—in whatever light you look upon the case before you, it presents an important and interesting aspect. The very subject upon which you are called to decide, is now agitating our country from Washington to the most distant borders. It has been a source of contention and distrust among the people of both North and South. Your verdict will show whether there is just ground for this suspicion, as to us. Whether fanaticism is to be encouraged among us of the North, or the wild and maniac cry of disunion in the South. The guilty deserve to be punished, and the injured are entitled to redress. Above all, the law should be vindicated—its supremacy confirmed. The idea that any man or society of men may be permitted to trample upon the plain letter of the law and constitution should be severely rebuked, and the offenders convinced that the impunity they have enjoyed in other places will never be found in Iowa. The Union has a right to demand this of you—Missouri demands it, and all good citizens of our own State unite in the requisition. If there is guilt here, it should be punished. If you are satisfied that any of the defendants is guilty, you are, by all the high obligations I have mentioned, required to find him so in your verdict. I commit the case to your hands with the firmest conviction that you will mete out nothing more nor less than impartial justice."

A verdict was returned for the plaintiff.

The passages referred to from this off-hand effort exhibit virile qualities that at once mark its elevation and stamp it with power. They serve to strikingly illustrate the characteristics of the man and the strength of his extemporaneous advocacy. They will also bear reading because of the vivid portrayal they give of the mutual troubles that Iowa and Missouri had, under the old regime, over the slavery question and the return of escaped slaves under the Fugitive Slave Law.

The specimens I have herein given of his oral efforts, are the only ones I have been able to obtain. His printed arguments are abundantly found, and if collected and published would be of value to the profession.

But let us look at him on the other side of the slave question. He manumitted his own slaves, and in the first case to be found in the Iowa Reports, that of *In re Ralph*, reported in Morris, page 1, though a southerner and reared as a slaveholder, he espoused the cause of the slave Ralph, whom his master, under a contract between

them, had permitted to come and live in Iowa, and by reason of which the Supreme Court, composed of three Democratic Judges, with the gifted Charles Mason at the head, declared Ralph to be a free man. And throughout our great Civil War, he exhibited the greatest patriotism and loyalty. Early in the struggle he boldly advocated the emancipation of the slaves as the heroic remedy needed for the Nation's relief, and with all the firmness of his decided character.

The following incidents I obtained from members of his family and other authentic sources. He was born in Pittsylvania County, Virginia, in 1806. He descended from an ancient and honorable Swiss family, the Protestant branch of which settled in Lancaster County, Pennsylvania, anterior to the Revolution. He was the son of Abraham and Nancy Cook Rorer. His father was a soldier of the Revolution and fought under Anthony Wayne at Stony Point, and on other fields. Soon after the Revolution the family removed to Virginia, where as above stated, he was born. He studied law under Nathaniel Claiborne, of Franklin County, Virginia. He early resolved to try his fortune in the Southwest, and in 1826, accompanied by a negro slave as servant, he made his way on horseback through the wilderness to Little Rock, Arkansas, where he concluded to settle; returning to Virginia to make his final arrangements, and coming back soon after to Little Rock—this time by horseback to Louisville, and thence by steamboat down the Ohio, and up the Mississippi, as far as Helena. He soon acquired a good practice in Little Rock, where he remained for ten years. But his profound discernment and a close study of the situation enabled him to foresee the gathering storm that was to burst upon us in the great Rebellion, and he determined to seek a new residence in the North. Carrying out that purpose, he removed to Burlington, where he arrived in March, 1836, and became one of the principal founders of that city, and intimately interwoven with its history and interests. He saw and participated in its growth from a little hamlet of forty insignificant houses, to a populous and wealthy city. In the same year he built, on the southeast corner of Fourth and Columbia streets, not only the first brick building in Burlington, but in what is now Iowa. At that time it was a part of the Territory of Michigan; later it became a part of Wisconsin Territory, and in 1838, the Territory of Iowa. In the building of this house he laid the first brick himself, saying to the mason, "Let me show you how a lawyer can lay a brick." It was perfectly in accord with his quaint and lively characteristics. A picture of this house is in possession of the Historical Department of Iowa. In the following year the next brick building in the Territory was constructed at Dubuque. In 1841, he built the old homestead at the corner of Fourth and Washington streets.

As already stated, he was identified with the history of Burlington from its inception. The first meeting to incorporate the town was held at his office. He drew the first charter of the city. He assisted in laying out and naming many of its

streets. He also drew the first ordinances, and in various ways aided in the organization and development of the city.

In 1839, he gave to and impressed upon Iowa the sobriquet of "Hawkeye." How this was brought about was clearly shown by an article in *The Burlington Hawk-eye* of November 21, 1878, in reply to an inquiry made by a correspondent on the subject. The inquiry and the article of *The Hawk-eye* will be found in the accompanying note:

To the Editor of *The Burlington Hawk-eye*, Mount Pleasant, November 21, 1878.

Will you oblige one who has not the time to look it up, and who has asked a number of people and found them all unable to tell, by advising him why Iowa is called the Hawkeye State. Respectfully yours, T.

The following is the article in *The Hawk-eye* replying to this inquiry:

"The name 'Hawkeye' was first given to the residents of Iowa in 1839, and was first suggested by Judge Rorer of this city. The first mention of the name was in the *Fort Madison Patriot*, in 1838, a paper published by James G. Edwards, the founder of *The Hawk-eye*, at the suggestion of Judge Rorer. Mr. Edwards proposed in his paper that the people of Iowa adopt the name of 'Hawkeye.' This was done to prevent citizens of other states giving us a more opprobrious title, something similar to that by which the people of Missouri are frequently designated, even to this day. The name was not adopted at this time, however, but early in 1839, after Mr. Edwards had moved his paper to Burlington, the question was again discussed, and it was decided to write a series of letters to the papers then published in Iowa, and in which the people of Iowa were to be called 'Hawkeyes.' The first letter appeared in *The Dubuque Visitor*, the others in the several papers then published in the Territory. As these letters contained many criticisms of prominent men, including the public officers of the Territory, they created much interest, and the name 'Hawkeyes' was ever after adopted to designate the people of Iowa. In a short time after this, Mr. Edwards changed the name of his paper to *The Hawk-eye*, in honor of the people of Iowa. This history of the name was procured from Judge Rorer, who had the honor of giving Iowa the title of the 'Hawkeye State.' "

While living in Little Rock he married Mrs. Martha Martin (*nee* Daniel). She died after their removal to Burlington, in 1838. They had two sons and two daughters, Daniel, Claiborne, Martha and Frances. Daniel became a lawyer, and died in Worthington, Minnesota, in 1902. Claiborne joined Walker in his expedition to Nicaragua, and was there killed in battle, in 1856. Martha married William Garrett, a pioneer of Burlington, and died there in 1893. Frances married Davis J. Crocker, a lawyer, and is now living in New York City.

In March, 1839, he married for his second wife, Delia Maria Viele, a sister of Philip Viele, who was one of the distinguished lawyers of Lee County and early Iowa. Mrs. Rorer died in November, 1888. Two daughters survive, Miss Delia M. Rorer, and Mrs. Mary Louisa Remey, wife of John T. Remey, of Burlington. Another daughter, Miss Virginia Douglas Rorer, who was born in 1842, died at Burlington in 1898. "A perfect woman, nobly planned, a delight and blessing to all who knew her."

As before stated, he appeared in the first reported case heard in the Territorial Supreme Court, as the representative of the slave Ralph. In the first volume of the

Iowa Reports (Morris) his name is attached to thirty-five cases. Thus commencing, it unceasingly runs through all the reports down almost to the date of his death—from 1839 to 1884—a period of forty-five years. As thus traced, his professional career was more lengthily continuous and his name attached to more cases, than that of any other lawyer, who had at that time appeared before the Iowa Bar, and figured in its highest court. For the last twenty-five years of his life, his practice was more especially devoted to railroad litigation. He became the solicitor of the Burlington & Missouri River Railroad Company in 1858, and after its consolidation with and absorption by the Chicago, Burlington and Quincy Railroad Company, he was continued in the same position by that company; and as counsellor, down to the day of his death. He was regarded as an expert in railroad law, and the publication of his work on that subject served to make his fame in that respect national.

Judge Charles Mason, in a communication addressed to me, January 23, 1882, thus refers to him:

Among my earliest acquaintances in Burlington, where I commenced house-keeping, in 1837, were David Rorer and James W. Grimes, who, as nearly as I can now remember, were the only members of the bar then residing there. The streets were full of stumps and brush, and surrounded by the primeval, unbroken forest. Mr. Rorer has always been a hard and devoted legal student, and, though of late years he has withdrawn himself from the general practice, he has, during his time, devoted his talents to the preparation of works on different branches of the law, which I believe possess a high degree of merit. Gifted with a very acute mind, and possessing a more extensive library than most of his competitors, he has generally appeared in court provided with a copious list of authorities. I know of no one who seemed more fully to enjoy an investigation which taxed to the fullest extent his thoughtfulness and his industry, nor do I know of any who devoted himself more unreservedly to the interests of his clients.

His life came suddenly to an end in Burlington on June 7, 1884. The newspapers of the State paid proper homage to his memory as one of its principal founders. *The Chicago Tribune* thus spoke of him:

"In the death of David Rorer who died suddenly at his home in Burlington, Iowa, Monday, July 7th, at the ripe age of seventy-eight, the State of Iowa has lost one of her noblest citizens, and the American bar one of its ablest lawyers and most learned law writers."

His daughter, Miss Delia M. Rorer, to whom I had written for certain data, writes:

I well remember his frequent reference to you and the long-standing friendship that had existed between you. You ask me for suggestions in regard to his private and domestic life, and for the circumstances attendant upon his death. Love of home, family, friends, and his dear country, were the keynotes of his existence, and these were never heard to vibrate more appealingly than when he was seated with his family by the blazing logs of his own fireside. His sense of hospitality was large, and he was never more happy than when he and my mother entertained their friends in the old homestead. He often repeated the old lines:

"The world has little to bestow,
'Tis from ourselves our joys must flow,
And that dear cot our home."

He loved nature, the waving fields, trees, flowers, birds and music. The show and glitter of life had little attraction for him, but the beauties of nature and of art touched him deeply.

His life was ended so suddenly, after one day's illness, that it seemed more like a transformation than real death. The sun that rose for him on the morning of July 7, 1884, set with his dying breath. The previous week, when in apparently perfect health, he had twice said to me, how perfectly happy he was—such intense happiness that it seemed like a premonition.

Thus peacefully passed one of the most remarkable men the State has ever produced, in the glow of a mellow sunset that imperceptibly mingled with the horizon that separates the visible from the unknown.*

*To lend authenticity to what I have said, and—prompted by a vanity which I hope is pardonable—to indicate the pains I took in the very outset of my work, to gain information from the most original and reliable sources, I here append the following letter of Judge Rorer to me. As will be noticed, it is written with a great sense of delicacy and reluctance. It simply gives the bare outlines of his life, without mention of his achievements as a great lawyer or his accomplishments as an author. He vaunted not himself in the least. While it refers to some minor events overlooked by me, it fails in some more important ones redounding to his distinction.

Hon. Edward H. Stiles.

Burlington, November 21, 1881.

My dear Sir:

Thanks for your letter and kind expressions. I am a native of Pittsylvania County, Virginia. Was born the 12th of May, 1806. There grew up. Most of my boyhood I labored on the farm whereon I was born. My educational advantages were merely those of the country schools.

I studied law with Nathaniel H. Claiborne and with Henry Calaway in Franklin County, Virginia, two years in all. Was admitted to the bar of my native County the 24th of April, 1826, before I was of age. The fall of the same year I located at Little Rock, Arkansas. There I resided, in the practice and farming, until the fall of 1835, when leaving for the upper country, I wintered at St. Louis. I came to Burlington the 27th of March, 1836, and here I am yet. This was then Michigan Territory. That same year I built the first brick house in Burlington and in what is now Iowa.

While at Little Rock, I was appointed by the Governor, County Judge, and afterwards Prosecuting Attorney. The latter office I resigned when I left. I also was in the Indian removal for a short time, and also superintended for the government the construction of the west division of the Memphis and Little Rock Military Road. In the fall of 1834, I went to the Seneca Indian Country, west of Missouri, as Special Agent to examine and report the character of the country, to look into the condition of the Indians and provide contracts for supplies as needed.

In May of 1853, I became Attorney of the Burlington and Missouri Railway Company and so continued until the consolidation of that company with the Chicago, Burlington & Quincy Railway Company. About a year and a half ago, I ceased taking new cases in Court, but remain as Counsel for the Company.

The first Court I attended in Burlington was held in the back room of the store of Jeremiah Smith, Jr., on Front Street. This was the County Court. Isaac Leffler, William Morgan and Henry Walker were the Judges. The lawyers were W. W. Chapman, James W. Woods and Joseph B. Teas. Doctor William R. Ross was Clerk. He now resides in your County of Wapello, near Eddyville, and can tell you all about that Court. This much I have consented to say of myself, and feel a delicacy in speaking of my "professional career" as requested by you. So likewise of my contemporaries, I do not feel equal to the responsibility of speaking of or for them.

I do not deem it necessary for you to interview me with a stenographer, as you propose, but shall be glad to see you at my house and have there such interviews as you may desire. Mrs. Rorer and the young ladies join in kind regards.

Ever yours, (Signed) David Rorer.

P. S. With great reluctance, I say this much of myself, and have a dread of being put into a book.

Jonathan C. Hall.

It is no easy thing to so sketch an extraordinary personality as to bring saliently out the particular traits that make it so. The first time I saw Jonathan C. Hall was in the old Courthouse at Ottumwa more than fifty years ago. I was introduced to him as a young law student just from Connecticut. He talked with me in that good-natured and kindly manner highly characteristic of him, and the acquaintance thus commenced laid the basis of a lasting friendship. Though he had then attained the highest professional rank, his presence and bearing were perfectly devoid of the least tinge of vanity or self-importance. There was about him, however, an indescribable something that told as plainly as words that nature had fashioned him in no ordinary mold. Without being apparently sensible of it himself, his presence was commanding, and his "supremacy was written upon his features and person." He was heroic in frame, of Taft-like structure, whose height was apparently diminished by its breadth, and whose embonpoint unmistakably showed the signs of generous living. He had a large head, a full face, a rather florid complexion and light hair. He was careless in dress, inattentive to the little conventionalities of society, easy of approach, amiable and sympathetic in disposition, generous beyond his means, unrestrained in frankness and independence of speech and manner, save by those gentlemanly and tender instincts which the Almighty had deeply implanted in his being. He liked whole-souled company, good cheer, and was convivial to a high degree. Generally speaking, I may say that the traits last referred to were characteristic of a majority of the lawyers of that day. He was fond of anecdotes, liked a good story, and few could tell better ones than himself. By virtue of these traits coupled with his fame as a lawyer, his presence was much sought and his society courted, whether at home or moving in the circuit of his extensive practice, and especially by the younger members of the bar, who flocked to see and listen to one about whom they had heard so much.

Along with these fascinating personal qualities, he possessed strongly intellectual ones; the capacity of deep and vigorous thinking, of analyzing difficult problems, of solving perplexing questions by the sledge-hammer forces of his potent and resourceful mind. He was perspicacious in legal argument, and when occasion demanded powerful as an advocate. He wasted none of his strength on trivial points, but grasped at once the pivotal ones and went straight for them with vehement force. He was naturally mild and sometimes apathetic. It took something more than the ordinary to arouse him, but when fully aroused, he was a very Titan in power. These conspicuous qualities deeply impressed him on the State and justly established him as among the greatest lawyers of his time. Nor were these achievements assisted by the auxiliaries of either a polished education or a polished speech, for he had neither.

In this connection, I can do no better than quote the following description of him furnished me by Judge Charles Mason:

J. C. Hall was one of the ablest practicing lawyers I have ever known. His leading characteristic was strength. He cared little for polish or rhetoric, using language sometimes inapropos and incorrect, but uttered in such a way that no juror could fail to understand his intended meaning. He regularly attended all the Courts held in the first judicial district, and was engaged in almost every case that was tried therein. He was most persistent and persevering in the pursuit of his main purpose, and was very generally successful. When fully aroused he seemed like a great locomotive that nothing could resist. If defeated on one point he was fruitful in expedients by some flank movement to obtain success on others. He was indefatigable and untiring, and his success was in a great degree commensurate with his industry. There were other better read lawyers, but I know of no one with whom I would have been more willing to entrust a difficult case.

Along the same lines, Judge Springer, himself a distinguished Lawyer and Judge, and President of the Constitutional Convention of 1857, in the course of his address at the reunion of the surviving members of that convention, held in 1882, said:

Judge Hall had been a member of the First Constitutional Convention held in Iowa and was the only member of our convention that had been a member of either of the previous conventions, and had held with credit a seat on our Supreme Bench. He was an able man among able men. He was endowed with a large heart and a still larger brain. As an advocate, lawyer and jurist his place was in the front rank of the Iowa bar. Though not possessed of the culture and scholarly attainments of some of his contemporaries, yet for strength and depth of mind, for logical force and power of argumentation he was entitled to rank with the foremost men in the State.

Coming from the sources they do, these estimates of Judge Hall go far in establishing a firm basis for his judicial fame.

After this general view let us glance at some of the particular instances of his life. He was born in Batavia County, New York, in 1808. He died in 1874 at the age of 66. His father, Colonel Samuel Hall, was one of the pioneers of that part of New York. He came there with his wife and family in 1804. His wife was Sarah Chapin Hall. The stock must have been good or there never could have sprung from it such men as Jonathan, Augustus, and Benton J. Hall. Samuel Hall cleared the wilderness and hewed the unbroken forest in order to make his cultivated fields. In this strenuous work, the son as soon as old enough participated; and to this discipline the full development of his naturally strong physique was doubtless in a large measure attributable. His education was obtained in the common schools, eked out with a few terms at the Wyoming Academy. At the age of 20 he commenced his legal studies in the office of Abraham Van Vechten, an able lawyer of Albany. He completed his studies with lawyers of ability in Ohio. In 1830, at the age of 22, he was admitted to the bar at Columbus, and entered the practice at Mount Vernon, where he located the same year. He was early successful and established a good practice at that place. But circumstances, the loss of a favorite child, the desire to break his environments, and the boundless freedom of his spirit, induced him to take the way which the star of empire is said to, and seek the then far west. He came to Burlington in 1839, looked the country over and

decided on Mt. Pleasant, where he with his family located in 1840, during the second year of our territorial organization. Here he soon established an extensive practice. He regularly attended the courts of the different counties as they were organized. His fame as a lawyer spread. The circuit of his practice increased. He was retained in important litigation both within and without the State. He had foemen worthy of his steel, whose great ability was able to invoke and make necessary the best of his own. Foremost among these were David Rorer, Henry W. Starr, and others of like calibre.

In 1844 the people were seeking the admission of the Territory as a State. To this end a convention was called to frame a constitution on which the State could be admitted. He was chosen a member of this convention. He had for associates some able and noted men, among whom were Stephen Hempstead, Ex-Governor Lucas, Ebenezer Cook, Ralph P. Lowe, Shepherd Leffler, Elijah Sells, Francis Gehon, Stephen B. Shelledy. He was regarded as one of its ablest members, and it was conceded on all hands that his influence had been potential in framing for that period a constitution well suited to the condition of the people. As a matter of fact, this constitution was rejected by the people on account of the State boundaries as therein fixed, but with these changed, it was afterwards adopted with few alterations and became the constitution of the State.

In 1854 he was appointed a Judge of the Supreme Court of the State. His opinions will be found in Vol. IV, G. Greene's Reports.

When a new constitution, that of 1857, came to be framed, he was elected a member of the convention chosen for that purpose. Here again he had some strong associates, among whom were Francis Springer, Timothy Day, James F. Wilson, Edward Johnstone, R. L. B. Clark, John T. Clark, William Penn Clarke, D. H. Solomon, George Gillaspay, Amos Harris, Lewis Todhunter, William Patterson, Robert Gower, John Edwards and other men of ability. In this notable body he exercised even greater influence than he had in the convention of 1844, and many of the wise and beneficent provisions of the instrument it gave to the people are traceable in a great degree to his broad and vigorous mind. The printed debates of that convention will attest this and constitute a lasting memorial to his fine qualities. He was the author of the provision authorizing the public school system.

In every position, he was a friend of and true to the people. His ideas of legislation were humane and progressive, and to his influence the people of Iowa were greatly indebted for its redemption and exemption laws.

He was a champion of internal improvements. In 1855 he was elected President of the Burlington & Missouri River Railroad Company, and it was greatly through his influence and foresight that its affairs were placed on a substantial basis. The first locomotive that entered Burlington was named "J. C. Hall," in his honor.

He was also a firm champion of the educational interests of the State. What an important factor in that behalf he was in the Constitutional Convention of 1857, has already been noted. He assisted in the founding of the academy which afterward became the basis of the Wesleyan University, and could always be relied upon to forward educational measures. In an article on the early times appearing in Vol. I, 3d Ser. of *The Annals of Iowa*, Prof. W. P. Howe, speaking of the men who laid the splendid foundations of our educational system, said, "Judge J. C. Hall and David Rorer were lifelong supporters of the public schools, and were among my father's warmest personal friends, though their politics were as wide apart as the poles." (The father of Professor Howe herein referred to was the venerable and reverend Samuel L. Howe, whose early, long-continued and heroic career as an educator have durably embalmed him in the annals of the State and the affections of her people.)

In the fall of 1859 he was, against his inclination, sent to the Legislature as a Representative of Des Moines County in the Eighth General Assembly. At the ensuing session of that body a new code of laws, embracing a new system of practice, was to be reported by the commissioners appointed for that purpose, and it had been the great desire of his people that he should be present and exert his influence in molding into final shape what was to be known as the *Revision of 1860*. In this work he took a prominent part and unceasingly devoted himself to it. Without in the least detracting from the unwearied labors of the very able commission which prepared and reported the code as it originally stood, it is not too much to say that his efforts were greatly effective in improving it in some of its important features.

Immediately after the inauguration of the rebellion a special session of the same Assembly was called by the Governor to meet the emergency. Among his associates therein was Henry C. Caldwell, of Van Buren County—afterward a distinguished Iowa soldier, and successively Major, Lieutenant Colonel, and Colonel of the Third Iowa Cavalry, and after that, for a period of forty years, one of the greatest and purest Judges that ever graced the Federal Judiciary. He and Judge Hall were both on the Judiciary Committee.

The measure giving the soldiers in the field the right to vote did not pass into a law until 1862, but it originated in 1861. Several persons have been given credit for its origin, but it unquestionably belongs to Judge Hall, as what is to follow will clearly show. In the summer of 1902 I paid Judge Caldwell a visit at his summer home in Colorado. We talked of a number of men we had known, and among others of Judge Hall. He said he regarded Judge Hall as not only a very able lawyer, but really a great man and entitled to be classed as such. Of this con-

versation I took notes at the time which I now have before me, and from which, as bearing on the point alluded to I quote. Judge Caldwell said:

I was Chairman of the Judiciary Committee in the House and Judge Hall was second on the committee. We became very warm friends and were in accord on all questions that came before the extra session of May, 1861. One night Judge Hall came to my room with a paper in his hand which he laid down on my table and said: "Caldwell, I have drawn a bill providing for taking the vote of the soldiers in the field during the war. This is going to be a great war. Mr. Seward is greatly mistaken in his estimate of its duration. It will be one of the greatest wars of ancient or modern times; and before it ends all the able-bodied men liable to do military duty may be compelled to enter the armies of the Union and go to the front. This would take from their homes the great mass of the patriotic men and friends of the Government within the military age, leaving behind those who are unfriendly to the Government and whose sympathies are with the Rebellion; and with these ballots they would be able to do the Government more damage than if they were at the front with muskets in their hands fighting against us. The votes of these men would be more dangerous than if they themselves were in the open field. Hence in order to provide against such a state of affairs, we must confer the right to vote on the soldier in the field." I suggested that it would be unconstitutional. He said that he had investigated that question and was satisfied that it would be constitutional, and be so declared by the Supreme Court in the event of litigation. Judge Hall was not only a lawyer of great ability, but a great man, and his patriotism and profound, prophetic foresight in this single instance, show him to have been such.

As I had heard the origin of the measure ascribed to others, I thought it possible that there might be some mistake about the matter. In a few days, however, I received from Judge Caldwell a copy of the House Journal which he had procured from the state archives, fully confirming the statement he had made. As the origin of the measure has been obscured, as it essentially affects the biography of Judge Hall and throws a strong light upon his character, I, in order to place the matter, in a particular manner, beyond controversy, here reproduce the Journal entries referred to. On reference to the *Journal of the House of Representatives* at the extra session of the General Assembly of the State of Iowa which convened at the Capitol in Des Moines, on Wednesday, the 15th day of May, 1861, by referring to page 98 of that Journal under date of the 27th of May, the following entry will be found:

Mr. Hall, by leave, introduced the following bill:

House File No. 39. "A bill for an act to authorize volunteer officers and soldiers who are absent from the State and in the service of the United States, and citizens of this State to vote at State Elections."

Which was read a first and second time and referred to the Committee on Elections.

Under date of May 28th, on page 110 of the Journal, the following entry will be found:

By leave, Mr. Rees submitted the following Report:

Your Committee to whom was referred House File No. 39: "A Bill for an Act to authorize Volunteer officers and soldiers who are absent from the State and in the service of the United States and citizens of this State to vote at State Elections," report the bill back and recommend its passage.

Samuel Rees.
D. D. Sabin.
J. W. Lelacheur.

On the same day the following entry appears on page 118 of the Journal:

Mr. Hall moved that the House take up House File No. 39: A Bill for an Act to authorize Volunteer Officers and Soldiers who are absent from the State and in the service of the United States, citizens of this State, to vote at the State Elections. Carried. Mr. Williams moved to postpone the further consideration of the bill till the year 2065. Upon this motion Mr. Hall demanded the yeas and nays, which were ordered.

On the same day the House adjourned *sine die*.

Mr. Williams, who made the motion to postpone the consideration of the bill till the year 2065, was one of the Representatives from Dubuque County, and immediately upon the adjournment of the Legislature he proceeded to Virginia, his former home, and entered the Confederate service.

When it is remembered that this action of Judge Hall was only a little more than a month after the bombardment of Fort Sumter (April 12, 1861), and more than two months before the first battle of the war (that of Bull Run, July 21, 1861), and that the seventy-five thousand troops called for by the President for three months had been thought in high quarters sufficient to crush the insurrection, no one can fail to appreciate the profound discernment which enabled him, it would seem beyond any man of his time, to so clearly foretell the mighty events which lay in the future.

I have referred to the fact that many of the lawyers of that time, and perhaps largely as a class, were convivial. Do not let me be misunderstood, for while they were more or less convivial, they were not debauched. The flowing bowl was an incident of those days, but it was rarely abused, and while lawyers indulged more freely than members of the other learned profession, they were seldom dissipated, or hors de combat in the hour of action. Why they took precedence, in the respect mentioned, over doctors and clergymen, is easy to understand. The vocation of clergymen, for obvious reasons, properly placed them under very different limitations and conditions. To a great extent the same may be said of the doctors. Both of these were comparatively isolated in their fellowship and professional action. Neither, so to speak, "flocked together" as did the lawyers, at the courts of their own and those of the other counties composing their circuit. To do this, they frequently went long distances and through all kinds of weather—not by railroad, bicycle or automobile, for it was before their day—but overland, and generally, though not always, on horseback. Their almost constant companionship naturally made them convives.

It is not alone the glamour of biography that makes it valued or interesting. It is rather its incidents, that serve to portray the individual from different points of view, and as he really was in his everyday as well as in his Sunday clothes; in his relaxation as well as in his strength. Human weaknesses in the great, it is said, make us love them. They make us akin.

But the frailties of these men were of the forgivable and healthy sort as compared with those we frequently see today. They were faithful to their families, their friends and the State. The disgraceful exhibitions of domestic treachery and official corruption, which are constantly passing before our eyes like the scenes of some frightful panorama, were unknown.

With this preliminary, I feel justified in narrating an incident which will, as it were, throw a vivid side-light on some distinguished counselors of that period, and thereby serve to illustrate the customs of the time, and what I have said. The dramatis personae of the incident were four noted lawyers, who were taking a little ride of 250 miles through an almost unbroken wilderness, to procure some testimony in a certain contested election case. They were the Hon. Daniel F. Miller, of Keokuk, the Nestor of the Iowa Bar for length of continuance of service at the time of his comparatively recent death; Judge Jonathan C. Hall, of Burlington, the subject of this sketch; the Hon. Lyman Johnson, of Keokuk, and Hon. John F. Kinney, then a Judge of the Supreme Court, who had been appointed as the Commissioner to take the testimony. The contestants were the said Daniel F. Miller, commonly referred to as "Dan," and William Thompson, of Mount Pleasant, a well-known lawyer, familiarly known as "Black Bill," from his dark complexion. They had been opposing candidates for Congress in the southern district (there were then but two districts in the State). Thompson being awarded the election, Miller entered the contest, on the ground that the poll-books from the Mormon precinct at Kanesville, now Council Bluffs, had been stolen from the room where they were deposited, and that the returns, if shown, would give him a clear majority. Not being able to find the missing poll-books, Miller was proceeding with his *campagnons de voyage* to Kanesville where the vote had been cast, to take testimony to show who had voted, for whom the votes had respectively been cast, and that the same had been polled and forwarded. Hall and Johnson represented Thompson in the proceeding. Miller represented himself.

In after years it so happened that on the 6th of December, 1884, I met Mr. Miller—whom I as nearly everybody else loved—at Des Moines, and we came home on the same train, occupying the same seat. It was night and the journey was long and slow. I desired to learn all I could of the earlier times and of the men who had invested it with so much extraordinary interest, and plied him with many questions; among others some relating to his contest with Thompson. He gave me all the details respecting the alleged theft of the poll-books and their subsequent unexpected discovery, which it would not be germane to relate here. He then gave me the following narrative of the journey across the country above alluded to, which I at the time reduced to writing in a memorandum book I carried, which I afterward

read over to him for correction and approval, and which I now give in his own language as thus written:

We started to take depositions in my election case with "Bill" Thompson. The State was divided into two Congressional districts. Thompson and myself had run for Congress in the southern district. The poll-books had been stolen and we had to take secondary evidence, so to speak, as to how the vote had gone. Judge Kinney had been commissioned by the Government to take the testimony. J. C. Hall and Lyman Johnson were Thompson's attorneys; I represented my own case. We, Kinney, Hall, Johnson and myself started westward. We had a two-horse wagon. Johnson drove. It was the cholera season. Many had died in Keokuk. We laid in a lot of medicine to meet the event of cholera sickness. We started from Keokuk. As we were about to start, and before I got into the wagon, I pulled out a bottle of brandy which I had taken the precaution to provide myself with, and as I held it up in my hand, I cried out, "I have got the advantage of you fellows." "Not by a great sight," says Hall, and as he spoke he raised from the bottom of the wagon a one-gallon jug. Thus equipped, we started. In due course of time we arrived at Keosauqua. We took some testimony there. Fifteen persons had died there with the cholera. We did not stay there long, but pressed westward. Our ultimate destination was the Missouri river in the vicinity of Council Bluffs—then called Kanessville—to take the testimony of Mormons who had encamped there on their way to Salt Lake. They had been driven from Nauvoo, they had tarried in Iowa, had remained there long enough to vote; quite a large body of them had reached and congregated in the neighborhood of the Missouri river.

We went from Keosauqua to Centerville. The only road was the Mormon trail—a trail they had made in their removal westward over the prairies and across the streams. We followed this trail. It was the month of March; our way lay through the wilderness; the weather was somewhat rough, but we kept supplied with a sufficient amount of whisky to keep us warm, enliven our spirits, and thus shorten the journey. In order to do this pretty effectually, the intervals between drinks were not as long as those between the governors of North and South Carolina. The country along our route was uninhabited, save at intervals of great distance. We would generally manage to make a cabin for the night. We reached Centerville and rested there a while. The contents of the jug had run out and we were obliged to replenish our stock, and got the demijohn filled again. This was necessary in order to keep us warm and maintain our cheerful spirits. From there we struck towards the Missouri river. After some days of travel and when within some fifteen or twenty miles of the river, we came after nightfall upon a clearing and cabin, of which we had been informed and at which we expected to get accommodations for the night. We drove up towards the cabin; out came a pack of hounds roaring like so many lions. We hallooed for the inmates, and presently out came a man and hallooed back to us. "Who is it and what do you want?" said he. "We are on our way to the river and have been informed we could get sleeping for the night here. Can you keep us?" we replied. "Yes, I guess so; get out and come in," said he. We looked after the horses with the man and then went in. He had two cabins, one in which he lived and cooked, and a very small one in which were located three beds. This was assigned for our lodging. But we were not quite happy. We had run out of material again; Hall, especially, was terribly disconsolate. He called the proprietor in and asked him if he had any whisky he would let us have. The man replied, "Well, strangers, I have got some whisky. I went with my team all the way from here to St. Joseph, Missouri, to get it; the roads are bad and I tell you whisky are whisky. I got a barrel of it and I'll let you have some, but whisky are whisky." "Well, what do you mean; how much do you want for it?" said Hall. "Seventy-five cents a pint," said the man. (Twenty-five cents a gallon was the highest price for whisky at that time.) "Why, my gracious, that is cheap; how can you afford to sell it for that after bringing it so far? Give us a pint of it," said Hall. The man brought us in a pint with which, and a good, rousing fire to warm up our chilled frames, we soon made ourselves comfortable. The pint was soon gone, and Hall calling in the man, said to him that his whisky was so cheap, we must have another pint of it. Well, another pint was brought and con-

siderable of it drank before supper was called, as we were very cold, chilled through. I forgot to say that it was about ten in the evening when we arrived and about midnight before supper was ready. On the table was some good corn bread, a good substitute for coffee made of dried crusts of bread, ground, milk, and in the middle of the table a huge yellow dish filled or nearly so with a clear looking liquid in which were floating scraps of the bacon from which it had been tried. As a substitute for butter I placed a lot of it on my plate as did all the rest of us, to sop our corn bread in. I put a piece of the latter, well sopped, in my mouth, but immediately after getting a good taste, threw it out, exclaiming, "My gracious, this is rusty bacon!" I was hungry, but my stomach revolted. Hall, however, who was a man of most robust stomach, and whose appetite had become whetted by the long fast, said, "I tell you, boys, this corn bread and gravy is good," and he ate a large quantity of it. Supper ended, we went to our sleeping cabin; we sat and talked a while, and finally Kinney and Johnson turned in. Hall and myself concluded we would sit up and enjoy ourselves a while longer. As we sat there Hall called my attention to a copy of the Burlington Hawk-Eye, which had been shown him the day before, in which there were intimations that he had been connected with the loss of the poll-books, and said he believed that I was responsible for what he termed these — incendiary documents which were being thrown broadcast. "I'll be darned if I like it," said he. The whisky had produced just that effect on me that the allusion put me in fighting trim, and I said, "I don't care a blank whether you do or not; I believe there is some ground for it and you can make the most of it." Hall rose to his feet, swelling with anger and resentment. He looked me squarely in the face for a moment, his eyes glistening like fire, and I thought he was about to strike me, when his face relaxed into gentler lines and he said, "Well, Dan, I reckon we had better not make fools of ourselves." I immediately put out my hand, which he cordially grasped, and after taking a "night cap" we went pleasantly to bed. Towards morning I heard him giving vent to the most terrible groans. He had partly raised himself up in bed. I could plainly see by the light of the open fireplace. I sprang up. "My God, Hall, what is the matter?" I excitedly asked. "Get the medicine quick," he replied, "I have got the cholera; I never was in such agony in my life; I believe I shall die." I at once aroused Kinney and Johnson. "Get up," said I, "for heaven's sake get up quick; Hall has the cholera; get out the medicine quick, and I will run and arouse the people in the other cabin and get them to heat some water." Out of the cabin I went to the other one and called to the man to get up. "Get up quick, your whole family, and heat all the water you can just as soon as possible; one of our men has the cholera. Don't be frightened; you need not come near the house; heat the water and we will come for it." On my return to the cabin Hall had succeeded in getting up and was standing in front of the large fireplace, his hands holding to the mantel or jamb. After some retching and relief of the stomach, we concluded there was no cholera in the case; whereupon we all joined in a hearty laugh, and none more heartily than Hall himself, and returned to our repose.

The extent of Judge Hall's practice is readily shown by the report of cases which went on appeal to the Supreme Court. At the term held in the southern judicial district at Burlington in May, 1848, he was in twenty-six cases out of thirty-nine that were then decided, as shown and reported in first G. Greene's Reports. At the term held there in May, 1849, and reported in second G. Greene, he was in twenty-two cases out of the thirty-two then decided. When we consider that but comparatively few cases tried below go to the Supreme Court, some idea can be formed of his immense practice in the southern district. In addition, he had a goodly number of the other districts of the State.

It is a pity that of the great number of his forensic efforts so few remnants of his oral ones have been preserved. Indeed, I know of but one—that in the case of

Ruel Daggs vs. Elihu Frazier, tried in the District Court at Burlington in June, 1850. There were but few shorthand reporters in the world at that time. George Frazee, of the Burlington Bar, an accomplished lawyer and writer, who at the time of his death in 1904, was the oldest member of that bar, was one of them. His notes were taken for private use, but in 1903 he consented to the publication of his report of the entire proceedings in the case, including the evidence introduced, the arguments of counsel to the jury and the charge of Judge Dyer before whom the case was tried. It will be found in Vol. VI. of *The Annals*. The case was a noted and exciting one, arising under the Fugitive Slave Law, in which the owner sought to recover for the value of escaped slaves whom he claimed to have been prevented from retaking by the so-called Abolitionists in the neighborhood of the Quaker settlement of Salem in Henry County. David Rorer was for the plaintiff and Mr. Hall was for the defendant. In the existing excitement against those who sought to interfere with the right of the master to follow and retake his fugitive slaves under the law, Mr. Rorer had the easy side of the case, Mr. Hall the difficult one. It was a combat of trained and powerful intellects, and I doubt whether many better specimens of offhand, extemporaneous argument in a nisi prius court than theirs in that case, can be found anywhere. That of Judge Hall, though struggling against the weight of testimony and adverse conditions, glows with ingenious force and varied, pungent, ratiocination; and I am constrained to say that of Judge Rorer, who had better standing-room, was not behind. These proceedings are alone sufficient to show that both were past grand masters in their profession. Their friends and the profession at large should feel thankful to Mr. Aldrich and the Historical Department of Iowa for the resuscitation and publication of the proceedings referred to.

If Judge Hall's lot had been cast in a large city where the stimulus of high conditions and the friction of great interests invoke extraordinary forces, he would doubtless have acquired national fame as a lawyer. He evidently possessed mental powers whose depths were never fully sounded. It was said by Walpole that "Men are often capable of greater things than they perform. They are sent into the world with bills of credit, and seldom draw to their full extent." And so it was with Jonathan C. Hall.

In politics he was a Democrat of the old school; but above all and at all times, a patriot. He left surviving him a son, Benton J. Hall, who early attained great prominence as a lawyer, represented his district in Congress, was Commissioner of Patents under President Cleveland, and died lamented and beloved by every one who knew him.

James W. Woods (Old Timber), and Those of Whom He Speaks.

It is difficult to write about this man; not because he was a deeply learned lawyer or finished scholar, for he was neither; and that is just what makes it difficult to write about one so widely known and talked about in his time. He was thoroughly identified with not only the early, but the mediæval period of the Territory and State, for he lived and did some business until he was above four score years. He was born in New England, but removed while a young man to Virginia. He died in Hardin County, Iowa, in 1886, after seeing the State, in its process of development pass through several territorial conditions.

He ought to have been an actor, a comedian; he would doubtless have attained eminence in that line, for he had a keen sense of the ludicrous, and was sometimes insensibly ludicrous in himself. Aristophanes or Moliere would have been delighted with such a subject. He was highly convivial; he drank after the manner of the times but not immoderately; he told stories that made the hearers laugh, joked with friends without offending them, and always wore a cheerful face. He and the eccentric Judge McFarland were intimates, and played many pranks with each other. If he had been an English fox-hunting squire, he would have been what is termed a hard rider. He was, nevertheless, a useful man. He was a prime favorite with the pioneers and a serviceable factor in the adjustment of their affairs, into which he easily made his way. He was a typical pioneer lawyer, entering the wilderness before the Indians were out, and practicing on both the Illinois and Iowa sides of the Mississippi wherever white settlements had been made. He was suited to the times, had a wide practice, and faithfully served his clients.

While in some sense a politician, he was not an office seeker. He worked for the elevation of others rather than himself. Notwithstanding he enjoyed many public favors. He was one of the early Clerks of the Supreme Court, at one time Secretary of the Senate, at different times Prosecuting Attorney. His name never fails to appear among the little group of lawyers who were attendants at the earliest courts. He was the legal counselor of the Mormon Prophet, Joseph Smith, and of his brother, Hyrum, and brought or accompanied their bodies from Carthage, where they were murdered, to Nauvoo. He received from the body of Joseph his personal effects and turned them over to his widow.

He more than once did good service for the State; so conspicuously on one occasion, that Professor Parvin says in the narrative attached to the sketch of that gentleman, that Mr. Woods deserves a memorial at the hands of the Commonwealth. It was in respect to the establishment of the western boundary line of the State when it was seeking admission into the Union. The Constitutional Convention of 1844 made the Missouri River the western boundary, but Congress, when the Constitution thus fixing it was presented, curtailed it by cutting off about one-third of it on

the western side bordering on that river, and sent the Constitution back to be ratified by the people. In defeating this proposed ratification, he did yeoman's service, on the stump and among the people to whom he was everywhere known, and with whom he was immensely popular by reason of his free and easy ways, his good fellowship, his perennial humor and unbounded generosity. He was a good mixer; a hale fellow well met. These qualities drew to him good audiences. They also enabled him to meet on friendly ground and talk the matter over with the people. The services he thus performed in assisting to defeat a measure that would have deprived Iowa of perhaps its most fertile portion—what is known as the Western Slope—and circumscribed its extent to inferior limits, were invaluable and deserve the remembrance of the State. He and his compeers had the efforts and influence of some prominent men to oppose. It was contended and largely believed that the excluded portion was not an important one, and that the failure to include it would prove of no great detriment, while, on the other hand, the defeat of the constitution tendered to the people for adoption, would indefinitely postpone the admission of Iowa as one of the States of the Union. It has also been said that the desire of certain ambitious men to secure political honors from the State was an incentive to their efforts to have the constitution adopted, and that the federal administration participated in this desire. This harsh judgment I am not disposed to confirm. It might be unjust.

His colleagues in this successful effort to defeat the Constitution thus limiting the boundary, were Edward Johnston, Shepherd Leffler, Frederic D. Mills (afterwards killed in the Mexican War), Enoch W. Eastman and Theodore S. Parvin. But Charles Aldrich, the late revered Curator of the State Historical Department, in a sketch of Theodore S. Parvin which appeared in the October, 1901, *Annals of Iowa*, limits the co-operation in this effort to Enoch W. Eastman, Frederic D. Mills and T. S. Parvin and gives them all the praise, thus excluding Woods, Johnston and Leffler. In this, Mr. Aldrich committed an error—something very rare in him, and it is not singular that he did, but rather that he got so near the mark in respect to an occurrence of which no public record was made and which must be dependent on mere tradition or the testimony of witnesses contemporaneous with the event. Such a witness I have in the person of Mr. Parvin himself. Professor Parvin, in his narration to me, which will be made a part of his sketch, following this, thus states it:

Edward Johnston, James W. Woods, Shepherd Leffler, Frederic D. Mills and E. W. Eastman got together and agreed to canvass the Territory in opposition to the Constitution. They planned the canvass of the entire Territory, but it was too much for them, and they thought they had better confine themselves to the First District, which was at Burlington. They were opposing it on the ground of the boundary line. They were all Democrats—a Democratic Constitution and a Democratic Convention. Finding they had too much to do, they wanted to know if I would be willing to canvass the Second District, which embraced all the region commencing with Muscatine County, running up to Jackson and taking in Johnson, Iowa, and all the counties in that part of the State. I entered the canvass

against the ratification of the Constitution, and when the vote was canvassed it was only beaten by 250. Woods canvassed the Southern District thoroughly and energetically. I have not a shadow of a doubt but that the constitution would have been adopted by a large majority if it had not been for these efforts. I canvassed the Second District alone, and these four other men canvassed the First District.

Mr. Parvin states that the services of Mr. Woods were so valuable that, "The State of Iowa ought to make some recognition of his services and vote him a pension."*

Judge Mason, as we have seen, was of the impression that David Rorer and James W. Grimes were the only lawyers actually residing in Burlington when he went there in 1837, and that Mr. Woods did not come there to live until the following year. Mr. Woods says that he and W. W. Chapman had become residents there for quite a while before that, and as to which was the first actual resident lawyer there, lays between him and Chapman. However the question of actual location may be, it is beyond doubt that he and Chapman attended and practiced in the County Court in Des Moines County, at Burlington, when we were a part of Michigan Territory, upon the division of the Black Hawk Purchase by the Legislature of that Territory, and before we became a part of Wisconsin Territory. Mr. Woods was not only one of the twenty lawyers admitted at the first term of the Supreme Court at Burlington, but according to Professor Parvin who was present, he had and argued the only case before it at that term, which lasted only one day.

Since I have referred to Judge McFarland and his intimacy with Mr. Woods, I may as well say a word of him here, for fear time and space may not allow of it hereafter. When I came to Iowa in 1856, Judge McFarland and "Old Timber," the sobriquet of Mr. Woods, were frequently referred to by the old timers.

Judge McFarland was certainly a unique, and I might say, the most grotesque character that ever presided over an Iowa Court. I know nothing of his origin or bringing up, but one would judge that his early life had been amid the rough conditions of the frontier. It must be confessed that the drink habit was much in vogue among the early lawyers, and it would seem that Judge McFarland, at least at times, indulged pretty freely, and there was nothing half way about him. He was a very tall, stalwart, well-shaped man, with a beard as long and flowing as that of Aaron. He was a delegate to the National Democratic Convention of 1856, and it is said that his striking appearance and manner attracted general attention. He was a man of decided ability and had it not been for the weakness referred to, would probably have distinguished himself. On the bench he usually presided with force and propriety, but sometimes showed the effects of the previous night's indulgence in ways that in these modern days would have invoked the public censure, if not impeachment or removal. He familiarly addressed the lawyers before him

* Mr. Woods at this time had come to be very old and in poor circumstances.

by their first name. Numerous anecdotes were told of him. I will relate two, one of which will illustrate the facetious qualities of Mr. Woods and the liberties he took with Judge McFarland, while both will illustrate phases of the Judge. In one case, Marcellus M. Crocker, afterwards one of the distinguished Generals in the Civil War, was on one side, Mr. Woods on the other. Woods filed a demurrer to the pleadings of Crocker's client, which, if sustained, would result in the abatement of the case. In arguing his point, Mr. Woods saw that the Judge was in a mood that would justify some liberties to be taken, and out of pure facetiousness, in the course of his argument, thus alluded to an imaginary case: "Your Honor will perhaps recollect having decided this point in my present favor by ruling against me when it was presented by Mr. Starr in the case of Brown vs. Smith at Burlington." The Judge pricked up his ears and, turning to Crocker said, "How is this, Marcellus? Let me see those pleadings." He looked at them and said, "Marcellus, Old Bass Wood has got you. I remember the case he has cited, and following the precedent I shall sustain his point."

The other incident was related at a Bar Supper some thirty-five years ago at Des Moines, at which I was present, by Judge J. C. Knapp, of Keosauqua, one of Iowa's ablest lawyers, and of whom I shall again speak. Judge Knapp said he was trying a case before Judge McFarland, in which an aged father was endeavoring to have cancelled a deed made by him to his son, in consideration of the support promised him by the latter. The gravamen of the complaint was, that the son had failed in his promise and had mistreated his father. Judge Knapp was for the defense. In the course of the trial a witness testified that on a certain occasion the defendant shamefully abused his father and struck him a blow. Upon this, Judge McFarland, who had been seemingly drowsy, almost dozing, suddenly raised himself in his seat, and bending forward towards the defendant, exclaimed: "You strike your old father! You strike your old father! I'll show you not to strike your poor old father!" The effect on Judge Knapp can be imagined by anyone who knew him. He seized his hat and started for the door with the exclamation that he could be of no further use in the case. "Hold on, Baldy!" (Knapp was somewhat bald) "Hold on, Baldy," said the Judge. But Baldy did not hold on, he stalked in disgust from the court room. This is the greatest breach of judicial decorum that Judge McFarland is reported to have committed. But while it was flagrant and unpardonable, it nevertheless showed that he had an irresistible sense of natural justice and filial duty.

In 1882 I induced Mr. Woods to come from his home in Hardin County, Iowa, to Ottumwa, and tell me what he knew of the olden times. I comfortably quartered him at a hotel where he remained for some two or three weeks, and where I frequently visited him with a stenographer who took down the conversations that occurred between us. Prompted by my curiosity, I asked him a great variety of

questions, the answers to some of which naturally enough took a wide range and introduced many matters of irrelevant, redundant, and sometimes private character that would not be fitting to relate. He was then upwards of eighty years of age, but his memory, especially in one so old, was remarkable. My previous conceptions of him were confirmed. He was reminiscent to a high degree, good-natured, cheerful as a boy. He was tall and rather slender, but well formed—I should say a little over six feet—a little, but not much, bent under the weight of his years; his pleasant face softened by kindly eyes, a little dimmed. As I looked upon him, and thought of his association with the early conditions, the hardships through which he had passed, of the adverse winds that had blown upon him, of the earnings that he had strewn upon friends along the way, of the long course he had journeyed, of the shifting scenes he had witnessed, of his departed associates, of his boon companions in the homely carousals, who one after another had passed away, and that he was the last survivor of, and participant in, the earliest civilization in that part of Iowa, I felt a sort of veneration for him.

Instead of giving our colloquial interviews in the formal questions and answers asked and given, I have condensed the pertinent portions into narrative form which I now present:

I was born fifteen miles from Boston, removed to Virginia in 1824, and remained there until 1832, when I came West. I had studied law and been admitted to the bar in 1827. I reached Iowa in 1833 after the close of the Black Hawk War, and settled where Burlington now is. There were then not even log cabins.

I think W. W. Chapman was the first lawyer in Iowa. He was here when I first came out West. I met him at the first term of the County Court, held at Burlington in April, 1835. He was living in Hancock County, Illinois, and had married a daughter of Arthur Ingraham. He afterwards removed to and settled in Burlington. I really think that he was the first lawyer that settled in the State. Ingraham was an old farmer who had settled near Carthage, Hancock County, Illinois. He came over and settled and Chapman came over afterwards. Ingraham had a large family. Chapman followed the old man over here.

Of course, I came to Burlington before Mr. Chapman, but I was backwards and forwards between Illinois and what is now Iowa, and I had no family at the time I came. I married afterwards. There is where Judge Mason has made his mistake. Mr. Chapman had a family and as I had none, I give him the precedence.* I was a good deal in Illinois and I had practice in what they call the Military tract and used to attend court from Pike County, Illinois Territory, as far north as they could go, where there were any inhabitants, up to Fulton County and Bureau. I was in Illinois perhaps half the time. I did not marry until 1836. I went back to Illinois and married and brought my wife over. I intended to make Burlington my home from the time I came there in 1833. I crossed the river by myself. Martin McCarver, Simpson S. White, Amasa Doolittle, Dr. Parker L. Shuff and Tom Duthrow were there. They were camped on the east bank of the river. Dr. Shuff was from Kentucky and was the first doctor there. Simpson S. White was a brother of Aaron. McCarver married a sister of Aaron White; so did Doolittle. They were all brothers-in-law except Dr. Shuff. The hills where Burlington now stands were covered with a heavy growth of timber, among which

*This narration of Mr. Woods was made some two years after that of Judge Mason which I took the liberty of submitting to the perusal of Mr. Woods.

were a great number of large horse chestnut trees. It was a primeval forest. The men above mentioned built the first cabin. It was in what is now called Court Street, between Third and Fourth Streets. It stood right in Court Street. The first court was held in a log cabin north of where that cabin was built. That was several years after the first cabin I have mentioned was built. Under the Treaty we could not get possession until June, 1833, but the men I have mentioned, came over in April and built this cabin, and Captain Jesse Brown came up with a squad of men from Montrose and tore the cabin down and set the men back over the river for being in violation of the Treaty. After the soldiers returned, these men built a raft, crossed over and rebuilt the cabin. It was built of green buckeye; the soldiers tried to burn it down, but it would not burn. I subsequently bought the logs of the cabin and laid them down for walks to my out-buildings. I built my house on the lot where Ben Hall now lives. I preempted the lot and took possession some time in 1834. The act of Congress laying off the towns of Fort Madison, Burlington, Bellevue, Dubuque and Mineral Point gave to settlers the right of preemption to lots and the towns were afterwards surveyed. There were several cabins in the neighborhood at the time. There were no Indians just there, but Black Hawk and his men were down on Devil Creek, and Wapello was at the village of Wapello in Louisa County with his Indians. There was a reservation of ten miles on the Iowa River and Wapello remained there for several years.

At the first court at Wapello in Louisa County, there were but two houses, one of which was occupied by Mr. Ingraham, the clerk, and the other by a man of the name of Dedrick, a discharged dragoon of the Black Hawk War, who kept a provision store. There was no place for the grand jury and they held their deliberations in a gully near the Iowa River. I was appointed Prosecuting Attorney. The jury sent the bailiff for me, and you know it is a rule that there should be no one present at the finding of an indictment except the members of the grand jury. I got upon the trunk of a tree and told them what I thought about the evidence, having been asked to do so. Thereupon Mr. Smith, the foreman of the grand jury, picked up a two-gallon jug and walked across the gully and said, "All that are in favor of finding this a true bill, come across the gully and take a drink of whisky." But when he did this the conclusion reached was generally right. I drew up the indictment. There were no bills ignored that the foreman thus recommended.

At a Democratic political meeting, during a term of court at Knoxville, Scholte, the founder of the Holland Colony at Pella, suggested to Judge McFarland, who was present, that there were about one hundred Hollanders who desired to get their naturalization papers, and the Judge took the Clerk, the Sheriff and the records and repaired to Pella, fifteen miles distant, opened court and naturalized these one hundred Hollanders, and it was the first time that Marion County ever went Democratic, but the records were made to show that all of it was regularly done at Knoxville.

Here is an incident in connection with Dan Finch. Finch had probably been up all night of the day before. He was sitting in a seat with his feet on a chair and his hat on. He did not notice the call opening the Court, and Judge McFarland asked, "Who is that man with his hat on?" Finch said, "Your Honor, I am a Quaker." "Oh, is that so?" said the Judge. Pretty soon Finch got up and went to another seat and sat down and took his hat off. Thereupon the Judge said, "Mr. Finch, a few moments ago you informed me that you were a Quaker. Put on your hat, Sir."

David Irvin was one of the first Territorial Judges after the organization of Wisconsin Territory. He was a Virginian. He was assigned to the first district west of the Mississippi River. He was about forty-five years of age; a genuine 'high-toned' gentleman; well informed upon all the current events of the day, even to horses, dogs and guns; at all times ready to attend to any fun. He could show a tailor how to cut and fashion a garment, a bootmaker how to make and fit a boot, a barber how to strop a razor; in fact, he could teach a housekeeper how to cook meals and make beds, and upon all occasions he imparted this knowledge.

He was, withal, most profoundly impressed with the F. F. V.'s of that time. When upon the bench he was a fair and able jurist enough, but one of the most technical Judges it has been my fortune to meet in a constant attendance on the courts of more than fifty years. This anecdote was told about him: A man had an important case before him and having obtained a decree in his favor, was about leaving the court room when he met the Judge's dog and gave him a violent kick. This was too much for the Judge, and he directed the Clerk to make an entry setting aside the decree. Whether he ever reinstated it I don't know, but I presume he did after he cooled down. He was so strict and technical that upon one occasion when Washington County was organized and the county seat had been located a half mile from Gobles—the nearest house—at a place called Astoria, he would not hold court at the house, but rode out to where the town site was located, and improvised my buggy for the Judge's seat, and the Clerk used the top of the buggy for his desk. That was the first term of court in that County, and there were present: David Irvin, the Judge; Thomas Baker, the Clerk; Joseph Welch (or Welty), Sheriff; William W. Chapman, U. S. District Attorney, and myself. Hiram Bennet was Deputy Marshal, and fifteen residents constituted the grand jury. Upon the separation of Iowa from Wisconsin, Judge Irvin was assigned to a District in Wisconsin, and since that time I have lost sight of him.

The County seat of Johnson County was located four miles south of Iowa City, at a place called Napoleon. The first court was held at Stover's house—a double log cabin with a hall between. There was only one house there. Stovers occupied one room of it as a dwelling and Gilbert Davis used the other as an Indian trading station. A man by the name of Wallis was there from Linn County, held for horse stealing. S. C. Hastings was Prosecuting Attorney, and he and Judge Williams used the part of the building occupied by Gilbert Davis, and in the other room was the prisoner.

About the first court proceedings. At the close of the Black Hawk War a military post was established below Montrose, and four companies of Dragoons were stationed there under the command of Colonel Phillip Kearney. Speaking of the military regulations of the Government, no one was permitted to keep or sell intoxicating liquors within four miles of the military station. Samuel and Joseph Briley had a place at Nashville, five miles south of the garrison and sold whisky to the Dragoons who were in the habit of visiting the place, and Colonel Kearney despatched a squad of men under Captain Jesse B. Brown to destroy the whisky. They found twenty gallons of whisky, some gin and brandy, with which they filled their canteens. Briley brought a suit against Brown for the value of the liquor, 125 dollars, and obtained judgment. This was the first judgment found and entered in a court of record in Iowa. It was while we were a part of Michigan Territory. I was the Attorney for the plaintiffs.

The country west of the Mississippi River, being organized and divided into the Counties of Des Moines and Dubuque, there was established a County Court, consisting of a Chief Justice and two Associate Justices. The court was to be held twice a year and two of the Judges constituted a Court for the transaction of business. The Judges of the County Court for Des Moines County were William Morgan as Chief Justice; Young L. Hughes and Henry Walker as Associate Justices. William R. Ross was the Clerk. The first regular session of this Court was held in 1835 at Burlington in a log building on the corner of 3d and 4th Streets, east of the public square. This was in April, 1835. The attorneys present were W. W. Chapman, now of Oregon, Joseph B. Teas of Hancock County, Illinois, who afterwards died in Albia, Robert W. Williams, of Quincy, Illinois, and myself. Our modes of doing business were rather primitive. In a certain case I filed a demurrer to Chapman's petition. After the argument Chief Justice Morgan directed the Clerk to put the demurrer under the table, which consisted of a dry goods box, a receptacle for waste paper. The Court did not desire to decide the demurrer then and the Clerk did as he was directed. But when I came to argue the case to the jury I obtained the demurrer from the waste papers and argued it to the jury who were more considerate of it than the Judge, and gave me a verdict. Little regard was paid to the forms of law, and yet substantial

justice was generally done. Associate Judge Hughes had a woman working for him by the name of Dobson. She desired a divorce and wanted me to get it for her. I inquired as to whether there had been any notice given to her husband. Judge Hughes said that about a month previous Dobson had come to see his wife, and that he (Judge Hughes) had told him that if he did not provide for his wife before court commenced, he would grant her a divorce. The Judge said Dobson had not done anything, and he asked Judge Morgan if he would sign a decree of divorce in the wife's favor, if I would prepare one. He said he would, and in accordance with the order of the Court I drew up a decree, and it was signed and became a part of the record. This beats the Chicago divorce proceedings.

Yes, I knew Cyrus Walker very well. He frequently came over to attend Court. He had a son, a rather tall boy, whom he settled at Fort Madison. He formed a sort of partnership with Judge Stockton and they took in the circuit of Des Moines, Lee, Jefferson, Van Buren and Henry Counties. Walker traveled around, and would go to see about his son at Fort Madison. His son did not remain there a great while. Walker was an able lawyer. He stood at the head of the bar in Kankakee County, Illinois. He and Judge Logan, of Illinois, were from the same part of the country. Judge Logan was what you might call a singe-cat, with light hair and boyish face, but a better lawyer than even Cyrus Walker was. He and Walker were competitors in Kankakee. Logan staid at Rocheville and Walker at Macomb—no, I am mistaken, Logan was from Springfield, but practiced at Rocheville.

John C. Breckinridge, afterwards U. S. Senator from Kentucky, and Vice President of the United States, was at Burlington and practiced there for a while. He came from Kentucky to Burlington with Mr. Bullock. They remained about two years and then returned to Kentucky. Mr. Bullock's son, Thomas W. Bullock, was afterwards Governor of Kentucky, and he himself was elected Judge after he returned to Kentucky. I recollect traveling with Breckinridge from Burlington to Fairfield at the time Ross was tried for killing Bradstreet. Breckinridge and myself were there together. He must have come to Burlington about 1839. The Ross who killed Bradstreet was William W. Ross and no relation to Dr. William R. Ross. He was a brother of John Ross that kept the Ogden House at Council Bluffs, and a brother of Cap Ross, who killed Dr. Wright at a land sale in Ottumwa. Ross was from Virginia. His father was Register of the Land Office and succeeded Van Antwerp and Dodge in 1840. He was appointed Register of the Land Office by President Harrison. General Arthur Bridgeman married a sister of the Ross who killed Bradstreet. The difficulty between them grew out of some remark that Bradstreet had made about Bridgeman while Bridgeman was in St. Louis. Ross heard of it and, meeting Bradstreet at the post office, struck him with his riding whip. Bradstreet said, "I am not prepared for you now, but I will be." And he did prepare. He was boarding at the National Hotel on Jefferson Street between Main and Third. His room was upon the corner between Main and Columbia Streets. He had two blocks to go to his boarding house. Our market was in the middle of Washington Street, just above Main between that and Third Street. The street was wide enough for passage on each side. There was a livery stable north of Washington Street. Bradstreet was a speculator and wealthy. While he was coming down from his room on the street, Ross was coming down from Washington Street, on the south side of the market, and they met midway on Washington Street, and commenced firing. It was difficult to tell who had fired first, but a man by the name of Taylor, a brother-in-law of Chapman, testified that he saw them meet, and saw Ross hold up his right arm while he had his pistol in his left hand, and saw a flash strike Ross under this arm, and that if there were two shots they were simultaneous. They continued firing and John Ross came out of an alley back of the livery stable mentioned, as soon as the firing commenced. They kept on firing for about half a block, Ross following Bradstreet up, and when they got to a little building by the post office Bradstreet stumbled and fell upon the platform right in front of the post office door and died almost immediately. There were nine bullets in Bradstreet and five in Ross. Ross was picked up for dead and taken to his father's house. It was thought that he was mortally wounded and it was a long time before he could be taken to the

jail, where he was placed in an upper room. Cyrus Walker defended him, the case was tried at Fairfield and he was acquitted.*

I was the legal counsel of Joseph and Hyrum Smith, the Mormon leaders. You ask me to relate the circumstances leading up to their murder. In June, 1844, while I was standing at the wharf at Burlington, a note was handed to me from Joe Smith requesting me to come to Nauvoo. I jumped aboard and went down. Joe and his brother Hyrum were concealed in a pawpaw thicket across the river in Lee County. I was piloted over in a boat by three men. When we reached the other side we found a couple of horses saddled and bridled all ready to go. We mounted and rode down the river for about three miles and then turned up a ravine, which we traversed for about three-quarters of a mile through a thicket and came to the camp of Joe and Hyrum Smith. There were about twenty other men with them. We held a consultation and concluded that Smith should return to Nauvoo, and that I should go to Governor Ford, of Illinois, and obtain a pledge from him that the Smiths should have a fair and impartial trial and that they should be protected from all bodily harm. A warrant had been issued on a charge of riot and for destroying the press of the "Nauvoo Expositor," a newspaper which had charged that Joe had been tampering with other men's wives. Joe was the Mayor of Nauvoo and the council passed an ordinance declaring the "Expositor" a nuisance and ordering its destruction. It was accordingly set fire to and burned up. I was in Nauvoo at the time and saw it. Thereupon the warrant was issued for their arrest. Smith refused to be taken, declared martial law, and would let nobody go out or come in. Thereupon a large crowd of men collected about Carthage, the county seat, coming in from the surrounding counties. Governor Ford came and ordered out the militia, organized it and gave the command to Colonel Denin, sheriff of Hancock County. This was the state of affairs when Smith sent for me.

*Judge Henry C. Caldwell related to me some years ago a thrilling incident of this trial, of which I made a note at the time and which, as near as I can remember, was about in the following language: "The trial of Ross for the killing of Bradstreet, by reason of the circumstances, the character of the persons involved and the lawyers engaged, attracted a good deal of attention, and my father decided to make the journey to Fairfield and hear the arguments. I was only a boy of some eight or nine years of age, but he took me along with him, and I received impressions so vivid that they have lasted a lifetime. Cyrus Walker was for the defendant. I listened to his entire speech with great interest and to a certain part of it with great emotion. The pivotal point in the case was as to who had fired the first shot. Witnesses testified to circumstances pro and con, but nothing certain and the question was left in great doubt, when the mother of Ross was called as a witness and testified that she knew Bradstreet had fired the first shot, because she was perfectly familiar with the sound of William's pistol, she had heard it so often when he was shooting at the mark with others; that knowing what had happened, she did not want William to go out and when he did, she feared there might be a meeting between him and Bradstreet and was anxiously looking out and listening; that she heard the first shot, and screamed, fearing that William had been killed, but in an instant she heard another shot, and cried out, "No! William is defending himself, that is his pistol. I know it from the sound." Walker treated this circumstance as decisive of the disputed point, and illustrated it by this incident in his experience. He said that at an early period of Kentucky, the portion in which some families had settled was so unsatisfactory that they concluded to seek another location, and three men of the community were selected to go in quest of some more favorable situation. They went into the Indian Country. They did not return when expected, and when at the end of three years they had failed to do so, and no tidings of them were received, they were given up as having been slaughtered by the Indians. As a matter of fact, two of them had been, but the third, on account of the accuracy of his aim, had been spared by the Indians to shoot game for them, and had finally managed to escape and make his way homeward. He drew near his house in the night. He had retained his rifle, and when he got near he fired it. Whereupon his wife who heard it, jumped from her bed exclaiming, "Thank God! Thank God! Jesse is alive! I know it! I know it, for it is his rifle!" and rushed from the door into her husband's arm.

I advised him to return to Nauvoo, as already stated, and disband his legion, and I went to Carthage, where I met the Governor and obtained from him the pledge of safety before referred to. I returned with it to where I had left Smith and we started on the following morning for Carthage. About nine miles out we met Captain Denin (or Dunn) with a company of cavalry and an order from Governor Ford for the surrender of the state arms which the legion had drawn under the state laws. Then I thought it unsafe for Smith to go on. I also thought it would be unsafe for the Captain and his men to go to Nauvoo without the Smiths and the other leaders with him, as there were about twenty thousand Mormons at Nauvoo. Under these conditions it was agreed that Smith should go back to Nauvoo and assist in gathering the government arms that were to be given up or back to the State. On this being done, I was to report the fact to Governor Ford, and then the Smiths and the other prisoners were to surrender themselves under the pledge of safety and protection that had been given by Governor Ford. They accordingly went on to Nauvoo and carried out that part of the program by collecting the arms that were to be given up. There were four pieces of cannon, about one thousand stand of private arms, and at about twelve o'clock at night Captain Denin (or Dunn) reported with the arms and the defendants to the headquarters of the Governor at Carthage. I was there at the time, in an upper room fronting the street, talking with the Governor. Captain Denin (or Dunn) came up to the room where we were and reported. In a short time about five hundred of the soldiers encamped on the public square came rushing and clamoring for a sight of Joe and Hyrum Smith. The Governor promised that if they would retire to their quarters peaceably he would introduce them to the Smiths in the morning. These men belonged to the militia that had been organized by the Governor, as I have before stated, for the purpose of taking the Smiths. It was for the most part an organized mob. The McDonnough and Brown County men were rather quiet; the worst were the Adams and Hancock men. The next morning Captain Denin had the men drawn up on the public square by companies. He took Joe Smith on his right and Hyrum on his left. Denin introduced Joe and Hyrum to the heads, centers, and flanks of the companies—making three halts at each company. There were about fifteen hundred men there. When he got to where a portion of the companies were I felt a little squeamish myself. I was told afterwards that there were at least a hundred men loaded to shoot Joe Smith, but I was on his right and he was on Captain Denin's right. I was between Smith and the militia. I knew almost every man in the crowd, for I had been practicing law in those counties for years. They told me afterwards that but for me Joe would have never passed through the lines alive; they did not want to hurt me; I could name nearly every one of them. I was merely the attorney, but I felt good when I got back to the Governor's headquarters. We were three days justifying bail. The justice of the peace was really one of the leaders of the mob and he refused to accept bail as long as he could. Colonel Singleton was the attorney for the prosecution. I sent for Edward Johnstone to assist me and he sent his law partner, Hugh T. Reid. Before bail was accepted Chauncey Higbee and Doctor Foster filed an information charging the two Smiths with high treason and they were arrested on this charge, and the justice on his own motion continued the case for three days and ordered the men to jail. The next morning the Governor signified his intention of going to Nauvoo to search for counterfeit money. To this I objected. I was satisfied that as long as the Governor remained in Carthage the Smiths would be safe, and that as soon as he left there would be no safety. I so told him and asked him for a guard. He discharged the troops from McDonnough County and the other outside counties, and gave me the "Carthage Greys" as a guard. The justice of the peace I have referred to was the Captain, and more than one-half of the men were of the mob. But all I could do was to go with them. The jail was in the northwest corner of the town—rather in the outskirts and four or five hundred yards west of the court house. The Carthage Greys took up their quarters in the court house, and sent a guard of eight men to the jail. I went to see Joe in the jail and told him what I had done and that it was the best I could do. He wanted me to go to Nauvoo and have the Mormons there make preparations to receive the Governor. There were in the jail, Joe and Hyrum Smith, Taylor, and Richards. The last words Joseph Smith said to me were, "Woods, I want you to go and prepare my people, for I will

never live to see another sun. They have determined to murder me, and I never expect to see you again. "I have no doubt you have done the best you could for me." He proved to be a prophet, for he did not live to see another sun. I went to Nauvoo and the Governor arrived about two hours after I got there. He made a speech to the people and intended to remain a couple of days, but I discovered afterwards that he was alarmed. He told me he was going to return to Carthage. He went over to his room, and by the way, he kept the principal hotel in the city at that time. We went over there and took supper, and the Governor and his escort left about twilight for Carthage. When they had got about four miles on their way they were met by a Mr. Grant who was bringing the news of the murder of Joseph and Hyrum Smith in the Carthage jail. Grant came on to Nauvoo, arriving at my room about three o'clock in the morning and told me the news. I did not disturb anybody as I did not want to create excitement at that time. A little after daylight I received a letter from Governor Ford brought to me by a messenger, informing me of the murders and asking me to restrain the Mormons, and authorizing me to put the city in a condition to repel any mob, and if possible prevent the Mormons from leaving the city. I put a man on an old white horse and gave him a trumpet to sound. That was the way they called their meetings. In an hour I suppose there were ten thousand Mormons in the Temple Grove; I addressed them and got a pledge that they would not leave the city. Six hundred men were detailed by the marshal to prevent anyone from leaving or coming into the city. The city was about six miles square. After I received the letter from Governor Ford I conveyed to the widows of Joseph and Hyrum Smith the news of their husbands' death. I then mounted my horse and went to Carthage to have the bodies brought over to Nauvoo. It was supposed that John Taylor—afterwards president of the Mormon Church at Salt Lake City—had been fatally wounded in the struggle at the jail. I brought the bodies of Joseph and Hyrum back to Nauvoo. There was a great crowd to meet us formed in line said to have been two miles long. I took the bodies to the Mansion and delivered them to the family friends, and they were placed in state in the dining room of the Mansion, so that everyone could pass through and see them. I think it took about two hours for them to pass through. From an outside platform Hugh T. Reid, of Fort Madison, who had assisted me, and myself looked over the vast crowd that had assembled, spreading out in every direction almost as far as the eye could reach. There were at least twenty thousand people.

Now as to the details of the shooting. A little after six o'clock a mob of eighty men approached the Carthage jail from the northwest through a skirt of timber. Between the timber and the jail there was an open space perhaps half a mile wide. The jail was a stone structure of two stories fronting south. A door entered the hall on the west side; from this hall there was a stairway leading to rooms above. At the top of the stairway, on the right, was a door into the room occupied by the jailer's family. The jail yard was surrounded by a low fence and on the east side was a well with a low curb around it. Two windows were on the south and one on the east side, of the jail. The door to the room above referred to was in the northwest corner near the head of the stairs. As the crowd approached the jail and got inside of the fence, the guard of eight men discharged their pieces over the heads of the mob and fled to the court house. Then the mob commenced an indiscriminate discharge of firearms, a portion of them rushed up the stairs, and a portion surrounded the jail on the east and south and commenced firing. Those that had gone up the stairs broke in the door of the room that has been described, where they were met by Dr. Richards, who with a big cane struck down the guns as they were presented. He was a man of immense size and was Joe Smith's private secretary. There had been eight or ten Mormons in the jail, but they all left that morning except Richards and Taylor. While Richards stood at the door knocking down the guns with his heavy cane, bullets were flying in at the south and east windows. Joe Smith faced his assailants and fired five times upon them with his revolver, wounding as many men. After the sixth barrel of his revolver failed to go off, they rushed their guns through the door and he broke for the east window. As he raised it a ball struck him under the jaw and came out above the eye and another struck him under the right shoulder blade and went through and lodged in the works of his watch in his left vest pocket. There is where I found it.

He was shot through the window from below. The effect of these shots caused him to fall out of the window. After he struck the ground he raised himself partly up with his back against the well curb referred to, and one of the mob run him through with his bayonet and twisted it off in his body. I counted thirty-six bullets in the wall of that upper room. Hyrum Smith lay very nearly under the bed in the southeast corner of the room, dead with five bullets in his body. After the mob knew that the prophet was dead and Hyrum also, it dispersed. Dr. Richards, finding that there was still life in Taylor, who was lying on the north side of the room, picked him up and carried him into his cell, and there tore off his underclothes, dressed his wounds and he recovered.

I received the effects from the body of Joe Smith and turned them over to his widow upon her giving me the following receipt:

"Received, Nauvoo, Ill., July 2, 1844, of James W. Woods, \$135.50 in gold and silver and the receipt for shroud, one gold finger ring, one pen and pencil case, one pen knife and case, one pair of tweezers, one silk and one leather purse, one small pocket wallet containing a note on John P. Green for \$50, and the receipt of Heber C. Kimball for a note of hand on Ellen M. Saunders for one thousand dollars, as the property of Joseph Smith. (Signed) Emma Smith."

The place there was first called Venice, then Commerce and after the Mormons purchased it and the land around they named it Nauvoo. The temple was built on a bluff about three quarters of a mile from the river in a little grove. The temple was built of limestone taken out of the bluffs. It was a magnificent building, finely finished outside and in; it had two pulpits, one in the east end and one in the west end. The basement contained the baptismal font supported by twelve oxen carved in life size. The font was about sixty feet in diameter, about eight feet deep, and was supplied with water from a fountain in the building. The twelve oxen on which it rested were carved out of solid limestone rock, horns and all, and faced outward. They had the finest kind of English artisans among them who did this work. The Mormons did not leave there immediately after the death of Smith, and not until 1846. John Taylor came up with a portion of them and wintered on the ridge about fifteen miles below Eldora in Hardin County, and they came devilish near starving to death that winter. They did not have the Salt Lake destination in view before they started. They scattered about in different directions. A large body of them wintered in Garden Grove in Decatur County, a portion of them as I have said in Hardin County, some in Davis and Appanoose counties, a large body went to Council Bluffs, and to Gainesville. Polygamy was not publicly proclaimed as a feature of Mormonism while at Nauvoo, nor I think until after their settlement at Salt Lake, but it was said that Smith had introduced what was called Spiritual Wifedom, which consisted in a man having a wife to be known as his spiritual wife in addition to the ordinary one. Joe Smith was particular in his taste in regard to female beauty, and sought only those who developed most fully both physically and intellectually; who would naturally attract the opposite sex. Most of the prominent and influential leaders, such as Orson Pratt, Parley Pratt, Isham Hyde, William J. Wilson, Higbee, Dr. Foster and several others possessed wives who, aside from Mormonism were beautiful, refined, well-educated ladies, and it was charged by "The Nauvoo Expositor," which was destroyed as I have related, that Smith selected or desired to select his spiritual wives from this class, and that is what caused the trouble. The husbands of the would-be spiritual wives were offended.

I do not think Joe Smith was at heart a bad or wicked man, and you could see from his face that he was not naturally an unkind one. But he was a born ruler and when he made up his mind, they all had to obey. He was, of course, an uncultured man that had never had the advantages of much education, but from somewhere he had inherited great ability. This, it appears to me, is shown by the fact that, claiming to be a prophet, he founded a new creed or sect which has survived the contempts and onslaughts of the whole world and spread itself

nearly all over it. He was a fine looking man. He has a son named after him, Joseph Smith, Junior.*

I want to say one word more about the Mormons. I think they have been over-abused. Of course, there were some wicked men among them. This would be but natural in a community of some twenty-four thousand people gathered from all parts—for Joseph Smith showed his sagacity by instituting, almost at the outset, a system of widespread proselyting. This and the sort of refuge offered, naturally drew adventurers, as well as religious enthusiasts, some of whom, as must be the case in every hastily organized community, were bad men. I think I can say from close personal observation that the rank and file of them were religious enthusiasts who truly believed in this newly revealed religion, and I think that among all the religions of the earth, that every religion is true to the followers who truly believe it.**

After a hard struggle Iowa City succeeded in getting the capital removed to that place from Burlington. The first session of Territorial Legislature met there in the winter of 1840-41. There was only one hotel, kept by a man named Butler, capable of accommodating guests. The state house was a temporary frame building of two stories without any committee rooms. The lower story was occupied by the House of Representatives and the upper by the Council. There were two small rooms at the head of the stairs, neither of which was over ten by twelve feet in dimension, one of which was appropriated by O. H. W. Stull, Secretary of the Territory, and the other by the Governor as his private office. I was then

* (Note). Joseph Smith, Junior, now lives at Independence, near Kansas City, Missouri, and is the President and Head of the Reorganized Mormon Church. They are anti-polygamists. I have seen him often riding on the cars of the electric line between Kansas City and Independence, over a part of which I daily traveled, myself. He is a large, broad-shouldered, fine looking man, with an open, benevolent face, and would attract attention anywhere. He is personally liked and highly esteemed by everybody. He must be upwards of eighty years, according to Mr. Woods. The Mormon Church at Independence has a large following, and the Mormons constitute a large integral part of the population of that city and vicinity; and it must be said that they are exceptionally good citizens. They are industrious, thrifty, sober, law abiding, and attend strictly to their own business. They have control of one of the banks, carry on several industries and seem to have no paupers or criminals, and consequently, cut but little figure in the courts. Since the foregoing portion of this note was written, Joseph Smith has died in 1914, and is succeeded by his son, Frederick M. Smith as the head of the church.

** (Note). I have given thus at length this narration of Mr. Woods, respecting the Mormon episode, because it is closely interwoven with his life, because it is the best exposition by an eye-witness, that has been given of the stirring events leading to the final catastrophe, and because it corrects the prevailing impression that it was wholly due to the voluntary action of the outside public who had become incensed by crimes committed by the Mormons. As I read the lines and between them, such was not the case. Judge Mason, whose word must be taken as a verity, says that after the execution of the murderers of Miller and Davenport, there were no crimes of moment committed by them, at least in Iowa, and that a sense of security prevailed. As I interpreted it, the fire was not kindled outside of, but within their lines, by the publications in the Nauvoo Expositor referred to, and internal enemies of Smith. This seems to be indicated by the fact that Dr. Foster and Higbee who are among the leaders mentioned by Mr. Woods as having beautiful wives, while Smith was before the magistrate at Carthage, fearing that the charge made might not be sufficient to hold him, filed the additional one of high treason, thus adding fresh fuel to the gathering storm that was already near the point of breaking. To sum it up: There were dissensions within; the newspaper publications referred to inflamed the public without; and the climax was reached in the destruction of the paper. If this had not been done, there would have been no riot, no flight, and none of the fatal consequences that followed in their wake.

Secretary of the Territorial Council. The Council and House were made up of men who had settled the country. Dubuque sent up among others, Bainbridge and Verplank Van Antwerp, formerly receiver of the Burlington land office. For want of something better to do, they started a newspaper called the Iowa Capital Reporter. Bainbridge became involved in a quarrel with Van Antwerp and the latter challenged Bainbridge. They met in the Council room. Van drew a revolver, but Bainbridge knocked him down and took the revolver from him. Bainbridge returned to Maryland and the last I heard of him, he was in Washington. In the Council were Edward Johnstone, of Lee County, brother to Governor Johnstone, of Pennsylvania, and Governor Johnstone, of California, Gideon S. Bailey, of Van Buren County, S. C. Hastings, of Muscatine County, afterwards Chief Justice of Iowa, and later of the Supreme Court of California; Shepherd Leffler, of Des Moines County, who was one of our first Congressmen after we became a State; George Greene, of Linn County, afterwards a Judge of the Supreme Court; Barker, of Scott County; William H. Wallace, of Henry County, afterwards a member of Congress from Oregon; Judge Coop, of Jefferson County; Captain Jesse B. Brown, of Lee County. To compare for a moment, salaries of then and now. That of the State Treasurer was \$400 per annum, that of our Judges, \$1,500.

At the organization of Butler County, Judge J. D. Thompson was the Presiding Judge of the District Court. There were present at the first term of court three attorneys, J. C. Fletcher and Mr. Brown, his partner, and M. M. Trumbull, afterwards a General in the Civil War, and later collector of Internal Revenue at Dubuque. He was also a member of the Legislature from Butler County. I was retained in most of the cases. The County was afterwards detached from Judge Thompson's district, and annexed to that of Judge Murdock. Judge Murdock was succeeded by Judge Elias Williams, of Clayton County, who was afterwards appointed one of the Judges of the Supreme Court.

We were attending court at Knoxville, with Judge McFarland on the bench. The court held over into the second week. They extinguished all the whisky there was in town the first week, except a little I had in my hand-trunk, which was made especially to prevent anyone breaking into it. I had it covered with calfskin and a patent lock on it. Dan Finch called it my "whisky safe." I always carried a little along for the benefit of the Judge. Judge Seevers, Judge Knapp, D. O. Finch, Marcellus Crocker and other lawyers from abroad were there, and they got intensely dry and importuned me for what I had in my safe. As I wanted to keep a little for the Judge, I refused to let them have it. Judge McFarland occupied a lower room of the hotel. Judges Knapp and Seevers occupied an upper one together. I got up one morning and found my safe gone. I searched for and found it under Judges Knapp's and Seevers' bed, with the jaws of it very much bent. I picked up one of Knapp's boots and one of Judge Seevers' and took them out to the stable, got up on the hay mow and forked a place down four or five feet in one corner and put the boots in. When Knapp and Seevers got up they were each minus a boot and each had to buy a new pair. They were very mad—and so was I.

Governor Lucas was not a lawyer, nor was Governor Briggs. The latter had been Sheriff of Jackson County, a member of the Legislature from there, and was the first Governor of the State. Alfred Rich was a man of brilliant talents. He died early of consumption. Nearly all the lawyers of those days drank whisky, but only a few to hurtful excess. Judge Mason, Judge Williams, Mr. Grimes, Mr. Parvin, Mr. Rorer and some others were notable exceptions. Frederic D. Mills was a law partner of J. C. Hall and could have had the position of U. S. District Attorney, and went to Washington with a view of accepting the appointment, but when he got there, he became fired with the Mexican War spirit and accepted the position of Major in Colonel Morgan's Ohio Regiment. He was placed in command of a battalion and was killed at the battle of Churubusco. Captain, afterwards General Roberts, of the regular army, succeeded recovering his body. It was badly disfigured, but Captain Roberts was intimately acquainted with him and was able to recognize the body by some peculiar features of it. General Roberts lived at Fort Madison and afterwards moved to and died recently at Des Moines.

In 1844 we fought the Constitution narrowing the western boundary of the State. That boundary, as originally fixed, was much the same as now, but Congress under the impression that all west of Des Moines was an uninhabitable waste, reduced the western boundary, making it a short distance west of Des Moines and between there and Adel. Dodge, Mason, Henn, Clarke, Hall, Wilson and Jones all urged the adoption of the Constitution with the limited boundary. The Whigs had opposed it on the ground of introducing an elective Judiciary, which was new. Shepherd Lefler, T. S. Parvin, Frederic D. Mills, Enoch W. Eastman, Edward Johnston and myself got together and determined it would be a shame to come in with such a limited boundary, and we concluded to oppose it with might and main. We divided the State into three districts: Lefler, Eastman and Johnston took the lower, Mills and myself, the center, and Parvin the northern. We canvassed the Territory thoroughly. Mills and myself rode sixty days and made from one to four speeches a day. James Clark was Governor at the time and the last one of the Territory. He married a sister of A. C. Dodge and was a partner of Cyrus Jacobs at the time he was killed. He died with the cholera at Burlington.

About the Missouri War. I think enough has been said by Judge Mason and along the line as to render anything from me, concerning that noisy, but bloodless contest unnecessary. Yes, I knew Lincoln Clark. We elected him to Congress. He was a man of fine ability. He was a near relative of General Lincoln, after whom he was named.

W. J. A. Bradford was the first Reporter of the Supreme Court.* He published in 1840 and 1841 three pamphlets of reports which were afterwards appended to and embraced in Morris' Reports. He was the son of that Bradford, who was for many years, Secretary of State of Massachusetts. He came to Burlington in 1836. He was an old bachelor of about forty-five or fifty years of age. He would weigh from 110 to 115 pounds and was about five feet and two or three inches in height, with a very small chin and nose. He was a walking encyclopedia of law and had read everything. He was succeeded by Easton Morris.

Judge Joseph Williams was a man weighing about one hundred and sixty to one hundred and eighty pounds, about five feet, ten and a half to eleven inches in height. He had a fair, rosy complexion, mild brown-gray eyes, and a good head of hair. He was an able and very versatile man. He was fond of music and could play upon almost any kind of an instrument. And he could sing. I have heard him sing many of the old Scotch songs.

S. C. Hastings was a man over six feet in height. He went to and became prominent in California.

Judge John F. Kinney was an Ohioan by birth. He was a fine looking man and possessed a great deal of personal magnetism. He made a good Judge of the Supreme Court. He was a candidate for U. S. Senator, but was not successful.

Henry W. Starr was a very able lawyer, and in all respects, a very brilliant man. He was very witty and liked a joke, as the following instance will show: Grimes and Starr were partners. Grimes was Governor and had written a letter to William L. Marcy, Secretary of the United States, with regard to Missouri River navigation and the Kansas troubles. Starr and myself happened to be at Hall's office, and Starr concluded to have some fun with Grimes by answering his communication in the name of Marcy; this he did and mailed the letter to Grimes. It was so completely done and so much like Marcy's peculiar style, that it completely deceived Grimes, and they had a good deal of amusement.

Delazon Smith—"Taylor's Lost Minister to South America." He was so called by reason of the fact that when a recall was sent to him he evaded it for three years. He was a man of splendid talents and of such striking and amusing characteristics that he soon became known throughout the State. He was not a large but a well-built man, of rather full habit and fine physique. He resembled Augustus

* Note—This is an error in one sense. Charles Weston was first appointed but very soon resigned to accept the position of United States District Attorney. He reported no cases.

Hall (brother of J. C. Hall), though he was really not as able a man. Smith was a natural orator, very eloquent and very fluent and ready. He was a lawyer by profession and if he had devoted his attention to it he would have been very eminent in the law; but he was a natural politician, and a very aggressive one. He was a regular actor on the stump, always amusing and sometimes dramatic. He would sometimes quote from memory while speaking extracts from the speeches of Clay, Calhoun, Webster, Benton and others. His power of ridicule was great, as the following instance will illustrate: At the time Daniel Miller and William Thompson ("Black Bill") ran for Congress he was induced to become an independent democratic candidate. He made a speech at Montrose during the canvass. He said in dramatic style, "Send Bill Thompson to Congress! What of it! What then? He will sit there like a knot on a wet spruce log. Send Dan Miller to Congress! What of it? What then? He will be like a wet wick in a tallow candle. Send "Delusion" Smith to Congress! What of it What then? \$2,500 mileage in his vest pocket. It is no longer "Delusion" Smith. It is the Honorable Delazon Smith, M. C. from Iowa, receiving gilt-edged notes from Dodge, Jones & Co. Plays hell! Turns up Jack!! Makes High, Low, Jack and the Game!!" He acquired the two titles of "Delusion" and the "Lost Minister" by evading his recall.

Stephen Hempstead succeeded Ansel Briggs as Governor, and he made a good one. He was rather tall and spare, about my height and build; Judge Hall passed me off for Governor Hempstead among the Quakers of Salem when we were there one time. He was tasteful in his attire, and generally wore a snuff-colored coat and white vest. I was intimately acquainted with him. He was a man of talents and a good jurist. He stood among the foremost. I think he was originally from Connecticut but came from Missouri to Iowa. He lived at Dubuque. He was very amiable and very popular with his party. He was altogether a very charming man. His brother was a member of Congress from Arkansas at one time.

There were two years after Iowa became a State in which we had no Senators in Congress, because the Whigs and "Possums" were not strong enough to elect and the Democrats would not combine. The "Possums" held the balance of power. The Possum Party grew out of the trouble over the title to land embraced in the Half Breed Tract. There were a hundred and ninety thousand acres, including the towns of Keokuk and Montrose. The Wisconsin Territorial Legislature at the Belmont session had appointed three commissioners to partition and allot the shares. There were 101 shares, the most of which fell into the hands of New York speculators. Suit was brought by the New York claimants to recover the lots which in the meantime had become settled upon. The settlers claimed title, and the question became a political one. The settlers had a majority and were known as the "Possum Party." As before stated they held the balance of power and we had no Senators in 1846 to 1848, when A. C. Dodge and George Wallace Jones were elected.

James Morgan came to Burlington when Lucas was appointed Governor. He was a lawyer, but never practiced. He was a newspaper man. He first started the Burlington Telegraph. The first paper was the Burlington Gazette. There was a paper published at Fort Madison called The Patriot. I had been publishing a paper there called the Echo of the Prairies. I sold my paper to Dr. Galland; he sold out to James G. Edwards, and Edwards moved the Patriot and the Echo of the Prairies presses to Burlington and established the Burlington Hawkeye. Morgan afterwards established the Telegraph as above stated, but it later became merged in the Hawkeye. Morgan was a prominent politician. We sent him to the Legislature from Des Moines County several times. He was a very able editor. He never wrote long articles, but short, pungent paragraphs. He was quite a prominent figure in Democratic politics for some years, and had great influence. He died quite a good many years ago. He had sandy hair and florid complexion.

M. D. Browning came to Burlington in 1837. He was a man who had read well and was very original. He had a peculiar faculty of great honesty in appearance towards a court and jury—of apparent candor. He had the faculty of seizing the strong points of a case and hurling them, so to speak, at the jury. He was not a polished but a strong man. He was a tall, dark complexioned, grave appearing man. His eyes were rather large, dark and deeply set. His eyebrows heavy and

black, his head rather large, high and somewhat bald. He was a brother of O. H. Browning, of Quincy, Lincoln's Attorney-General. He married a daughter of Judge Brown, of Kentucky.

Augustus Hall was a man of about five feet and ten inches in height, rather full in body, heavy in the shoulders. He had light almost sandy hair, very florid complexion and wore mutton chop whiskers. He was a man of fine culture, an eloquent and polished speaker and an able lawyer. He did not much resemble his brother, J. C. Hall, in appearance, the latter being a much larger man. But he was much more scholarly.

Judge Grant was going to hold court in Cedar County. He and some lawyers were jogging along on the way there. They were too slow for him. He told them he was going up to hold court and for them to hurry. They replied that they did not think there would be any court until they got there as they would be the only lawyers in attendance. The Judge spurred his horse and when he got to Tipton opened court (John P. Cook was the clerk of the court at that time) and called the docket. There was not a single attorney there to respond. Judge Grant said, "Adjourn court sine die," mounted his horse and rode off. He met the attorneys about three miles out and said to them, "There is no use of your going there, court is adjourned." And it was adjourned. This instance is, I think, very illustrative of the up and down character of Judge James Grant.

The following instances will throw some light on the way lawyers did: E. W. Eastman and a lawyer by the name of Thurston were partners. They were defending two men for passing counterfeit money. They had \$160 in good money and \$280 in counterfeit money and a shot gun to pay their attorneys with. They put the good money in one pile and the counterfeit and the shot gun in another, and Eastman gave Thurston his choice of piles for his share. Thurston took the shot gun and the counterfeit money, and passed every cent of it afterwards, so Eastman said. Thurston was a very brilliant lawyer. He went to Oregon, was sent to Congress, and was returned the second time but died on his way to Washington.

William Penn Clark was a candidate for Senator and held the balance of power; but James W. Grimes induced him to withdraw by having him appointed Reporter of the Supreme Court. Fitz Henry Warren at this time was opposing Mr. Grimes although a member of the same party.

Orson P. Hyde was a leading Mormon, a very able man and an eloquent speaker. I heard him preach and I think but few could excel him in some of his oratorical flights.

V. M. Pendleton came from Kentucky. He was a lawyer of considerable ability, but never engaged actively in practice. He married the daughter of a Dr. Chamberlain. At the breaking out of the Rebellion, he attempted to recruit a company for the Southern cause, but only succeeded in recruiting himself. He entered the army of the Southern Confederacy and was killed fighting for the lost cause.

George P. Stiles came to Iowa in an early day. I first met him in 1851. He was a large man with a fine physique and much magnetic influence. He was a good scholar, an able lawyer and a strong advocate. He ultimately settled at Council Bluffs. He was appointed in 1855 by President Pierce as one of the Supreme Judges of Utah. He subsequently went to Colorado and was twice Mayor of Denver.

Of Ben Samuels I will briefly say that he may be properly placed at the head of the bar of his time and has never been excelled as an orator or lawyer. He married a daughter of Dr. Mason, a highly refined lady. He had a brother in Jackson County who was also a lawyer. He married a daughter of Ballard Smith, who, for many years, represented the Greenbrier District of Virginia in Congress. Mrs. Samuels was a scholar of mine when I kept school in Virginia, and I remember her as a most lovely girl.

Platt Smith I knew well. When I first met him he was engaged in rafting lumber from the Pineries down the Mississippi River. He had some trouble with his crew, and called upon Ralph P. Lowe, of Muscatine, for advice; the result was

Judge Lowe advised him to read law, which he did and was admitted to the bar, where he immediately took first rank. If he had been educated, I have no doubt he would have been the ablest lawyer and advocate in Iowa; as it was no one ever got away with him. He was a man of large frame, but rather rough and unsocial in his manners. He turned his attention to railroading in the latter part of his life and accumulated quite a fortune.

Bernhart Henn came to Iowa in 1838 from Mineral Point, Wisconsin, with General A. C. Dodge as Clerk in the Register's office for the land district at Burlington of which Dodge was Register. He remained with Dodge until 1841, when he went into my office as a student at Burlington and was admitted to the bar in 1843. He never attained high rank at the bar. He had plenty of ability but no inclination for the profession. He was thoroughly acquainted with our public land system and was Register of the Land Office at Fairfield for a number of years and represented that district in Congress for several terms. He was a man of sound judgment and applied himself faithfully to the interests of his constituents while in Congress. His colleague was John P. Cook, of the Davenport District, who was a Whig. Henn was a Democrat. He was of medium size but of good personal appearance.

John R. Woods, my brother, came to Iowa in 1838 from Massachusetts and became the Clerk of General Verplank Van Antwerp, Receiver of the General Land Office at Burlington, and continued in that position until 1841. He then became a law student in my office, was admitted to the bar in 1842 and immediately commenced practice. He was elected Clerk of the County Commissioner's Court, and died in this position in August, 1844. He was a young man of great personal popularity, and gave promise of a brilliant career at the bar.

The foregoing includes only the narration drawn from the interviews I had with Mr. Woods, which were taken down at the time by my stenographer, as before stated. Subsequently and independently of this, I obtained from him additional valuable data in the form of letters, and written communications upon which I have frequently drawn in the course of my work. While he may have possibly made mistakes in minor details, in the main he will be found correct. Standing as he did, the last representative of his time, his statements come with vivid interest in respect to men he had intimately known and events of which he had been an eye-witness, and the only one left.

This kindly old man manifested the most lively interest in my work and aided me in every way possible. To him, my readers as well as myself, are greatly indebted. By reason of his great age, the breadth of his observation, his wonderful memory, his gifts as a raconteur, his cheerful nature, his kindly heart, he was certainly a most interesting character, that one might well wish to live alway. Blessed be his memory!

William W. Chapman.

The question as to who were the first resident lawyers of Burlington, in my opinion, lies between William W. Chapman and Shephard Leffler. They both located at or near Burlington in 1835, but the respective dates of the arrival of each, I have not been able to ascertain. The first Court was held in the spring of that year in a log cabin erected by Dr. William R. Ross and situated in the block east of the public square. James W. Woods attended the first session of this Court, but he did not remove to Burlington until after that period.

On the organization of the territory of Wisconsin on the fourth of July, 1836, William W. Chapman was appointed District Attorney. He resided at Burlington. Before that and while we were a part of Michigan Territory, he had also been the Prosecuting Attorney under appointment by the Governor of that Territory. Upon the organization of Iowa Territory in 1838, the question of a delegate to Congress came before the people. There were no caucus nominees, but W. W. Chapman and David Rorer, of Des Moines County, B. F. Wallace, of Henry County, and Peter Hill Engle, of Dubuque, were announced as candidates. They made a canvass of the territory and, from all accounts, it was quite a lively one. Cyrus Jacobs was the editor of the Burlington Gazette; he had favored the caucus method, to which the people did not respond; but Mr. Engle was the favorite of the caucus party and Jacobs made a very bitter fight for him as against Rorer and Chapman, that finally resulted in a quarrel, in which Jacobs lost his life. Engle is said to have been a very handsome and polished gentleman, and would doubtless have been elected, but for what is known as the "Maquoketa Bath." While endeavoring to fill appointments that had been made for him to speak in the southern counties, he was washed from his horse in attempting to cross the Maquoketa River, which was very swollen at the time. Some Indians saw and followed him down the stream and finally rescued him, but he was not able to fill his appointments, and was reported to have been drowned. This lost him the election, but by only thirty-six votes, Chapman receiving 1490 and Engle 1454. Judge Rorer said the campaign cost him \$500.00, but that he had had \$1,000.00 worth of amusement out of it.

Mr. Chapman, it is said, delivered the same speech on each occasion. It was a well prepared one, favored a pre-emption law, the extinguishment of Indian titles, and the improvement of the Des Moines, Skunk, Iowa, Cedar and Maquoketa Rivers—for no one then expected to ever see freight carried on railroads. This speech took with the people, but it vexed Rorer and Wallace, who were personally friendly and traveled much together. On the Saturday before the election, they all met at Davenport for a grand ending up. It was Rorer's time to open the debate, and to use the language of Hawkins Taylor, who tells the story—he jumped Chapman's speech, delivering it as nearly in Chapman's tone as possible. When Chapman arose, he told the audience that he had been fortunate in converting Rorer to his policy, as the speech just delivered by that gentleman, was the one usually delivered by himself. Upon this, Rorer jumped up and in his impetuous manner said, "Yes, gentlemen, the speech just delivered by me was Chapman's speech, and it was the poorest speech that I ever made in my life."

As delegate to Congress, he was efficient in procuring much valuable legislation. It is said that he introduced into Congress the first pre-emption Bill. He originated and got through, the measure giving to Iowa a grant of Five Hundred

Thousand Acres of land for school purposes, which created the basis for the school system of Iowa. In 1843, he removed to Agency City, then an Indian village in Wapello County. From that county, he was elected a delegate to the first Constitutional Convention held at Iowa City in 1844, and took a part in the deliberations of that body.

In 1847, he started across the plains to become a pioneer of Oregon. His wife accompanied him; they, with others, traveled with ox-teams, and after seven weary months of journeying, reached their destination, "where the Oregon (Columbia) rolls its flood to the distant ocean." In the fall of 1848 he went to California and worked in the mines. There he met General Lane who had been recently appointed Governor of Oregon. He induced Mr. Chapman to accompany him to that Territory. Mr. Chapman was elected to the Oregon Legislature, established the first newspaper in the Territory, was appointed Surveyor General and became a conspicuous and leading citizen of that Territory and State. He resided awhile in Dubuque where he was a partner of Stephen Hempstead and after his return to Burlington became for a while, a partner with James W. Grimes. Mr. Parvin says of him, "Few men of those days have done more or exerted a wider or deeper influence upon the times and people in the States of Iowa and Oregon than Mr. Chapman." He died at Portland in October, 1892.

Isaac Leffler and Verplank Van Antwerp.

Isaac Leffler came from Wheeling, West Virginia, to Burlington, in 1835. He was a brother of Shephard Leffler. He had been a member of Congress from the Wheeling District. He was a very fair lawyer, but never engaged earnestly in the practice. He purchased a farm outside of Burlington and engaged to some extent in politics. He was one of the Judges of the County Court and was elected several times to the Legislature. He was appointed by President Harrison, United States Marshal in 1841. He has been dead for many years. In personal appearance he was said to have resembled President John Tyler. He was a man of fine social qualities, amiable, kind and hospitable; a good specimen of a gentleman of the old school. He was a man of ability, a good talker and thinker.

Van Antwerp.

Van Antwerp was a leading Democratic politician in the territorial period and exercised a great influence with his party. At the first session of the State Legislature which convened at Iowa City on the thirtieth of November, 1846, he was a candidate for nomination before the Democratic caucus for United States Senator. At the commencement of the session, the Democrats in caucus had agreed to support Augustus C. Dodge and Thomas S. Wilson for Senators. Jacob Huner, a Senator from Lee County, was opposed to Dodge. He professed to be a Democrat and

indicated his willingness to vote with them if they would drop Dodge and take up some other man, but this the leading politicians refused to do and Huner voted with the Whigs. Thereupon the Democrats held another caucus, withdrew Dodge's name and took up Van Antwerp. Then Huner refused to vote with the Democrats unless they would unite on him for Senator. This they refused to do and the Legislature, after sitting until the 25th of February, adjourned without electing either Judges or Senators, and Iowa, for the first two years after the State organization, was not represented in the United States Senate. For further particulars relating to him, I am going to let Mr. Woods tell the story in his own language as related by him to me:

Verplank Van Antwerp came to Burlington as the Receiver of the Land Office in 1838 and continued in that office until the accession of General Harrison to the Presidency. General A. C. Dodge was the Register of the Land Office during this period. John R. Woods was Van Antwerp's Clerk, and Bernhart Henn was Dodge's Clerk. In 1840 he went to Iowa City with Jesse Williams and published the Iowa Capital Reporter; from Iowa City he came to Keokuk, and in 1844 went to St. Louis; he returned from St. Louis in 1845 with an appointment from President Polk, who had just been elected, to the Receivership of the Land Office at Fairfield. It had been removed from Burlington to Fairfield. On his return, Clark (James Clark, afterward Territorial Governor), Dodge, Mason and some of the other leading Democrats, gave Van Antwerp the cold shoulder. They thought that having gone to Missouri, he properly belonged to and should have received his appointment for that State instead of for this Territory. By this conduct of his quondam political confederates, Van Antwerp was touched and grew gloomy. He held an interview with me on the steps of the Barrett House. I offered words of consolation and encouragement, assured him that in my opinion, this feeling would pass over and all would be well again. James R. Fairweather had been a listener to the conversation, and the next morning The Hawkeye contained an almost verbatim narration of it, stating it to have occurred between "General Van Squirt and Old Timber." The article so closely described the personages that it was well known to whom allusion was made, and from this circumstance, I derived the cognomen of "Old Timber," by which I have been so long known through the State.

Van Antwerp entered upon the duties of his office at Fairfield and continued in it until removed by President Taylor. He then went to Keokuk and remained until Franklin Pierce was elected President, when he received the appointment of Receiver of the Land Office at Fort Dodge, which he held during that administration. At the end of this term he returned to Keokuk. His wife was a niece of Judge Van Ness of New York, who figured as one of the seconds of Aaron Burr in his duel with Alexander Hamilton. Van Antwerp's daughter, Catherine, was the first wife of George H. Williams, formerly Judge of the First District under the State organization, later United States Senator from Oregon, and, subsequently, President Grant's Attorney-General.

In person, Van Antwerp was tall, slim and courtly, with black hair and eyes and fair complexion. He was a connection of President Van Buren and prided himself on being a genuine Knickerbocker. He was aristocratic, dignified, with a good deal of hauteur in his bearing, but lacked the stamina, both physical and men-

tal of his rougher compeers. He was a lawyer by education, but deserted that field for that of politics, in which he seems to have been eminently successful, so far as holding office was concerned.

Fitz Henry Warren.

Of the military history of General Warren I shall have but little to say, as this field has been amply occupied by Stuart's "Iowa Colonels and Regiments," Ingersoll's "Iowa and the Rebellion" and the sketches of the First Cavalry and the Twenty-first and Twenty-second Infantry regiments contained in Gue's "History of Iowa."

It is of him as a civilian that I desire, for the most part, to speak. By birth he was a New Englander; a native of Brimfield, Massachusetts, where he was born in 1816. His early education had not been liberal in the strict sense of that term, though he was a graduate of Wilbraham Academy, which was probably but little more than a preparatory school to the higher universities. But his literary taste and scholarly instincts were so strong that through their impulse he attained a high state of mental culture.

Though reared in the land of the Puritans, he was far from being puritanic in any narrow sense. On the contrary his nature was broad and liberal. He never achieved what might be termed a fortune, for he was destitute of those saving qualities generally necessary to acquire one, and endowed with those princely ones which dissipate accumulations well nigh as fast as they are gathered.

Though he stood high in the confidence and counsels of his party, and enjoyed political distinction as a leader therein until he sided with Andrew Johnson in the historic rupture between that President and the party which elected him, this confidence and distinction were based on well-merited and worthy grounds, instead of springing as rewards for machine services. He fought vigorously for his party, but his contentions were always manly and above board. I know that he naturally disdained the dishonest methods and political trickery to which mere professional politicians resort. He was altogether above this. And for this very reason, and because of his high personal bearing, he was never a prime favorite with that class. His support was founded on the best elements of the parties, and every person who knew him as well as I knew him will affirm these statements.

It is true that he, to some extent, sided with President Johnson in the rupture before referred to, and took strong grounds against the attempt of Congress to impeach him. It is also unfortunately true, that at that moment, he fell from the political grace of that party which he had helped to found and with which he had so strongly stood, as quickly as a star thrown from its accustomed orbit.

He might still claim to be a Republican, but his caste was gone; a hue and cry was raised against him; his motives were impugned and he was nailed to the political cross. He might still claim to be a Republican by reason of his long and valuable services, though opposed to some features of the party in the reconstruction of the seceded states; to the indiscriminate and immediate conferment of the right of suffrage upon the negroes who had been lately slaves; to the extreme views of unscrupulous politicians upon the southern situation; and to the impeachment of the President. But it was all to no purpose. He had, to use the phrase of the times, become "Johnsonized." He had committed the unpardonable sin and was condemned "without benefit of clergy."

But this was not his fate alone. He suffered in most distinguished company; in that of the illustrious Senator whose name and services perhaps more than any other adorn the history of Iowa; who was the most prominent founder of the Republican party in the State, and the first Republican Governor—James W. Grimes. And when it was ascertained that Senator Grimes had voted against the impeachment, the news was received in Iowa with general and severe disapprobation by the political leaders and the party press. In the excitement of the moment, the personal convictions, the life-long services, the cogent reasons given by the Senator for his action, were unmercifully swept away in the fury of the political blast kindled by the press. A few of the number even went so far as to impute not only party disloyalty but mercenary motives to the Senator, whose integrity, notwithstanding his saving disposition, Satan himself would not dare to tempt.

He would not flatter Neptune for his trident,
Or Jove for's power to thunder.

The reasons given by the Senator for his action, were, that the impeachment of the President, under the circumstances, would strongly tend to Mexicanize the government and weaken it in the eyes of the world; and that the official changes in an administration, which at most had but a few months to run, would result in corruption and disorder that would be dangerous to the nation.

I confidently believe that the sober judgment of the great mass of the people today thoroughly approves the action of Senator Grimes and his compeers. Of the nineteen Senators who voted against impeachment, seven were Republicans, one of which was the justly exalted Senator from Maine, William P. Fessenden, the most intimate friend Senator Grimes had outside of family relations. These Republican Senators all shared alike in the denunciation which the political inquisitors hurled against them, and without exception I believe, were retired from public life.

It was thought that these severe censures, and the change of feeling toward him on the part of old political friends, impaired the health of Senator Grimes and hastened his death. And I have no doubt that this, added to previous disappointments and sorrows, was the case with General Warren.

That both of these men thought the "times were out of joint," and that the public service and political morals had deteriorated, there is no doubt. In respect to General Warren, I had it from his own lips; and as to Senator Grimes, it is quite apparent from the following correspondence between Senator Fessenden and himself, while the latter was in Europe in search of health. On October 8, 1869, Mr. Fessenden wrote Mr. Grimes:

I shall be a candidate, for duty to myself and the State requires it of me. If money is to be used, be it so; it will not be used by or for me. I will have no hand in corrupting legislative morals. If elected at all, it must be on my merits, and because the people so decree. For corrupt and corrupting honors, I have no desire. My hands are clean thus far, and I mean to keep them so. Any but an honest and high-minded people I have no desire to serve.

To this the Iowa Senator responded:

Your letter of the 8th inst. has just reached me, in the midst of the Savoy Alps, being douched and soaked in hot sulphur water.

Perhaps you have observed that I have resigned my place in the Senate. The truth is, the place has become irksome to me. There are so many men there with whom I have not and never can have a particle of sympathy, so much corruption in the party with which I would be compelled to act, so much venality and meanness all around, that aside from ill health, I had made up my mind that the Senate was no longer the place for me.

But if you are going to be as virtuous as you say you will be, you will not be re-elected to the Senate. Why, the war has corrupted everybody and everything in the United States. Just look at the senatorial elections of the last winter. They were nearly all corrupt. It is money that achieves success in such affairs nowadays. Thank God my political career ended with the beginning of this corrupt political era.

I have indulged in this divergence in respect to Mr. Grimes because it illustrates the spirit of the times; because it reflects General Warren's own views in those of the Senator, and serves to soften and explain his political action.

General Warren was wanting in some of the elements essential to complete political success; and because thereof, he did not reach the highest points to which his real merit entitled him. He was not what is called a "good mixer." He lacked the *suaviter in modo*, and the quality of personal assimilation that go to make men generally popular. He also lacked the power of concealment, of dissimulation; the power to disguise his displeasure under a smiling face, his anger with an air of composure; and to listen to and suffer patiently, things which inwardly he had no patience with. On the contrary of these qualities, he was in appearance an aristocrat; his demeanor, seemingly haughty and imperious; and it must be confessed that these appearances did not entirely belie his nature. He was, in short, a patrician, with few plebeian qualities. His generosity and kindness of heart, however, were unbounded, and had money stuck to his fingers he would have died a wealthy man. If he were angry, he showed it. If he disliked men or measures, he was quick to declare it; and sometimes with a bitterness that was sure to provoke enmity. He was easily provoked himself, and when so, exercised a vein of polished satire that

was very cutting. He was intensely bold and independent in thought and expression, and was ever unwilling "To crook the pregnant hinges of the knee that thrift might follow fawning."

And yet with all these qualities, some of which were strongly against his political advancement, he attained to greater heights than would have naturally been expected; especially when we take into consideration that he was not a politician in the ordinary sense of the term, and that politics was more an incident to his business than a pursuit. In 1847 he came from his native state and settled in Burlington, where he engaged in business. He was then about twenty-seven years of age. In 1849 he had gained so much distinction that he was appointed by President Taylor Assistant Postmaster-General. The appointment and removal of Postmasters throughout the country fell within his jurisdiction, and in this and other matters pertaining to the department, he displayed a high order of ability, which attracted the public attention and made him the most widely distinguished national character that Iowa, as yet, had had at the Capitol. Had he remained in this position, it is probable that higher honors under the administration would have attended him. But, true to himself and the instincts I have pointed out, he threw up the office in disgust, and retired to private life because Mr. Fillmore, who had become President by the death of President Taylor, had allowed himself to be persuaded into signing the new fugitive slave law. This, however, augmented still more his national reputation. Not long thereafter he was made Secretary of the National Executive Committee in the Scott presidential campaign. In 1855, his name was strongly before the legislature as a candidate for United States Senator to succeed Gen. A. C. Dodge. Among the candidates at the outset, his name was the most prominent, but he was defeated by James Harlan, whose election was a surprise to the people of the State.

This unexpected result was brought about by the following circumstances: Harlan was a talented young member of the Methodist clergy, who had as yet gained no particular distinction. He had, however, twice been a candidate for State Superintendent of Public Instruction, and though fairly elected, had twice been deprived of the office through unfair means described in the sketch of Mr. Harlan

This was felt to be an outrage by a large number of people irrespective of party, and the result was to bring the injured party prominently before the Fifth General Assembly as a candidate for United States Senator. Had it not been for this circumstance, Fitz Henry Warren would in all probability have received the distinction of being the first Whig or Republican United States Senator from Iowa.

When the dissolution of the Whig party became evident, he actively joined in the organization of the Republican party; and in 1856 was made one of the delegates from Iowa to the first National Convention of that party. He was by common

consent made Chairman of the delegation. He continued to take an active part in politics, especially after the organization of the Republican party, when the extension or non-extension of slavery into the territories became the supreme issue; and to this issue he devoted his best energies on the hustings and elsewhere. Upon the election of Mr. Lincoln, his name was conspicuously mentioned for the position of Postmaster-General, and it was believed he would be appointed. But he was not. The post of Assistant Postmaster-General was tendered to him, but declined.

In 1861 he became a member of the editorial staff of *The New York Tribune*, and startled the whole country by a series of brilliant articles bearing the insignia of "On to Richmond," which was then the Confederate Capital. He believed, and vehemently believed, that the true policy of the nation was to make a supreme effort to crush the rebellion at the outset by an overwhelming force, and that the fall of the Confederate Capital under a crushing blow would greatly tend to seal the fate of the confederacy itself; and to this end he trained his editorial artillery, upbraiding the dilatory steps of those in power, and urging in most virile and striking language a forward movement. One effect of these articles was to stamp the author as one of the ablest journalists in the country, and a unique commander of the English language.

They came at a time most auspicious for their object. The people were perplexed with the inaction of the gathered forces; with what was termed at the time the "masterly inactivity" that prevailed at the Capital, and tired with the stereotyped daily telegraphic heading that had so long appeared, of "all quiet on the Potomac." They aroused anew the impatience of the people with the lethargy that seemed to reign at headquarters. They came like the arousing tocsin of war, and stirred, from one end of the country to the other, the restless patriotism of the people, as did the Marseilles hymn through the streets of Paris.

Believing that it would be of interest to the reader, as well as illustrative of my subject, I took the pains to procure from New York one of these articles, from which the following extracts are made:

TO RICHMOND! TO RICHMOND! ONWARD!

From our own Correspondent.

Washington, May 27, 1861.

There is quietness and subordination in Alexandria. The power of the Government and its emblem are visible, respected, and obeyed. On Arlington Heights stands the soldier, with musket at shoulder, looking toward that far Southern horizon which measures the limit of our domain, and marks the point of his destination. * * * Fifteen thousand men now leave footprints on the soil of Virginia in the stern tread of men who bear with them the accumulated resentment and the inflexible justice of a people called from home and hearthstone to defend the institutions of our commonwealth from robbery and ruin. Cannon in embrasures and muskets behind breastworks have their muzzles toward Richmond. Mr. President, Lieutenant General Scott, Messieurs Secretaries, **when** shall the bayonet flash to the "Forward!" of the Centurion of the conquering line? * * *

The voice of the public, from the gentle heavings of the Pacific, over the desolate wastes of the wide central basin, from the gulch and gold-washing, from the prairie and lake coast to the myriad voices of the Atlantic margin, gives forth the swelling cry, "Forward!" * * * From the heights of Shochoe Hill, looking away toward Monticello, read, to an air vocal with acclaims, the charter of our freedom, on a soil which held in living and in death the author whose imperishable fame smiles in the dying glory of a State which now stones the prophets of her old religion. * * *

"On to Richmond!" then, is the voice of the people. Unloose your chivalry, Man of high command! Let them strike home to the heart of Virginia in the early part of June. Do you need men? Publish once more the "Arriere Ban." Call out the thousands who are now panting for the charge. Do you want money? Call for the treasures of hoarded capital full to congestion, as are the coffers. Use it for food in the field and furnishings for the march, and not for subsistence in camp or for the bread of idleness in the bivouac, and you shall have ingots at your need. Who cares to ask whether Treasury Notes are at eighty cents or par? Who inquires whether United States "6s" are worth a full hundred or ten per cent under? War bulletins, and not Rowlet's interest tables are the reading of the public. The victim strangling and struggling for life in water, does not think of his check book or his banker's balance. It is for existence that we poise the uplifted hand to strike. The country now, patrician and plebian, would hail the sight of a quarter of a million of soldiers under canvas or in line of advance, with home reserves of equal footing. If you would spare carnage, overshadow resistance by the presence of invincible numbers. We do not ask you—for I speak as a Tribune of the people—to push to the tidewater of the Gulf now, but we do beg and implore of you to pierce the vitals of Virginia, and scourge the serpent-seed of her rebellion on the crowning heights of Richmond. The stock exchange of your marts, the graduated barometer where the strength of power and the confidence in Government can be read, will show a rising fluid. The meshes of foreign diplomacy winding about you, when you are in a weakness confessed by hesitation and inaction, will fall apart like flax at the touch of fire, when you shake yourselves in the risings of your might. Thirty-four stars in the firmament of the Capitol of Virginia, with the attending stripes, will stir the blood of the two Continents. * * * The dollar worship is not the true devotion of the land. Years of peace, and its pursuits—accumulations of capital, ingathering of foreign and American art, collections of libraries, adornments of country seats, have reduced but not extinguished the fires of ancient wars in forest and field. Under flannel and homespun beats the knight-errantry of Templar and the Fleece. Do you reply that we are to have this capture only by a conflict and loss of blood? Granted. But who ever knew a war without battles, or a campaign without carnage? If victims must be had, as we know they *must*, let the offering be early. No one who presses on to the accomplishment will stop to calculate whether he is to come back to the music of a quick-step, or the measure of a dead march. It is not here that private grief, in foreboding, is to stand in the path of high achievement. If a voice is to be heard in Rama, let it wail out now. * * *

Again we repeat, "On to Richmond!" Point your standards and your steel toward this weird sister, who has said and sung incantations of treason for twenty-five years. * * * Let her still sowing of the wind have a generous harvest of the whirlwind, and let it be now. * * * To Richmond! To Richmond! As the armies of Europe stood amid the wreck of the French Empire at Leipsic and saw the narrow "chaussee" of the Elster, with the living masses of the retreating route go down, with its falling arches, into the engulfing flood—peer and peasant—marshal and soldier, * * * from the stunned and shuddering ranks, jubilant in the coming redemption of an awed and abject hemisphere, went up the shout "To Paris! To Paris!"

So we, with eyes upon our enfranchisement, which shines in the near coming, take the cry from history, and ring out from the gathering army waiting for its signal—To Richmond! To Richmond!

It was claimed on the one hand that the general effect of these articles on the army was to cause it to move; that the movement was premature—like that urged

by the Roman Senate upon Pompey against Caesar at Pharsalia—that the disaster at Bull Run was the natural consequence. On the other hand, it was claimed that they “evinced a genius that caused a national recognition, and in truth-telling, rose to the rank of a bold seer in the morning of the rebellion;” and that the disaster was solely attributable to the errors of military commanders.

Who shall tell? “The uncertainties of war” are as familiar to our ears as household words. But one thing is sure, that if they had been solved in our favor, and victory taken the place of defeat, General Warren would have been fairly covered with glory. And who shall say that if the movement had been successful and the rebel Capital taken, the end of the rebellion would not have been sooner reached?

The personal result upon General Warren was his retirement from “The Tribune,” then the most widely circulated and powerful journal in the country, to commence his military career as Colonel of the First Iowa Cavalry, in the summer or fall of 1861. In August, 1862, he was made a Brigadier-General and severed his connection with the regiment to take the command of a brigade.

General Warren did not reach that eminence as a soldier which was expected of him. The reasons for this, to my mind, are apparent. In the first place, during his connection with the regiment and until his promotion as Brigadier-General, the opportunities for distinction were limited by the character of warfare in which the regiment was engaged pending that period. The regiment, which was a very large one, was divided into battalions and put upon detached or outpost service in Missouri. And while this service was of a most trying, dangerous, severe and valuable character, it was for the most part directed against small forces, the suppression of the guerilla bands that numerously infested that State; the protection of Union men, and like services. There never was a finer regiment of volunteer soldiery, nor one more perfectly disciplined. General Warren was one of the finest and strictest of disciplinarians, and under his training the regiment had acquired the reputation of being the best disciplined of all the splendid ones which Iowa sent to the field. Nor were any of them better officered from the head to the foot. But, up to the time of which we are speaking, it was not engaged on fields where large forces were collected; where great pitched battles were fought, and where opportunities prevailed for brilliant exploits. Nevertheless, he gained military recognition, and was made a Brigadier-General on the date before stated.

But here the same fate awaited him; the same lack of opportunity to highly distinguish himself in great engagements where large armies encounter and “fields are won.”

There seems, indeed, to have been a studied effort to thus place and restrain him; and for such course of action on the part of the controlling powers, there unfortunately existed more or less forcible reasons; the principal one of which was a

spirit bordering on insubordination inherent in the very being of General Warren. A disposition to severely criticise his superiors and question their orders. His maxim was *aut Caesar, aut nihil*. This quality was conspicuously exhibited in the "On to Richmond" phillipics. And it was subsequently displayed in other instances, the most important of which I will relate.

General Warren, by reason of the characteristic just referred to, having quarrelled with General Totten, and other generals who outranked him, desired to rid himself of all superior authority in the field except that of the Commander-in-chief. He therefore applied to General Curtis, commanding the Department, to be given a district in which he should have the supreme command and not be subject to orders from any less authority than the commander of the Department, and required to report only to department headquarters. General Curtis, who knew of the disturbed conditions referred to, and the causes from which they arose, gladly acceded to General Warren's request, and carved out a district in southwestern Missouri for him, and gave him a fine brigade composed of infantry, cavalry and artillery. While at his headquarters in this district he received an order from the General commanding the Department to march at once with his command and report to General Davidson at or near Salem, Arkansas. From the effect of severe rains, the roads over which his command would be obliged to travel were in a fearfully bad condition, but not impassable, as the sequel will show. The principal obstacle was the fact that General Davidson outranked him. He was not the commander of the Department, and he accordingly determined to disobey the order, on the ground that the condition of the roads was such that he could not execute it.

At the expiration of a week he received another order directing him to turn his command over to the next ranking officer, with directions to carry out the order he had disobeyed, and report himself at Rolla, to explain his disobedience of the order referred to. Thence he was ordered to St. Louis, where instead of placing him on trial by court-martial, his old and very kind friend, General Curtis, assigned him to duty elsewhere.

But the new fields assigned him furnished no adequate opportunity for the superb talents he possessed as a soldier and commander (barring the quality before mentioned), and which if they had been accompanied by a proper spirit of subordination, would have undoubtedly led him to signal military distinction.

The occurrence I have just related in respect to General Warren does not appear in either of the histories hereinbefore referred to. It is the result of private communication; but from one who was present and of such high standing and authority that his word would be taken as a verity in any part of the nation. This gentleman, whose name I do not feel privileged to disclose, in a communication referring to the affair, uses this language: "This incident in the military career of

General Fitz Henry Warren, with others like it, shows that he had a mental idiosyncrasy that made it impossible for him to obey orders, and is the real reason why he attained to no greater distinction during the Civil War."

It will thus be seen that my opinion of General Warren's qualities in the respect referred to, and the effect of those qualities upon his military career, is confirmed by an authority much higher than my own. It is unpleasant for me to write these lines concerning this remarkable man, but it is necessary in order to verify the correctness of my estimate of him, and due to the truth of this memoir.

Let me now resume his civil career where I left off. In June, 1863, the Republican State Convention was held at Des Moines. It was my fortune to be present and a spectator of the proceedings. It was supposed that the principal contest for the gubernatorial nomination would lie between Fitz Henry Warren and Elijah Sells; and had it thus remained, there is no doubt but that the former would have been the nominee. His long and conspicuous services, it was thought, entitled him to this recognition, and at the outset his supporters were greatly in the majority. He was there, from the field, in person. So also was Col. William M. Stone, of the Twenty-second Iowa Infantry, with his wounded arm in a sling, fresh from the field before Vicksburg. His name was introduced into the canvass.

The night before the convention, a large and enthusiastic meeting was held. It was opened by an able and polished speech from General Warren, in the course of which—again true to his instincts—he made some allusion to his principal competitor, Mr. Sells, which was not well received by the friends of that gentleman and tended to incense them. Mr. Sells not being much of a public speaker, loud calls were made for Colonel Stone, in response to which that gentleman, with his suspended arm, came to the platform, and without any reference to the canvass or its candidates, made the effort of his life in a speech of stirring eloquence, touching the general cause for which the government was struggling, the valor displayed by the Iowa soldiery on the field, and the great achievements of the Republican party.

The effect of this speech on the proceedings of the convention was plainly visible when it met the next day; and when Colonel Stone himself marched down the aisle of the convention hall, his towering form was greeted with a tremendous outburst of applause. The enthusiasm was infectious. The supporters of Mr. Sells were ready to turn their forces to Colonel Stone. At this juncture, the conspicuous figure of General Warren was seen to arise in the midst, and with a strength and grace that were superb and that strongly ingratiated the convention in his favor, and aroused anew the enthusiasm of his friends, withdrew his name from the contest. The nomination of Colonel Stone followed.

It was thought by many, that if General Warren had not thus withdrawn, the sober, second thought of the convention would have nominated him. In my judg-

ment he ought to have been nominated. His high ability and eminent service entitled him to it. He undoubtedly thought so himself, and felt stung to the quick by this verification of the old adage, that Republics are ungrateful.

After the close of the war in 1866, he was elected to the State Senate from Des Moines County. Near the close of the session, he received the appointment of Minister to the Republic of Guatamala. He chose for the legation, quarters in the capital city befitting his station and the government he served. He performed the duties imposed upon him with efficiency, and was in great favor with the high-bred Castilians, quite a number of whom resided there. No Castilian, I am sure, could outshine him in courtliness of manner.

The last time I saw him was immediately after his return from that mission. It was at the Savery House in Des Moines. We had a delightful conversation. It was mostly reminiscent along the line of persons and events mutually familiar, but much of it was descriptive of Guatamala and her people. He seemed somewhat careworn, but his mental vivacity and his interest in all affairs pertaining to Iowa, were unabated. For a considerable period after that he was engaged in literary work at Washington and New York as a writer for *The New York Sun*, and was subsequently engaged for a time in railroad building in Iowa. Following this, he permanently took up his residence in the East, and died there in 1878, at the age of sixty-two.

I was a member of the Iowa Senate with him at the session hereinbefore referred to. He was easily the most remarkable and accomplished man in that body. To a strong literary taste and wide reading, nature had added a brilliant mind and the gifts of genius. There was scarcely any field of literature that his research had not to some extent invaded, and his acquaintance with belles-lettres remarkable in one who had not made it a study. A single instance will illustrate his spirit of research. On going to his room one evening, I found him reading Lingard's history of England. I remarked, that with Hume and Macauley, with whom I knew he was familiar, I did not see why one should care for anything else on that subject. His reply was, that Lingard covered most of the ground embraced by both the authors named; that Hume was an intense Tory, and that subsequent historians had spent a good deal of their time in correcting his misrepresentations; but his chief reason was, that while other historians had written from the Protestant point of view, Lingard had presented the Catholic side; that he had done it fairly and authentically, and that it was necessary to read both sides to get the real truth.

In appearance, he was most distinguished. His high-born instincts and great culture were traced upon his face and visible in his bearing. Had he been set down in the French Assembly or in the British House of Lords or Commons, he would have attracted immediate attention. As an orator, he was rather too refined and

classical for the ordinary hustings, but in the forum he was one of the most polished. But polish was not the only quality of his oratory; it had also the vital ones of pungency and force; and the argument was well adhered to, and enforced in a voice seldom rivaled for its sonorous strength and far-reaching power. While his discourse was sometimes ornate, it was never vapid, and flowed like a "current that worked its way into the light through the filtering recesses of thought and learning." These varied accomplishments were backed by a highly sensitive nature, and a spirit as proud as Lucifer's. He had the consciousness that he was born to command, and could not brook opposition or the control of those whom he regarded as his inferiors.

But alas! It was these characteristics that thwarted his progress all along his pathway and prevented him from attaining that eminence to which his talents entitled him. He was brave and valorous as a knight, and in appearance every inch a soldier; but instead of rising to that distinction which he would otherwise have obtained, he narrowly escaped a court-martial for insubordination. His "On to Richmond" articles—however well founded they may have been—assuming to direct the army over the head of the Commander-in-chief and his Generals, embarrassed both the administration and "The Tribune." Instead of biding his time when he lost the gubernatorial nomination to Stone, and trusting to the people's sense of justice to right his wrongs, he wrecked his political future by taking a different course.

He doubtless lived long enough to understand the causes which had so seriously interfered with his advancement. Of him it may be fittingly said what Justin McCarthy has said of Lord Durham: "His proud and sensitive nature could ill bear the contradictions and humiliations that had been forced upon it. He wanted to the success of his career that proud patience which the gods are said to love, and by virtue of which great men live down misappreciation and hold out until they see themselves justified, and hear reproaches turn into cheers."

I desire to correct here a statement, founded on erroneous information, contained in a paper prepared and read by me before the Pioneer Law Makers' Association of Iowa at its meeting in 1898, entitled "A Glimpse of the Personnel of the House of 1864 and Senate of 1866," to the effect that General Warren had died in a hospital under distressing circumstances. Instead, while he had previously been in a hospital, he died where he was born, at Brimfield, Massachusetts, at the home of a near relative. Hitherward, broken in health and exhausted by the efforts and disappointments of his strenuous life, he turned his weary footsteps to rest and to die amid the scenes of his childhood.

I have endeavored in what I have thus written, to give a faithful picture of General Warren, and in such manner, that the reader may gain therefrom a pretty clear conception of him as he really was.

William H. Starr, Henry W. Starr and Milton D. Browning.

At the first term of the territorial Supreme Court held at Burlington on the 28th of November, 1838, there were twenty lawyers admitted to practice. Those from Burlington were David Rorer, James W. Grimes, Henry W. Starr, William H. Starr, James W. Woods and Milton D. Browning. I have already given sketches of these gentlemen except the Starrs and Mr. Browning; and in view of what is said concerning these by Judge Mason, Prof. Parvin and Francis Springer in the narrations given in connection with their sketches, and what will herein be quoted from James W. Woods, it becomes unnecessary for me to do little more than make this reference to them.

With *William H. Starr*, I had but little personal acquaintance, but this with his general standing fully confirmed all that has been said by the gentlemen named and others respecting his fine ability and character. He was held in high esteem by everybody who knew him.

As already indicated, he was one of the first lawyers of the Territory. He was appointed District Prosecutor and his name appears in the record of some notable cases. For instance, the court records of Van Buren County, for the August Term, 1839, show that he drew the indictment and conducted the prosecution in the case of the United States vs. George S. Wilson, growing out of the disputed boundary line between Iowa and Missouri, which for a time threatened war. The defendant was charged with officiating as County Assessor by virtue of a commission issued by the authorities of Missouri. And the records of the same court for the April Term, 1840, show that he conducted the investigation and drew the indictment in the case of The United States vs. James F. Turner, that was based on an Act of Vandalism which shocked the whole country—the desecration of the grave of the famous Indian Chief, Blackhawk. The return on the warrant issued shows that the defendant could not be found.

As a lawyer of general practice, and in cases involving important interests, he figures all along the line of the early reports, though in some instances, it is difficult to distinguish between him and Henry W. Starr, as they were originally of the same name, and so continued until the change already referred to by Mr. Woods, in what follows, was made.

Concerning him, Mr. Woods thus wrote me:

William H. Starr came from New England about 1837. He was a cousin of Henry W. Starr. They were really both named William H. Starr and this identity of names proved so perplexing that they mutually agreed that his cousin should change his name to Henry W., by which he was ever afterwards known. While we were a part of Wisconsin Territory, he was appointed by Governor Henry Dodge Prosecuting Attorney for the First Judicial District. He was a graduate of Yale College and a man of fine literary culture and attainments. He was not only a good, but an able lawyer. In speech he was terse, earnest and forcible, and possessed that rare faculty of making the jury feel that he believed what he was

saying. In the argument of a question or a cause he had a singular habit. Instead of a brief or notes to speak from he would have folded together a long narrow strip of blank paper; this would be placed in his right vest pocket—not a word of writing on it. Thus equipped, he would enter upon his argument, taking the slip from his pocket at the outset and continue to run it backward and forward through his fingers. It seemed that without this he would be unable successfully to proceed. To test this, I, on one occasion, took the slip from Starr's pocket while the latter was on the eve of arguing a demurrer. Starr commenced, felt for the slip, could not find it, and requested me to make the argument he had designed to make himself. This reminds me of the habit which the famous Chancery lawyer, Daniel Sherfy, of Virginia, had during the course of his arguments. He would have five silver half dollars in his right vest pocket, and the only gesture he had was to take the pieces from one vest pocket, slip them through his fingers into those of his other hand, thence into the other vest pocket, and vice versa, during the entire argument. This further digression will illustrate the quickness of Sherfy's wit, for his wit and repartee were equal to his profound logic; he represented Virginia in Congress while John Randolph was a member of that body. Sherfy had originally been a Dutch shoemaker, he studied law, and became the first Chancery lawyer of his State. Randolph, while in the heat of debate, taunted Sherfy by asking him where his shoemaker apron was. "It has been made into moccasins for your grandmother, Pocohontas, and her friends," was the reply. (It was reputed that Randolph was a descendant of Pocohontas.) On another occasion, Randolph alluded to his low origin and as having been a Dutch shoemaker. Sherfy replied, "True it is, my ancestors were only able to place me on a shoemaker's bench. I am now the peer of the gentleman in Congress. The gentleman's ancestors and the training they were able to give him placed him here. Had they instead put him on a shoemaker's bench, as they did me, he would still have been there."

In the later years of his life, Mr. Starr removed from Burlington and the State to engage in some speculation in New York. The venture proved unfortunate, he lost most of his property, and died a few years after.

Of him Judge Mason has spoken in high terms, as will be seen by reference to the sketch of the latter. And Dr. William Salter in a commemorative address delivered in the Congregational Church of Burlington and published in Vol. IV of the Third Series of the Annals of Iowa, page 614, in speaking of the few people who met in a schoolroom in 1838 to organize that church, says of him:

Prominent among the members were Mr. and Mrs. William H. Starr, Mr. and Mrs. James G. Edwards, Mr. Joseph Bridgman, who a few years afterwards removed to Muscatine. Mr. Edwards was a native of Boston, and son of a Revolutionary soldier, who fought at Bunker Hill. He was the founder of the Burlington Hawk-Eye. His wife, with no children of her own, had a mother's heart that embraced scores and thousands of other people's children. Mr. Starr built the houses that stand immediately north of this church. He was a classmate in Yale College of the Rev. James A. Clark. The lives of those good men and women and their associates were incorporated and interwoven with the foundations on which rest our institutions of social and religious order.

With *Henry W. Starr* I was better acquainted. In the latter part of his life he acquired some property interests in my county, requested me to look into some matters connected with them, and give him my views in respect thereto. We had considerable correspondence running from 1863 to 1866. In one of his letters, dated September 26, 1866, he makes this characteristic remark: "Don't allow yourself to be swallowed up by politics. If Andy (President Andrew Johnson), is kept stirred up, there will be no need of any effort on the part of the Radicals."

At his request I went to Burlington for the purpose of holding a conference with him. When I went to his office, he had not yet arrived, but did soon after in his private conveyance, and entered, leaning on the arm of a serving boy who attended him. His physical condition, and especially his power of locomotion seemed enfeebled, but his face and complexion were fresh, and his dark, brilliant eyes glowed with that attractive light inseparable from men of genius, and which neither age nor enfeeblement can wholly quench. He was, so to speak, bright as a dollar, mentally alert, quickly comprehensive. He impressed me as a planet of the first magnitude which from some cause had been jostled from its orbit. His attire was neat, almost exquisite; his manner and conversation charming; his stature slight, almost diminutive. He reminded me of the old saying that nature often places her choicest things in small parcels. He was one of the greatest lawyers and orators of the State, and in his best period probably the most variously accomplished member of its bar.

He was born in 1815, at Middlebury, Vt.; there graduated in 1834; entered the Cincinnati Law School from which he graduated in 1837, and whence he came to Burlington. He was twice married, first to Miss Marion Peasley in 1843, by whom he had two sons. She died in 1854, and in 1857 he married Miss Eliza A. Merrill, by whom he had two daughters. He died October, 1881, universally and sincerely mourned by everyone who had had the pleasure of his acquaintance. For many years he had been conspicuously known throughout the State, and upon his death the press paid rare encomiums to his genius, his versatile talents and charming personality.

It would serve no adequate purpose to enumerate the important cases with which he had been connected. He and James W. Grimes were for many years partners, and his name, or that of Grimes & Starr will be found running steadily through the Reports, from Morris down to the time of their retirement from the active practice. I will, however, allude to one case that went on appeal to the Supreme Court of the United States—that growing out of the conflicting claims to the lands of Louis Honore Tesson, embracing the present site of Montrose, Lee County, on which he settled and planted an orchard, the first in Iowa, in 1799—using for that purpose the following language of Gen. A. C. Dodge at the Burlington Semi-Centennial Celebration in 1833:

The assignees of Tesson triumphed in the Supreme Court of the United States, in pursuance of whose decision they obtained a patent signed by President Van Buren for six hundred and forty acres of land covering the original claim of Tesson. This is the oldest legal title to land within our State. It was in this celebrated case, so ably contested in all the courts, that our gifted fellow townsman, the lamented Henry W. Starr, won "green laurels." In the person of Francis S. Key, author of the "Star Spangled Banner," Jackson's Attorney-General, and brother-in-law of Chief Justice Taney, of the Supreme Court of the United States, Starr had an antagonist worthy of his steel, and seldom was ever forensic triumph greater than that achieved by Starr over Key.

But he also had at home foremen worthy of his steel. In addition to the able resident members, there came some of the greatest lawyers of Illinois, among whom were Archibald Williams and O. H. Browning, of Quincy, and Cyrus Walker, of Macomb.

Nor can I refrain in this connection from giving the following anecdote thus related by General Dodge, believing that occasional anecdotes may serve to both illustrate the subject and lighten the paper:*

At a term during the trial of Dunwiddie for murder, a lawyer from Illinois of the first respectability, Cyrus S. Walker, noted for extraordinary talents—especially in criminal cases—believing that the stomach is a good medium through which to reach the heart, took the friendly liberty, while the jurymen were in the box sitting in judgment upon his client's life, to treat them to apples, with which he had filled his pockets,—a rare treat in those days. Admonished of the impropriety of the act, he gracefully apologized to the court, remarking that he was very fond of apples himself and always felt like dividing the good things of this world with his friends. He won the case.

Milton D. Browning I saw several times, both in and out of court. He was a good specimen of a generation quite long since past and gone. All of these gentlemen have been dead for nearly forty years. It would be difficult to find a counterpart of Mr. Browning among the present generation, for we are in an era of change in men as well as conditions. It certainly could not be found among faces traced solely with the greed of gain instead of professional pride, contracted by the struggle for mere wealthy attainment, warped in the single race for money, or political preferment for pecuniary gain, which tend to erase the nobler lines of the face and give it a look that indicates the pursuit. He was a Kentuckian by birth, a man of noble bearing, with a face so strongly featured and impressive as to be not easily forgotten—one of those personalities that do not vanish when out of sight, but remain fixed in the memory. He was grave and thoughtful in appearance, and his dark visage and deeply set, heavily browed eyes invested him with somewhat of a likeness to Mr. Webster. He was an able lawyer. He belonged to an intellectual family. He was a brother of O. H. Browning, President Lincoln's Attorney-General, and one of the ablest lawyers and effective orators not only of Illinois, but of the nation. He came to Burlington in 1837, and both he and the two Starrs were among the twenty who were present and admitted to practice at the first term of the Territorial Supreme Court. He devoted himself to his profession and soon rose to the first rank in it. In politics, he was a Whig, so long as that party existed,

* Note—After the English biographer, Samuel Smiles, had prepared for publication the life of the great English engineer and inventor, George Stephenson, he was required by the publisher to submit his manuscript to the inspection of a literary critic for revision and correction, which he did with the result thus stated by him:

"I found that Mr. John Milton was my revisor. His fee was thirty pounds. He cut out a good many anecdotes, which I took an early opportunity to restore; as I think that personal anecdotes, when characteristic, greatly enliven the pages of a biography."—The Autobiography of Samuel Smiles, LL. D.

but for politics as a calling, he had but little inclination, and in the latter part of his life became lukewarm and disgusted by the corrupt means that were so rapidly coming in vogue. Notwithstanding this inclination, he was elected a member of the third Territorial House, and was subsequently elected to the Senate in the First, Second, Fourth and Fifth General Assemblies. He was a leader in the Whig Party, as his brother-in-law, William F. Coolbaugh, was a leader in the Democratic Party. In the contest before the legislature in 1855, he and Ebenezer Cook, of Davenport, were Whig candidates for United States Senator, but neither could get the Free Soil vote and James Harlan was elected.

I have adverted to the fact that he was a member of the Fifth General Assembly of the State. In the April, 1885, number of the Iowa Historical Record, Page 80, some writer whose name is not disclosed, reviews the personnel of that assembly, and thus refers to Mr. Browning:

M. D. Browning and W. F. Coolbaugh were members of the Senate from Des Moines County. Browning was great in stature and powerful in intellect, but he was too much immersed in business as a lawyer to seek office and besides disdained inferior positions, placing, without egotism, a just estimate upon his own abilities.

In 1867, he was appointed by President Johnson, United States District Attorney, a position in which he served with signal ability until the close of that administration. He died in November, 1881, at the age of seventy-one.

L. D. Stockton, Charles H. Phelps and George Robertson.

Lacon D. Stockton was a Judge of the Supreme Court from 1856 to the time of his death, which occurred in 1860, when he was but forty-six years of age and in the prime of his career. He came from Richmond County, Kentucky, where he was born, to Burlington in 1839. I saw him several times while he was on the Supreme Bench, but had no personal acquaintance with him beyond a mere introduction. He was solidly built, dignified in appearance; his face and bearing indicated a combination of amiability, decision and strength. He was appointed Prosecuting Attorney for the First Judicial District and served in that capacity with efficiency. The Court Records of Davis County show that he was acting in that capacity at both the first and second terms of court held there. Subsequently, he was the Whig candidate against George W. Williams, the Democratic candidate for Judge of that District. Speaking of that canvass, Charles Negus in Vol. III of the old Series of the Annals of Iowa, says:

Stockton was a man about thirty years old, a good lawyer, of unimpeachable integrity, and a man in every way calculated to make a good judge. But under the territorial government he held the office of prosecuting attorney for that judicial district, and in the course of his official duties had been called upon to give his opinion in relation to some legal questions concerning the difficulties about the Half Breed Lands, in which he gave his views of the law in writing adverse to the interests of the settlers in these lands.

This caused his defeat. In May, 1856, he was appointed by Governor Grimes, a Judge of the Supreme Court; elected by the General Assembly, to the same position in January, 1857, and re-elected by the people in 1859. In respect to his character and attainments, I will let those speak who knew him best.

On the occasion of his death, Samuel A. Rice, then Attorney-General of the State, said of him:

He was always respected on account of his fidelity to his clients, his close application to business, his sound legal judgment, and his manly virtues; though he acquired but little reputation as a mere advocate or as a skillful practitioner.

Judge George G. Wright thus spoke of him:

His mind was solid rather than brilliant, sagacious and searching rather than quick or eager, comprehensive and at the same time cautious, patient in inquiry, forcible in conception, clear in reasoning.

Of him, Judge Cole Said:

He was eminently and peculiarly fitted by nature for the bench; for while he resolved a complex proposition into its elemental parts, he never lost sight of it as a whole, and was more completely exempt than any other judge it has been my fortune to know, from being led off by fine-spun theory, or beguiled into the decision of a cause upon a collateral or isolated point.

Charles H. Phelps I knew well for several years. He was one of the brightest and most interesting men I have ever known.

Phelps was a natural-born wag; his wit flashed like an electric spark; he was full of "bonhomie; companionable in a high degree. These, with his unbounded generosity, made him a favorite with his friends, and so exceedingly popular with the masses that no man could beat him when he ran for office. If his party failed to nominate him, the Independents would, and elect him.

He also possessed solid qualities in a high degree. He was a profound and accomplished lawyer. As a practitioner, he had but few equals, and as an *nisi prius* Judge, no superior in the general accuracy of his judgment. He was of medium height, rather slight, rather florid complexion, with black eyes of great brilliancy. In the earlier portion of his life, he had acted with the Republicans, but on account of his perfect independence, his political robe hung very loosely about him; and in the latter part of his life he affiliated with the Democratic Party. He was radically opposed to the idea of endeavoring to making men moral by severe sumptuary legislation and to the policy of the Republican Party in its purpose to place what was known as prohibition in the constitution of the State.*

He belonged to an illustrious family, the progenitor of which on the paternal side located at Richfield, Connecticut, about 1636. Here Samuel S. Phelps, the

* Note—I may be pardoned for relating this anecdote: Very many years ago, we were speaking of Mr. Phelps, in the presence of Judge J. C. Hall, whereupon Judge Hall said, "Charles Phelps is not only a good lawyer but a good fellow. He takes his toddy regularly and votes the Democratic ticket occasionally."

father of the subject of this sketch, was born, but early in life moved to Middlebury, Vermont. He was a lawyer of superior ability. He became a Judge of the Supreme Court of Vermont, and subsequently a Senator of the United States from that State, where he was a colleague of Webster, Calhoun, Clay and Augustus C. Dodge. Charles was born at Middlebury in 1825, and graduated at Middlebury College in the class of 1845. He taught school one year; then resolved to become a lawyer and entered the law office of Horatio Seymour, of Middlebury, who was a relative and an ex-United States Senator from Vermont. He then chose telegraphy as a temporary means to aid him in the prosecution of his legal studies. In 1849, he was admitted to the bar and the same year went westward, landing in Burlington in May, 1850. He formed a partnership with Judge J. C. Hall. After the firm of Grimes & Starr was dissolved by the election of Mr. Grimes as Governor, and subsequently as United States Senator, he entered into partnership with Mr. Starr, under the name of Starr & Phelps. Subsequently to this, George Robertson was taken into the firm which was then known as Starr, Phelps & Robertson. Still later, he entered into partnership with General Samuel L. Glasgow, which continued until 1878, when he was appointed Circuit Judge of the First Judicial District. In the fall of the following year, he was re-elected and continued to be re-elected until 1886, when he was elected District Judge of that District, a position he held at the time of his death, in 1891. He was altogether a gifted and lovely gentleman.

Edward J. Phelps, one of the ablest lawyers in the country and Ambassador to England, under President Cleveland, was his brother. Another brother was Egbert Phelps, a prominent lawyer of Joliet, Ill. James S. Phelps, prominent in the government service at Washington, was another brother.

The Burlington Gazette paid Charles Phelps the following very just and handsome tribute:

There is real sorrow in Burlington today, and more than one family mourns with a sincere and heart-felt grief. When the fact is realized that the grim harvester has laid his ruthless and unsparing hand upon Judge Charles H. Phelps, and that the earnest friend, the upright judge, the learned jurist, and the kindest and best of men, has been called before that highest of all tribunals, it carries with it the saddest grief of every respectable man and woman in Iowa. It is hard to believe that we will never see him again in life. His familiar figure, his honest, cordial greeting, his cheerful, encouraging presence, and his manly integrity, made him the most desirable of companions and the most trusted of friends and advisors. He was welcome everywhere, every latch string was extended him. The writer in three years' acquaintance never heard him utter an unkind word or a thoughtless innuendo against a neighbor. Always generous in his judgment he saw only the best side of human nature in everyone, and to that good attribute he always gave expression. Where he could say no good he said no evil.

With *George A. Robertson*, I had but little personal acquaintance. He was a lawyer of good standing and had the respect of his fellow citizens and associates at the bar. He was always interested in the growth and development of Burlington and in her public affairs; his counsel was frequently sought. In 1872, he was

elected its Mayor and served for two years. He was a Democrat in politics and had the confidence of the men who composed that party. He was born in Jessamine County, Kentucky, in 1829; studied law at Transylvania University at Lexington, from which he was graduated in 1854. In the fall of the same year he came to Burlington, entered the practice and attained excellent rank in the profession. He not only had the confidence of his clients, but also that of the courts, which was quite as essential. He was for a time associated with Henry W. Starr, as hereinbefore noted. He died at Burlington in 1884.

Charles Ben Darwin and George Frazee.

Charles Ben Darwin was a lawyer of great ability. He came to Burlington in the early fifties. Of his nativity and early life, I have been able to gain but little. He rose rapidly at the bar, and so marked had become his legal abilities and his accuracy of discrimination, that he was appointed one of the three commissioners to codify the laws, which resulted in the Revision of 1860. His co-commissioners were William Smyth, of Linn County, and Winslow T. Barker, of Dubuque. He was also, it is said, one of the commissioners to codify the laws of Tennessee, and at one time United States District Judge of the Territory of Washington.

His professional life, however, was not altogether absorbing, for he displayed quite an active interest in politics, and it is likely that if he had remained in the State, he would have gained conspicuous political preferment. For reasons that seem to be a little obscure, he left the State along in the sixties. He engaged in the practice of his profession in San Francisco, California, and died at Napa Asylum near there in April or May, 1901. The newspaper notices of his death were lacking in data and I have been unable to give anything more definite in respect thereto, than I have stated. It was thought by some of his professional brethren in Iowa that Mr. Darwin was intellectually eccentric in some things. The object of the Revision was to substitute thoroughly, what in part had been done by the Code of 1851, the system of Codes, pleadings and practice in place of that of the Common law; and some of the provisions reported, attributed to Darwin, and afterward eliminated, "out Heroded Herod." Upon the whole, however, I think his was the leading mind in that work, and aside from his extreme views on reformatory provisions, his services on that commission were highly valuable. That he attained commanding position at the bar, is beyond question, and I have never been able to figure out why in such a climax of success he left Iowa.

I have referred to the fact that he developed some political activities which would undoubtedly have resulted in fruition if he had not left the State. In the Douglas and Lincoln campaign of 1860, Mr. Darwin was Chairman of the Republican County Committee, and Mr. Douglas, having spoken in Burlington, Mr. Darwin procured Mr. Lincoln to come there and make a speech, which was pronounced by

Clark Dunham, the editor of *The Hawkeye*, to have been a very powerful and effective one. In 1864, in the Lincoln-McClellan Presidential campaign, Mr. Darwin was one of the electors at large. His associates were W. G. Thompson, John Van Valkenburgh, S. S. Burdette, B. F. Hunt, Dan Anderson, G. C. Mudgett, H. C. Henderson. In 1866 he was a member of the House in the Eleventh General Assembly. I was a member of the Senate in the same session and met him frequently. The impressions which he gave me and which I derived from other sources, I have endeavored faintly to convey. That he was an important factor in that period of Iowa's history is quite clear.*

George Frazee, I have referred to in my sketch of Judge J. C. Hall, as being one of the few shorthand reporters in the world at that time, and that as such, he had taken down for private use, the proceedings in the noted Fugitive Slave Case of Ruel Daggs versus Elihu Frazier, in which David Rorer and J. C. Hall conspicuously figured. A full report of this *causa celebris* together with the evidence introduced and the arguments of counsel as taken down by Mr. Frazee at the time, will be found in Vol. 6, *Annals of Iowa Third Series*, page 9.

Mr. Frazee was an accomplished lawyer and writer. He gained distinction not only in the legal, but journalistic profession, as well as through the publication of papers upon financial and historical topics. He was born in New York City in 1821; both of his parents were of Scottish extraction. He received an Academical education in the State of his birth; studied law and commenced the practice of his profession in Danville, Kentucky, in 1845. In 1849 he came to Burlington and

* Note—After the sketch was written, I found among my papers the following description of Mr. Darwin furnished me by Mr. Woods (Old Timber) some thirty years ago and which I had overlooked. It supplies data in which I was deficient and throws a more accurate light on his personality than I have: "C. Ben Darwin came to Iowa about 1853 and located in Burlington. He hailed from South America. He was about thirty years old and was married. He became the principal of the high school, which position he retained for several terms. I presume he had read law before. He was admitted and soon acquired a good practice. He was a good student, a fluent speaker and a successful jury lawyer. He was popular in his manners, social and companionable. He had been a great traveler and was well posted in the current events of the country. While he was a good talker, he was inclined to be verbose in his legal arguments, and apt to branch off on some abstract theory. He was selected as one of the commissioners to codify the laws, and the revision of 1860 was frequently referred to as Darwin's Code. It was far inferior to that of 1851, which was the joint work of Mason, Hempstead and Woodward, and the best that Iowa has ever had. He was appointed to a Judgeship in one of the territories on the Pacific Coast, since which time I have lost sight of him. He was egotistical, self-willed and sometimes unpleasant in his relations with the court. I was present in court when he had a difficulty with Judge Francis Springer. Darwin was very offensive and clearly in the wrong. The Judge ordered the Sheriff to take him into custody, whereupon Darwin drew his revolver and threatened to shoot anyone who laid hands on him. He was, however, finally taken into custody by the Sheriff. The result was a proceeding which went to the Supreme Court, in which Judge Springer was sustained. I do not know in what State he was born, educated or reared, but he had been in South America."

entered upon the practice of his profession, in which he successfully continued until the period of his death in 1904, at the age of eighty-three. He was then the oldest member of the Burlington Bar.

He intermingled, as indicated, his professional with journalistic labors, and for a number of years was on the editorial staff of the Burlington Hawkeye. He was a graceful and pungent writer and his efforts contributed to give decided character to that paper. For a portion of this time, Clark Dunham, one of the most trenchant writers in the newspaper history of Iowa, had control of the Hawkeye.

Frazee was a variously accomplished man, of decidedly antiquarian tastes and scholarly habit. Among his pamphlets on questions of finance were those referred to in the annexed note, which he was kind enough to send me.

In his character and personality, he was a very amiable and lovable man—a very kindly one, as will be seen by a perusal of the letter contained in the notes just referred to, and which I publish for the double purpose of illustrating the characteristics which I have just attributed to him and of showing my own painstaking in collecting reliable data for this volume. I was reaching out for some details I did not possess respecting Fitz Henry Warren. I wrote to Governor Gear and he referred me to Mr. Frazee, with whom I had some personal acquaintance. I accordingly wrote to the latter, who was then a very old man, whose eyesight had become dimmed with the feebleness of years and a long course of strenuous labor. But despite these infirmities, the simple desire to assist me impelled him to make the exertions disclosed in the letter. His face bore the marks of beneficence and through its lines beamed the kindly light which animated his whole being.

Note—

Burlington, Iowa, November 20, 1898.

Edward H. Stiles, Esq., Kansas City, Mo.

Dear Sir: Your letter of the 20th inst. came duly to hand. Also your pamphlet, for which I am your grateful debtor. But the letter from Senator Gear to which you refer as an enclosure, and which you requested me to return did not appear.

You are correct in affirming that I for several years acted as editor of the Hawkeye, during Clarke Dunham's ownership—from 1862 to 1864.

I have delayed answering your inquiries in regard to General F. H. Warren, in the hope of meeting with someone who was more familiar with Warren's early and later history than I. I never wrote any sketch of his life and do not remember that I ever heard anything specially relating to the period you mention. While he was here from 1850 until his final return to Massachusetts, I, of course, knew in a general way what he was doing or attempting to do, but others who had business relations with him must have had a much more intimate knowledge; but most of his contemporary men of business are buried. Lyman Cook, who could have told much about the General, died about a month ago, and I have failed to find anyone who could tell me anything which I did not know myself. I know that after Warren returned from Guatamala, he was for some time engaged with others in constructing what was called the Burlington and Southwestern Railroad, in which I believe he made some money. And I think it was not long subsequent to the completion of that venture that he departed, never to reappear in this quarter of

man's heritage. You perceive that I can tell you almost nothing myself, but I have found for you the address of his surviving daughter, who is still unmarried and who, I presume, will be quite willing to give you all the information you require. Warren left some property here, and Mr. R. M. Green is her attorney or agent, and furnished the address, which is no doubt accurate. It is "Miss Lily J. Warren, No. 7 Monroe Place, Brooklyn, N. Y." No doubt she is acquainted with her father's early history, from relation and with his later, by actual and intimate knowledge and participation.

I have no specimen of General Warren's writing. If you can find a file of the New York Daily Tribune you can find the "On to Richmond" letters there. There is a file in our City Library covering most of the Rebellion period. I would look one up for you myself, and furnish you the date, but unfortunately I am so nearly blind that I am unable to read any print whatever. Perhaps his daughter may have in print or manuscript something more desirable. When you write to Miss Warren I think it would be well to make direct inquiries as to the points on which you desire information. I suppose you are pretty well acquainted with his public career in this State.

I have had read to me your sketch of Warren's character and disposition, his ability and his failings, and think it very nearly accurate.

On receipt of your letter I forwarded to your address a couple of pamphlets which I hope reached you. In the "Annals of Iowa," within the last two years (I cannot tell the exact date), there is an Autobiography of Judge Francis Springer, who died only a month or so ago, aged eighty-seven. Regretting that I cannot more fully serve you, I am,

Very truly yours,
George Frazee.

Frederick D. Mills, George Snyder, C. B. Harrington and W. H. Clune.

Of *Frederick D. Mills* much is said in connection with the sketches of Woods and Parvin, to which the reader is referred. From all accounts he was a remarkable man. He was a fine lawyer, a brilliant public speaker, and rendered valuable service to the State in defeating the Constitution which narrowed its boundary, as related in the sketches referred to. He entered the military service at the commencement of the war with Mexico, and was killed while gallantly leading his regiment in a charge. His name was perpetuated by being inscribed on a mural tablet in the chapel of the Military Academy at West Point—as one of the heroes of Cherubusco, and by the State of Iowa, in naming one of its counties after him. He was a graduate of Yale College in 1840, and came to Burlington in 1841. He proved a match for J. C. Hall and the ablest lawyers of that period. In 1882 I had an interview with Dr. A. B. Comstock, of Wapello County, concerning Mr. Mills, of which I made a note at the time, and which I here reproduce as follows:

Mills was a Massachusetts man, of fine appearance and superb talent; a fine lawyer and a very impressive speaker. In 1844, at the fall term of the Territorial Court, he came to Ottumwa, while it was in session there, to get acquainted. He had no other business, but George May had an important case and got Mills to assist him. J. C. Hall was on the other side and had been regarded by the boys as "cock of the roost." Hall in his argument bore down very hard and apparently tried to bully him. Then Mills in his turn arose. He seemed to swell with indignation and power and it soon became apparent that Hall was for once vanquished. He was brave as a lion, forcible, logical and eloquent. He was one of the greatest men to look upon that I have ever seen; tall, stately, majestic and yet social and easily approachable.

Of *George Snyder* I can add but little to the following outline which I derived from Mr. Woods:

George Snyder came from Monmouth, Illinois, and settled in Burlington at an early day. He married the daughter of Colonel Harding, of Warren County, Illinois, who raised and equipped at his own expense a regiment for the Government during the Rebellion. By the way, Colonel Harding was not only thus eminent as a patriot but as a lawyer. *Snyder* was elected a Justice of the Peace at Burlington, and, being a good lawyer, made an excellent one. He helped to raise the regiment of Lancers at Burlington that failed to secure government recognition. He subsequently removed to Council Bluffs where he practiced law for about three years. At the end of this time he returned to Burlington and resumed his practice, remaining there several years. Thence he returned to Monmouth, and became president of the bank of Colonel Harding, his father-in-law. He was a fine scholar, a brilliant man, a well-read lawyer, and an altogether good fellow.

I met Mr. *Snyder* several times, but had no particular acquaintance with him. In 1856 he was nominated by the Democratic Convention as their candidate for Secretary of State.

With *C. B. Harrington* I was better acquainted and am inclined to confirm what is said by Mr. Woods in the following narration:

C. B. Harrington came to Iowa some time in the fifties and settled in Burlington. He was from Vermont, which has given us so many eminent men—the Starrs, the Phelps, Stephen A. Douglas, Silas Wright, Foote, Edmonds, and a host of others. I doubt if its equal could be found even in old Virginia. In personal appearance, he was a noble specimen. He was something over six feet in height and well proportioned. He was a college graduate, a well-read lawyer and took rank in his former home amongst the foremost in his profession. On coming to Burlington, he formed a partnership with Judge J. C. Hall and his son, B. J. Hall. He added weight and stability, if any were needed, to that leading firm.

He had for the last few years of his life partially retired from the courts and enjoyed a comfortable old age upon what he had honorably won. He had a wife, but no children to cheer him on the remainder of his journey; but they were, nevertheless, tranquil and contented in the sunset. He had a high sense of honor, and I regarded him as one of God's noblest specimens of a gentleman.

W. H. Clune, I met in 1858. I heard him make a political speech in the convention which nominated C. C. Cole against Samuel R. Curtis for Congress: He was a lively, entertaining fellow and made a speech full of animation and fire. I can add only the following rather graphic picture related to me by Mr. Woods:

W. H. Clune was a meteor—dropped into Iowa about 1855-6—from whence I know not, and soon dropped out, to I know not where. He was a man of classical education, an eloquent speaker, a good lawyer for one so young and a good politician. He would take first rank in whatever he applied himself to. He was small in stature, very pleasing in manner and would attract attention in any assemblage he might happen to be.

Benton J. Hall and P. Henry Smyth.

Of *Benton J. Hall* something has been said in my sketch of his father, Judge J. C. Hall. Ben Hall, as he was familiarly known, was among the first of my political acquaintances. We were both very young men when we met to make speeches on

the same side, at Agency City, in the Douglas-Lincoln Presidential Campaign of 1860. The acquaintance then commenced became intimate, and continued until the time of his death. While not as rugged as his father, he was, nevertheless, a man of great talent, and of finer culture. He had received a collegiate education and was admitted to the bar in 1857. He entered into partnership with his father, and the firm was known as J. C. & B. J. Hall. Judge Hall used to say that before Ben came into the office, he could always pretty readily find his papers, for he kept them in a barrel and when he wanted one, stirred it up with a stick until he found the paper; but that after Ben came and established pigeon holes, he never could find anything. He rose rapidly and soon became the peer of the ablest lawyers in the State. He was scholarly and aesthetic, as well as forcible. To illustrate this, I relate an instance in which he made a simile which struck me at the time as one of the finest and most apt that I had ever heard. He was arguing a case in the Supreme Court, in which he urged that an instruction given by the Lower Court was susceptible of a construction that might have had a tendency to mislead the jury. On the other side, it was urged that the sense of the instruction taken as a whole, was plain enough in the right direction. In reply, Mr. Hall urged that it might and probably did have the psychological effect of misleading the jury by its subtle influence. He said that at the Temple of Delphi, there was constructed a piece of mechanism so subtle that the rays of the morning sun set it in motion, and so it was with the mind.

In 1862 he was nominated by the Democratic State Convention for Attorney General. In 1871 he was elected to the House of Representatives of the Fourteenth General Assembly. In 1872 he was nominated by his party for Supreme Judge. In 1881 he was elected to the State Senate. In 1884 he was elected to Congress, being the first Democrat chosen from the First District for thirty years. In 1886 he was appointed Commissioner of Patents, by President Cleveland, and distinguished himself in conducting the affairs of that office. At the close of that administration he removed to Chicago and devoted himself to practice relating to patents. He was considered one of the best equipped patent attorneys in the United States, but failing health obliged him after a time to give up his practice there and return to Burlington, where he died after a short illness, 1894. He was one of the most lovable of men in his manners and disposition and he was personally beloved by every man, woman and child who knew him.

P. Henry Smyth was a native of Washington County, Virginia. He studied law and was admitted to the bar in Henry County, Tennessee. In 1857 he came to Burlington. He was a lawyer of decided ability and gained a state-wide reputation as such. He was a Democrat in politics, but was appointed by a Republican governor in 1874, District Judge of the Burlington District. He was born in 1829. He continued to reside in Burlington, till along in the seventies, when he

moved to Cleveland, Ohio, the native place of his wife, where he died in March, 1905. His son, James D. Smyth, became one of the Judges of the District Court of the First Judicial District, which his father had formerly honored.

In personal appearance, he was striking. The following description I noted down in the Supreme Courtroom, while hearing him argue a case—tall and commanding, heavy-shouldered, with inclination to full habit, aquiline, thin nose and eagle-shaped visage; complexion inclined to be florid; wide upper lip—both compressed and wearing an expression of firmness and sanguine resolution, comporting with the face; high head, nearly bald on top, scanty hair which once must have been auburn, now sprinkled with gray.

He was heroic in character, as well as in build, and highly esteemed both as an eminent lawyer and an exemplary citizen.

Dr. William Salter.

There is another person so identified with Burlington, and so remarkable in himself throughout his long career, that it is fitting he should be mentioned in this connection. I refer to Dr. William Salter. He not only distinguished himself by his services in the ministry, but by reason of his broad and catholic spirit, his overflowing kindness and charitable acts, he endeared himself to the people of Burlington and that part of the State, without respect to creed or party, as perhaps no other man of his time has, while his various learning, his historical researches, and his contributions to the biographical history of Iowa have made his name honored and familiar to all of her people. His "Life and Services of James W. Grimes," published not long after the death of that distinguished man, is one of the most interesting and complete biographies ever written, and his occasional historic contributions, some of which have appeared in the "Annals of Iowa," are invaluable.

Fifty-five years ago I heard him deliver the funeral sermon of Captain Charles C. Cloutman, who was killed while heroically leading his company in the charge upon Fort Donaldson. His was the first notable death among the soldiers who went into the Great Civil War from Wapello County. The Captain's body had been recovered, brought to Ottumwa, and lay in state in the old courthouse, and over it the sermon was preached. The Captain had formerly lived in Burlington and had been an attendant upon Dr. Salter's church, and Dr. Salter cheerfully came up to Ottumwa to perform the last rites. The sermon was so deeply impressive that it established him in my mind as one possessing the highest qualities of head and heart. As illustrating some of the points of his character that I have touched upon, as well as furnishing some graphic events, I deem it proper to introduce the following remarks of General A. C. Dodge at the evening services of the semi-centennial celebration before referred to:

When in 1850 that most frightful of all human scourges, the Asiatic spasmodic cholera, appeared in Burlington, dooming to sudden and violent death a hecatomb

of victims, William Salter had the courage, when others fled, to remain at the post of duty and danger. He faced the "grim visaged monster," going as readily to the call of the sick and dying who were not of his own flock as to those who belonged to it. A Congregationalist good and true, he nevertheless possesses liberal and enlarged sentiments of Christian charity, such as make him the friend of mankind, ever ready to assist with his ministrations, all, regardless of sect or denomination. Among the victims upon the sad and memorable occasion to which I refer were those near and very dear to me. As with the besom of destruction a beloved sister, her husband (Governor James Clark), their son of tender years (little James), and a valued friend, Mrs. Wise (a visitor at their house), were all swept away, as it were in a day. The ordeal of death came suddenly and unexpectedly to Mrs. Clark, and when none of her relations were near. Her parents, my family and myself were at Washington City; but her thoughts like those of a true woman, were turned upon her three children, destined soon to suffer the irreparable loss of their mother. It was at that painful time, when speedy dissolution was inevitable, that Dr. Salter and his amiable lady, unawed by the fear of contagion, visited my dying sister and caught from her lips the aspirations she breathed to Heaven for the welfare and proper rearing of her children. These wishes he communicated in a characteristic letter, indited and forwarded to my sister (Mrs. Bequette), in Wisconsin, to whom little Fanny, Henry and Kittie were taken by their Uncle William, all under ten years of age, and Kittie less than twenty months old. Years afterwards he buried from my house, Henry Dodge Clark (only surviving son of Governor James Clark, my lamented brother-in-law), who died young of diseases contracted South, during his four years' service in the Union Army. The funeral discourse Dr. Salter then pronounced was one of the most beautiful to which I ever listened. He is the Nestor of Burlington preachers, and during his long ministerial career has imparted unspeakable consolation and happiness to heart-stricken wives, daughters and sons, whose relations, dying without the pale of the church, would have been denied Christian burial but for him.

I shall not attempt to give even an outline of Dr. Salter's life more than to say that he was born in Brooklyn, New York, in 1821; that he was highly educated in the universities of the East; that he came as one of the "Andover Band" of Clergymen to Burlington in 1843, and after preaching two years as a missionary in Jackson County, became pastor of the First Congregational Church of Burlington, in March, 1846, where he remained until his recent death. He was an able, eloquent and distinguished divine, but it is as a literateur that his name will be longest perpetuated. His literary productions of various kinds, though mostly historical, entitle him to rank among the first authors of this country. He contributed more to bring into line and preserve the salient facts of Iowa history than any other man. His name appears more frequently in the Annals of Iowa than that of any other writer, and he may be said to be thoroughly and grandly embalmed in her history.

It is to be hoped that someone, if it has not already been done, will collect and publish his works, together with an adequate biography of this revered and gifted man.

Joshua Tracy.

Joshua Tracy came to Iowa in 1846, and settled in Burlington in 1850. He was born in Belmont County, Ohio, in 1825, and died at Burlington, 1884. He studied law with M. D. Browning, and was admitted to the Burlington Bar in

1852. He had been in the practice four or five years when I came to the State. I early became acquainted with him. He was one of the most lovable men that I have ever known. He was generally accredited as being one of the finest looking men in the State. In person, he was finely proportioned; his spacious head was well shaped; the contour of his face oval; his cheeks always ruddy with the glow of health. His eyes were large, black and luminous; his hair of the same color, a little inclined to be curly, if I recollect rightly, adorned and handsomely contrasted with a brow that was exceedingly fair in appearance. My observation has been, that, as a rule, so-called handsome men are lacking in virile intellectual and physical qualities. He was one of the exceptions. He was masculine in both. He was one of the most agreeable and good natured men to be met with. He was deeply sympathetic. His personality was exceedingly attractive. To every person, high or low, he bore himself with kindness and civility, and he always wore an unruffled and benignant face. He was eminently cheerful, and had the faculty of making others so. He loved the society of congenial companions; to hear anecdotes and incidents, especially those relating to Iowa men, that would make him laugh, and to tell some himself that would make the others laugh—and few could do this better than he. He has been dead, at this writing, for more than thirty years, but I can recollect and smile at some of the amusing things I have heard him relate, as I did when they were told. One of them I shall give when I come to speak of Leroy Palmer, of Mount Pleasant.

Among his other accomplishments, he was a splendid singer, and possessed a voice of great melody and power, which he was induced to give proof of, only on special occasions. I vividly recollect one of these. We had been attending a Republican State Convention at Des Moines. The projected railroad, from Keokuk to Des Moines, intersecting that of the Chicago, Burlington & Quincy at Ottumwa, had been completed only to Pella. The remainder of the way—forty miles—had to be made by stage coach. In returning, we left Des Moines in the evening in order to make connection with the next morning train at Pella. Among the passengers were Mr. Tracy and John Van Valkenburg, of Fort Madison, and myself. The roads were heavy, the coach slow, and in order to soften the time, Tracy and Van Valkenburg, who was also a fine singer with a powerful voice, and between whom and Tracy a strong personal friendship existed, commenced singing in the most enlivening manner some of the olden songs. The favorite one with the passengers was "Benny Haven Ho," and this was sung by these two men in a manner at once so vigorous and inspiring as to arouse the greatest enthusiasm. It seemed to me that I had never heard anything so perfectly stirring. And so the other passengers thought, for nothing would do but that they should repeat it time and again, with seemingly added resonance. A more enthusiastic musical audience was never seen. We lost all thought of the lumbering coach and bad roads.

On the bench which he adorned for a number of years, his ordinary demeanor became changed. He seemed deeply impressed with the seriousness of the duties he was performing, and presided with a dignity and impartiality that gave a high character to his court, and inspired a general respect for his judicial course. He was a good lawyer and an able judge. His considerate and sympathetic nature made him exceedingly kind to young men who naturally felt some embarrassment. This encouragement is still lovingly remembered by those who felt its influence.

Judge Tracy was stricken in the prime of life and while apparently in the best of health. His illness lasted but a few days. As already stated, he entered upon the practice of his profession in 1852. In 1853 he was elected City Attorney of Burlington; in 1854, to the State Legislature, where he served during the sessions of 1854-55 and the special session of 1856. In the fall of 1858 he was elected District Attorney of the First Judicial District. In 1862 he was re-elected to the same office, and again in 1866. While serving in this office he was appointed District Judge of that District to fill the vacancy caused by the resignation of Judge Francis Springer, but owing to the meager salary, he resigned his position on the bench and entered upon the general practice of his profession. He soon acquired a large practice and became one of the eminent lawyers of the State. In 1863 he formed a partnership with Judge Thomas W. Newman, which continued until 1869. Upon the retirement of Judge Newman from the firm, Samuel K. Tracy, his son, took the place of Judge Newman in the partnership. For several years, he was General Solicitor of the Burlington, Cedar Rapids and Northern Railway. In 1880 he was elected President of this Company, and managed its affairs with such signal ability, that it became one of the most valuable and successful railroads in the West. He proved himself a competent railway manager and a financier of sound and ready judgment. Upon his election to the Presidency of that Company, his son, Samuel K. Tracy, succeeded him as its General Solicitor. This son served for many years as the legal representative of the Burlington, Cedar Rapids & Northern Railway Company and became one of the leading lawyers of Iowa.

John G. Foote.

I have already spoken of a number of Burlington men, but as these sketches are mostly reminiscent of the persons I have known, I must soon bring them to a close, so far as Burlington people are concerned, as I am nearing the end of the list of those who were personally known to me.

John H. Gear and John G. Foote were brothers-in-law. Foote was a Puritan, from both breeding and instinct, serious in manner and rather closely attached to religious solemnities and affairs relating to church proceedings, though as we shall hereafter see, his services were inseparably connected with the upbuilding of Burlington and the State. He was a Congregationalist, a member of the National

Council of that order, a corporate member of the American Board of Foreign Missions to which he gave great attention and assistance till the latest period of his life. He was one of the founders of the Chicago Theological Seminary and a member of its first Board of Directors, to which he gave liberal contributions. He was an earnest scriptural student and of a devout turn of mind. He possessed a fine intelligence and a broad human charity. He was a brother of the wife of Governor and subsequently United States Senator, John H. Gear. He became interested in politics and was an influential member of the Republican Party. We were both members of the Tenth General Assembly, he of the Senate, and I of the House. He was one of the commissioners under whose supervision the new capitol building was constructed, and to his vigilant efforts, his strict integrity and efficient services in the duty assigned to him, much credit is justly due, for the almost unprecedentedly clean and honest construction of that superb building, which is as great a source of pride to the people of the State as the edifice itself. The commission was composed of four members, two of whom, Peter A. Dey and Maturen L. Fisher were Democrats, and two, Robert L. Finkbine and John G. Foote were Republicans—all men of high character, and to whom all honor is due. As one of the commissioners, he had charge of the finances and under his supervision nearly three million dollars were disbursed, without a cent of misappropriation. He might well be designated as one whom Pope declares to be the noblest work of God.

He was one of the original promoters of the Burlington and Missouri River Railroad, and for several years Treasurer of the Company; an organizer and member of the first telegraph company that built a line into Burlington, and one of the organizers of the First National Bank of Burlington. He was born in Middlebury, Vermont, in 1814, and died in Burlington in March, 1896, in the eighty-third year of his age. At this writing, he is survived by his widow, who is a sister of the late Joseph Merrill, one time a State Senator from Wapello County, and by a son, Graham Merrill Foote, who is an officer of the Long Beach Savings Bank, of California.

A. H. Stutsman.

I first saw Mr. Stutsman at the old courthouse in Ottumwa, some forty-five or forty-six years ago, not very long after the close of the great Civil War, in which he had been a valiant soldier. His armless sleeve pinned back, showed where he had lost an arm in that conflict. He had enlisted in the First Iowa Cavalry at the outbreak of the War and served therein for three years—until he received the severe wound which resulted in the loss of his limb. In appearance, he was slim, modest, and seemingly delicate. He had commenced the practice of his profession and for several years continued it at Chariton, in Lucas County. He was now seeking a new location and came to Ottumwa for that purpose. He bore a letter

of introduction to me, and I introduced him to other lawyers in the courtroom. He subsequently located in Burlington, and through his studious habits and perseverance combined with his personal worth, gained an excellent standing in the profession, and the confidence of the people. He had previously made a fine record for himself while a resident of Lucas County. He was born in Morgan County, Indiana, in 1840. His father was a native of Pennsylvania, his mother of Kentucky; both were of German extraction. The family moved to Lee County, Territory of Iowa, in 1842, settling on a farm near West Point. Here he was reared and educated in the public schools, and labored on the farm until his enlistment in the War. After his return home he began the study of law in the office of J. M. Beck, at Fort Madison, and was admitted to the bar in 1865, at Keokuk. In the spring of 1866 he located at Chariton. He was elected Mayor of that city in 1867, but subsequently resigned to enter the law school of the Michigan University, from which he was graduated in 1868. In 1869 he was elected to and served in the House of the 13th General Assembly. The following year he came to Burlington. Here he was made City Solicitor in 1873 and 1874; Judge of the Police Court for the years of 1875, 1876 and part of 1877. In 1878 he was elected Judge of the District Court, and served in that capacity with such general satisfaction, that in 1882 he was re-elected for another term without opposition, at the end of which he returned to the practice. On account of his health he eventually took up his residence in California, leaving behind him an honorable record as lawyer, judge and citizen. He is still living in his 76th year at Santa Ana in that state, where he is widely and favorably known.

Thomas W. Newman, William E. Blake and Daniel M. Hammack.

These men were for a time partners. *Mr. Newman* was the elder of the two. He was a Marylander by birth and was admitted to the Bar of that State. He came to Burlington and entered the practice in 1850. He became a lawyer of note. For a time he was a partner of Joshua Tracy, under the firm name of Tracy & Newman, and subsequently of Mr. Blake under the name of Newman & Blake. These names will be found along the line of the Iowa Reports during their time. In 1874, he was appointed by the Governor, Judge of the District Court. Upon the expiration of that term, he was elected by the people for a new one, and upon the expiration of that, re-elected for another. He served some ten years in that position with marked efficiency. He was a good lawyer and a good judge. Nature had not been niggardly in the bestowal of his mental endowments.

He was born in Summerset County, Maryland, in 1829. His father having died, his mother with her family, when he was eleven years of age, removed to Baltimore where he was reared to manhood. He received an Academic education, and his associations in a large city like Baltimore naturally brought him in contact

with or as the observer of many notable men and distinguished orators. This had the effect of accentuating his oratorical gifts. The result was that he became an attractive and forcible speaker, both in the forum and on the hustings. In politics, he was originally a Democrat, but in the slavery agitation following the Kansas Nebraska Act of 1854, he abandoned his party and joined that of the Republicans, which was then just coming into existence. He supported James W. Grimes for Governor, Mr. Lincoln for President and continued to adhere to that party throughout his life.

At the breaking out of the Civil War, he entered the service, and through the influence of Mr. Grimes, was commissioned a Captain in the Eleventh United States Infantry. Under that commission, he entered upon the duties of Recruiting Officer and Military Commander, at Burlington, in 1861. In the year following, he was made Commander of the Post at Indianapolis. After nearly three years of military service, he was obliged to resign on account of severe and prolonged illness. Upon his recovery, he resumed his practice in Burlington. After this, he used to occasionally visit our Court at Ottumwa, and in this wise, I first became acquainted with him. He was a fine conversationalist, pleasingly vivacious, a favorite with ladies, a gentleman of charming manners, in whose company it was a pleasure to be.

In addition to the public services mentioned, he was from 1855 to 1857 County Judge of Des Moines County, and in 1855-6 one of the Directors of the Burlington and Missouri River Railroad Company, now the Chicago, Burlington & Quincy. He was an early, staunch and continual friend of the Burlington University, from the time of its organization in 1852, and became one of its trustees and general officers.

He died at Burlington in 1908, after having devotedly followed his profession as lawyer and judge for fifty-eight years, with the exception of the time covered by his military service. He was a man of decided character, and positive opinions which he was always ready to heroically express on proper occasion. By his long and useful service, and by his strong personal influence, he did much in shaping the jurisprudence and institutions of the State.

Mr. Blake was born in Ohio. He graduated from Monmouth College and the Iowa College of Law. He entered upon the practice of his profession at Burlington, in which he continued for a period of more than forty years. I first became acquainted with him in the seventies. I used to meet him in the Supreme Court, occasionally in our own Court, and elsewhere. He was quite the opposite of Judge Newman in personal appearance. He was slim, meager, pale faced, impassive, with sharp, piercing eyes. He was not at all robust in appearance and warmth as was his partner, Judge Newman. He did not at first particularly impress me as a man of talents, but as to this, I subsequently changed my mind. The more I saw of him and his professional action, the more I became convinced that my first im-

pression was wrong. A distinguished lawyer of Keokuk said, "Your present impression is correct; Mr. Blake is an able lawyer. He has one of the clearest and best legal minds in the State." This and further observation settled my opinion concerning Mr. Blake. He adhered closely to his profession and attained a high rank in it. His tastes were purely intellectual. He was neither an office seeker nor a politician. He, however, took great and active interest in educational matters, institutions and movements. He took particular interest in the public schools of Burlington, and served on the board of education. He also served as one of the trustees of Parsons College. He was perhaps as pure a lawyer in a scientific sense as Burlington ever had. His character and his integrity were of the highest order, but he lacked the goodfellowship and convivial traits of some of his professional associates.

He was a student in the office of Judge Newman and afterward, as already noted, became his partner. Between them there was a very strong bond of affection and on the occasion of Judge Newman's death, Mr. Blake paid him a tribute worthy of both the speaker and the subject, from which I give the following excerpt, which throws light upon both:

Between Judge Newman and me there was an intimacy and an affection that I can only compare to that of father and son. That he should take me, an uncouth country boy, fresh from the schools and with no knowledge whatever of the practical application of the law, and permit me to have a chance to become a lawyer, has always filled my heart with gratitude to him, a gratitude which I have tried to live in my daily life with him, and which I now most gladly and publicly and from the very fullness of my heart record.

What a noble man he was! He never once chided me. In all the turmoil of our very active practice, and with all my many mistakes in the management of cases, or in intricate affairs where I must rely on my own judgment, never once did he say to me, "Blake, that was a mistake." He heard my explanations and my reasons for doing as I had done and then stood by me firm as a rock.

Daniel M. Hammack was for a time a partner of Mr. Blake. They were both graduates of Monmouth College. Before this partnership with Mr. Blake he was for a period reporter on Burlington papers. He eventually removed to California where he gained decided prominence as a lawyer. He first went to San Diego where he became Assistant District Attorney, and was for two terms City Attorney of San Diego. He was the Democratic candidate for Superior Judge and though running ahead of his ticket, was defeated by a small majority. While at San Diego he was engaged in a number of important cases. In 1902 he removed to Los Angeles where he established a successful practice and was engaged in some important land and will cases. He was a learned lawyer and was for some three years Dean of the Los Angeles College of Law. His son, D. S. Hammack, eventually became associated with him and the firm is now a leading one in Los Angeles. I visit Mr. Hammack occasionally in his office there. Though advanced in years, he is still active, likes to talk of Burlington's old lawyers and tells many anecdotes concerning them.

Joseph W. Blythe and Thomas Hedge.

I couple the names of these men, because they were partners in the early period of their professional lives. I knew them both well, *Mr. Blythe* intimately, for when he entered the service of the Chicago, Burlington & Quincy Railroad Company in 1876, as attorney for its Iowa lines, I had been for a good many years, the local attorney of that Company in the Ottumwa District, and so continued until my removal to Kansas City, Missouri, in 1886. As a result of this relation, we co-operated frequently in respect to cases both in the State and Federal Courts, arising in my territory.

I saw him soon after he came to Burlington in 1874. He had just formed a partnership with *Mr. Hedge*. I went to their office with him, and by him was introduced to his partner. *Mr. Blythe* was then twenty-four years old, and the picture of glowing health and good nature. He looked like an overgrown boy, fair-haired, ruddy cheeked, decidedly corpulent. He drew the attention of *Charles E. Perkins*, then President of the Railroad Company above mentioned. *Mr. Perkins*, to use the expression, took a liking for and conceived a high opinion of him, and it was through him that *Mr. Blythe* became the Attorney for the Railroad Company. This good opinion of *Mr. Perkins* was fully justified by the fine abilities, which *Mr. Blythe* displayed in connection with railroad litigation, and affairs, and he was subsequently made General Counsel for the entire system. As before indicated, I had his personal assistance both in the preparation and trial of a number of important cases, in the State and Federal Courts, but I never knew him to ask a question or actively participate in the trial of a case beyond mere suggestions during its course. In these suggestions, however, and in planning legal outlines, he was dominant. It was not long before I was led to the belief that in these respects, *Mr. Blythe* was a lawyer of great ability.

He was educated at Princeton College, New Jersey, and Hanover College, Indiana. He studied law with his uncle, *Caleb Green*, of Trenton, New Jersey, and was admitted to the bar there.

In the course of time he became actively interested in politics, and probably exercised more political control than any other man in the State. A number of men might be named whose political career and destiny he shaped. The fact is that he was a man of masterful mind—masterful in laying plans and in executing them; and as such, he came to be generally recognized throughout the limits of the State. Nor was this distinction confined to the State; it was recognized at Washington and elsewhere.

He was remarkably social in disposition and fond of his friends. He believed in extracting from life its reasonable enjoyments to the limit of not injuring himself or anybody else. In short, viewed from his personal side, he was one of the most

agreeable of persons; a very kind, a very generous, a very sunshiny, as well as a very just man, faithful to his friendships and his pledges. He was overflowing with bonhomie, loved amusements, pleasant evenings, festivals of wit, enlivening company, in which he was always an important factor himself. His playful wit must have been a family trait. He used to relate this incident illustrative of it: Henry Green, the great Chancellor of New Jersey, to whom was extended the written invitation of President Lincoln to take a place on the United States Supreme Bench, which he declined, saying he was too old, was an uncle of Mr. Blythe, his mother's brother. One day the Chancellor came into the office of his brother, Caleb Green, in which Mr. Blythe was studying law. Of course, he regarded the Chancellor with awe and veneration, and hastened to give him a comfortable chair. The old gentleman being established satisfactorily, broke out, "William (Blythe, whose full Christian name was Joseph William, was always called William in the family), do you understand Contingent Remainders?" William was in a dilemma. If he should say "no," the old man would probably ask him what he had been doing these last two years. If he should say "yes," he would cross examine him. Blythe finally replied that he was afraid he did not understand contingent remainders very well. The old Chancellor pounded the floor with his cane and said, "William, I am disappointed. I have been studying contingent remainders for fifty years; I do not understand them, but thought you might. Good morning."

In the latter part of his life, in order to subdue his tendency to *avoirdufois* and promote his health, he cultivated a liking for the sports of the field, the hunt, and it was on one of these occasions that he unexpectedly came to his end. He had gone in the morning with some companions, H. S. Rand and H. O. Weaver, to hunt ducks in the adjacent County of Louisa. They were quartered in their shooting cabin and commenced making their preparation for a few days' sport. Mr. Blythe seemed to be in his usual health at noon, but about four o'clock in the afternoon he complained of feeling ill, and a physician was called from Wapello. The medicine administered seemed to relieve Mr. Blythe, and at the usual time in the evening, he retired to his room which adjoined that of his companions. Later on they heard him cough and then exclaim in his usual good-natured tone, but distinctly, "Well, boys, I'm off." They immediately entered his room and found him dead. Thus placidly and characteristically he took his final leave.

His sudden death was a great shock and a cause of general sorrow. When asked for his estimate of Mr. Blythe, his old partner, Thomas Hedge, thus expressed himself:

Mr. Blythe's most marked characteristic was his truthfulness. His keen mind saw things in their right relations and he had a faculty of statement not equaled by any man in the West. He was a man of absolute integrity and a most generous one, not alone in material matters but in his judgment of others. In his estimate of men he was almost invariably correct, and fair as well. He won their confidence by his intelligence and cordiality and held it by their knowledge of his absolute truthfulness and sincerity.

And this is the estimate of W. W. Baldwin, a distinguished lawyer of Burlington:

I was closely associated with Mr. Blythe for thirty years. I think that he had more influence than any other man in Iowa. This was not because of political station. He never held an office. He declined the appointment of United States Senator, which Governor Shaw tendered him. His influence was founded upon his friendships, his marked ability, his wide knowledge of human nature, his directness in dealing with men, his absolute truthfulness, his great common sense, his generosity and his unflinching kindness of heart. Those to whom he has done a kindness are legion in every walk of life. He was one of the greatest and most effective politicians in the larger sense that this State has ever known; not because he wanted anything for himself but because he wanted to help his friends and to see wisdom and sanity and honest ways triumph. He hated cant and above all, he hated hypocrisy and double dealing.

He left surviving him his widow, whose maiden name was Margaret E. Gear, the daughter of Governor and Senator John H. Gear, and a son.

To *Thomas Hedge*, a former partner of Mr. Blythe, reference has been already made. He was born in Iowa while it was still a Territory, at Burlington, in 1844. He was educated in Denmark Academy, Phillips Andover Academy, Massachusetts, and at Yale. His course in the latter university was interrupted by his entrance into the service during the Civil War. His legal education was received at the Columbia College Law School, and he was admitted to the New York Bar in 1869. He immediately thereafter entered upon the practice at Burlington, where he soon took rank as an able lawyer and a man of decided talents. He practiced his profession there for upwards of forty-five years. He, however, during that time, to some extent diverged from the field of his profession to that of politics, in which he became a trusted and potent leader. He ably represented his district in Congress for eight years, from 1889 to 1897. He once thus wrote me concerning that period:

I am trying to regain my practice, for that eight years in politics rather threw me out of the running. But if I can guess about the "contingent remainder" of my professional life, I shall end it where I began it, for Burlington has been a comfortable dwelling place.

He was of Puritan and English ancestry. His father, Thomas Hedge, Sr., who became a leading citizen and business man of Burlington, was a native of Yarmouth, Massachusetts. His grandfather was a sea captain and the grandson evidently inherited the sterling and sturdy qualities of his ancestors.

Samuel L. Glasgow.

When I first met General Glasgow, he was fresh from the battlefields of the Civil War, where he had borne a conspicuous and brilliant part. We were members of the Eleventh General Assembly in 1865-6, he of the House, I of the Senate. Out of sessions, we were thrown much together and became greatly attached to each other. He impressed me at the first, what he proved to be, an original

character. He had been reared in the country, and had the habits and manners of the frontier. He was what might be properly termed, a rough diamond, full of impetuous dash and sparkle. His primitive manners and sometimes rough expressions had not been smoothed, as they afterwards were, by the influences of polite society. He lacked somewhat the graces of human action, but under his varied experiences, he eventually acquired them all, and became one of the most accomplished gentlemen I have ever known.

He was born in Adams County, Ohio, in 1838. He came to Iowa in 1856, and settled in Oskaloosa, where he studied law. He was admitted to the bar in 1858, and soon after removed to Corydon, Wayne County, where he entered upon the practice, in which he continued until the breaking out of the Rebellion in the spring of 1861. Almost immediately after the firing upon Ft. Sumpter, he proceeded to wind up his professional affairs, close his office doors, and enter upon the work of assisting to enlist Company I, of the Fourth Iowa Infantry, of which he was elected and commissioned First Lieutenant. He served with his regiment until January, 1862, when ill health compelled him to resign. Having recovered, he recruited in the following summer, a company for the Twenty-Third Iowa Infantry, and was made its Major. In the December following, he was promoted to the Lieutenant Colonelcy. In the battle of Big Black River Bridge, the Colonel of the regiment, the lamented William H. Kinsman, was killed in a charge, and two days later, on the nineteenth of May, 1863, Lieutenant Colonel Glasgow was commissioned its Colonel. For his gallantry at Millikens Bend, Louisiana, where he saved the place from capture and the black troops from massacre, and for his general heroic career, he was promoted to Brigadier General. He had his first engagement of the regiment at Port Gibson, greatly distinguished himself leading his regulars almost from morning until night without rest or food. He was then but the Lieutenant Colonel of the Regiment, but had its command owing to the absence of Colonel Kinsman.

The battle at Millikens Bend was the first engagement in which he commanded the regiment under his new commission. As an instance, illustrating his leadership and personal bravery, I may be pardoned for giving the following excerpt from the description of that battle by Capt. A. A. Stuart:*

On the afternoon of the 6th of June, word came from Millikens Bend that the place was being threatened by the enemy; and, that evening, Colonel Glasgow received orders to proceed with his regiment to that point; for it was garrisoned by only a few colored troops. Arriving that night, the colonel reported to the commandant of the place, and was advised to retain his regiment on the boat, which he did. The commandant anticipated no serious attack.

When daylight broke a strange sight met the eyes of the regiment. Standing on their boat they first saw commotion among the Federal troops on shore, and

* Note—History of Iowa Regiments in the War of the Rebellion, by Captain A. A. Stuart, Des Moines, 1865.

then looking across the broad, open fields that stretch back from Millikens Bend for some half a mile, they saw emerging from the timber and at full run, a long, rebel line of battle. Instantly Colonel Glasgow prepared to debark his regiment, a task always attended with irksome delay.

Back a few rods from the river bank is the Mississippi levee. The black troops were already stationed behind it; but between the enemy and the Twenty-third Iowa there was a race to see who would first reach the place. The regiment, after landing, started on the run by the right flank, and the right of it reached the levee just as the enemy came up on the opposite side. The left was still back, and as it came up the enemy poured into it a most deadly fire.

The struggle which now followed was of the most desperate character and the conduct of the Twenty-third Iowa was gallant beyond description. The conflict became hand-to-hand, and to give an idea of its fierceness, I will state that the person of Colonel Glasgow was bespattered with the blood and brains of his slaughtered men, beaten out with the clubbed muskets of the enemy. The contending forces were separated only by the levee and several hand-to-hand encounters took place on its top. In one instance, a powerful man of the Twenty-third Iowa named John Virtue assaulted a rebel with his bayonet. The parties met on the top of the levee, and after a few parries each pierced the other through. They stood thus struggling when another soldier of the Twenty-third Iowa, named Thomas McDowell, rushed on the rebel and beat his brains out with his musket. Virtue afterward died of his wound. The above is an actual occurrence.

And thus the fighting continued until the arrival of the gun-boats from below.

He was distinguished for his dash and gallantry in all the engagements in which he and his regiment participated. It was said that he never sent, but led his men. It was authentically reported that at Spanish Fort, when he was anxious to assault the enemy whom he believed to be evacuating—which afterward proved to be the case, the Brigade Commander protested, saying, "The ground is full of shells, and we shall be all blown to pieces." "I don't care a d—n for the shells, and my regiment will follow me," replied Glasgow.

Upon his return from the war, official honors were conferred upon him. Desiring to obtain directly from him correct data in relation to this, I wrote to him therefor, in December, 1906. To this letter I received the following response, which not only furnishes the data desired, but throws a light upon his kindly nature and good fellowship:

Washington, D. C., December 10, 1906.

My dear Friend: I have your letter of the 1st inst., forwarded to me here from Burlington, and will give you the facts you wish to know. I was elected to the House of Representatives from Wayne County in the fall of 1865; and in the fall of 1879, from Des Moines County. As the Representative of Wayne County, I took my seat in January, 1866, and as Representative of Des Moines County, in 1880.

I was appointed by the President United States Consul at Havre, France, in April, 1869, and remained there until December, 1873. I was then transferred to Glasgow, Scotland, and remained there until 1877.

Mrs. Glasgow is here with me, and joins in kind remembrances to you. I would be so glad to see you. I was delighted to hear from you, my dear friend.

During his service in the State Legislature, he was placed on important committees, exerted a strong personal influence, and served his constituencies with great efficiency. After his eight years of consular service, he took up his residence in Burlington and entered upon the practice there. He formed a partnership with

that eminent Lawyer and Judge, Charles H. Phelps, and soon gained an enviable rank in the profession. He and Judge Phelps continued the association referred to for several years, and until the appointment of the latter as Judge of the Circuit Court. The firm had a large and important practice which General Glasgow continued to sustain after the retirement of Judge Phelps. His long period of consular service, his participation in society and official circles, his European travels, his mingling with foreign peoples—all combined to efface the rusticity of the young country lawyer, and make him as gracious and courtly as he was brave and generous. He conducted a successful practice in Burlington for thirty years, and was highly esteemed by the courts and his fellow-members of the bar. He left a favorable impress not only upon the affairs of his city, but those of the State. With the annals of the latter, his name as soldier and citizen will be indissolubly linked.

Clark Dunham, Charles Beardsley and Robert J. Burdette.

I cannot leave Burlington without saying a word concerning these three men, two of whom I knew so well, and all of whom were connected with, and to some extent made their reputation on the Burlington *Hawkeye*. *Clark Dunham* was a man of strongly marked individuality. As a trenchant editorial writer, he has probably had no superior in the State. He was intense in all his lines; the words that flowed from his pen, sometimes vitriolic. He was a powerful champion of the men he liked, and an adversary to be feared by those he did not. For this, he became distinguished; and during heated political times, the "*Hawkeye*," of which he was the editor, was opened with more or less of interest, and often with trepidation by those personally concerned. He was born in New Haven, Connecticut, in 1816. When he was thirty-eight, in 1854, he came to Burlington, and with his brother-in-law, John L. Brown, purchased the Burlington "*Hawkeye*." He afterwards became the sole owner and so continued for a number of years and until he sold the paper to Edwards & Beardsley. I came in close association with him at the legislative session of 1865-6, of which I was a member, in connection with the Senatorial contest between Senator Harlan and Governor Kirkwood. There was the short term to be filled, caused by the resignation of Senator Harlan himself, on his appointment by President Lincoln in 1865, as Secretary of the Interior, a position he assumed in May and resigned in the following September (on the assassination of President Lincoln and the accession of Andrew Johnson) and again became a Senatorial candidate, and the long term which would ensue on the expiration of the short one. Both Kirkwood and Harlan were aspirants, and being urged by their friends for both terms. I was for Kirkwood, so was Dunham, and we accordingly co-operated. He was opposed to Mr. Harlan, for one reason, because he thought the Senator, having resigned his seat in the cabinet, ought for the time at least, to be satisfied and give way to Kirkwood, instead of returning so soon to take up what he

had deliberately laid down. While conceding Mr. Harlan's great ability and his valuable services to the state and nation, I was opposed to him for like reasons. Hence our co-operation.

The Senatorial Contest continued for some time, and waxed warmer as it progressed. Mr. Dunham and myself joined in the frequent consultations of Kirkwood's friends. Great activity was shown on both sides and every influence brought to bear by each to promote the interest of his respective candidate. In the course of these preliminary contests, I saw much of Mr. Dunham. His feeling on the subject was intense. The success of either side was only partial. Harlan was elected for the long term, Kirkwood for the shorter one.*

Mr. Dunham was at that time nearly, if not quite, fifty years of age, and, though in ill health and apparently suffering from the insidious approach of consumption, his superb intellectual forces were unabated. He was by nature fearlessly independent, bold and heroic. Nothing could daunt or swerve him from his purpose when once deliberately taken. He died a few years afterward at Burlington, in 1871, while Postmaster of that city.

Dr. Charles Beardsley became prominent as a political leader and editorial writer. He succeeded Mr. Dunham as editor and one of the proprietors of the *Hawkeye*. He possessed literary accomplishments of a high order and was an able and graceful writer. In figure, he was very tall and very slim, but with a well-rounded head, rather exquisitely chiseled features and a countenance that constantly beamed with kindness. He was, perhaps, the gentlest man that ever actively engaged in Iowa politics. His father and mother were natives of Connecticut. He was born and educated in Ohio. He studied medicine and was graduated a physician at Cincinnati in 1855. He was then twenty-five years of age. He came to Iowa and practiced medicine in Muscatine and Oskaloosa for a time, but finally concluded to abandon his profession for newspaper work. In 1861 he became the editor of the *Oskaloosa Herald*, and in the same year was appointed Postmaster of that city. Notwithstanding the fact that he had practically retired from the medical profession, he was appointed examining surgeon of pension applicants, and retained that position until his removal to Burlington in 1865, to become the editor of the *Hawkeye*; in this position he continued until 1874. In the fall of 1869, he was elected to the State Senate from Des Moines County, where he served on several important committees. In 1878 he was appointed one of the commissioners to visit the United States Mint at Philadelphia. In 1879 he was appointed Fourth Auditor of the Treasurer Department. In 1886 he was chosen Chairman of the Republican State Committee and was again chosen in 1887. After a long and useful life, he died at Burlington in 1896.

* Note—Governor Kirkwood was subsequently, in 1876, elected for a full term.

Robert J. Burdette I have included in this article because of his well-known connection with the Burlington "Hawkeye," which in a measure he served to make famous, and which in turn served to make him so. This connection with the Hawkeye commenced while Charles Beardsley was its Editor-in-Chief. Burdette became the City Editor, and through his articles, which were published in that paper, he acquired a national reputation as a humorist. To be classed as he is with such wits as Artemus Ward, Josh Billings, Mark Twain and Bill Nye, is to be placed upon the literary apex of American wit and humor. He had a somewhat checkered career, of which I can give only in part a faint outline.

He was born in Pennsylvania of Huguenot lineage on the father's side, and of Welsh-German on the mother's side. While he was an infant, his parents removed to Cincinnati, and afterwards to Peoria, Illinois, where he was educated in the public schools. When he was eighteen, he enlisted as a soldier in the Civil War. After that, he became a mail agent, then a proof-reader on the "Peoria Daily Transcript," and finally night editor of that paper. In 1872 he became the city editor of the "Hawkeye." After some ten years of service on the editorial staff of the Hawkeye, he entered on that of the "Brooklyn Eagle." In 1876 he entered upon the lecture platform and won national distinction in that capacity. He was a well-known contributor to various magazines and newspapers and the author of a number of monographs and sketches.

Later in life he removed to Pasadena, California. Here his versatility was further exemplified by his becoming a Divinity student and subsequently the distinguished pastor of the Temple Baptist Church in Los Angeles. He finally retired from the ministry and led a quiet, literary life in Pasadena, occasionally, however, giving public addresses which always drew crowded audiences, and contributing epigrammatic sketches to the Los Angeles Times, which were looked for with interest. He was a gifted man, a genius, for nurturing whom to fame, Iowa may justly feel a pride, as he probably felt duly grateful to Iowa for having thus been nurtured.

After the completion of the sketches contained in this article, I sent a copy of the same to Mr. Burdette, who was still living at Pasadena, asking for any suggestion he might be pleased to make in regard to Charles Beardsley, with whom he had been associated on the Hawkeye. To my communication, I received the following response:

Sunnycrest, Pasadena, California, April 1, 1912.

My dear Mr. Stiles: This is a sincere letter, despite its untimely date. Thank you ever so much for permitting me a glimpse at your manuscripts concerning interesting men of interesting days.

You put the crown on Dr. Beardsley's character when you speak of him as "the gentlest man that ever actively engaged in Iowa politics." I served under his gentle rule on the Hawkeye for a number of years, and all my memories of him are fragrant with affection. In matters of principle he was adamant for the right "as

God gave him to see the right." Sham and dishonor he could—and on occasion, did—scourge with a whip of scorpions. He hated a lie and detested pretense. But he was patient with stupidity, gentle with weakness, tolerant of one's sincerity of belief, and a friend to a man needing the handclasp of friendship. A great-hearted, big-souled man.

Your name does not require the preface of an introduction to me, nor to any Iowan of the period of which you write. I am sure I met you in "the old times" and more than once, and I hope to renew the personal acquaintance out here.

Cordially yours,

Robert J. Burdette.

It should here be noted that sketches of Augustus C. Dodge, Shepherd Leffler, James W. Grimes and John H. Gear will elsewhere be found by reference to the index.

CHAPTER IX.

FORT MADISON AND KEOKUK.

Phillip Viele, Henry Eno and Alfred Rich.

Fort Madison is several years older than Keokuk. It was organized in March, 1837, Keokuk in 1847, though settlements had been made at both places before those periods. The first term of the District Court in Fort Madison was held in March, 1837, while we were a part of Wisconsin Territory. David Irvin was the Judge. Among the earliest lawyers there were Phillip Viele, Henry Eno and Alfred Rich, Viele and Eno being the two first, and Rich the third.

Something has already been said of both Viele and Rich by Theodore S. Parvin, and Judge Mason.

Phillip Viele came to Fort Madison in 1837. At the second term of the District Court held there in 1837, the record shows that he was appointed Prosecuting Attorney, and likewise at the third term, held there in April, 1838, which was the last one so held while we were a part of the Territory of Wisconsin.

He was a New Yorker by birth; a graduate of Union College; a classmate and intimate personal friend of William H. Seward; an accomplished scholar; a lover of literature; a collector of art treasures, and an antiquary. As a lawyer, he was able, and would doubtless have gained wide pre-eminence had he been so disposed and not allowed politics to interfere with his professional career, for, in addition to his legal attainments, he was an advocate of extraordinary eloquence, pathos and dramatic power. Colonel J. M. Reid, a member of the Keokuk Bar, who knew him well, says of him:*

He was full of fun and French vivacity, and could be sublime, pathetic or facetious. He could work up the sympathy of a jury and shed tears himself, when appealing to them as an advocate, with dramatic effect.

Touching somewhat his personal appearance, he further said:

Judge Viele showed the blood of the Mohawk Valley Knickerbockers in his face, which when young, glowed with the rosy hue of health. Captain Jesse Brown, alluding to his roseate complexion at a bar banquet, gave this toast, which created much merriment: "Here's to Phillip Viele! The deepest red lawyer in Iowa!"

* Note—Sketches and Anecdotes of Early Settlers, by Col. J. M. Reid, Keokuk, 1877.

He was born in Rensselaer County, New York, in 1799, of Holland-French descent. His paternal great-grandfather, Arnaud Cornelius Viele, was a Frenchman by descent, and a Hollander by birth. He himself belonged to a family of nine children, one of whom, Delia Maria, became the wife of Judge David Rorer, of Burlington; and a lovely, dignified lady she was, as I can myself testify. After three years of legal study under eminent New York lawyers, Mr. Viele was admitted to the bar there in 1824. It was in that year that he suffered himself to be drawn into politics. William H. Crawford was the Democratic nominee; General Jackson, John Q. Adams and Henry Clay were each independent candidates. Young Viele exposed the cause of and took the stump for General Jackson. He distinguished himself as an orator, and the youngest one in the campaign. A gentleman who knew and heard him at that time, said of him: "No other speaker, old or young, in Eastern New York, could draw together such large crowds and raise them to the same pitch of excitement as young Viele."

In 1827 Governor DeWitt Clinton appointed him Judge of the Surrogate Court of Rensselaer County, and he continued to hold this office for eight years, until 1835. Two years thereafter, in June, 1837, he arrived and settled in the little village of Fort Madison. As we have seen, he started out as a Democrat. In the struggle between what was known as the "Albany Regency," and the Clinton Wing of the Democratic Party, he sided with the latter. The "Regency" gained control he became disgusted, and joined the Whig Party, then under the leadership of Henry Clay. In the Harrison-Van Buren Presidential Campaign of 1840, he took the stump for Harrison. This was after he had become a resident of Fort Madison. The leading Whigs desired him to become their candidate for Congress, and brought his name before the nominating convention for that purpose, but owing to circumstances not necessary to relate, he was defeated by a few votes, and Alfred Rich became the nominee against General A. C. Dodge,* the Democratic nominee, by whom he was defeated. He was afterwards elected Judge of Probate of Lee County, and served with such general satisfaction that he was re-elected for two successive terms. During the agitation of the slavery question, growing out of the Kansas-Nebraska Act, he sided emphatically with the Anti-Slavery Wing, became one of the organizers of the Republican Party, and was chosen President of its first convention, which was held at Iowa City in 1856. In 1859 he was elected a

*Note—Of this event, Hawkins Taylor, who was a contemporary with Viele thus writes, in the *Annals of Iowa*, July number, 1870:

"The first Whig Territorial Convention held was in May or June, 1840, in Muscatine. It was a mass convention to nominate a candidate for Congress. There was a large delegation from Lee and Des Moines counties. The candidates for nomination were Alfred Rich and Phillip Viele, both lawyers and citizens of Fort Madison, and both men of ability. Rich was one of the brightest young men in the Territory, but fell an early victim to consumption. Judge Viele still lives at his old home, in Fort Madison, rich and honorable. The contest was exciting and almost bitter. Rich was the pet of the young America of his party, while the Judge was rather the representative of Whig respectability."

member of the State Board of Education. He took deep interest in all public enterprises, and to his efforts was due more than to any other factor the building of what was known as the Fort Madison, Farmington and Western Railroad, one point upon which was named in his honor, "Viele Station." Speaking of that enterprise, and as illustrative of Judge Viele's personal magnetism and influence, his old friend and contemporary, Daniel F. Miller, thus said of him:

In the early part of 1870, a meeting of the stockholders and citizens of Fort Madison was called in reference to a railroad project, which they had worked hard to accomplish, but which, owing to untoward circumstances, seemed likely to fail. The speeches of those who had it in special charge were desponding, and it was generally considered a "lost cause," when the Judge, inspired by the necessities of the occasion addressed the meeting with all the authority of age, and all the fire and eloquence of youth. He stirred the local pride of the citizens to the highest pitch of enthusiasm, and they entered anew into the spirit of the cause with such energy, that it passed immediately from doubt to certainty.

Later in life he retired from public affairs, and quietly devoted himself to the enjoyment of his literary tastes and aesthetic instincts.

Henry Eno had settled as a lawyer at Fort Madison before Phillip Viele came. In 1837 he took a leading part in the steps taken to divide the Territory of Wisconsin, and organize a separate territory; and drew the call for a meeting of the citizens in order to prepare a petition to Congress for that purpose. He was a member of the territorial legislature in 1838-9, and drew the memorial of that body, praying Congress to construct a railroad from Fort Madison to the Indianola Boundary line, where it crossed the Des Moines River. His name will be found in connection with the earliest reports of the Supreme Court. From all I have been able to gather, it is evident that he was an able lawyer and a prominent factor in public affairs. The following reference is made to him by Hawkins Taylor in the January number, 1872, of the *Annals of Iowa*:

The first two lawyers in Fort Madison were Phillip Viele and Henry Eno, both from the State of New York, the one from the City of Troy, the other from New York City, both men of ability, but in manners very different. Judge Viele never had a peer in polished politeness, while Judge Eno was rather retiring and austere in manner—always a great favorite with those who knew him best. It was said that he dissipated badly before he left New York but was strictly temperate, with few exceptions, in Iowa. He, many years since, removed to California, and was at one time candidate for Lieutenant Governor, but was on the ticket that was defeated.

What his further career was in California, I have been unable to ascertain, save that at one time he became a judge there. Other particulars respecting Mr. Eno will be found in my sketch of Daniel F. Miller.

Alfred Rich was an eccentric and gifted young Kentuckian. It was said he had been crossed in a hopeless love affair. He landed at Fort Madison poor and friendless. He almost suddenly burst into public view by his remarkable eloquence, under the circumstances detailed by Theodore Parvin in connection with my sketch

of that gentleman and as hereinafter given by Hawkins Taylor, though they differ somewhat in their relation of it. His reputation as an orator, thus incipiently begun, expanded throughout the territory and was sustained until borne down by ill health and disappointments, he sank into an early grave. His intimate friend, Hawkins Taylor has left of him the following vivid description, which is a romance in itself.*

Alfred Rich was the brightest intellect that I think I ever met. His history is that of sadness, and one that I dislike to contemplate, and never do so without deep sorrow. We were about the same age, both from Kentucky, both Whigs, and devoted personal friends. Probably to no living man did he ever more completely unbosom himself than to me. I loved him, and fairly worshiped his ability. Rich sprang from a poor and obscure family, but fell in the way, when a boy, of the gifted but dissipated W. W. Southworth, at one time in Congress, from Covington, Kentucky. With him, Rich studied law, and during the time gained the affections of the accomplished and only daughter of an ignorant landed rich man who would not give his consent to the match, because of the poverty of Rich. Rich assured the father that if he would give him his daughter, he would live and work to give his daughter a position worthy of the father's wealth and the daughter's merits. The old man tauntingly told him, "Go to Congress, and you may have my daughter." The girl was ready to surrender her father and her fortune, but Rich said, "No, I will go to Congress and then claim you." Rich went to Texas but he met there a class of men that he could have no sympathy with, and started back to Kentucky, but the steamboat froze up near Shawneetown, Illinois, when Rich determined to go to Burlington, Iowa, and started on foot with less than five dollars in his pocket. When he got to Equality, the home of the gifted Jeff. Gatewood, who, like so many of the noble men of Illinois, killed himself by drink, he went into a grocery to buy some cheese and crackers for his dinner. Gatewood and several others of his chums happened to be in the room, drinking. Rich rested while he ate his cheese and crackers. When he started Gatewood followed and went with him more than two miles, trying to find out who he was and what he wanted, and offering him any assistance that he needed in any way. Rich would not tell him his name nor calling. Poor, noble Gatewood saw gifted poverty and distress and wanted to give relief, but Rich was too proud to accept assistance. In the middle of the winter Rich got to Fort Madison, and put up at Mrs. Krupp's tavern—his last penny gone, and he one day's journey from his place of destination. In the morning, too proud to acknowledge his poverty, he inquired for work, and took a contract to split rails. He had no fit clothing for that climate at that season of the year, and was suffering from ague and fever, contracted in the South. He made a few hundred rails, but some friends took an interest and got him a little school, where he had been teaching a few weeks when a desperate rough, an article very common at that time along the rapids, was arrested at Montrose for assault and battery with intent to kill, and brought to Fort Madison for trial. Both the Fort Madison lawyers were out of town and the prosecutors brought with them their lawyer, Henry Austin, of Peoria, Illinois. The defendant and his friends were in great tribulation for a lawyer. At dinner, Rich heard of their trouble and quietly said he would defend him. That was the first intimation that he was a lawyer. At the trial he made a most brilliant and successful defense, creating a perfect furore in his behalf. At that time Fort Madison made large pretensions to be the leading town in the Territory, and there were then from twenty to thirty of the most fascinating, polished gentlemen living there that I ever knew, most of them Kentuckians, the others from Philadelphia. At the head of this set was General Jesse Brown. Among the number were Dr. Morris, of Philadelphia, a near descendant of the great financier of that name, and Col. J. A. Clark. Almost all of these gifted men were highly convivial. This brilliant set of men took possession of Rich at once, after this speech—a set of men from whom few young men escaped safely, and poor, gifted Rich was not an exception. In 1839 Rich was elected to the legislature by a large majority, and in

* Note—Annals of Iowa, January number, 1872.

1840 he was nominated as the Whig candidate for delegate to Congress. He made a noble fight and ran several hundred votes ahead of his party, but was beaten by General A. C. Dodge, by all odds the most popular man at that day of his party. During Rich's canvass a rather amusing incident occurred in Jefferson County, a large part of which was then Indian territory. Dick Quinton lived on the Indian border on Walnut creek; he had a large field of corn, but no fence, except a pack of dogs. As Rich rode up, the dogs attacked him, but Dick acted as peacemaker. Rich inquired the news. Dick did not know Rich's name, but directly commenced denouncing the Whig candidate. When he got through, Rich inquired where he got all the information just communicated. Dick said that he got it from the Burlington Gazette. Rich said, "A truthful paper," and rode off without telling his name. He did not get Dick's vote. This defeat had a powerful effect upon him. It left him poorer than when he commenced the canvass, although he was then poor enough; but it seemed to leave him hopeless. He showed me many letters from the young lady to whom he was engaged, urging their marriage, and getting the father's consent afterward. If the father had been poor Rich would have gladly acceded to the terms, but the father was a rich, purse-proud man, and poor Rich had not a single quality calculated to save money. He was the poor man's friend. No client had to go without a defense in court because of his poverty when Rich was at hand. He rarely collected a fee unless voluntarily paid. No man ever knew him to do an unmanly or mean thing. He was in all things honor itself. He was naturally despondent and his unfortunate position increased that despondency, which tended to make him join his companions in a night to kill time. This naturally wore upon a constitution naturally delicate, until consumption ended his days in early spring of 1842. Thus ended one of the noblest and brightest intellects of the early settlers of Iowa. A noble spirit and a sad ending.

Edward Johnstone, Hugh T. Reid, Lewis R. Reeves.

Edward Johnstone and Hugh T. Reid originally settled in Ft. Madison, where they formed a law partnership and continued to practice there and in adjacent counties for several years. Afterwards they both removed to Keokuk. *Mr. Johnstone* was a very able and a very talented man, but he had not a great love for his profession, and eventually retired from it, to engage in banking in Keokuk, where he continued to reside until his death. He was the finest, most majestic looking man I have ever seen with the possible exception of Ben M. Samuels, of Dubuque, and I have seen a good many grand looking men, both in Europe and America. He was considerably over six feet in height (six feet and six inches), but so well proportioned that one would not have wished him an inch shorter or changed in any respect. His head was large, finely shaped and adorned with luxuriant hair which the years had silvered; his broad and handsome face, though strong, mild and beneficent, save for an occasional curl of the upper lip. He would have attracted attention and men would have turned to look at him in any part of the world. Had he lived in the time and been a subject of Frederick William—the father of Frederick the Great—who ransacked his monarchy for soldiers of extraordinary and imposing stature, he would certainly have been impressed into service. Those who knew and remember him, will, I am sure, readily confirm what I have said.* He was a man of varied talents and poetic taste, as will be seen from what Professor

* Note—Of him Charles Aldrich said, that he was "the kingliest man in Iowa."—Annals of Iowa, Vol. 2, Third Series, p. 639.

Parvin has said of him. While he had a disinclination for some details of his profession, he was nevertheless a lawyer of ability, and while in the practice his services were in active demand by the most important interests, and he enjoyed a large and lucrative practice for that time. He was a Pennsylvanian by birth, highly educated and intellectual. One of his brothers was a former Governor of that State, and another of California.

He was born in Westmoreland County, Pennsylvania, in 1815. He came as a young lawyer to Fort Madison a short time before the territory was organized. He proved to be a man of affairs, a public factor of extraordinary influence. It is doubtful whether any man of his time was more potent or did more than he in shaping the early laws and institutions of the State, and thereby its future destiny. On this point his political opponent, Samuel M. Clark, the magnanimous Republican editor of the Keokuk Gate City, wrote concerning him:

Mr. Johnstone was one of the best as well as one of the greatest men we have ever known. No man in Iowa had more to do with the making and shaping of the Commonwealth than he. He had a hand in making both statutes and Constitution. In the first quarter century of the Territory and State there was not an act of public importance done that he was not consulted and his judgment used in fashioning it.

In politics he was equally influential, in moulding policies. He was not a politician in any offensive sense. He neither sought nor desired emoluments. Notwithstanding, he was a Vulcan in the political work shop of the Democratic Party, a master mason in its councils, a revered and trusted sage. Col. George Gillespy and Judge Love were his political confederates, and strong personal friends. Love lived several years at Ottumwa; Gillespy, from the time I went there, until he died. Johnstone used occasionally to come up and spend a day or two with his old associates. He outlived them both. To the memory of Gillespy he paid a touching tribute. For valuable data furnished me concerning Judge Love, I was greatly indebted to Mr. Johnstone.

He was about twenty-two years of age when he came, in 1837, to Iowa, which was then a part of Wisconsin Territory. Some of the circumstances connected with that coming are related by Theodore Parvin in his sketch. He stopped at Burlington and then came to Fort Madison. His talents and striking personality soon drew the public attention to him. He became personally acquainted with the noted men of that part of the country. Among others was Joseph Smith, founder of the Mormon religion, now canonized as a prophet by his adherents. Mr. Johnstone said he often met and talked with him and got letters from him, which, after reading, he threw away. This he afterwards regretted, as he would have been glad to have written of Smith from his own personal knowledge, and to have had the letters to show the manner of man the prophet was and how he wrote.

He was elected a Clerk of the Territorial Legislature, and in 1838, one of the commissioners in the Half Breed Tract controversy. His associates were Thomas

S. Wilson and David Brigham. He was afterwards employed by certain claimants to procure a division of these lands. In 1839 he was elected to the Territorial House of the Second Assembly, and chosen its speaker, and subsequently to the Senate or Council, and served through the Third and Fourth General Assemblies. In 1857 he was chosen a member of the convention called to frame a new constitution, and took a leading part in framing its provisions. This convention had for its members some of the ablest men in the State. Its personnel was: Edward Johnstone, M. W. Robinson, Rufus L. B. Clarke, D. H. Solomon, Jas. A. Young, W. Penn Clarke, H. W. Gray, W. A. Warren, A. Scott, W. Patterson, J. C. Hall, Geo. Gillespy, D. W. Price, H. D. Gibson, G. W. Eells, J. C. Traer, A. H. Marvin, S. G. Winchester, Squire Ayers, D. P. Palmer, John Edwards, D. Bunker, Lewis Todhunter, R. Gower, H. J. Skiff, J. H. Emerson, J. T. Clark, T. Day, Jas. F. Wilson, Amos Harris, Jeremiah Hollingsworth, J. A. Parvin, A. R. Cotton, T. Seeley, John H. Peters, T. H. Saunders, Secretary; Francis Springer, President.

He died at Keokuk in 1891, in the seventy-seventh year of his age.

Gen. Hugh T. Reid I knew very well. Like his partner, Mr. Johnstone, after many years of successful practice, he drifted from his profession, and after his return from the war engaged in railroading. He became President and Superintendent of the Des Moines Valley Railroad—afterwards and now the "Rock Island"—operating between Keokuk and Des Moines, while I was its attorney and legal advisor in the Ottumwa District. Our relations brought us frequently together and I came to know him very well. He was among the first and best lawyers of Lee County. One of his conspicuous personal qualities was courage, which, even before he entered the military service of his country, was more than once put to the test in the litigation over the tiltes to the Half Breed Tract, and in other incidents of that early day. He was called upon and went to the defense of Joseph and Hyrum Smith at the time of their arrest and brutal massacre, as will be seen from the sketch of James W. Woods. He loved controversy and was logically tenacious. His personal qualities in this respect have been briefly, but well described by Judge Mason. His appearance comported with these qualities. He was slow but emphatic in speech, of medium height, firmly built, of florid complexion, sandy hair, closely cut beard of the same color, and a general demeanor that denoted both physical and intellectual endurance.

The name of Hugh T. Reid is closely associated with the litigation connected with what was known as the Half Breed Tract, then of absorbing interest. The litigation lasted for several years. The court decided first one way and then another. The rights of the settlers and other claimants became badly mixed. Bad blood was aroused between the different claimants. Reid was involved both as the legal representative of others and as a principal claimant himself. He had pur-

chased the tract at a sheriff's sale under a judgment rendered in a proceeding against the land, authorized by the legislature. More than once his person was in danger of mob violence, but his unflinching courage was equal to every emergency. Those curious to know the facts, out of which arose this litigation which shook Lee County to its depths and produced a condition bordering on Civil War, and the result finally reached, can do so by consulting the cases of *Webster vs. Reid*, reported in *Morris 467*, in which Reid's title was sustained; *Reid vs. Wright*, 2*G. Green*, 15; and *Webster vs. Reid*, 52 *Howard*, *United States Reports*, which reversed the judgment of the state court, and put an end to the litigation.

For politics, Mr. Reid had neither taste nor inclination; but in public improvements he took a leading part. To his energy and perseverance, the railroad above mentioned is greatly indebted for its existence. At one time its abandonment was contemplated, but through his indomitable efforts, the work was pushed forward.

He was born in Union County, Indiana, 1811. He graduated from Indiana College in 1837. After a course of two years' legal study, he was admitted to the Bar of that State and came to Fort Madison in 1839. He formed a partnership with Edward Johnstone. The firm became one of the most prominent in the State and had a large practice. In 1843 he removed to Keokuk.

On the outbreak of the great Civil War, he recruited a regiment for the service, and was commissioned its Colonel. His regiment was mustered in on the twenty-second of February, 1862, and after a few days proceeded to the front. Among other engagements, he participated in the Battle of Shiloh, in which his regiment lost nearly two hundred of killed and wounded. Colonel Reid, himself, was shot from his horse, a bullet piercing his neck and paralyzing him. It was thought that he was mortally wounded, but he soon revived and resumed command of his shattered regiment. On all occasions, he displayed his characteristic coolness and bravery. For gallant services, he was promoted to the rank of a Brigadier General on the special recommendation of General Grant. Subsequently he was placed in command of the District of Lake Providence. He continued in active service until his resignation in 1864. Of him Captain Stuart in his "Iowa Colonels and Regiments" says, "In character he was brave and determined, and in the essentials a fine soldier;" and I can say of him that he was a man in all respects of sterling qualities.

Lewis R. Reeves also settled at Fort Madison at an early day. He was born in Trumbull County, Ohio, in May, 1817, from whence he came to Fort Madison. He was regarded as the ablest land lawyer in Lee County. He practiced law with great success, and had he lived, would have doubtless fulfilled the high anticipations that were enteretained for him. He practiced several years at Fort Madison, and then removed to Keokuk, where he died of cholera in September, 1854. His name was still fresh with the members of the profession, when I first came to Iowa. They all spoke of him in the highest terms as a man of talents, and a lawyer of fine

ability. He became a partner of Samuel F. Miller, afterwards the distinguished Justice of the Supreme Court of the U. S. The firm of Reeves & Miller was recognized as one of the strongest in the State, and its name will be found in connection with the reports of that period. Judge Mason in his narrative has aptly summed up his traits, and to it I respectfully refer the reader. His accomplished widow, whose maiden name was Eliza Winter, daughter of a Unitarian minister, became the wife of Judge Miller.

Joseph M. Beck and John F. Kinney.

Both of these men started as young lawyers in Fort Madison; both became eminent as lawyers and judges. *Joseph M. Beck* became one of the Judges of the Supreme Court of Iowa soon after I became its Reporter, and in my association with the Judges during its different terms at Des Moines, Davenport and Dubuque, which it was then my duty under the statute to attend in person, I, of course, became well acquainted with him and his associates. He was a man of some peculiarities, but on the whole a well balanced one. He had been a laborious student and his exhaustive briefs attached to cases embraced in the Reports, attracted the general attention of the Bar. He became known throughout the State for his legal learning and thoroughness. These qualities coupled with his high character and spotless integrity caused him to be pointed to and chosen as one of the Judges of that Court. In his professional labors at the Bar, he had given special attention to questions affecting the title of real estate, domestic relations and common carriers, and during his continuous service of twenty-four years on the bench, he became an authority on those questions. His term was longer than that of any other judge who has occupied a seat on that bench, and his decisions run through sixty-two volumes of Iowa Reports. The length of this service furnishes in itself convincing evidence of his ability as a jurist and the great confidence reposed in him by the people. His decisions cover perhaps the most important period of the State, and they will stand as perpetual memorials of his learning, ability and worth.

But his learning was not confined to the field of law, but extended to that of literature, and the general progress of the world. I once heard him deliver a lecture on the latter subject, in which he finely traced the advance that had been made along its different lines. He was one of the kindest men I have ever known, pleasant and amiable always and to everybody. It may be said, without overdrawing, that he was the personification of goodness; his face, manner, everything about him, constantly showed it. He was as social as he was kindly, and at the table where we daily met during the session of court, he entered into and highly enjoyed its talk and sociability. I may say that he enjoyed in the fullest sense the pleasures of the table—of course wines are not included. He loved anecdote and jokes, though he was without the happy faculty of enjoying one on himself. In this respect, he was

like the fellow who falls upon the ice—everybody laughs but him. He was so good, so good-natured, so cheerful and approachable, that everybody enjoyed his presence. To those he liked, he was exceedingly kind, and in proof of this, I am constrained to exhibit his kindness to me, to whom he was under no obligation, by giving the following letter:

Fort Madison, June 23, 1874.

Hon. E. H. Stiles:

My dear Stiles: The first volume of your Digest is No. 1. It is a most excellent work. I detect no fault in it. The highest praise I can bestow on it is that it exhibits care, accuracy and general merits of your Reports—the best series of Reports, in my judgment, in this country.

But I have "somewhat against you." You ought not to have declined being a candidate for renomination. In my judgment, you would have been chosen. At all courts you have friends that felt it a public duty to try to put you through. For one, I had made up my mind to go to the convention for no other purpose than to urge your nomination. I have attended no conventions since I have been on the bench, and do not think I would be justified in interfering in a mere political office. But to secure to our Court your services, I did intend to go. But as it is, I suppose we must take our chances among the several candidates.

Our business of last term was literally immense—one hundred and sixty submissions. I only hope to get through writing by the middle of August.

Yours truly,

J. M. Beck.

From what has been said, it might be inferred that he lacked in virility and heroic firmness, but in his depths lay an abundance of both. When, as the result of thought and investigation, his mind was made up, it was thoroughly made up, and nothing could shake it. Iowa never had a man who more indomitably pursued what he conceived to be his duty nor one who served her people with a higher or more steadfast purpose.

In appearance, he was rather patriarchal, and showed the Welsh-English strain in his blood; rather below than above medium height, very stout, slow in movement; his head large and bald in front, his face broad and fleshy, his upper lip wide and shaven, the lower portion of his face encircled by a full beard.

He was born in 1823 in Clermont County, Ohio, and was brought up on a farm. His father was of English extraction, and his mother of Welsh. He graduated at Hanover College, and for a year thereafter was Principal of Vernon, Indiana, Seminary. He subsequently taught two years in Kentucky, at the end of which he entered upon his legal studies. In 1847 he came to Montrose in Lee County, and after practicing there two years, removed to Fort Madison. In 1852 he was elected Prosecuting Attorney, and also Mayor of Ft. Madison. In 1867 he was elected Judge of the Supreme Court, and was repeatedly elected to that position. In early life he was a Henry Clay Whig, and afterwards a Republican.

John F. Kinney was one of the first Judges of the Supreme Court under the State organization. The Legislature having failed to elect Judges of the Supreme Court upon the organization of the State government in December, 1846, the Territorial Judges, Mason, Williams and Wilson, held over as Judges under the State

government. In May, 1847, Judge Mason having resigned, Judge Williams succeeded him as Chief Justice, and the vacancy thus caused was filled by the appointment of John F. Kinney. This caused the court to consist of Williams as the Chief Justice, with Wilson and Kinney as Associates. In December, 1848, the Legislature elected Joseph Williams as Chief Justice, with John F. Kinney and S. C. Hastings as his associates. Two years later a new election was held and Williams was elected Chief Justice and John F. Kinney and George Greene as his associates.

He was a native of Oswego County, New York, where he was born in 1816. He was a brother-in-law of Augustus and J. C. Hall. He studied law and was admitted to the bar in Maysville, Ohio, in 1837. He practiced law for five years at Mt. Vernon in that State. He came to Iowa during the territorial period and located at Fort Madison in 1844. He was a well educated, talented, bright, young lawyer, and soon rose to prominence in the State. The next year after his location he was elected Secretary of the Council of the Territorial Legislature, and served as such in the Seventh and Eighth General Assemblies. In 1846, he was appointed Prosecuting Attorney of Lee County, by the Governor, and the next year, when only about thirty years of age, Judge of the Supreme Court, and afterwards elected and re-elected as above stated.

As a Judge of this tribunal, he displayed great acumen and judicial ability. In the Half Breed Tract litigation in the case of Reid vs. Wright, decided at the May term, 1849, adversely to Reid (Reid vs. Wright, 2 G. Greene, P. 15), overruling the previous holding of the court in the case of Webster vs. Reid, Judge Kinney wrote and delivered the opinion, which proved to be in accord with the final decision rendered by the Supreme Court of the United States in reversing the prior case. In another case which involved the power of the several counties of the state to issue bonds for the construction of railroads, he dissented from the majority of the court, holding that in his opinion, the counties had no such power, and this view became the final one in the course of subsequent decisions. Judge Mason refers to this case as will be seen by reference to my sketch of him. Judge Kinney's dissenting opinion was also approvingly referred to by the Supreme Court of the United States in its decision touching the question involved. In 1853, he was appointed Chief Justice of the Supreme Court of Utah, by President Pierce, and served until 1857. He removed to Nebraska where he practiced law until 1860, when he was re-appointed Chief Justice of Utah, by President Buchanan; in this place he served until 1863, when he was elected a delegate to Congress from that territory without opposition. In politics he was a Democrat, but in Congress, supported the war measures of the administration. In his varied experience, he had become well versed in Indian affairs, and in 1867 was appointed on a committee to examine into and report on the condition of the Sioux Indians, and later as agent

of the Yankton Sioux, a capacity in which he efficiently served for a number of years. At the close of his Congressional career, he removed to California, where he died at San Diego, in 1902.

Had he remained in Iowa, which he left while comparatively a young man, he would undoubtedly have added to his already excellent reputation there as a lawyer and a judge. His memory has always been cherished with great regard by Iowa people. He sometimes returned to visit the scenes of his early days. He was chosen to deliver the address on the occasion of the presentation of the portrait of Judge Charles Mason to the State.

That he was a man of extremely kind heart and generous impulses, is verified by the instance referred to by Judge Charles C. Nourse, in connection with the sketch of that gentleman, the substance of which was this: As a young lawyer in search of a location, Judge Nourse had come to Iowa. The Supreme Court was in session at Burlington. Nourse was introduced to the judges—Williams, Kinney and Greene—and admitted to the bar there. He was on his way to Keosauqua and had eighteen dollars with which to measure the future—a fact which Nourse had communicated to the landlord, and the landlord probably to Judge Kinney. The next morning Judge Kinney called him aside and suggested that it was not unusual for young men visiting Iowa, to be out of funds, and he would be glad to lend him a small amount if he would accept it. Nothing could be more significant in proof of the kindly attributes and nobility of Judge Kinney.

In order to show that legal learning was not the only accomplishment of the lawyers of that period and that their education in other lines was not neglected, I may be pardoned for giving the following incident of the wagon trip of some three hundred miles across the prairies he made with J. C. Hall, Daniel F. Miller and Lyman Johnson to take testimony in the contested election of Miller and Thompson, of which I have given a description in the sketch of Judge Hall, but in which is not included this incident, which I now give by copying from my notebook in which it was noted at the time it was given me by Mr. Miller, on December 7, 1882:

Mr. Miller also relates that during the same trip and while they were at the river, they fell in, at the tavern, with a French trader by the name of Percha, who induced Hall and Johnson into a game of cards, at the end of which through his trickery, they found their exchequer in a very famished condition. They came to where Judge Kinney and Miller were and related their misfortune, stating that the Frenchman had through his cheating and manipulation of the cards, reduced them to the condition they were in. Up spake Kinney, "See here, boys, I can beat that fellow and if you'll say nothing about it, I will." Of course, they promised. Kinney and the Frenchman played, and strange to say, he won back all the money Johnson and Hall had lost and some forty dollars besides.

Since writing the foregoing, I have come upon a letter of Judge Kinney that I had overlooked, and which I feel justified in publishing in connection with this sketch. Judge Kinney had been invited by Judge George G. Wright, who was a

member of the committee for that purpose, to attend the opening and dedication of the Supreme Court room in the new Capitol building, and in response to this invitation, he addressed the following letter to Judge Wright, which the latter gentleman was kind enough to give to me for use in the present work. It is as follows:

UNITED STATES INDIAN SERVICE,
Yankton, Dakota, Agency, June 4, 1886.

Hon. Geo. G. Wright, Des Moines, Iowa.

My dear Judge: Not until this evening's mail was I obliged to give up the hope of being with you at your reunion. This great pleasure is denied me, and the disappointment is very great. My official duties are such that I cannot possibly leave at this time. Although in robust health, my years say to me that I am losing the only opportunity I shall ever have to meet my brothers of the bar of territorial days.

Coming to Iowa in 1844, and appointed Judge of the Supreme Court by Ansel Briggs, Iowa's first Governor under the State Constitution, before I was thirty-two years of age—it is not too much to say that the most pleasant as well as the most enduring friendships of my life were formed with the members of the bar of that day. Many of these lawyers still live—are yet in active professional life, enjoying the reputation which only comes by dint of hard work, fidelity to clients, and that integrity of life and purpose which with rare exceptions characterize the members of our profession.

Others have been, and still are, Judges, Senators, and members of Congress—honors which rightfully belong to those who led in the profession.

Judges Joseph Williams and George Greene, my brothers of the bench for near six years, have been called to a higher Court, while Judge Hastings, with whom I was associated for a year, I am pleased to know still lives, a retired Chief Justice of the State of California.

The most pleasant remembrances are associated with these honored members of the Court. I can hardly realize that the beginning of the state jurisprudence of 1847, in thirty-nine years has grown into the large proportions of the present day, with a Supreme Court whose decisions are quoted as authority before every court in this great country of ours. The small frame building in the garret of which we held court in 1849 has long since yielded to brick blocks in the march of improvement, and in its stead magnificent chambers are prepared for the accommodation of the Supreme Court, fit illustration of what the State was in all things at that day, and what it is in 1886.

In conclusion, accept greetings for one and all, with assurances of highest respect for the Judges of the Supreme Court, with the wish that the occasion which has brought you all together to this happy reunion may be made not only enjoyable but profitable in stirring up your minds by way of early remembrances, not forgetting the thought of the young lawyers of early Iowa, who there first started in their professional career, and by whose efforts to a great extent, a young state has been transformed into a powerful commonwealth.

Very respectfully yours,

J. F. Kinney.

George H. Williams, Samuel T. Marshall, Francis Semple and Lyman Johnson.

George H. Williams came to Fort Madison early in the forties. He entered the office of Daniel F. Miller, who afterwards made him his partner. That he was a man of marked ability, his subsequent career, through which he attained national distinction, sufficiently attests. He had some obstacles to overcome when he came to Fort Madison and started on his professional career, for he was without money or friends, and not very prepossessing in appearance. Colonel J. M. Reid, in his

Sketches and Anecdotes of Old Settlers in Lee County, Page 114, says Williams was entirely devoid of personal comeliness, but with all these hindrances, he made his way very decidedly. His association with Mr. Miller, who had gained prominence, and had a large practice, was fortunate for him, and it would seem, constituted a stepping stone to his future career.

In 1846 he was elected Judge of the First Judicial District. He was the candidate of the Democrats; L. D. Stockton, his opponent, was the Whig candidate. Of these two candidates, Charles Negus, who knew them both intimately, says:

Stockton was a man about thirty years old, a good lawyer of unimpeachable integrity, and a man in every way calculated to make a good judge; but in the course of his official duties as prosecuting attorney had given an opinion in relation to some legal questions concerning the difficulties about the Half Breed Land adverse to the interests of the settlers. Williams was a worthy young man, but had had little experience, and under ordinary circumstances would not have been thought of for a position of that kind; but being a partner of Daniel F. Miller, who had been regarded as the settlers' lawyer for the commencement, and supposed to entertain favorable opinions to the settlers' rights, gave him favor with them; and at the election he received nearly every vote in the Half Breed Tract. Notwithstanding this, when he came to act as judge on questions involving the settlers' rights, he did not as judge sustain the opinions he had been supposed to entertain as a lawyer, but decided right the reverse.

In the prosecution of Granville Young for the murder of Colonel Davenport in 1845, he and his partner were engaged and acted for the defense. I refer to this instance because of its historical character. Of him James W. Woods (Old Timber), in his communications to me, says: "He was a man of marked ability. He was tall and rather thin. He was a nephew of Judge Charles Mason, and I think, owed some of his strength to that source." I have never heard of that relationship from any other source. I think Colonel Reid overdraws his homely appearance, for I saw him years afterwards, when he was a member of the United States Senate, and I thought he was a man of striking appearance. He was appointed by the President Chief Justice of Oregon Territory, in 1853. After that Territory had become a State, he was elected one of its United States Senators, 1865-71. During the administration of President Grant, he was appointed Attorney-General of the United States, 1872-75. He was afterwards appointed by the President Chief Justice of the Supreme Court of the United States, and subsequently Minister to Spain. But the Senate failed to confirm either of these appointments and they were lost to Mr. Williams. At the National Exposition, held at Seattle, Washington, in 1909, I think known as the Alaskan Exposition, but am not sure, he received the signal honor of being appointed its President. I say signal honor because it was such, for a man of that age—he must have been between eighty-five and ninety—who by his past achievements, drew to himself general interest and approval.

Among the memorial addresses delivered in Congress upon the death of United States Senator, William Pitt Fessenden, was one delivered by Senator George H.

Williams, from which I make the following excerpt, not so much because of its delineation of Mr. Fessendon's qualities, but of his own:

When he spoke he bore himself proudly and with graceful ease, his nerves firm and electric as a Damascus blade, always choosing simple language. Few beholding his imperial bearing would suspect that some nervous prostration followed every effort. He had no taste for grandiloquent oratory, but of that unaffected speech which is in earnest to force conviction, he was a consummate master. Fitted to shine in society, he usually avoided it, to the regret of his friends, as they felt that he would have been more widely beloved, had he been less of a recluse. Those who were invited to his home found him cordial in manner, fascinating in conversation, a brilliant talker, often speaking with humor, more willing to show his learning, his love of poetry, and his literary treasures at his own fireside than in any public theater.

Samuel T. Marshall came to Iowa during the Territorial Period, in 1842. He first came to Fort Madison, thence went to West Point, where the County Seat seems to have been located, and began the practice there. In 1846 he removed to Keokuk, where he continued to practice for more than fifty years. His life had been a somewhat checkered one. He was graduated from Miami University, Ohio, in 1840. After studying law a few months in Cincinnati, he went to Lafayette, Indiana. In 1841 he joined the Patriot Expedition to Canada, in which he received a commission as Lieutenant Colonel in that service. He was captured and thrown into prison, where he remained for several months under distressing circumstances. I heard of "Sam Marshall," of his facetiousness, of his wit, of his story-telling qualities for many years. His memory reminds me of Col. Lewis Waters, an old and brilliant lawyer of Kansas City, universally popular, but who could never succeed in being elected a judge, because he was so unspeakably funny that the people would not know, when he was on the bench, whether he were in jest or earnest. Marshall was really a gifted man in many respects, and if his professional industry had been equal to his constitutional levity, he would have left a more distinct mark in his profession. Notwithstanding, he was a legal adversary to be feared in any case in which he participated.

Of him James W. Woods says:

He was a well-read lawyer and a good scholar. Had he applied himself studiously to his profession, he would undoubtedly have attained considerable eminence, as he possessed both a good mind and legal ability. He was pre-eminently a humorist, a story teller, full of fun and social enjoyment. He came into public notice at the legislative session of 1846, for his alleged attempt to bribe a member named King. Marshall was acquitted, it appearing that King was more willing to receive than Marshall to give.

A single instance, referred to in the sketch of Norton Munger, proves that Mr. Marshall was heroic in his friendships. When his friend Munger was stricken with cholera, he faced the dread scourge, stood by his friend to the last, supporting him in his arms during his dying moments.

Francis Semple came to the Territory from Bedford County, Pennsylvania, in 1845, and practiced law in Lee County about thirty years. He was a lawyer of

ability. He and Mr. Kinley, who removed early from the State, were partners, under the name of Semple and Kinley. The name of this firm and of F. Semple will be frequently found in the early reports. His practice was not confined to Lee County. I met him on two or three occasions in the District Court of Van Buren County. One of these, I particularly remember, because connected with an incident which to me was novel, and which I will relate as illustrative of the period in that portion of the State. It was near the close of the Civil War, and emancipated slaves were flocking in from Missouri and adjacent states. Some of them had stopped in that County. A negro revival was going on in the outskirts of the town. Semple and I concluded to go out and see it, and we did. We were well repaid for our walk. The scene was new and extraordinary. The schoolhouse was filled with negro men and women. The preacher wrought himself into a state of great excitement. He raised his voice to its highest pitch. He gesticulated wildly and shook with emotion; shouted, implored and imprecated with eyes rolling and face streaming with perspiration. He would gasp for breath, revive and go on with renewed vigor until his broken sentences of negro dialect became a frenzied, but stirring jargon, which found a responsive chord in his congregation. They in turn shouted, halloed, prayed, sung wierd-like negro snatches, as only negroes can sing them, jumped up and down, frantically embraced each other—in short, seemed entirely beside themselves, carried away in a whirlwind of ecstasy. The rapture arising from their sense of new-found freedom, joined to their religious exaltation, doubtless intensified their emotion. We agreed that we had never viewed any performance that even approached the one I have been able only faintly to describe.

Mr. Semple was a worthy gentleman and an interesting and genial companion, whose memory I am glad to be a factor in perpetuating. He left a son, F. H. Semple, who was a practicing lawyer for many years at Fort Madison.

Lyman E. Johnson was one of the early lawyers at Fort Madison. He was a native of New York. He was a man of varied accomplishments and became prominent as a lawyer in that part of the State, and was engaged in important cases; among others, the contested election case between Daniel F. Miller and William Thompson, as will be seen in Miller's narration of the trip across country of himself, Johnson, Hall and Kinney to take depositions in that proceeding, which will be found in connection with the sketch of Judge J. C. Hall, and to which the reader is referred as throwing some light upon Mr. Johnson. After several years of practice in Lee County, he removed to Prairie du Chien, Wisconsin, about 1860, where he practiced his profession for several years, and until he came to his death. Of this, Woods gave me the following account:

He and another gentleman were going in a sleigh to Dubuque. They were crossing the Mississippi river on the ice; being heavily wrapped with robes and mufflers. They drove into an air-hole, were unable to extricate themselves, and were drowned.

Of him Woods further says:

He was generous in his nature, convivial and bounteous in his hospitality; had many parties and social gatherings. In person he was tall and large, of fine physique; remarkably fine looking, and of polite and elegant address.

Norton Munger, John S. Hamilton, L. E. H. Houghton, H. H. Belding, W. J. Cochran and G. W. Kilbourne.

Norton Munger was among the early lawyers of Lee County. He occupied quite a prominent position at the bar and represented that County as a member of the House in the Seventh and Eighth Territorial Assemblies. His name appears a number of times in the early reports. He was an intimate friend of Samuel T. Marshall, and it is said by Reid, in his Sketches and Anecdotes, that he died in the arms of that gentleman, with cholera in 1852. He had fearlessly and assiduously nursed many cholera cases himself. According to all accounts, he must have been an eccentric gentleman. R. B. Ogden, who became one of the early residents and whose brother, J. W. Ogden, was the able editor of the "Keokuk Register," started in 1848, came to Keokuk with a letter of introduction to Mr. Munger. He presented the letter, and Munger, without paying any attention to him, ran his arm through his and led him down Main Street and into a saloon, and for the first time after receiving the letter, spoke, saying, "What will you take?" Ogden replied that he never drank, and did not care for anything. Munger swallowed his whisky, took a look all over his new acquaintance and said, "Well, you'd better leave this country, and go to some other."

John S. Hamilton came from Pittsburg to Fort Madison during the territorial period. He is said to have been a good lawyer and a genial, whole-souled and popular gentleman. He had been a soldier in the Mexican War and was elected a member of the legislature. He was killed by the premature explosion of a cannon, which he was assisting in firing at a Democratic Jubilee.

L. E. H. Houghton was quite a noted character in the early days of Keokuk, and located the first theatre or place of amusement in that city. It was in the second story of a dry goods store and was called "Houghton's Varieties." Reid says that his mother must have been a woman of brilliant imagination from the Christian name she gave him, which was Liberty Elisha Holmes. Reid gives this quaint description of him: "He was a little short man, with iron-gray hair, and when he walked about with his long-waisted blanket coat, which he wore winter and summer, with red and blue and brown rings around the tail, he was always looking up as if gazing at the stars." But he did not gaze in vain for a lucky one, for he was elected the first Assessor of the City, was City Attorney for a time, and acquired a good local practice. He also demonstrated that he was a thrifty gentleman, for he started a book bindery and operated it until 1852. He formed a partnership with Harlan H.

Belding, a young lawyer from Nauvoo. They made it a point to be friendly with the settlers, some of whom thought they were just the men to "break the decree" in the Half Breed proceedings. They bought a tract of land for a comparatively small amount, sold it for a comparatively high one and became prosperous. Houghton afterwards went to Henderson County, Texas, about 1855, and continued to prosper there.

Belding was a man of quite different type from Houghton. He was full of humor, had a keen sense of the ridiculous, and a memory so extraordinary that he could commit a speech from hearing it once or twice. He was a mimic and often amused his hearers by imitating the manner and repeating the speech that someone else had made. He and his partner acquired considerable business and their names will be found in the list of lawyers admitted to practice in the Supreme Court, attached to one of the early reports of Mr. Withrow.

William J. Cochran was a native of Pennsylvania, and was born where the village of Cochranon is now located, in 1814. He studied law in Pennsylvania, and was admitted to the bar at Harrisburg in 1841. He came to Lee County in 1843 and located at West Point, where he engaged in the practice. He was a lawyer of standing and ability. He was a member of the Legislature from Lee County, and introduced the bill which became a law, establishing the District Court at Keokuk. He also introduced the bill creating Keokuk a half-shire town. He eventually removed to Keokuk, where he resided until his death. He was a highly useful citizen and an important factor in shaping the early laws of Iowa.

D. W. Kilbourne was not only a very early lawyer, but, according to the letter hereafter given, among the earliest comers, for the letter is dated in 1864, and in it he says that he had then been here twenty-eight years; and, besides, the substance of the letter, showing his personal acquaintance with the Indian Chiefs, indicates that he was here even before the Territory was organized. Mr. Kilbourne I knew quite well. As I recollect him forty or forty-five years ago, he was a stoutly made, fleshy man, of medium height, with light hair and florid complexion. Had he pursued his profession closely, I think he would have attained a much higher rank than he did, but he drifted to interests of a more general nature. He was a man of affairs, of influence and decided parts. He actively participated in various ways in the building and early growth of Keokuk. In 1855 he was the Mayor of that city, and continued to exercise a large influence in its affairs until his removal to New York where he resided until his death, which occurred more than a quarter of a century ago. We find his name continuously among the lists of the local bar, among the lawyers of the Supreme Court, as listed in 2G. Green Reports published in 1852, and in connection with cases heard in that Court. He represented Marsh, Lee and Delavan, Trustees of the New York Land Company, in the Half Breed Tract proceedings, and a considerable number of clients in other important cases. In

1863 he was appointed and acted as the special agent of the State in selecting the indemnity lands growing out of the Des Moines River Land Grant and legislation respecting the same, and made selections to the amount of 297,603 acres. I am not advised as to what year he removed to New York.

In 1864 he wrote to Prof. Samuel Storrs Howe the letter before referred to, the reproduction of which, the interest it contains will fully justify:

Keokuk, December 25, 1864.

Rev. Samuel Storrs Howe.

My dear Sir: As you inquire only about Keokuk, I shall not speak of others, as I infer you are posted in regard to them.

The meaning of the name "Keokuk" is "watchful fox." He was not prince or chief when a child, i. e., he was not an hereditary chief, like Wapello, Appanoose, and others.

At the termination of what is called the Black Hawk War, the United States Government, unjustly, as I have ever contended, made Keokuk the head chief of the nation.

Keokuk, previous to this, was the orator of the nation, and he was indeed an orator—the Daniel Webster of his nation. And that great statesman remarked, after listening to a speech by Keokuk in Washington, that he (Keokuk) was the finest orator he ever heard speak.

I think I never heard a more impressive speaker than he. His address was commanding, his carriage exceedingly dignified and graceful.

But his name is significant—he was a wily, a watchful fox. He was like Van Buren, cunning and polite. So that he was well provided for, he gave himself little care for his people. He was unpopular with his nation; had never but a small band about him. It was only that the United States Government, in its sovereign power recognized him as chief that he was enabled to exercise any influence—less influence than when he was the orator, because the other chiefs and the people thought injustice had been done them. Keokuk was a dissolute man and a drunkard. He always had a plurality of wives.

I speak of Keokuk from personal knowledge. I knew him intimately. He often ate at my table with myself and family, as did the other chiefs.

I have a word to say for Black Hawk. He was one of the most abused men and the most honest man I ever knew. He was loyal to his people—he loved them, and was by them beloved. He had a fine family, never but one wife. He died a broken-hearted man. I should add that Keokuk was a stout-built man—I should judge that he weighed from one hundred and eighty to two hundred pounds, and that he was about five feet eight inches tall.

I have been here twenty-eight years. Time does indeed fly.

D. W. Kilbourne.

J. M. Reid, George C. Dixon, Archibald Williams, Cyrus Walker and R. S. Blennerhassett.

Col. J. M. Reid, I couple with the other gentlemen named, for while not a professional contemporary with them, as he was then too young for that, he nevertheless remembered them, and furnished me the data upon which my reference to them is based. Colonel Reid studied law in the office of his brother, General Hugh T. Reid, and served with him as a soldier and officer. He was early admitted to the Bar of Lee County and practiced in Keokuk for a good many years. He was

an eccentric, but interesting man. He was perfectly familiar with the history of Keokuk, and acquainted with nearly all of its early inhabitants, of whom he delighted to relate. Following this instinct, he prepared and had printed in pamphlet form in 1877, his "Sketches and Anecdotes of the Old Settlers," which is filled with the queerest anecdotes and incidents, just a few of which, like those of Bocacio's Decameron, and Queen Margaret's Heptameron, would hardly bear reading in a drawing-room. It is, however, an interesting collection for those desiring to know about the early settlers of that vicinity, and the queer things that were done, all of which he uncovers with an unsparing hand. Learning more than thirty years ago that I was beginning to gather material for the present work, he sent me a copy of his pamphlet. He also, subsequently, through the medium of letters, furnished me information that I desired concerning certain individuals, and for which I take pleasure in acknowledging my obligations. Among others, he sent me the following:

Keokuk, December 24, 1881.

Hon. Edward H. Stiles, Ottumwa, Iowa.

Dear Sir: I see by the newspaper you are going to prepare a work or book on the old lawyers. I send you my "Sketches and Anecdotes of the Old Settlers," which may give you some items of information. Why I write to you now especially about it—I understand from my friend, Judge Edward Johnstone, that you will probably publish something about my brother, the late General Hugh T. Reid, who I know was a friend of yours, and I ask you as a personal favor that before you publish, you will let me see what you have written concerning him, for the reason that if there are any mistakes of fact, I know enough about him to correct them, as I was educated by him and studied law in his office. I have known all the old members of the bar practicing in Lee County since 1845, and any assistance I can give you will be rendered with pleasure.

I have given the above letter, on account of the light it throws on his own personality, and his knowledge of the men embraced in this article. I do not know, but think that Colonel Reid died a good many years ago. He was a worthy, accommodating and agreeable gentleman, whose name I am glad to assist in perpetuating. It was interesting to listen to him. His anecdotes were real incidents, either actual or reputed, and he was full of them to the brim. One wishes, however, that he had been sometimes less plain in his language, and less pointed in his personal references; some of them, indeed, are downright harsh; but that he had a remarkable faculty for reviving obscure events cannot be questioned, and that he possessed the power of personal description will be seen in that which he has given of Cyrus Walker. He was fond of the Old Settlers, delighted to renew remembrance of the early days, and was always an important factor in preparing the occasions held for that purpose.

George C. Dixon was formerly a practicing lawyer at Quincy, Illinois. Colonel Reid says that he was an Englishman by birth, and came to this country before his maturity; that he came with his family to Keokuk about 1848, consisting of his wife, one daughter, Mary, who subsequently married Howard Tucker, then a hardware merchant, and a son, William W. Dixon, who became a prominent lawyer at

Deer Lodge, Montana. The latter and William G. Clagett, the son of Judge Clagett, studied law together in the office of Judge Clagett, and they became partners and practiced together at Deer Lodge for some time. Mr. Clagett, by the way, was elected a delegate to Congress from that Territory. Colonel Reid says in one of his letters to me:

Dixon's first appearance in our courts was in 1847, as associate counsel with the noted criminal lawyer of St. Louis, R. S. Blennerhassett, cousin of the Herman Blennerhassett, who figured in the trial of Burr for treason. The suit referred to was an action in chancery to open the decree of partition that had been entered in the Half Breed Tract controversy. Judge George H. Williams was on the bench. Dixon first formed a partnership, about 1848, with Isaac G. Wickersham, which continued until the latter went to California, some time in the fifties. He next formed a partnership with Judge Thomas W. Clagett, which continued until Clagett was appointed Judge of the First Judicial District. He next became a partner of Hon. Gibson Browne. In 1847, he was prematurely gray-haired, had dark gray eyes, a Grecian cast of face, retreating forehead. He was very tall, considerably over six feet, with deep chest and broad shoulders. He was lame in one leg, and walked with a halting gait. He was even tempered, affable in conversation, pleasant in address, and always a gentleman. He could drink beer equal to any Englishman of his native land, and delighted to sit at a table a long time and sip it. He was a book lawyer, of extensive reading and research, but seemed to lack discrimination in the selection and presentation of authorities, and would sometimes quote those against him as well as those in his favor. General Reid once referred to him as the digest-lawyer. He was elaborate in his arguments, and would bring books by the cart-load into court. He always had business in our courts, but was not a successful jury lawyer. He eventually removed to Alexandria, Missouri, where he died a long time ago.

Williams, Walker and Blennerhassett were non-residents, but the two former had about as much practice in Iowa as in Illinois, where they lived, and Blennerhassett had considerable practice in both Keokuk and Burlington, though he lived in St. Louis. I heard much of these men when I first came to Iowa; it is because of this, their connection with many important cases and their wide practice in this State, that I have been prompted to mention them in this connection. And O. H. Browning might be included, as he also frequently came to our Court. Of them Colonel Reid says:

Archibald Williams, O. H. Browning, and Cyrus Walker used frequently to visit our courts, and were engaged in many cases, Williams and Browning as land lawyers, old Cyrus Walker as a great criminal lawyer. Williams was one of the homeliest men I ever met. His head was large, his hair thin, and stood in every direction on his head. He was tall, erect and broad-chested. He had no color in his complexion and his teeth were large and looked as though double in front. He was no orator, and spoke with deliberation, but with great argumentative power, which he directed to the strong points in a case, that he saw intuitively. He had no personal popularity, but was a great lawyer. Browning, in his personal makeup, was the reverse of Williams. He was an extraordinary orator, with no lack of words, with a silvery voice, handsome, pleasant face, and as an advocate before a jury or addressing the court, he had much influence and great power.

Of *Cyrus Walker*, Colonel Reid gives this vivid description:

He was employed in nearly all the great criminal cases in Iowa for the defense, and in some of the land cases. His forte was as a criminal lawyer, and previous to coming West he had practiced and been pitted against such great lawyers as old Ben Hardin, Wickliffe, and Clay of the Lexington bar. He was altogether a selfmade man, and could quote the old Norman Law Latin to the courts by the yard, and had all legal authorities at his tongue's end. With a wonderful memory, he

had great industry, was up late at night, rose early, and took regular exercise and long walks in the morning. He was a very great reader, and read law and literature of every kind down to the latest novel. He was a man of wonderful capacity, and had no end to resources. If foiled on one point, he seized another instantly; his legal tactics in the trial of a case were Neoplatonic. His eyes were bright gray, and twinkled and had the cunning look of a fox. He wore spectacles, but raised them up when cross-examining a witness, which he did so very pleasantly that he made the witness believe he was his best friend, and if there was anything he could say in favor of Walker's client, that gentleman wormed it out of him. With great judgment of men, he selected a jury without knowing the men, from the shape of their heads or facial outlines of physiognomy, and his judgment rarely failed. We have seen and heard all the great criminal lawyers in our early courts, and have no hesitation in saying that as an advocate before a jury he had no equal, and as a strategist his capacity was unrivaled by any of them. He smoked a common clay and sometimes a corn-cob pipe, walked with a quick springy tread, and was very interesting and entertaining in conversation. We have talked to him by the hour and never got tired of hearing him.

Of Blennerhassett, Colonel Reid says:

He was a noted criminal lawyer of St. Louis and a relative of the crazy Englishman, Herman Blennerhassett, who was mixed up with Aaron Burr's projected conquest of Mexico. He used to come to Fort Madison as attorney for the settlers on the Half Breed Tract. George C. Dixon and he were employed by them to defend in a large number of suits. As I have said, Dixon was lame in one leg, which was shorter than the other. During one term of our court, he, Dixon and another lawyer went one dark night to a place of amusement. About midnight, they started back to the hotel, with Dixon in the lead, Blennerhassett next, and the other gentleman last. As I have said, the night was dark, and in their course they wandered from the right pathway into that of a circus ring, which they took, and went on and on supposing they were on the right track. It began to seem a long way to the hotel, but on and on they marched, until they grew tired and perspire freely. At length the gray dawn came, then daylight. The hotel keeper looked down the river and saw the three wanderers marching about the circus ring, Dixon in advance, bobbing up and down as he led them. Stripe, the hotel man, called to them, and the thing was explained. Blennerhassett in his day was at the head of the bar as a great criminal lawyer. He was not a land lawyer but was employed by the settlers on account of his great eloquence. Dixon furnished the legal authorities and Blennerhassett did the speaking.

John Van Valkenburg and Joseph M. Casey.

John Van Valkenburg was a striking figure, personally as well as professionally. He was gifted, popular, and one of the finest looking men in the State. He was a bosom friend of Joshua Tracy, of Burlington, and I have given a glimpse of him and his vocal powers in the sketch of that gentleman. He was a Canadian by birth, and when nine years of age, came with his parents who located on a farm in Lee County, in 1846. He was liberally educated, commencing his preparatory course under Prof. Samuel Howe* at Mt. Pleasant, completing his education at Oberlin, Ohio.

* Note—Prof. W. P. Howe, formerly a member of the faculty of the Mount Pleasant High School and Female Seminary, in a sketch of his distinguished father, Prof. Samuel S. Howe, who was the founder of the Preparatory School at which Van Valkenburg commenced his education, to be found in Vol. 1, Third Series, *Annals of Iowa*, in speaking of that institution says: "In this connection it is only just and proper to say that some of Iowa's most distinguished citizens laid strong and solid foundations for useful life work in this school." Among whom he enumerates John Van Valkenburg.

and Knox College, Illinois. In 1855, upon the recommendation of the President and faculty of the latter institution, he was appointed Principal of the Normal Department of the Iowa State University. Upon the expiration of this service, he entered upon his legal studies, which were completed with Daniel F. Miller and Joseph M. Beck, of Fort Madison, and was admitted to the Bar in 1857. He became eminent in his profession and had a wide practice, which he successfully maintained until his death. At the time of his decease he was the oldest practicing lawyer in Fort Madison. His splendid personal appearance, good fellowship and pleasing address—combined with his professional and educational accomplishments, made him well and favorably known throughout the State. He was a Republican in politics and had great influence in the affairs of that party. In 1864 he was one of the District Presidential electors and in 1876 Presidential Elector at large. In 1874 his name came prominently before the Nominating Convention for Congress, and he came within one vote of receiving the nomination, which was finally given to George W. McCrary on the one-hundred and forty-seventh ballot. He took an active part and was prominent in the orders of Odd Fellowship and Knights of Pythias. He was Grand Warden of the Grand Lodge of the former, occupied the highest chair in the latter in the State; for three sessions was a member of the National Council of the Grand Lodge of the World, and was the author of the "Standard Manual of the Order of Knights."

He took a great interest in educational matters and the promotion of its institutions. He died while yet in the prime of life, and in the unimpaired exercise of his splendid faculties.

Joseph M. Casey was a native of Adair County, Kentucky, where he was born in 1827. His grandfather was one of the early pioneers of that State, and his father, Green Casey, is said to have been the first male child born in Adair County. His mother was a native of Virginia. From both, he inherited fine physical and intellectual qualities. He was admitted to the Bar in 1847, and commenced practice in Lancaster, at that time the County Seat of Keokuk County. He was shortly after that elected Prosecuting Attorney of the County, and was continued in that office for a period of five years. In 1859 he was elected County Judge and satisfactorily administered the affairs of that office until 1861, when he resigned to engage in practice at Fort Madison, which became his home and where he continued to reside until his death. Before going to that place, during his residence in Keokuk County, he had established the reputation of being an able and successful lawyer, and with this prestige he went to Fort Madison, where he eventually became known as one of the leading lawyers in that part of the State. He was an intimate friend of Judge E. L. Burton, who formerly resided in Keokuk County, afterwards removing to Ottumwa, and becoming the partner successively

of Judge H. B. Hendershott and the writer. Judge Burton had a high opinion of Judge Casey and told me much of him. He said he was not only a fine lawyer, but one of the most lovable men that he had ever known. I always thought that he strongly resembled Henry Ward Beecher, whom I had several times seen. Their build, cast of features and manner of wearing the hair were similar. I once mentioned this to Judge Burton, and he concurred with me in the resemblance.

He was a close student, his tastes were scholarly and he became not only an able lawyer, but a graceful and trenchant editorial writer. While in Keokuk County, he was for two years editor of the "Iowa Democrat" and for three years editor of the Fort Madison "Plain Dealer," after his removal to that place. He left a lucrative practice and a host of friends in Keokuk County, but was fully recompensed in both respects during his residence in Fort Madison. He was twice Mayor of Fort Madison, and in 1886 was elected Judge of the District Court, the duties of which he performed with signal ability and universal satisfaction to the people. He was charitable in his opinions and judgment of men; his even temper and kindly disposition endeared him to everyone that knew him, and by them his memory will be cherished with veneration.

Thomas W. Clagett, Samuel M. Clark.

These men were lawyers by education and eventually became well-known journalists.

Thomas W. Clagett was a Marylander by birth, reared under the regime of slavery, and was strongly tinged with southern manners and customs. He was born in 1815, received a liberal education, was admitted to the bar and practiced in his native state for a number of years. He was a Whig in politics, but after the dissolution of that party allied himself with the Democratic Party. As a Whig, he served two terms in the Maryland Legislature. He came to Keokuk in 1850, entered upon the practice of his profession, attained considerable eminence as a lawyer, and some notoriety as a Judge on account of his peculiarities of temperament and action. Had he eschewed politics and confined himself strictly to his profession, there is no question in my mind but that he would have become notable as a lawyer; but this he could or at least would not do, but drifted into politics, and then into journalism in order to promote the interests of his party. In 1857 he was elected District Judge, and had he been able to curb his temper and combativeness, would undoubtedly have presided with universal satisfaction; but this he could not do, either, and the result was the spoiling of a good lawyer, the making of an unsatisfactory judge, and a disappointed politician. He died while yet in the prime of life at the age of sixty-one.

While one of the kindest men at heart, he was irascible, quick-tempered and combative; given to outbursts of passion under irritating circumstances and to volleys of profanity that would make the air blue. Had he been even tempered, his kindly heart would have made the waters smooth and everybody his friend; as it was, the surface was frequently ruffled, and he made enemies of men who would otherwise have been his allies. At a term of court held at Burlington, Mr. Browning persisted in arguing a matter which had been decided against him, and refused to sit down when ordered by Judge Clagett, whereupon an exciting scene followed that ended in a heavy fine being imposed upon Browning for contempt, and the latter refusing to pay it, in unruly language, was summarily sent to jail. The members of the bar were so incensed by the proceeding that they went to the jail with Browning, and sending for oysters and champagne, held high carnival and abided with him until he was released. The "Hawkeye," under Clark Dunham, took it up, compared the Judge to Scroggs and Jeffries, and lashed him unmercifully. In retaliation, Dunham was arrested for contempt. But the alleged offense was too far outside of the hearing and sight of the court to be subject to the proceeding. The newspapers took it up, and the attention of the whole state was attracted to an affair which in all its incidents was more amusing than serious. Dickens would have been delighted with it for material.

Reid, in his sketches, says that Judge Clagett used to refer to a certain turbulent period as a time when there was wanted "a little hell, whipping and hanging." Many stories were told of him—some of them doubtless exaggerated, and others perhaps fictitious. This one was current: His wife who was a devout church member, got her minister to go and expostulate with the Judge with the view of having him abandon his profanity. The preacher told him what was true, that the people loved and honored him, but that his profanity was creating a scandal, and that he sincerely hoped that he would abandon it. The Judge meekly listened, and at the end said, "My good brother, there is force in what you say, but my swearing is a good deal like your preaching—there don't either one of us mean anything." Another story told me by a Keokuk lawyer was this: Judge Clagett had the old-fashioned southern love of fine horses, as had his father before him, who had been a breeder of fine stock. The Judge on one occasion, as the story goes, was describing a colt of remarkable beauty, high qualities and great value, belonging to his father. One day he was brought out to be shown, and was mounted for that purpose by one of the hired boys. The colt was intractable; it reared and bucked, and finally plunged into a terrific run, in the course of which he collided with a large post. Judge Clagett in his vivid description of the occurrence, said, "It killed the colt, gentleman; he was the finest young stallion that was ever seen. My father would not have taken ten thousand dollars for him." "Did it hurt the lad?" one of the listeners asked. "Oh, it killed him, sir, dead as hell, dead as hell, sir."

I have never known of a man in his station so inextricably given to the swearing habit. It was but a habit, a habit so long interwoven that it was hard, if not impossible, to shake off. What the Judge said was true, he didn't mean anything by it. At heart, he was one of the kindest and most beneficent of men. He was merciful to the poor, never turned his face against a beggar, and would go clear out of the way to serve a friend. Such was really Thomas Clagett at heart. His oaths were like that of Uncle Toby, which when uttered, flew up to heaven's chancery, and upon which the recording angel, as he set it down, dropped a tear, which blotted it out forever.

As apropos, I may relate what Samuel M. Clark, whose name is coupled with this sketch, and who was the opposite in politics of Judge Clagett, thus said of him in a sketch of his father, the Rev. Samuel Clark, one of the greatest and noblest of all the pioneer preachers of Iowa:

The late Judge Thomas W. Clagett, of Keokuk, was devotedly attached to him. Whenever a Methodist Conference met in his city, Judge Clagett always put in a claim for Father Clarke to be his guest. He would say in his emphatic way, "Father Clarke is the only blankety blank preacher that I ever knew that wasn't a blankety blank hypocrite." He has often said to us, "Your father was the only religious preacher I ever knew." And however much Judge Clagett might swear from sheer force of habit, and without meaning anything bad about it, for he was a wonderfully good man in all his profanity, he never swore when Mr. Clarke was in hearing.*

He was deeply interested and active in the cause, progress and elevation of Agriculture, and the State is greatly indebted to him for his efforts in that behalf. He was a prime factor in organizing the State Agricultural Society, and nothing could be more pertinent to confirm the truth of what has been said, or more illustrative of the generous impulses and personality of Judge Clagett, than the following account. In 1853 Dr. J. M. Shaffer, Secretary of the Agricultural Society of Jefferson County, sent a card to the different county agricultural societies of the state, inviting them to send delegates to a meeting to be held at Fairfield for the purpose of organizing a State Agricultural Society. At this meeting the society was organized, and Judge Clagett was made its President. Immediately upon being notified of his election, he issued an address to the farmers of Iowa, setting forth the importance of the organization, and the necessity of raising money to successfully put it in operation, and as an inducement to others, he proposed "to give fifty dollars in aid of the first fair, to be expended in the following manner: Twenty-five dollars for the best five ears of Indian corn; fifteen dollars for the second best, and ten dollars for the third." The legislature had made no appropriation, and the society was dependent on its own resources. For want of funds, the premiums offered were small, and for some things there was not anything offered. A lady correspondent of the "Iowa Farmer," who signed her name Laura, complained that there was no premium of-

* Note—Annals of Iowa, Third Series, Vol. 1, p. 461.

ferred for female equestrians. To this complaint Clagett replied that his "gallantry would not permit this complaint to go unconsidered," and at his own expense, he offered "a fine gold watch to the boldest, and most graceful female equestrian who would enter for the prize." It is needless to add that the equestrian feats of the ladies attracted the greatest interest of anything at the Fair.*

I saw Judge Clagett in court several times. He presided with resolute dignity and dispatch. As a journalist and editor of the "Keokuk Constitution," he displayed in his writings great vigor, and his paper became one of the most important organs of the Democratic Party.

In addition to other offices, he was elected in 1859 to the House of the Eighth General Assembly. He became one of the leaders of that body. He also served in a special session of 1861, called for the purpose of organizing the military forces for service in the Civil War.

Samuel M. Clark was educated for a lawyer, but he never practiced much. He early entered upon journalism and it became the great and absorbing work of his life, for while he was drawn into official life, served two terms as member of Congress and in some other positions of honorable trust, the diversions were but temporary. As a graceful, classical, as well as virile writer, I do not think he has ever had his superior in the State. He was highly educated, his scholarly instinct strong, his reading wide, his classical and historical researches thorough and extensive. Many of his editorials were gems of literary productions. Withal he had the imagination of a dramatist, which enabled him to unfold the panorama of events in a most charming manner. The fame of a newspaper writer is decidedly ephemeral. Articles upon which have been bestowed the best fibres of his brain and are fairly alive with convincing thoughts, are for the most part consigned to the waste basket and they and their writer pass into oblivion. If some deft and skilful hand could select from the files of the "Gate City," the choicest articles of Mr. Clark, I think that it would make one of the most attractive of books. I hope someone will do it. Specimens of his writings will occasionally be found in quotations embodied in the "Annals of Iowa," and sometimes an original contribution, such as his sketch of the Rev. Samuel Clark, his father. Another specimen will be found embodied in my sketch of Judge Samuel F. Miller. The last time I had the pleasure of seeing him was at the dedication of the new courthouse in Ottumwa; he sat on the platform while I delivered one of the addresses, and after the close of the ceremonies, we had an interesting conversation. He was a delightful man to be with, his presence a charm. He and the late Charles Aldrich, founder and first curator of the State Historical Department, were close personal friends, and in place of my own, and

* Note—Annals of Iowa, January, 1871.

as better than anything I could write myself, I, with pleasure, adopt the following sketch of Mr. Clark by Mr. Aldrich:

Samuel M. Clark was born in Van Buren County, Iowa, 1842; he died at Keokuk, 1900. He was the son of the Rev. Samuel Clark, the most distinguished Methodist Episcopal clergyman of Southeastern Iowa during our pioneer days. The father resided upon a farm a few miles from Keosauqua, where the subject of this notice spent his early years. In 1894 there appeared in the pages of the *Annals* (Vol. 1, Third Series, pp. 454-466) an appreciative sketch of the life of the Rev. Samuel Clark, from the pen of his gifted son who has now followed him to the grave. Young Clark was educated in the public schools near his home and in the old Des Moines Valley College at West Point, Lee County. He was an all-around product of this State. It is recorded that he sought to enlist in the Union Army during the Civil War, but was rejected owing to his lack of health and strength. At the age of eighteen he entered the office of George G. Wright, who then resided at Keosauqua, and began the study of the law. He completed his law studies in the office of Rankin & McCrary, of Keokuk, and was admitted to the bar in 1864. Immediately afterwards he was invited by J. B. Howell, who had published a paper several years earlier at Keosauqua, to join the staff of *The Gate City*, as associate editor. This invitation was accepted. Journalism and not the law was his proper field of effort, and it was not long until he had won an enviable reputation throughout the State. He was a keen-eyed observer, an omnivorous reader and a clear-headed, philosophic thinker. He became one of the ablest and most versatile editorial writers in Iowa. His early life on the farm, his habits of close observation, his appreciation and love of nature, and his wide acquaintance with the pioneers of our State, had given him a fund of out-of-the-way knowledge possessed by no other Iowa journalist. And above and beyond all this, he was a man of the purest morals and the kindest heart. There are hundreds of men throughout the State who will say today: "The kindest words ever written about me were from the pen of Sam Clark." We once heard him reproached by a great Iowa jurist for so constantly "saying and doing things for other men and seldom anything for Sam Clark!" But he enjoyed the opportunities that fell in his way to act generously toward friends—and who was not his friend? If a friend called upon him at a busy moment in Washington, while he was serving in Congress, he was certain to be invited to a longer visit before he left the city. Nothing so pleased him as a long evening's visit with a valued friend. In 1894 he was elected to a seat in the National House of Representatives and re-elected two years later. He was always an important factor in his party's state conventions and councils, and very frequently the author of its platform of principles. When fit names were mentioned for Governor or United States Senator his would come first or close to the head of the list. He was a delegate to the Republican National Conventions of 1872, 1876 and 1880. The President appointed him Commissioner of Education to the Paris Exposition of 1889, which gave him a long coveted opportunity of travel in Europe. He was four years postmaster of the City of Keokuk. That he served twenty-one years as a member of the public school board of Keokuk, fourteen of which he was its president, shows the high confidence of those who knew him best and his own absorbing interest in the cause of education. It also shows that he shrank from no public duty, however laborious and unremunerative. In all the characteristics of a grand manhood he was admirably equipped. For fully thirty years he was recognized as one of the foremost Iowa editors, in many respects without an equal. He was possessed of that sublime patience which always enabled him to bide his time—and the fruition of his hopes doubtless came to him as far as was possible to one who was racked with acute pain during most of the years of his manhood. He was one who could "suffer and be strong."

John W. Noble and Henry Strong.

These two men came as young lawyers to Iowa, the same year that I did. With *Henry Strong*, I cherished an early and long acquaintance. With *John W. Noble* only a slight one, as he entered the military service of the Civil War soon after its

commencement, and left the state soon after its close. The first time I saw Mr. Noble has always been clearly fixed in my memory by an incident, which I will relate, as it throws some light upon him as a young man. It was in the summer or fall of 1858. There had been a Republican Convention at Des Moines, from which he was returning as a delegate. The stage on which he and other delegates were returning, stopped at Ottumwa—it was before the day of railroads there—and a meeting had been hastily arranged for some speech-making in front of the hotel, where the stage stopped. A dry goods box was brought, and upon it Mr. Noble was mounted. His vigorous speech and stirring utterances brought me to the window of my office, which was opposite. Someone asked him about the party platform, or some of its planks. He replied that it was like the foundations of the world, described by a colored preacher. The preacher said the world was founded on a great rock. One of his hearers asked, "What does that great rock rest on?" "On anudder great rock." "Well, what do that great rock rest on?" "Dat rests on anudder great rock." "Well, what does dat udder great rock rest on?" "Why, it's rock all de way down," was the last reply. I thought then that he was a man of striking ability and oratorical power. His subsequent career proved that my youthful impressions were correct. Commencing as a comparatively friendless young man, he forged his way through professional, military and civic services to one of the highest positions in the nation.

I write these lines with some emotion. Early in this month, March, 1912, I wrote him, requesting some information I desired. To this he replied that he would send me what I wanted in a few days. While I was awaiting his letter with some solicitude, I picked up a newspaper, and was shocked as my eyes rested on the following Associated Press dispatch:

St. Louis, Missouri, March 22.—General John W. Noble, who was Secretary of the Interior in President Harrison's Cabinet, died here this afternoon. General Noble recently celebrated his eightieth birthday. Since retiring from the Cabinet, General Noble had practiced law in St. Louis.

General Noble's intrinsic worth and innate character were as exalted as his worldly success. He was a perfectly incorruptible man. We are apt to praise the dead sometimes unduly, but as convincing proof of what I have said, I desire to introduce a scrap of private history which I have been the means of procuring, and permanently preserving in this sketch. The distinguished Ex-United States Circuit Judge, Henry C. Caldwell, had once told me of the incident, but its details had faded from my mind, and regarding it as of great significance in the portrayal of General Noble, I went last month, on February 15, 1912, with my stenographer, to the home of Judge Caldwell, for the purpose of getting it anew. He was glad to comply with my request, and the following is the literal narrative of Judge Caldwell as taken from his lips by the stenographer:

General Noble, not long after the close of the Civil War, was appointed United States District Attorney for the Eastern District of Missouri. It came to his

knowledge that great frauds on the revenue were being perpetrated by the internal revenue officers and the brewers and distillers in St. Louis. He reported the fact to the proper department at Washington on more than one occasion and asked for assistance in the way of detectives to uncover the frauds and punish the guilty parties. But there was then in office in Washington, one man certainly and probably more, who were in the conspiracy to defraud the Government and in receipt of a part of the "swag." General Noble was too incorruptible a man to be drawn into such an arrangement, and finding his efforts unavailing, he promptly resigned his office. The frauds continued and became so open and notorious that the participants in Washington were unable longer to give protection to the guilty parties in St. Louis, and the successor of General Noble in the office of District Attorney instituted prosecution against all the guilty parties. Among those against whom prosecutions were instituted were some ten or a dozen St. Louis distillers and brewers. When they were arrested, they went to the office of General Noble to retain him in their defense and General Noble said to them: "Gentlemen, you cannot retain me to go into a Court and tell the Court and jury you are not guilty, for I know you are. I discovered that while I was the prosecuting officer for the Government and reported the fact, but for some reason my effort to prosecute you was not seconded. I will not stultify myself now by claiming before a Court that you are not guilty." Thereupon their spokesman said to him: "Well, if you won't take our money to go in and tell the Court we are not guilty, what will you advise us to do?" "I am willing to give you advice as to the best course in my judgment for you to pursue, and if you accept it and act upon it, I will do the best I can for you." "Well, what is your advice, General?" To which the General answered: "It is, that you go at once to Mr. Dyer, United States District Attorney, and tell him that you are guilty, that you are willing to go before the grand jury and tell that jury all you know about these revenue frauds and the part you played in them; and that you are also ready to go into Court and testify to every fact in your knowledge connected with these frauds. You will, of course, be indicted, but if Mr. Dyer accepts your offer and calls you before the grand jury as witnesses and uses you as witnesses in the trial of the cases against the revenue officers and others, when it comes to sentencing you upon your pleas of guilty, I will see what I can do for you."

They accepted General Noble's advice and did as he suggested. They were indicted and entered their pleas of guilty. The revenue officers were indicted, tried and convicted, mainly if not altogether, on their testimony. The trial of the revenue officers lasted a long time, and Judges Dillon and Treat, who heard their cases, at the conclusion of them, were compelled to leave; Judge Dillon to go elsewhere on the circuit and Judge Treat to go East for his health. And I was designated to continue the term and dispose of the business remaining on the docket. I went up to St. Louis a day before I was to take the bench. Judge Treat was still there. I called on him at his chambers to get some idea of the state of the docket. The first thing he did was to open the docket and call my attention to these ten or a dozen cases, saying: "The first thing you will have to do will be to sentence these men on their pleas of guilty." I said: "Judge Treat, I will do nothing of the kind. I do not know what relation they sustain to this business nor how they have deported themselves as witnesses or otherwise in the matter, and I am not competent to judge what would be proper penalties to impose on them, and if they are to be sentenced at this term, you must remain over and sentence them yourself tomorrow." "Well," said the Judge, "if that is your attitude, I will have to sentence them, as the cases ought to be closed up." He thereupon instructed a bailiff to have the defendants and their attorney, General Noble, and the District Attorney, Patrick Dyer, now the Federal Judge in that district, notified to be in court the next day at ten o'clock, when he would sentence the defendants.

I went into the Judge's chambers the next morning and the Judge was engaged in making a docket of the cases of these men, and noting below each case the penalty he proposed to impose. The penalties, I observed, were very substantial, either in fines or imprisonment, or in some cases both. He explained to me why he had varied the penalties in the different cases, the chief reason, as I recollect, being that some of the parties were more wealthy and influential than others. He

took that docket with the penalties noted, into the courtroom, laid it down before him in plain view of myself. Mr. Dyer, District Attorney, addressed the Court and moved for sentence on the defendants, who were ranged in a row in front of the bench. Thereupon, General Noble rose and addressed the Court. He held in his hand a voluminous manuscript. After stating briefly to the Court the part that the defendants had played in the cases, the fact that the District Attorney had accepted them as witnesses and used them as such before the grand jury and before the traverse jury in court on a trial of the revenue officers, he said he proposed to show that that action on the part of the defendants entitled them either to an indefinite suspension of sentence, or to the imposition of a merely nominal penalty, or to the clemency of the executive department. He then proceeded in one of the most eloquent, forceful, and logical arguments it was ever my fortune to listen to, to maintain his premise. He addressed the Court without the aid of his written manuscript, except when he had occasion to quote literally from the authorities, and he probably had all the utterances of courts and jurists, English, German, French, and American, extant on the subject at that date, and all of which were persuasive in support of one or the other of the positions he maintained. As he proceeded, I perceived a little nervousness on the part of Judge Treat. Finally, he picked up his pencil and drew it through every sentence he had written down in his chambers, before coming to the Court, and reduced every sentence one-half, dividing by two, both with reference to fines and imprisonment. General Noble continued his argument for some time longer, when Judge Treat again took up his pencil and struck out every sentence, and in lieu, imposed a merely nominal penalty in each case.

He was born in Lancaster, Ohio, in 1831. He received a thorough preparatory education and was a graduate of Yale College. He studied law with the distinguished Henry Stansberry, afterwards Attorney-General of the United States, and subsequently graduated at the Cincinnati Law School. He came to Keokuk in 1856. In the spring of 1861, the firm of Strong and Noble ranked among the very first of the State. In that year, soon after the breaking out of the Civil War, he enlisted in the Third Iowa Cavalry; in a short time he was made Adjutant of the regiment. In November, 1862, he became Major of the Second Battalion of his regiment. In May, 1864, he was made Lieutenant Colonel, and upon the resignation of Colonel Henry C. Caldwell, to accept the position of United States District Judge of Arkansas, he was mustered in as Colonel of the regiment. For several months before he was commissioned as Colonel, and while he held the rank of Major, he commanded the first and second battalions of his regiment.* "He commanded these battalions in the rear of Vicksburg, during Sherman's advance on Jackson, on the march to Canton, and in the raid made from Big Black River to Memphis." He and his regiment took part in all the operations against General Forest, in the spring and summer of 1864; in the operations against General Sterling Price in Missouri during 1864. He was in the battle of Pea Ridge, the siege of Vicksburg, and the second battle of Jackson. His military services extended throughout the war. He participated in numerous engagements, and for his gallantry on all occasions, was breveted Brigadier General.

Soon after the close of the war, he removed from Keokuk to St. Louis, and there engaged in the practice. He attained high professional rank in St. Louis and throughout the state of Missouri, and managed with success cases of the highest im-

* Note—Stuart's Iowa Colonels and Regiments, Des Moines, 1865.

portance. He was appointed United States District Attorney, which office he resigned for reasons stated by Judge Caldwell. The office of Solicitor General was tendered to him by President Grant, but he declined. In 1889 he was appointed Secretary of the Interior by President Harrison, and won additional honors by the ability he displayed in discharging the duties of that office. At the close of that administration, he resumed his practice in St. Louis, which he pursued for many years with great success. He died, as stated in the dispatch before referred to, at St. Louis, on the 22d of March, 1912.

Henry Strong attained the highest rank as a lawyer in Iowa. He removed to Chicago while in the zenith of his powers, and was soon classed among the ablest there. From every standpoint, I doubt whether Iowa has ever had a stronger or more accomplished lawyer. He was a power wherever he was placed, whether as a dialectician in a legal argument before the Court, or as an advocate on the facts before a jury. He was deeply learned, scholarly, philosophic. He never had an office, never desired one, and had a contempt for modern political ways and means. He came to Keokuk in 1856. He and Noble became partners under the firm name of Strong & Noble. After some years of residence there he removed to Burlington, where, I should say, he lived quite as long as he did in Keokuk. Later he removed to Chicago.

As touching his views on the national politics of the time, and his intuitive judgment of men, we are indebted to the patient researches of that thorough and indefatigable historian, W. I. Herriott, Professor of Economics, Political and Social Science in Drake University. In one of his admirable articles on "Iowa and the First Nomination of Abraham Lincoln," to be found in the "Annals of Iowa," Vol. Eight, Third Series, 462, he says: "Mr. Henry Strong, then one of the rising young lawyers of Keokuk, heard the debates (between Lincoln and Douglass) in September." He wrote his college classmate, Manton Marble, then Associate Editor of the Boston Journal: "I have just heard the next President of the United States—mark my prediction, Manton." The "noted lawyer of Keokuk," who endeavored to persuade John W. Rankin, at first for Cameron, to vote for Lincoln at the National Republican Convention of 1860, referred to in the excerpt from the Annals contained in the sketch of Colonel Rankin, was Henry Strong. The exalted opinion he had conceived of Lincoln from hearing him in that debate, accounts for this action.

In the early years of our professional lives we frequently met and were often associated in cases. During all the period he was General Counsel for the Chicago, Burlington & Quincy Railroad, I was its local attorney in the Ottumwa district. From the very outset he invoked my admiration for his great and comprehensive abilities. For the following data I am indebted to his daughter, Mrs. Mary Strong Shelden, residing in Chicago:

Henry Strong was born May 2, 1829, at Hellensburg, near Glasgow, Scotland, where his father, Harvey Strong, of Connecticut birth, and New York business relations, resided as Consul General of the United States; and where he had met and married Janet Gillespie, the daughter of a Scotch merchant. When the lad was five years old, his parents returned to America, living first in Geneva, New York, and later moving with the western current to La Porte, Indiana. Here he grew up under the characteristic conditions of farm life in those days, with several brothers and sisters, and also under the influence of parents unusually gifted intellectually, although reduced by business reverses financially. In his early teens the boy, anxious to become independent, worked as clerk in one of the local stores. When he was sixteen he drove to Chicago, then but a little larger than La Porte itself, but already a distributing center from its water connections, and brought back a wagon load of goods. From associations with educated parents he felt the need of further education himself, and having accumulated a small capital, he matriculated at the college then recently instituted at Ann Arbor, now the University of Michigan. There he remained during his Freshman year, 1850 to 1851. At that time the University of Rochester, of greater age and distinction, attracted him; he left Ann Arbor, entered Rochester and completed his Bachelor's Course there. Throughout his college course, he had earned his own livelihood by work during term time and vacation, tutoring other boys less studious than himself, and doing wholesome farm work at home. He was graduated from Rochester in 1854. His first thought of a career was in the ministry, and he had studied to that end. When on the point of entering this vocation, he felt that his calling to it was doubtful, and turned his energies to the field of medicine. In studying this he became assistant to Dr. Hatfield Halsted, who maintained a Sanitarium in Rochester, and became his son-in-law, by marriage with his eldest daughter, Mary Jane Halsted. Again he felt that he had not found his best field of work, and began the study of law while continuing the practice of medicine. He completed this course by a residence during the winter of 1855 to 1856 at the Albany Law School, from which he received his degree of LL. B. The young lawyer then established himself in Louisville, Kentucky, at that time an important and growing point on account of its river traffic. He found the southern political atmosphere here such, however, that he could not express his own views without prejudice to his career. After a year in Louisville, he removed to Keokuk, Iowa, at the head waters of Mississippi navigation, and then expected to become the great distributing point of the Mississippi Valley. Here he associated himself with John W. Noble. The advent of the railroad was the doom of Keokuk, and this in turn proved a serious financial reverse to the young attorney, who had begun investing his savings in Keokuk real estate. He soon recovered what he had lost from the railroad invasion by connecting himself with several railroads, becoming the General Counsel of the Chicago, Burlington & Quincy, and ultimately President of the Atchison, Topeka & Santa Fe. These positions brought change of res-

idence first to Burlington and later to Boston. From Boston he removed to Chicago in 1875, on resigning from his position as President of the Santa Fe, and devoted himself thereafter to investment of the property accumulated during his practice of law and railroad management. In later years he withdrew more and more from active business affairs and gave his time to reading and travel, spending his summers at Lake Geneva, Wisconsin, and his winters at Santa Barbara, California. When eighty years of age he went to Europe, covering a great number of countries, gathering information at every turn. The distinguishing features of his earlier life were the courage of his undertakings and his intense energy in whatever he undertook; of his later life, the love of acquiring general information and his dependence on books. On his library table might be found at any one time volumes of travel, science; history, biography, and particularly treatises on the political and economic problems of the day.

John W. Rankin and H. Scott Howell.

John W. Rankin was one of the great lawyers of the State. He was associated with Samuel F. Miller under the firm name of Rankin & Miller until the appointment of the latter as one of the Justices of the Supreme Court of the United States; after that with George W. McCrary, who became Secretary of War, and later United States Circuit Judge, under the name of Rankin & McCrary. Colonel Rankin died in the prime of life, but not until after he had attained a state-wide reputation. While a forceful speaker, he was not what would be called an eloquent man or a great orator. His strength consisted not so much in declamation as in the clear and analytical operations of his mind; in the completeness of his legal knowledge, and skill in its application to given cases. In arguments, while not diffuse or flowery, he was strong and convincing. As a practitioner, he was remarkably skillful; it is doubtful whether any member of the Iowa Bar exceeded him in this respect. The firms mentioned had a large and important practice while they continued, and after their dissolution, Mr. Rankin maintained it successfully until his death. Judge Robert Sloan, who ably presided as a District Judge for twenty years, writes of him, that in the whole course of his experience and among all the lawyers he had met, "none deserved to rank higher or could so unerringly and quickly grasp the issues of a case, and the legal principles involved, and sustain them by both reason and authority as John W. Rankin."

He was a Pennsylvanian by birth and a graduate of Washington College in that State. His natural brightness and precocity is indicated by the fact that he graduated at the age of sixteen and was complimented with the Latin Oration. He was admitted to the bar in 1844, and commenced practice in Wooster, Ohio. He came to Keokuk in 1848. In 1857 he became District Judge of the First Judicial District, and was subsequently elected to the State Senate from Lee County, serving in the Seventh and Eighth General Assemblies.

In politics he was a Republican, and a delegate to the National Republican Convention of 1860, which resulted in the nomination of Abraham Lincoln for President. In respect to his action in that body, Judge Charles C. Nourse says:*

Dr. J. C. Walker (a district delegate) and John W. Rankin (a delegate at large) were both men of great ability and solid character, with a fine sense of honor in public matters. Neither pettiness nor desire for private gain were moving motives with either.

To this may be added what Prof. H. I. Herriott says in one of his splendid articles respecting "The First Nomination of Abraham Lincoln," in the copy of the *Annals* referred to in the note below:

- Whatever Dr. Walker's preference may have been in February, in May, and at Chicago, his voice and votes were from first to last for Abraham Lincoln. Senator Rankin, on the other hand, was a firm advocate of the nomination of Simon Cameron. One of Keokuk's noted lawyers labored for several days prior to the Convention to persuade him to vote for Lincoln, but without effect. At Chicago, however, Senator Rankin turned to the Illinois candidate as soon as he realized that Cameron's chances were gone.

In the summer of 1861 he was appointed Assistant Quartermaster of the United States Volunteers. In the following winter he was granted authority by the Secretary of War to raise a regiment, which he did and was commissioned its Colonel in April, 1862, and soon marched with it to the front. His military service was marked with bravery, and at the battle of Iuka, he received a wound, which rendered him insensible, from the effects of which he never entirely recovered, and which made it necessary for him to resign in September, 1862.

He was warm-hearted, generous, unassuming, and his untimely death was the occasion of general grief to all who knew him. He left surviving him, among other children, a son, W. T. Rankin, who inherited much of his father's talents, became an able lawyer, removed to Chicago, and was the General Attorney of the Chicago, Rock Island & Pacific Railway Company. A daughter became the wife of John N. Irwin, who was at one time Governor of the Territory of Arizona, and subsequently our Minister to Portugal, being appointed to the first position by President Harrison, and to the other by President McKinley.

H. Scott Howell was also one of the distinguished lawyers of the State. The thoroughness of his briefs in reported cases early attracted the general attention of the bar, and especially his professional efforts as the representative of eastern capitalists in successfully prosecuting cases in the United States Courts of Iowa and in the Supreme Court of the United States, for the collection of railroad bonds, which had been issued by certain counties and other municipalities. It is said that he secured the first judgments that were obtained in that character of cases. This tended to bring him prominently before the public, and he became engaged in cases of great importance.

* Note—*Annals of Iowa*, Third Series, Vol. 8, p. 108.

Subsequently to his death, I obtained from his son, William C. Howell, at this writing a successful lawyer at Keokuk, the following data: H. Scott Howell was born April 30, 1830. He was educated at Farmers' College at Cincinnati. In this college at the time were such men as Benjamin Harrison, afterwards President of the United States, Murat Halstead, editor of the Cincinnati Gazette, William Nixon, of the Chicago, "Inter-Ocean," Lewis W. Ross, Chancellor of the Iowa Law School, and several other men who have made a mark in the country's history. In 1851 he entered upon his legal studies at Cincinnati, and was admitted to the bar there in 1854. In the same year he was married to Elizabeth Redmond, who died September, 1863. In 1856 he came to Keokuk and remained continually in the practice up to the time of his death, which occurred in April, 1909, when he was lacking only three days of reaching the four-score years. In 1867 he married Lucy S. Taylor, a granddaughter of General William H. Harrison, President of the United States. He retained his vitality and his activities to a remarkable degree, going to his office regularly until a week before his death.

Mr. Howell took great interest in educational matters and was especially prominent in all movements of moral reform. He was not only a highly accomplished lawyer, but a valuable citizen, who exercised a wise and beneficial influence in public affairs.

John H. Craig and R. H. Gilmore.

John H. Craig was a native of Washington County, Pennsylvania. He graduated from Washington College in 1848. He subsequently went to Natchez, Mississippi, and engaged in teaching. After several years of legal study, he was admitted to the bar in 1856, came to Keokuk the following year, and entered the practice. He became one of the most learned lawyers and eloquent orators in the State. He was naturally a student and had a great taste for literature. Pursuing this instinct with great assiduity, he became a very scholarly man. In appearance, the cast of his face, his whole bearing were decidedly intellectual. He had a good figure, tall and well shaped. In temperament and action, he was deliberate to the point of being slow. He lacked the vivacity and spriteliness necessary to become a popular political speaker, but as a polished orator on great occasions, he had few equals in the State. On this point, I refer the reader to what Mr. Parvin says in my sketch of that gentleman. He thought Mr. Craig was the greatest orator in the State, but I am by no means prepared to say that. That he had but few, if any superiors, I am prepared to say. He was chosen the principal orator at the Semi-centennial celebration held at Burlington in 1883. The following, contained in that address is, in my judgment, one of the finest specimens of eloquence:

There are words and deeds which will not die, but become lofty inspirations to all coming time. Great achievements and heroic acts do not produce their most important results in the direct objects which they accomplish, but in the examples which they afford and the lessons which they teach. "Marathon saved Greece more

than once." The sun which rose on Salamis will never set. Demosthenes still thunders his phillipics under the shadow of the Acropolis. From the lips of Cicero still bursts that tempest of indignant eloquence upon the traitor head of Cataline. The Light Brigade still marches "into the jaws of death" at Balaklava. Webster "still lives" to answer Hayne. Sheridan's ride will turn the tide of many a battle. The "Rock of Chickamauga" will stand against defeat on many a bloody field. Corse still holds Altoona profanely and righteously whipping the foe. McPherson falls "leading the front of battle" and dies at Atlanta, but lives forevermore. And thus the swords which brought deliverance to the nation out of the great struggle of the Rebellion, like the flaming sword of the cherubim which kept the gate of Paradise, will guard the Union, and flash terror to every heart that would compass its destruction through all the centennials of the future.

The Associated Press Dispatch of the times in alluding to that occasion said:

The speech of Mr. Craig is universally acknowledged to have been a masterpiece of oratory. His introduction, giving the reasons which led to the celebration of the day, was full of present gratitude for the great blessings showered on Iowa during the fifty years past. His allusion to the events of the past and his summary of the history of the Territory and State gave evidence of a great thinker. His concluding apostrophe to the future, in which he pointed out the points which would grow from the exercise of all manly and civil virtues, was touching in the extreme and reached the hearts of the many thousand who were present.

Unlike many gifted men, he did not relax his industry in intellectual labors in the field of either law or literature. He was noted throughout the State as a fine scholar and fine lawyer, an eloquent advocate and orator. He established a successful practice and was engaged in cases of the first importance. He was thoughtful in manner, had a pleasing address and looked the scholar that he was. He was one of the most gifted men Iowa has produced. He died in the zenith of his powers. His superb gifts, his great accomplishments, his amiable disposition and lovable character will remain a revered and affectionate remembrance with those who knew him personally, and will serve to perpetuate his memory.

R. H. Gilmore I knew intimately. For a time, while Hugh T. Reid was President of the Des Moines Valley Road, Gilmore was employed as the General Attorney of the Company, and being the legal representative of the Company in the Ottumwa district, I was associated with him in the trial of several cases. In a scientific sense, he was one of the best lawyers I have ever known. He had a natural legal mind that grasped and sifted analytically the subjects that came before it. He was astute and far-seeing in both perception and judgment. He was a student by nature, studied closely his cases and fixed unerringly upon the salient points of attack or defense. There were but few better lawyers in the State than Mr. Gilmore. He was a little dyspeptic, a little ascetic, and not always unruffled. But in the main, a most social and interesting gentleman. He was facetious and was amused by the ludicrous sides of human existence. One instance I recollect illustrative of this:

Dr. Paul Caster was the most famous rubbing or magnetic doctor that Iowa has ever had. He came to Ottumwa when past middle life, had a few patients in the small house in which he lived. His practice wonderfully increased and extended

itself to all parts of the country. He had patients from many different states; accumulated a handsome fortune and built an infirmary at Ottumwa in 1869, at a cost of Eighty-Six Thousand Dollars. His wonderful healing powers were convincingly demonstrated in many cases; and yet this man, who was a client of mine, could neither read nor write. Nature had gifted him in another direction. He was utterly unsophisticated, simple as a child, but had a large modicum of strong common sense. He was on the witness stand in a case against Mr. Gilmore's client. On the cross-examination, Mr. Gilmore, knowing of Dr. Caster's want of education and having a sort of contempt for men of that kind who posed as professionals, asked him this question: "Dr. Caster, will you please tell us in what part of the system the *functus officio* is situated?" Dr. Caster's reply was: "Mr. Gilmore, I do not know it by the name the smart doctors give it, and am, therefore unable to answer your question." I need hardly say that Mr. Gilmore was as much amused as the other listeners; it raised Dr. Caster in his estimation and he never tired of telling the incident.

Mr. Gilmore was born in Newark, Ohio, in 1822, and for several years was engaged in newspaper work as editor of the *Zanesville Gazette*. While so engaged, he commenced and carried on his legal studies, and was admitted to the bar in 1855. He entered into partnership with Judge Ball, of Zanesville, and continued his practice there until he came to Keokuk in 1857. He entered into partnership with Samuel R. Curtis, afterwards the distinguished general of the Union Army, and Hosmer Curtis, under the firm name of Curtis, Gilmore & Curtis. This association continued until Mr. Curtis was appointed to a command in the Federal Army. In 1867 he formed a partnership with James H. Anderson, under the firm name of Gilmore & Anderson, which continued until his death. This data I received from his partner, James H. Anderson, in June, 1885.

He had no inclination for politics or office, but was appointed Assistant United States District Attorney and served in that capacity from 1863 to 1866. He was competent to fill any office with credit. His practice grew, his clients increased steadily and he eventually came into a wide and lucrative business. Like his co-laborer, Mr. Craig, he died in the height of his success.

James H. Anderson, Joseph G. Anderson and Lee R. Seaton.

James H. Anderson was for many years the partner of R. H. Gilmore. He was a lawyer of ability and in his prime, was noted for his effective activity. He was a soldier in the Civil War and was highly esteemed both as a lawyer and citizen. His health gave way while he was still in his prime and he was obliged to retire to private life.

Joseph G. Anderson was a brother of James H. Anderson. They were both natives of Cincinnati, Ohio. He was one of the most painstaking and industrious

men I have ever known. I was associated with him in a complicated case, which required thorough and extensive investigation in respect to details. The case was in my district at Ottumwa. He prepared a brief of both the facts and the law so able and thorough in its character that it entirely convinced me that Mr. Anderson possessed a mind of remarkable clearness and force. His reputation steadily increased. He came to be regarded as one of the strongest lawyers of the Lee County Bar, and I think deserved to be regarded as one of the ablest in the State, along the lines which required thorough research and preparation. He was cut down in the very prime of life.

Lee R. Seaton, in some respects, was a child of misfortune, and I can only think of him as Shelley must have thought of Keats when he wrote his ode to Adonais. He was gifted by nature with mental powers of a high order, but a weak constitution. I knew him well. I was associated with him in the case of the State against Archie Brown for the murder of Ella Barrett, which was taken on change of venue from the District Court of Polk County to that of ours. The case was tried at Ottumwa. In my association with Lee, I discovered the traits referred to. He was very bright, very efficient, but above all, very convivial. His health was poor; the intensities of his nature and of his profession induced a yearning desire for stimulants, which finally undermined his constitution, and destroyed his life. Who shall judge him! I can never think of him without melancholy reflections. He was so sparkling, so charming, that no whole-souled man could help being drawn towards him. Had he possessed health, he would have become an ornament to the profession. He was a good lawyer as it was; fruitful in resources, and skilful in their application. He died young. Though depressed in health and spirit, he retired at night as usual, and while apparently wrapped in sleep, its brother, Death, came to him. He had passed peacefully and without a struggle.

He had served valiantly in the Third Iowa Cavalry during the Civil War and was wounded in battle. The hardships of this service were probably a principal factor in undermining his constitution. He practiced several years in Keokuk. His talents attracted attention. He was appointed Assistant United States District Attorney and acquired a respectable practice. He subsequently removed to Des Moines. On the occasion of his death, the Keokuk Gate City said of him:

Prior to going to Des Moines, he was deputy United States District Attorney at Keokuk and had a good legal business besides. His prospects were perhaps brighter at that date than those of any other lawyer in Keokuk.

His death occurred at Des Moines in 1883. His sister was the wife of Rev. Arthur C. Stilson, a well-known and beloved clergyman of the Episcopal Church.

W. W. Bellnap.

General W. W. Bellnap was a great-hearted and noble man—full of the milk of human kindness and generous to a fault. His last days were filled with sadness.

After serving his country in many hard fought battles, with a bravery so conspicuous that it invoked the admiration of General Grant, and subsequently for seven years as Secretary of War, he was made the victim of unfortunate and misunderstood circumstances, not necessary to relate, which resulted in impeachment proceedings for alleged misconduct in office. He was the soul of honor himself, and incapable of official misconduct, but in his desire to shield others, even at the cost of sacrificing himself, it for a time seemed otherwise. He was exonerated by the proceedings, and heartily so by the country at large, for everybody liked and sympathized with him. But this could not reconcile his proud and sensitive nature. He was stung to the quick, and was never afterward able to throw off the incubus of the unfortunate episode. I became acquainted with him soon after the close of the War, while he was the collector of Internal Revenue in the first district, and occasionally met him throughout his life. Our last meeting was in Washington not long before his death. He invited me to dine with him at his home. On his way there, at the Club, of which he was a member, we sat and talked for some time. We talked of Iowa men and events; of this one and that, including his bosom friend and my townsman, General John M. Hedrick. We talked among other things of men we had both known, whom I desired to mention in this work, for which I was collecting material along the line, as it happened to come to me; and he promised to write out and send me some assisting data. No mention was made of or the slightest reference to the saddest of all events in his life, but I could plainly see that its shadow rested upon him. While he endeavored to be cheerful, he was unable to shut out the ever present darkness. I could clearly discern that he was so bended by the storm that had passed that he would never be able to recover himself. We went to his home and dined in company with his wife and daughter, Alice. The latter impressed me as one of the rarest and most beautiful girls I had ever seen. Each one endeavored to be cheerful, but in spite of these efforts, a somber element seemed to prevail. I came away with the realization that the General was downcast, discouraged and sad. In a comparatively short period afterwards, the country was shocked by the news of his untimely death. The people of Iowa never relinquished their confidence in and love of General Belknap. He died in Washington in 1890. His son, Hugh J. Belknap, became a resident of Chicago and represented that district in Congress.

In appearance, General Belknap was a pronounced blonde. In person, he was not much above medium height, stout, full-habited, inclined to embonpoint. His face was oval, his cheeks full, his complexion very fair, his blue eyes large and lustrous; his head large, his brow broad, his glossy flaxen hair, soft and wavy; his beard full and luxuriant. It is no exaggeration to say that his whole bearing was noble and Apollo-like. Those who knew him will fully bear me out in what I have just said touching his personality. In temperament, he was sanguine, highly wrought and active; in disposition, convivial, and highly entertaining.

His military talents must have taken their trend from heredity, for his father, William G. Belknap, was for many years a distinguished officer of the regular army, participating in the War of 1812, and in that with Mexico, and made a brevet Brigadier General for efficient services in the latter. He died in Texas soon after the close of that war, near the Fort bearing his own name.

William W. Belknap was born in 1829 and graduated at Princeton College in 1848. He studied law and was admitted to the bar of the District of Columbia. He came to Keokuk and commenced practice in 1851. There has been some confusion in reference to the date of this event; Stuart puts it in 1856, and Cue in 1853. But that I have given the correct date is verified by other data and by the statement of General Belknap himself, made in the course of his address at the Tri-State Old Settlers' Association, held at Keokuk in October, 1884, and before the same association held at Keokuk in October, 1886, in both of which he says he came to Keokuk in 1851, and in the former describes the tedious course of his journey. He commenced the practice of his profession in July of that year. He soon after formed a partnership with Judge Ralph P. Lowe, afterwards Governor of the State and a Judge of its Supreme Court. In 1857 he was elected to the House of Representatives from Lee County. He was then an ardent Douglas Democrat, but allied himself with the Republicans on the breaking out of the Civil War. He continued in the practice at Keokuk until a short time after that event, when he entered the service and was commissioned Major of the Fifteenth Iowa Infantry. His first engagement was at the first battle of Shiloh, where, at the crisis of the fight, on the afternoon of the first day, his conduct came under the personal observation of General Grant. He served in the Army of the Tennessee to the end. At the battle of Corinth he commanded his regiment and was commended for his skill and gallantry by General Crocker in his report, as Brigade Commander. For a time he was on the staff of General McPherson, Corps Commander. He was conspicuous in the sieges of Vicksburg and Atlanta, commanded his regiment in the battles of Atlanta, on July 21, 22 and 28, 1864, and in the battle of July 22d, which was a bitterly contested, and for a time, a hand-to-hand fight, he distinguished himself by dragging the Confederate Colonel Lampley, of the Forty-fifth Alabama, over the breastworks, in which battle his regiment fought from either side of the same line of works. On July 30th of the same year, he was made Brigadier General of Volunteers and placed in command of "Crocker's Iowa Brigade," composed of the Eleventh, Thirteenth, Fifteenth and Sixteenth Iowa, the gallant and efficient Colonel (afterwards General) John M. Hedrick, of Ottumwa, who was terribly wounded on July 22d, succeeding to the colonelcy of the regiment.

General Belknap commanded this famous brigade on the "March to the Sea," and thence to Washington, being with it in the siege of Savannah and the final battle of Bentonville, North Carolina, which preceded the surrender of General

Johnston's army. After the grand review at Washington, he was assigned to the command of the Fourth Division, Seventeenth Corps, was the last commander of that famous corps, at the time of its muster out, and was brevetted Major General early in 1865.

For further details of his gallant military services, the reader is referred to Stuart's "Iowa Colonels and Regiments," published in 1865.

In 1866 he was appointed Collector of Internal Revenue for the First Iowa District, one of the largest in the West, in which the collections aggregated millions. In the final settlement of his immense accounts, there was found a discrepancy of only four cents, which speaks well for both his honesty and correctness. In 1869 he was appointed Secretary of War by President Grant and served in that capacity until March, 1876, when he resigned. The position at that time was one of difficulty; many perplexing questions had to be settled. His public acts and the records of the war office show that he performed all his duties with great efficiency and correctness.

John N. Irwin, Wesley C. Hobbs, William Collier and P. T. Lomax.

John N. Irwin was a native of Ohio. He was a graduate of Dartmouth College, studied law with Rankin & McCrary, was admitted to the bar in 1869, formed a partnership with James Hagerman, and continued in the practice long enough to exhibit superior legal ability, which with his varied natural talents would doubtless have made him a successful practitioner, had he continued in that field. It is to be regretted that he did not, for he was a man of remarkable talents and great versatility. After a short period he retired from the practice to enter the wholesale dry goods firm of Irwin, Phillips & Co., of which his father was the head. But the dry details of mercantile life could not hold him to its limits. He engaged in politics and public affairs, and by his fluent and classical eloquence, became distinguished as an attractive public speaker. He was twice elected Mayor of Keokuk; in 1875, to the House of the Sixteenth General Assembly. In 1883 he was appointed by President Harrison, Governor of the Territory of Arizona; in 1899, by President McKinley, Minister to Portugal. These continued favors at the hands of his own people and of three different Presidents of the United States, show how highly his talents were esteemed. He was extremely bright and vivacious, attractive and convivial. He was, in short, one of the most gifted young men Keokuk has ever produced, and had he lived, would undoubtedly have attained even higher honors than he did. I met him while he was a member of the legislature and, later, while he was Governor of Idaho, appointed by President Arthur. He was not large or robust in appearance, but rather slender, as I recollect him. His address was highly prepossessing and left a pleasing impression on those he met. He married a daughter of the distinguished lawyer, John W. Rankin.

Wesley C. Hobbs, in his nativity, belonged to the territorial period. He was born in 1842. He was educated in Burlington and engaged in teaching. At the opening of the Rebellion, he enlisted in Company K, Sixth Regiment of Iowa Infantry. He participated in Fremont's campaign against Price through Missouri and over the Ozark Mountains into Arkansas. On account of illness, he was discharged from the service, and returning home, engaged in teaching. Three months later, upon the call of President Lincoln for three hundred thousand more troops, he discontinued his school and assisted in raising Company K of the Twenty-fifth Iowa Infantry, of which he was elected Lieutenant, and afterwards Captain. He commanded his company during the three days' fight in the rear of Vicksburg with General Sherman in 1862, and also in the battle of Arkansas Post the year following. Upon his return from the army, he resumed his legal studies and was admitted to the bar in the latter part of 1864. He located at Fort Madison and rose rapidly in the profession. He was elected City Attorney and subsequently formed a partnership with Judge J. M. Casey. The firm built up an extensive and prosperous business. In 1873 he was elected President of the School Board; in the following year, County Superintendent of Public Schools; in 1875, to the State Legislature. He was an able lawyer, an eloquent advocate and public speaker. He died in 1884.

William Collier was for some fourteen or fifteen years a partner of John H. Craig. At the end of that time he moved to California. He pursued his profession successfully for several years in San Diego, after which he removed to Riverside, California. Here he entered into partnership with Hugh H. Craig, a son of his old and illustrious partner, John H. Craig. For many years this firm has carried on a highly successful practice at Riverside, and is regarded as the leading one of that vicinity. Mr. Collier is a lawyer of learning and ability, and the marked success of the firm of Collier and Craig may well vie with some of the old ones of Keokuk. Mr. Collier was born in Van Buren County, Iowa, in 1845. He was a graduate of Monmouth College, Illinois, and entered into partnership with John H. Craig, as before mentioned, in 1870. I recently met him in California. Though in his seventy-second year, his faculties seem to be still unimpaired. His career throughout has been characterized by those high qualities that gave him an excellent standing as a lawyer in Keokuk.

P. T. Lomax was a man of superior attainments and ability. He stood prominently at the bar. For many years, he was Master in Chancery of Judge Love's Court—the United States District Court of Iowa. I was under many obligations to him for kindnesses extended to me while he was in that office. Frank Hagerman once told me that he remembered Judge Lomax with gratitude and veneration, that he had, in the course of his legal studies, received from him instructions and knowledge that had proved of the greatest service to him. At this writing, I am not able

to give any data respecting his nativity or other details of his life. That he was a highly educated, eminently respectable and gracious gentleman, I can say without reserve.

After writing the foregoing notice of Mr. Lomax, I wrote to Frank Hagerman for any information he might give me regarding him, and also regarding Gibson Browne and Frank Allyn. Responding to me in a letter dated April 13, 1912, Mr. Hagerman says:

Mr. Lomax was the regular standing master in chancery for Iowa before it was divided into two districts, and therefore he was the master in the southern district. I studied law with him; he was originally from Fredericksburg, Virginia, the son of the celebrated Chancellor Lomax, of the Virginia Law University, who wrote several law books. He was a gentleman of the old school, a delightful man and a lawyer of great ability. His practice was, however, in an advisory capacity and particularly in the management of estates.

Mr. Gibson Browne (remember the "e" in his name) was a very strong lawyer at Keokuk, and one of the great wags of the bar; as an after-dinner speaker, for wit and humor, he was renowned. He was in reality a very great lawyer, but an exceedingly lazy man.

Frank Allyn was by President Cleveland appointed Territorial Judge of the Supreme Court of the Territory of Washington and when that Territory became a State, he was appointed Superior Judge at Tacoma, holding a short term, after which he practiced his profession in that State and soon died.

Caleb F. Davis and James C. Davis.

Caleb F. Davis was a natural-born antiquarian and did more perhaps towards collecting and preserving relics and material relating to the early history of Lee County than any other person. His researches were thorough and quite comprehensive. He was a collector along the lines of geology, natural history and Indian relics. It was through his personal exertions and means that the bones of the noted Indian chief, after whom Keokuk was named, were brought from the territorial reservation where they were buried, and interred in the public square of that city, and the erection of the monument to his memory. He contributed frequently to the collections of the historical department of Iowa and to its periodical, the *Annals of Iowa*. He was Chairman of the Committee on Invitations at the first reunion of the Tri-State Old Settlers' Association held at Keokuk in October, 1884, and to him all the correspondence relating to that occasion was addressed; and he continued to occupy that position through many of the subsequent reunions. He was one of the prime movers in the organization of that association and all of its subsequent proceedings up to the time of his death. He placed in my possession much information regarding the men of Lee County of whom I have written, and took great pains to send me a copy of the proceedings of each meeting of the Old Settlers' Association referred to. Along these lines he was a rare and interesting character, and to him Lee County and the State are greatly indebted for his researches and contributions.

In addition to what has been said, he was prominent and influential in the business and public affairs of Keokuk. He was connected with various enterprises, and closely identified with those calculated to promote the interests of his City and State. He was one of the organizers of the Keokuk Savings Bank, and its President and a Director for nearly thirty years. From 1856 to 1860 he was a member of the prominent mercantile firm of McGavic Chittenden & Company. From 1860 to 1864 he was engaged in the pork packing business. For two years he was engaged in the planing mill business, and for some years, owned a half interest in the Imperial Mills. Every enterprise with which he was connected, felt the touch of his magnetic hand and moved with vigor. He was a factor of the first order in the advancement of Keokuk and in the maintenance of its importance.

As a deserved memorial of his efforts to preserve and perpetuate matters pertaining to the early history of Iowa, I feel constrained to reproduce the following letter of his son, James C. Davis, to the editor of the Annals of Iowa, and the description of the first steamboat from Keokuk to Fort Dodge, by his father, Caleb F. Davis, contained in the July, 1905, number of the Annals:

Des Moines, Iowa, March 18, 1904.

Editor of the Annals: My father, the late C. F. Davis, of Keokuk, had among his papers a card of invitation to a dance given at Fort Dodge, May 23, 1859, in honor of the landing of the first steamboat from Keokuk to Fort Dodge. As I am informed, this was practically the only boat which ever made that trip. The boat was loaded with groceries belonging to the firm of Chittenden, McGavic & Co., of Keokuk, of which firm my father was a member. The card (a facsimile) is in the following language, and bears the endorsement herein set forth:

"S O C I A B L E

S O I R E E

We Dance at Masonic Hall,
THURSDAY EVENING NEXT.
WILL YOU COME?

MANAGERS:

Major Wm. Williams
Hon. J. M. Stockdale
Hon. C. C. Carpenter
Hon. L. L. Pease

Hon. W. N. Meservey
Hon. Thos. Sargent
A. M. Dawley
Israel Jenkins

J. D. Strow
Geo. W. Reeves
W. W. White

Floor Managers: Jas. B. Williams, A. F. Watkins, H. D. Merritt."

The following endorsement is on the back of the card:

"Arrived at Fort Dodge on S. B., 'Charles Rogers,' Monday, May 23d, 1859, and the dance was given in honor of the arrival of the 1st S. Boat from Keokuk to Fort Dodge. C. F. Davis, Super-Cargo."

During the latter years of my father's life he gave some attention to collecting the history of early settlers of Iowa, and left an autobiography in which there is

an account of the trip made by this steamboat. Believing that this may be of some interest in a historical way in Iowa. I am attaching hereto the original card, and the history of the trip as described in the autobiography left by my father.

Trusting that you will consider this of enough importance to give it a place in your collection. I am,

Yours sincerely,

James C. Davis.

The following is the description of the voyage as given by Caleb F. Davis:

Occasionally during the summer months small steamboats navigated the Des Moines river (it having been improved by lock and dam as far up as Bentonsport), going as far as Des Moines, or "Raccoon Fork," as it was then called, charging for freight to that point from fifty to seventy-five cents per hundred pounds. At such times merchants in the interior took advantage of low freight and bought largely. In this connection I relate the following account of the first boat passing above Des Moines:

In May, 1859, our firm (McGavic, Chittenden & Co.) chartered the steamboat "Charles Rogers," a small craft of about fifty tons, we agreeing to load her to her full capacity, destination Fort Dodge, on the Des Moines river, rate of freight through fifty cents per hundred pounds.

We loaded the boat with sugar, coffee, molasses, tobacco, salt, flour, etc., and I went on board as super-cargo. We left the landing at Keokuk, Wednesday, May 18, 1859, at six o'clock in the evening, and entered the mouth of the Des Moines river before dark. The boat had no cabin, only the pilot house on the hurricane deck. We ate and slept on the lower deck, just back of the engine and boiler. The boat was laid up at the bank whenever night overtook us, only running in daylight, warping through the locks at Bonaparte and Bentonsport. One of the pilots was a violinist, and at several places where we tied up to shore for the night, with the assistance of the neighboring belles and beaux, we had old-fashioned dances.

Our cargo being billed through to Fort Dodge we made no stops for way business, and arrived at Des Moines Friday evening, where we remained all night. Saturday morning we left Des Moines, and our boat being light draught and the river a good stage of water, we passed over the dam at Des Moines, and arrived that evening at the Boonsboro landing, several miles from the town of that name. Here we remained for the night. Some parties coming over from the town, we had a dance in a building on shore. Between this point and Fort Dodge we ran out of fuel, and had to land several times. All hands went into the woods and gathered dead timber to keep our fire going. The shrill whistle of the boat every now and then brought people to the river bank to see a boat.

That evening (Sunday) we made a landing at a farm owned by a man named L. Mericle, a short distance below Fort Dodge. The farmer being very anxious for supplies, I made my first sale of groceries to him, the bill amounting to \$10.00, which he paid in gold. The next morning (Monday) about noon, we steamed up the landing at Fort Dodge. The town was up on high ground, some distance from the river, but all the population was at the landing to greet us. I went on shore with my invoice, and by noon of the next day the cargo was all sold and paid for in gold, that being the currency of the country at that time. The merchants of Fort Dodge whom I remember as purchasers were M. M. Havie, S. C. Hinton, Gregory & Messmore, J. J. Howe, Chas. Ranke, and F. A. Blackshire, one of the pilots of the boat, who lived at or near the town.

On the evening of the day our boat arrived, the citizens of Fort Dodge gave a dance at Masonic Hall in honor of the arrival of the first steamboat loaded with freight for that port.

As further illustrative of his historical instincts and his desire to correct errors, I give the following communication to the historical department:

Keokuk, July 15, 1896.

In the April number of *The Annals*, L. F. Andrews gives what he terms "First Things in Iowa," among which, on page 394, is the following: "The first white

female child born in the State was Eleanor Garland, at Fort Madison, in 1830. Her father was an army surgeon."

Evidently the writer alludes to Eleanor, daughter of Dr. Isaac Galland, who was born at Au-wi-pe-tuck, afterward called Nashville, and now, Galland, a railroad station between Keokuk and Montrose in Lee County. She was born February 4, 1830, grew to womanhood, was married twice, and I think is now living in Ottumwa, Iowa.

My object, however, in writing is to partially correct this item of history. She was not the first white female child born in the State, or in Lee County.

On the 22d of November, 1829, there was born, at "The Point," now Keokuk, to Moses and Maria Stillwell, a daughter, whom they named Margaret. She attained womanhood here, married Dr. E. R. Ford, raised a family of three children, and died in this city, May 18, 1865. It has always been conceded that she was the first white child, male or female, born in Keokuk. She may not have been the first white female child born within the territory now comprising the State of Iowa, yet her birth antedating that of Eleanor Galland, deprives the latter of that distinction.

C. F. Davis.

Caleb F. Davis was born at Clarksburg, West Virginia, in 1829; came to Keokuk in 1849, and there died in 1898. I became early acquainted with him. He and my old and early friend, Dr. J. M. Shaffer, whose sketch will elsewhere be found, were great cronies, and when time would permit, I used to visit them both whenever I went to Keokuk.

James C. Davis was the son of Caleb F. Davis. He was born in Keokuk and became one of the prominent lawyers of Iowa and the Northwest. He was a close friend and schoolmate of the distinguished Frank Hagerman, of Kansas City, Missouri, and studied law with him in the office of P. T. Lomax, one of the rarest men in the history of Keokuk lawyers. He was a close student and had naturally a legal mind. He was not only a close student, but full of activities. He studied his cases with thoroughness and presented them either to the court or jury with logical clearness and convincing argument. He was thoroughly versed in legal principles and knew how to apply them. These qualities brought him rapidly to the front in his profession. His decided talents and winning manners secured him a lucrative practice, and his learning and manly frankness inspired the confidence of the public and the courts. Eventually his best efforts were directed along the line of corporation law, which led to his appointment as General Attorney for Iowa of the Chicago & Northwestern Railway Company. He is still living after nearly forty years of a highly successful practice, and is still the head of the legal department in Iowa of the Chicago & Northwestern Railway Company, with headquarters at Des Moines.

He received his early education in the public schools of Keokuk, and is a graduate of Hellmuth College, Canada. His letter to the editor of the *Annals of Iowa*, set out in connection with the sketch of his father, throws some light on his own characteristics, and indicates that on his shoulders the antiquarian mantle of his father at least partially rests. Personally and socially, when I knew him, he was beaming with good fellowship. Though I have not seen him for many years, I recollect him as a tall, handsome fellow, with a well-rounded figure and a genial disposition. We

last met in Washington about twenty-five years ago. We both had cases to argue in the Supreme Court of the United States. I found he had been admitted the day before, and in the absence of Mr. Justice Miller, with whom I was acquainted, and whose presence would have rendered additional recommendations unnecessary, Mr. Davis volunteered to be one of the vouchers for my admission. The following extract from a letter recently received from him, fully explains this, to me, interesting reminiscence:

Your recent letter recalled very pleasant recollections of the acquaintance which we had when you were in Ottumwa. I remember quite distinctly the circumstance of our being in Washington in 1890, when, I having been admitted to the Supreme Court the day before, and you and Major Collins being disappointed in the absence of Mr. Justice Miller, my first appearance in that Court was to move the admission and certify to the good moral character and qualifications of yourself, W. B. Collins, of Keokuk, and J. L. Carney, of Marshalltown. In view of the fact that I was a comparatively young man at that time, I remember experiencing some embarrassment.

I omitted to say that he commenced the practice of his profession at Keokuk, took some part in politics, and was soon made the recipient of public favors. He was elected City Attorney of Keokuk, served two terms as its Mayor, and was chosen a delegate to the National Republican Convention at St. Louis, in 1890, which resulted in the nomination of William McKinley for President. As he advanced in years, however, his taste for politics relaxed and became absorbed in his devotion to professional duties.

William A. Worthington, John Bruce, A. J. McCrary.

The personality and life of *William H. Worthington* inspire our admiration, his early death our sadness. No braver or more gallant man fell during the Civil War than this promising young lawyer who was shot dead before Corinth, while acting as general officer of the day, in the spring of 1862, by a frightened sentinel. Of the many Iowa officers who fell in the service, none were more deeply and sincerely lamented than he. The army in which he served, and the regiment which he commanded, did him honor. Every member of the Lee County Bar felt his death a personal loss. A meeting was held, presided over by Judge Francis Springer, who said that "all mourned the loss and cherished the memory of the noble-hearted, brave and heroic Worthington." Stuart says that "all spoke his praise and joined in one common wail," and that at the time of his death, the future of no officer in our army was more promising than his; that he possessed brilliant military talent, that he loved the service, and was a model soldier. "Already he had been recommended for promotion; and had he survived the siege of Corinth, he would have been made a Brigadier General." Of him, Major General Pope in his order said, "The General commanding announces to the army with deep regret the death of Colonel W. H. Worthington, Fifth Iowa Volunteers. In Colonel Worthington this army has sustained a serious loss. Prompt, gallant and patriotic, a brilliant career in the

military profession was before him." Of him Captain Stuart says, "I remember well the first time I saw him. We had just arrived at the front, and he had called on Colonel Rankin to inquire and talk of friends at home. His manly form and frank, open countenance impressed me; and, though I did not then know his name, I knew he was no ordinary man." For a particular account of his military services, I refer to Stuart's "Iowa Colonels and Regiments," Des Moines, 1865.

He was of southern extraction, a southern man, with southern education and southern prejudices; but he was also a loyal one, and when it was rumored that the Rebels were threatening the Capitol, he declared to his father: "If they enter Washington, they shall march over my dead body." Afterward he wrote to his father: "You know my conservative views heretofore; I am now a Radical." To his wife he wrote: "If I fall, teach my son to do likewise, if his country needs his life." He was linked by blood to some of the earliest and most distinguished families of the country—

On the paternal side to the Virginia line of Madisons, and to General Andrew Lewis, the Virginia soldier, who was recommended by General Washington as "Commander-in-chief of the American Army"; on the maternal side, to the Slaughters, also a distinguished Virginia family. His grandfather, Colonel Gabriel Slaughter, who emigrated to Kentucky in its earliest history, was twice elected Lieutenant-Governor of that State—first with Governor Scott, and last with Governor George Madison—and each time succeeded to the administration of the government, as survivor of the Governor-elect. He was also the Colonel of the Kentucky regiment which fought with General Jackson at the Battle of New Orleans. His faithfulness and ability as an executive officer, and his gallantry at the Battle of New Orleans, have been commemorated by his adopted State, in the erection of a fine monument to his memory.*

He was born at Harrodsburg, Kentucky, in 1828, and graduated at Bacon College in that place. He studied law, was admitted to the bar and commenced practice in his native place. He came to Keokuk in 1857, where he acquired a successful practice and gave great promise for the future. This course he continued to pursue until the breaking out of the Civil War, which he entered and was commissioned at the outset as Colonel of the Fifth Iowa Infantry.

John Bruce was a young lawyer in Keokuk. I know but little of his early life. He was highly esteemed and was for a time, I think, a partner of John W. Noble. He removed to Alabama not long after the close of the Civil War and became a United States District Judge in that State. I am informed that he achieved distinction there as a lawyer and that he performed his judicial duties in an efficient and satisfactory manner.

A. J. McCrary was a cousin of George W. McCrary, formerly a Congressman, Secretary of War, and United States Circuit Judge, and was born in Van Buren County, Iowa. He studied law in the office of Rankin & McCrary, at Keokuk, and was admitted to the bar there in 1866. He subsequently became a part-

*Note: Stuart's "Iowa Colonels and Regiments."

ner in the firm of McCrary, Miller & McCrary, the first member of which was George W. McCrary, the second, Daniel F. Miller, and the third, himself. He afterwards became a member of the firm of McCrary, Hagerman & McCrary, the second name being James Hagerman, hereafter referred to.

As I knew him when a young man, he was a tall, pleasant fellow that almost everybody liked. He had an active temperament, a sprightly disposition and first-class executive forces. He became an excellent lawyer, and was elected Judge of the First District, in which capacity he served with signal efficiency and general satisfaction. He was highly esteemed by the profession and made President of the State Bar Association. He was for many years a prominent member of the American Bar Association, while he resided in Iowa, and after he removed to New York. In 1900 he accepted the position of General Counsel to a large eastern corporation at Binghamton, New York, and removed to that place. In 1904 he was appointed by President Roosevelt, one of the representatives of the United States to the World's Congress of Lawyers and Jurists, which assembled at St. Louis. It may be fittingly said that the prestige of the Lee County Bar was augmented by his career.

James Hagerman, Frank Hagerman.

James Hagerman became one of the most prominent lawyers of St. Louis and Missouri, as he had been of Keokuk and Iowa. He studied law with John W. Rankin and George W. McCrary. He was admitted to the bar before he was of age, by the Supreme Court of Missouri, not being eligible to admission under the laws of Iowa on account of his age. He remained with Rankin & McCrary until 1869, when he removed to Palmyra, Missouri, and entered upon the practice there, but returned to Keokuk late in the year 1870, and formed a co-partnership with John N. Irwin. He soon rose to prominence and became one of the leading lawyers of the State. He afterwards removed to Kansas City to enter a partnership with J. V. C. Karnes and L. C. Krauthoff, two of the most prominent lawyers in Missouri. He subsequently went to St. Louis, and as before indicated, became one of its most prominent lawyers. He was for a great number of years General Counsel of the Missouri, Kansas & Texas Railroad Company.

He was not only distinguished as a lawyer of profound learning, but as an advocate and eloquent public speaker. He was born in Missouri and was of southern extraction. His father was a native of Virginia, his mother of Kentucky. He was a graduate of the Christian Brothers College at St. Louis. While there, he displayed a taste for mathematics and literature and stood among the highest in his classes. In politics, he was a Democrat of pronounced liberal views, took an active part in the affairs of his party while in Iowa, and at one time was its candidate for Congress in his district, but while running ahead of the ticket, was defeated by his

Republican opponent. He was a political speaker of great power, but his efforts in that behalf were for the advancement of his friends and not for himself, for he did not desire public office and frequently refused to become a candidate for it. He was rather short in stature, but stout and vigorous in his general make-up. His personal, as well as professional standing was high throughout the State and his removal therefrom was a source of general regret. He died a few years ago.

Frank Hagerman was a brother of James, and like him, received his legal education and commenced practice in Keokuk. He, too, subsequently removed to Missouri, locating at Kansas City, where he rose to be one of the greatest lawyers that have figured in the professional history of that State. I knew him very thoroughly, as I was associated with him in winding up the affairs of the Lombard Investment Company, and those of the Kansas City, Pittsburg & Gulf Railroad Company, now Kansas City Southern Railroad Company—he as one of the receivers and finally sole receiver in the first named case, and as attorney for the receivers in the second one, while I was the Special Master in Chancery in both. These receiverships extended through several years, and Mr. Hagerman and myself were closely associated in winding up the affairs of those companies.

He was chosen as their legal representative by some of the largest interests and corporations in the country, among others that I remember, the Standard Oil Company, the Metropolitan Street Railroad Company, the Armour Packing Company, the Chicago, Milwaukee & St. Paul Railroad Company, the Fidelity National Bank, and of all the Railroad Companies in the notable proceedings that grew out of the effort on the part of the State to enforce the law reducing transportation rates. These instances will doubtless give an adequate idea of the character and extent of his enormous practice. I say enormous, because I do not think any lawyer in the State has ever been entrusted with so many weighty interests; and his ability and success in conducting them was so marked that it had the effect of continually increasing his clientage along those lines. He was one of the few lawyers that was able to amass a fortune from the legitimate results of his practice.

In my long experience and observation, I have no hesitation in saying that, taken all in all, he was the most skilful lawyer I have ever known. His mind was strongly constructive. He had the peculiar and rare faculty of seeing through great transactions, of analyzing their frame work, of anticipating in detail the effect of their operations. The quickness of his apprehension in these respects was more extraordinary than I have seen in any other man. In laying the ground work, and in drawing the corporative articles of great enterprises, I do not think that he had any superiors in the whole country. To this was added resourcefulness of the first order, that enabled him to draw upon inventive faculties when needed for aggressiveness or defense, and a power of argument in enforcing his views, seldom surpassed. These forces were supported and kept in array by a laborious and unrelinquishing indus-

try. Along the lines I have indicated, he was easily, in my opinion, the greatest lawyer in Missouri, and one of the greatest in this or any other country. It was these surpassing faculties that continued year after year to bring to him the powerful clientage he enjoyed.

In some respects, he was, so to speak, the antithesis of his brother. He was without his finished education and literary taste. He was not imaginative, not eloquent in speech, beyond the power of convincing argument.

The nobility of his character was in keeping with his professional fame. His nature was sympathetic, his disposition generous, his views of the world broad, his judgment of men lenient, his honor untarnished, his fidelity perfect. As one who knew him long and intimately, I write these lines with the consciousness that they are in no wise overdrawn.

Colonel William Stewart, Dr. Dudley W. Stewart.

Col. William Stewart was one of the prominent early settlers of Lee County. He came there with his family from Athens County, Ohio, while Iowa was a Territory, in 1840, and continued to reside there until his death. He sprang from heroic New England stock. His father, Daniel Stewart, was a native of Litchfield, Conn., where he was born, 1762. When but a mere lad he enlisted in the army of the Revolution, and served under General Washington until the end of the war. He then removed to Sussex County, New Jersey, where he acquired a farm and became an influential citizen. Here he remained until 1802, when seized with the spirit of adventure, and lured by the marvelous tales of the vast and fertile wilds that lay beyond the Alleghanies, he then disposed of his interests in New Jersey and started with his family on the long and difficult tour to what was then known as the Northwestern Territory, out of which was organized successively the Territory and State of Ohio. His son, William, the subject of this sketch, who was then twelve years of age, formed a part of the family cortege, and happily transmitted to his own family a narrative of that journey, which throws some light on the hardships of the early pioneers and the fortitude they must have possessed, and from which the following excerpt is given:

In October, 1802, father rigged out a team for emigrating to the Northwest Territory; the preparations having been completed, a day and hour was set for starting. At the appointed time, eight o'clock, a. m., about a hundred friends and neighbors from all the country round came flocking in to bid us farewell, and I shall never forget the scene that followed. They all thought we were going so far beyond the world's boundary that we should never be heard of again. The hubbub lasted till five o'clock in the afternoon before father could say good-bye with a strong voice, and then we started. We went three miles and camped for the night. The next morning we moved on; the teams were heavily loaded and the roads tolerable till we approached the Allegheny Mountains, when they became terribly rough and dangerous. Crossing the mountains the family were afraid to ride in the wagons, and therefore walked this part of the way. At the very steep descents father would cut saplings, fasten them top foremost to the tail of the wagons, and

then go down, depending on the saplings as a brake. The journey was a long, wearisome, and dangerous one, but we finally reached the Hocking river in safety.

In this fertile valley, in what is now Athens County, Ohio, Daniel Stewart settled on a fine tract of land near the mouth of Federal Creek, one of the tributaries of the Hocking. This tract, by his great energy, aided by the considerable means he had acquired through his industry and good management, he converted into the finest farm in that region. As early as 1810 he had a bearing orchard of three thousand trees—the largest, it is said, then in the State. From all accounts and trustworthy sources that I have had placed before me, he proved himself an energetic, able and highly useful leader in the new community. Ohio, when he went there, was a Territory, but was admitted as a State the following year, in 1803. He was honored by being elected County Commissioner, and efficiently served in that capacity for many years. He was also elected one of the first Justices of the Peace, and served with such general acceptance that he was continued in that office for more than twenty years. When the college lands granted to the State, came to be appraised, he was appointed by the Legislature of Ohio, as one of the Appraisers. He lived to a very advanced age, dying in his 99th year.

Colonel William Stewart, his son, came with his father, as we have seen, from Sussex County, New Jersey, where he was born in 1790, to Ohio in 1802. He, like his father, also became prominent in the public affairs of Ohio. Among other public incidents, he raised and was elected Captain of a company to serve in the War of 1812, and was subsequently commissioned Colonel by the Governor of Ohio. This commission was shown me some years ago by his son, Dr. Dudley W. Stewart, who will be hereafter mentioned. In 1817 he was awarded the contract for the construction of the State University of Ohio, and the buildings constituting it were erected under his supervision.

In 1840 he was attracted and removed to the newly organized Territory of Iowa, as indicated at the outset of this sketch. His life and services were closely identified with the early history and development of Lee County. He held a number of public offices and proved a faithful and efficient servant in each. Among these was that of Superintendent of Public Schools, to which he was elected in 1847, and whose duty it was to organize school districts in that portion of the State; and it is said that during his term he organized one hundred and five different school districts.* His personality was markedly historic. He lived through every administration from George Washington down. He was born in the commencement of Washington's administration. He was nine years old when that great soldier and statesman died, and once had the good fortune to see him—an event that so vividly impressed itself that he was able to clearly delineate his appearance. He had not only lived through every administration, but had seen every President of the Republic, and with Aaron Burr he became well acquainted. He lived to a great age, dying

* History of Lee County, 1878.

in Lee County, at Fort Madison, in 1882, in his 93d year. He was twice married. His first wife was Julia Hulbert, a native of Connecticut, to whom he was married in 1813. She died early in life, leaving two children, William R., and Emeline. William, born in 1819, became an enterprising and successful business man. In later life he removed to Des Moines, and later still to Seattle, where he died at the age of 84. Emeline, born in 1817, married Edward A. Gibbs, a merchant. She died at the age of 93. As will be seen, it was a family of remarkable longevity. His second wife was Julia Carpenter, also a native of Connecticut, by whom he had twelve children, eight of whom lived to maturity. Charles P., who became a well-known steamboat captain on the Mississippi River; Mary, who became the wife of Jonas Knapp, a prominent farmer and stock raiser of Lee County; Alexander, who became a merchant, miller and manufacturer of woolen goods at Fort Madison; Edward, a merchant and manufacturer of Lee County; Dudley W., who will be presently further mentioned; Julia, who became the wife of Joseph Hollman, Attorney-General of Utah, under President Pierce, and subsequently a member of the Iowa Senate; Elizabeth, who became the wife of a prominent physician and distinguished army surgeon; and Lucy. Both of Colonel Stewart's wives were noble women. The last one not only carefully and with great affection reared her own children, but those of the first wife, and they to the last were as fervently endeared to her as her own.

With one of these daughters, Lucy, then a most beautiful and accomplished girl, I became acquainted when we were both young, and nearly fifty years ago was a guest at her marriage to James Hawley, Jr., the brilliant and promising son of James Hawley, Sr., one of the prominent early merchants of Ottumwa, for two years its Mayor, and always one of its noblest citizens. With one of the sons, I was intimately acquainted for more than half a century, and of whom I come now to briefly write.

Dr. Dudley W. Stewart, son of Col. Wm. Stewart, was born in Athens, Ohio, in March, 1836, and when four years of age, in 1840, came with his parents to Lee County, Iowa. Here he was reared, and in its schools received his primary education. His subsequent education was acquired in the State University of Ohio, whose original buildings were constructed by his father. Having decided to enter the medical profession, he commenced his studies therefor at Rock Island, Illinois, subsequently entering and graduating from the medical department of the Northwestern University. He entered upon the practice at Chicago. He became resident physician of Mercy Hospital of that city, and subsequently a distinguished army surgeon during the great Civil War.

In September, 1863, he was married to Miss Josephine R. Reeves, of Fort Madison, a niece of Lewis R. Reeves, one of the most talented and distinguished young lawyers of the early period, a brief sketch of whom will elsewhere be found.

On the fiftieth anniversary of this marriage, the Los Angeles Times made mention of the occasion, from which the following extract is taken, and which I give for the reason that it is confirmatory of what I have said concerning Dr. Stewart, and throws a strong light on his professional career, especially that relating to the army:

Doctor Stewart was not only one of the youngest surgeons in the army, but also one of the most distinguished. He was in Mercy Hospital, Chicago, when the first call for troops was made, and, although only twenty-three years of age, he was recommended by the State Medical Board for the work of organizing the hospitals of Camp Butler, at Springfield, where the ten original Illinois regiments were first mobilized. The manner in which he brought order out of the hospital chaos speedily won for him the confidence of the Staff. When he arrived he found cases of typhoid, measles, and injuries occupying the same ward, and his first work was to get his patients properly separated. He also found that not one of the surgeons had any hospital experience or correct idea of hospital order. He finally found a private in the ranks that had actual hospital experience. With this man he was able to do the work of several untrained ones. The other surgeons took the cue and soon formed a fine-working staff. When the troops took the field, Doctor Stewart accepted the position of Assistant Surgeon of the Thirty-eighth Regiment of Illinois Infantry. He was subsequently placed in medical charge of the Post at Pilot Knob, Missouri. Later he was the Surgeon-in-charge of one division of the field at the Battle of Corinth.

Soon after the close of the war, in the fall of 1865, Dr. Stewart came to Ottumwa, Iowa, then the city of my own residence, and entered upon the practice of his profession. He was then twenty-nine years of age. He had a splendid professional background, and had he strictly adhered to his profession, he would undoubtedly have attained great eminence, both as a physician and surgeon. But the charms of politics, of successful business, and a desire for speedy accumulations, drew him from the professional path. He was a Democrat in politics. Wapello County had become Republican. His attractive personality and kindly manners had early made him popular; and some of his Democratic friends, believing they could win with him, finally persuaded him to accept the nomination for Sheriff of Wapello County. He was elected and served with efficiency, and with general satisfaction, save to a political clique who tried to injure him, but signally failed in the attempt. He was subsequently induced to remove to Des Moines to engage in an extensive drug sundry business, including jobbing of all kinds of oils. While here he was appointed by President Cleveland, Collector of Internal Revenue for the Second District of Iowa to fill the vacancy caused by the death of William C. Thompson. To follow his course briefly, he subsequently removed to Los Angeles, California, where he engaged in real estate speculations. At the end of two years he found himself financially ruined. He went to Spokane, Washington, and established a drug business under great disadvantages; but his untiring energy and unflinching pluck overcame them and he built up a flourishing trade. Having recuperated his fortune, he returned to California. After remaining in Los Angeles for a short time, he went to Redlands, California, where he established and built up a highly successful and widely patronized drug business. His great activities, his kindly nature and engaging manners were always great factors. He became widely known as an

enterprising and influential citizen of that place. He was the projector and principal factor in the construction of its then finest hotel—The Casaloma. Here he resided five years, adding steadily to his means, and then selling out his business, removed, in 1895, to Los Angeles, where he acquired valuable properties and became one of its best known and respected citizens. In 1902 he was honored in being made one of its Park Commissioners, and was the recipient of other public favors. He, like his ancestors, also lived to a great age and retained to the last his wonderful activities. His life had been one of varying fortunes, a checkered one, of successes and defeats, of joys, and of profound sorrows. He had two noble sons, Rolla and Frank, who gave promise of being the support and solace of their parents' declining years. They both died, leaving their father and mother childless. Personally, Dr. Stewart was one of the most lovable of men. Kindly and gentle by nature, and generous to a fault. No friend in need ever went from him empty handed. Had he been close-fisted or miserly, he would have been a millionaire, but his generosity was always a drain upon his means. He had that touch of nature which makes the whole world kin. His integrity was unquestioned and his word was as good as his bond. He was of medium height and had a well-rounded figure. In appearance, he was refined and apparently not very robust, but within there burned energetic fires that sustained him under all his difficulties and misfortunes, and which in old age made him the youngest-looking old man I have ever seen. He was always handsomely dressed, which served to perpetuate his youthful appearance.

I have spoken of him as if he were dead. On the contrary, with the weight of eighty years resting upon him, he is very much alive. I saw him a short time ago in Los Angeles where he and his wife still reside. He had just returned from a visit to the Panama Exposition at San Francisco. His step was so lively, his form so erect, his whole appearance so vivacious, that he would easily pass for a man of sixty. He may perhaps rival the extraordinary longevity of his father and grandfather.

I should not fail to state that the Doctor, notwithstanding his divergencies in other lines, has kept in close touch with the profession, and has always been and is now a licensed physician, constantly doing more or less charity work.

Benjamin F. Roberts, John M. Young, G. A. Hawley.

Benjamin F. Roberts, as a young lawyer, came to and commenced the practice in Fort Madison in 1844. He did not remain in the profession long enough to demonstrate his capacities as a lawyer, for at the commencement of our War with Mexico in 1846, he entered the military service, and in the course of that strife and especially during the great Civil War, he attained marked distinction. He was a native of Vermont, graduated at West Point in 1835, and

was commissioned as Second Lieutenant. At the outbreak of the Mexican War, he was Captain of a company and distinguished himself by capturing General Torrejohn, whose sword is in the Adjutant General's office at Des Moines. For this gallant service, the legislature voted him a sword and its thanks. He further distinguished himself in the movements of General Scott against the City of Mexico, leading the advance into the city and planting with his own hands the Star Spangled Banner over the Palace of the Montezumas. For this he was commissioned Lieutenant Colonel in the Regular Army. He was a Brigadier General of note in the Civil War; Chief of General Pope's staff in the Second Battle of Bull Run; the principle witness against Gen. Fitz John Porter when that officer was court-martialed; afterwards a Commandant of this State with headquarters at Davenport. As an officer of the regular army, he was in command of a post in New Mexico; routed the Confederate Army assembled there, and thereby kept that Territory allied to the Union cause.

Reid, in his Sketches, says he was familiarly called "Benny" and that he was one of the best story tellers ever listened to; that while out of the service, he practiced law at Fort Madison, and was a Justice of the Peace. The following incident related by Reid, will show that he fully appreciated the effect of parade. At the close of the Mexican War, he was plaintiff in a Chancery suit for an interest in the Half Breed Tract. He came into court in full dress officers' uniform, with blue coat and pants and brass buttons, belt, sword and epaulettes, to make an argument. That he created an impression, is evidenced by the fact that at its conclusion, the New York Company paid him three thousand dollars as a compromise. It is more than likely, with the positive qualities mentioned, that had he remained in civil and professional life, he would have there made a mark quite in keeping with his military career.

Of G. A. Hawley and John M. Young, the only information I have is that obtained from an address of the former at the reunion of the Tri-State Old Settlers' Association, held at Keokuk in October, 1884, in which he says:

My first visit to Keokuk was in 1841, when but a youth, my father having just previously moved to the territory and settled at West Point, in this County. In 1844 I came to Keokuk, and taught school in a log schoolhouse which stood on or near the bluff between here and Main Street, not far, I think, from where S. T. Marshall's residence now stands. There were no other buildings in the vicinity of the schoolhouse. It was surrounded with hazel brush and small trees. Eliza Hood, who is said to have been the first white child born in Keokuk, was one of my pupils. Also, Margaret Stillwell, who afterwards became Mrs. Doctor Ford of this City, and J. F. and D. C. Daugherty, and several others, who yet reside here. I taught two or three terms, but only one, I believe, in the old log house. * * * A portion of the time I boarded with the Rev. Mr. Jones, a Presbyterian clergyman, sent here by the Home Missionary Society. One morning about daylight, we were called up and told that the Smiths had been killed at Carthage during the night. * * * I left here and went to Fort Madison, where the Hon. Daniel F. Miller then lived, and studied under him till the winter of 1848, when I was admitted to the bar at a term of court held in the old (then new)

Methodist Church on Exchange Street, this City; George H. Williams, more recently of Grant's Cabinet, Presiding Judge. In the summer of 1849, I put the first ferry boat on the river here that ever was run across from this place to the Illinois shore as a regular ferry boat. At the close of navigation I went back to Fort Madison, sold my boat to Mr. Messenger, and, I believe he took it to Sandusky or Nashville. The boat was propelled by horse power.

The sketches of Daniel F. Miller, Samuel F. Miller, Samuel R. Curtis, James B. Howell and James M. Love will elsewhere be found by reference to the index.

CHAPTER X

MUSCATINE.

Stephen Whicher.

Stephen Whicher was a lawyer of great ability and striking peculiarities; on account of which much has been said about him. Theodore S. Parvin has related several instances illustrative of his eccentricity, which will be found by reference to the sketch of Mr. Parvin. I will relate one or two instances of similar kind told me by Judge William F. Brannan, of Muscatine, in February, 1882, which I wrote down at the time in my memoranda book.

Stephen Whicher, in person was very tall, somewhat slim, with long arms, but broad shoulders. He was very eccentric. On being introduced to Mr. Patterson, a young lawyer looking for a desirable place in which to settle, he cordially shook him by the hand, and being seated, engaged him in conversation. Seeming to ignore the fact that he was a young lawyer just making his advent (from Pennsylvania), he thus addressed him: "Are you a tailor?" "No." "A carpenter?" "No." "A shoemaker?" "No." "Then I would advise you to seek another location." On a certain occasion, while trying a case, with Judge Tuthill on the bench, he was ruled against by the Judge on some question which had been presented and argued. Notwithstanding the adverse decision, he rose and commenced to re-argue the point. Whereupon the Judge said, "Sit down, Mr. Whicher." Whicher persisted, when the Judge said more sharply, "Sit down, Mr. Whicher." Mr. Whicher with great politeness, seemingly, said, "I know the amenities belonging to a court, Your Honor, and I therefore obey Your Honor's injunction to sit down." There was evidently on this occasion bad blood between the court and counsel. Upon the adjournment of the court, the Judge descended from the bench and started to leave the room, when Whicher called out, "Judge Tuthill." The Judge, not deigning to stop, Whicher repeated louder, "Judge Tuthill." The Judge still disregarding the fact that he was thus accosted, Whicher took a step or two after him and called in a sharp, loud voice, "Mr. Tuthill, Mr. Tuthill, you are a damned ass, sir." On another occasion, while riding to Iowa City in one of the coaches of Frink & Company, finding the top of the coach too low for the crown of his high hat, he took out his knife and deliberately cut a large hole through the leather top of the coach to let the top of his hat out. And when they entered the town, Whicher sat upright with his head peering from the top of the coach.

The foregoing narrations might seem to be overdrawn, but coming from Judge Brannan, they would also seem to be well authenticated.

In Volume 4, of the Third Series of the Annals will be found a biographical sketch of Stephen Whicher, written by George Meason Whicher, and from it I feel privileged to draw freely. He left a deep impression upon the period in which he lived, and yet his life was unmarked by any extraordinary event or vicissitude of fortune. His whole energies were devoted to his profession. The law, it has been said, is a "jealous mistress;" he never gave this mistress cause for reproach. He had no taste for politics and never held but one political office, that of United States District Attorney, to which he was appointed by President Fillmore on the strength of his ability. "As is not unfrequently the case, the man was greater than his deeds; the impression which he made upon his contemporaries was much deeper than can be accounted for by any of his recorded acts or words."

He belonged to English and early New England stock. His father was Stephen Whicher, the descendant of an English Quaker, Thomas Whicher, who came to New England in 1638. His mother was Esther Emerson, a descendant with Ralph Waldo Emerson, of Rev. Joseph Emerson. His parents were married in 1796 and settled at Rochester, Vermont, where Stephen was born in 1798. Where he acquired his education is not known; but the extent of it was probably limited to the district school of Rochester. But these opportunities must have been faithfully availed of, as were the subsequent ones of his life, for he had attainments that would overshadow those of some collegiates. That he had a thirst for knowledge, and was a constant reader, was well known to his contemporaries, one of whom describes him as "always having a book in his hand." "Like many men who have missed a college training, he was somewhat inclined to overestimate the profit to be derived from it. But it may be doubted whether the ordinary course of Hellenic studies would have produced a higher type of culture than he achieved by his naturally alert mind, and quick appreciation of all that is excellent in literature and life." The poet, Whittier, whom he once visited, described him as a "refined and cultivated man."

Early fired by the Western fever, he took his course toward the setting sun. Where he first settled is not known, but in 1820 we find him at Lawrenceburg, Indiana, where he had studied law with Amos Lane, a prominent lawyer, and been admitted to the bar of Wayne County. Not satisfied with his legal equipments, he entered the Law School of Transylvania University at Lexington, Kentucky, in 1822, from which he was graduated the following year in a class that furnished a number of men who afterward became eminent. Among his classmates, was a son of Henry Clay. He continued his studies for a while in the office of Henry Clay; at the end of this, he returned to Indiana, settling at the river town of Vevay; and

was admitted to practice in the Supreme Court of that State. At Vevay, Mr. Whicher became engaged to Miss M. E. Venable, who subsequently became his wife. In 1838 he had arrived at the age of forty years. He had attained a fair degree of eminence in his profession and enjoyed a good professional income for that place and period, but his family consisting of his wife and four children prompted him to a betterment of his fortune by going to the still newer West. The Territory of Iowa had just been separated from Wisconsin, and from all accounts, held out excellent promises to those brave enough to make the venture. He determined to go there, if further investigation verified the impressions he had received. With this end in view, he made a preliminary journey in a spring wagon, with a couple of horses. On his way, he wrote graphic letters, descriptive of his journeyings, which, through the lapse of seventy-five years, have been preserved. This is not the usual fate of casual letters. They are interesting, not only as autobiographical fragments revealing the attributes of the writer, but as descriptive of conditions at that time. As such, the following excerpts will be read with interest. This one vividly describes the primeval charms of the prairie:

On the Prairie in Illinois, 23d September, 1838.

* * * I must go back a little; after crossing the Wabash I entered a prairie called Mound Prairie, because its sides throughout its whole extent are elevated about twenty feet above the surrounding level. The eye on a clear day will reach over an extent of eight to fifteen miles, when the vision will be bounded by a well defined line of elevated green foliage, known here as "timber"; above and beyond that is the sky. A breeze, as delightful as can be imagined of Paradise, brings the odors of a thousand sweets. The rose will give but a faint idea of the richness of the perfume. Away in the distance can be seen as it were a dot, which proves on approach to be a rider on horseback. Three or four of these riders at different points will seem to animate the whole scene. A fox, a wolf, or a deer springs from the grass before one, and bounds away, starting a flock of wild geese here, a flock of cranes there, which drag their ponderous bodies high on elastic wings, secure from danger from below, and filling the air with their harsh music; while ever and anon the prairie hen springs on whirring wings and sails away, skimming the tops of grass and flowers until lost in the distance. Nor are the minor and sweeter songsters of the valleys less numerous here than in the fields of the more eastern sections. * * *

Well, I departed from Danville through a wilderness of prairie called the Grand Prairie of Illinois. It is of almost illimitable extent and gives rise to the principal rivers of the State. Its outline is irregular, like the map of Greece, and it is half the length of the State—from forty-five to fifty miles wide. The traveler in crossing touches along from one point of timber to another where a cabin or two is erected and a small patch cultivated. Such heavy growth of corn I never saw anywhere. * * * The cattle and hogs are fat and healthy. Every cabin is a house of entertainment. In passing from one of these points to another I got belated. I took the open prairie and rode until late at night. The horse refused to follow the trail and it was so dark I could not see it. The horse wandered and I lost my course, and could not see the face of my compass. I searched for fireflies for light, but was unfortunate in this. It rained hard like an equinoctial storm as it was. I turned my horse loose and lay down to sleep. Towards morning it turned very cold. Then, farewell sleep. There was not a dry thread on me, and having eaten nothing that might be called food for more than forty-eight hours, I was anything but comfortable. It was not until broad daylight that I could find my course.

This one refers to conditions along the Mississippi:

Prairie du Chien, 7th October, 1838.

I have already told you that this is a beautiful country. What should I say more? How much more could I say? I will only add that these impressions of its beauty continue. I am now at the uppermost point on the Mississippi that is inhabited by civilized citizens. All above this are savages, and a floating population of whites scarcely distinguishable from them. Five thousand visitors are here from different parts of the Union. Such is the demand for articles of Indian manufacture that everything that could be carried is gone. I cannot get anything lighter than a canoe. I have traveled a thousand miles (sic). Susan and Lady Jackson (his horses) are pretty much worn down. I am offered two hundred dollars for them and shall probably take it, if I cannot get more, and buy a Comanche pony of Governor Dodge. By the way, I called on General Jones and Governor Dodge and was treated with polite attention. I shall go directly from here to the mouth of the Rock River, thence to Burlington by way of Bloomington, and then straight home. Shall leave here for down the river tomorrow morning in the steamboat Ariel.

This one when Muscatine was in its infancy:

Bloomington, Iowa Territory, October 18, 1838.

I got on board the steamboat Ariel at Prairie du Chien, went up the Mississippi half a day to Painted Rock, returned and came down about two hundred miles to the upper rapids, where the boat stuck fast on the rocks, where she now lies. I have about fifteen bushels of Galena potatoes aboard which I intended for our own use. The boat will lie there until the water rises. After waiting several days for the boat I bought a canoe and arrived here last night (forty miles) about nine o'clock, in the midst of the severest snow storm that ever happened here at this season of the year. * * * This is a splendid country. Great changes in regard to the pecuniary concerns of the people and the prospects of the Territory have taken place within the last week. Any amount of funds two weeks ago (I mean hundreds of thousands) might have been disposed of at one hundred per cent per annum. Now a company is here from Pennsylvania with about two millions, and is making contracts of loan at twenty-five per cent. You cannot easily imagine the change in the appearance of the occupants of the lands, from despondency to cheerfulness. Nearly a million and a half acres of land will be sold in this Territory at the ensuing land sales.

The town plot (Bloomington) was divided into sixteen shares and sold for a sum equal to about three dollars a lot. I have no doubt but they will average \$300 in less than five years. It will undoubtedly be a town of great importance in trade, and will probably be the seat of government. Today I had a wild turkey for dinner; honey was on the table; ducks this morning for breakfast. Some venison is promised for tea. A very fine doe is just now brought in (four o'clock p. m.) and is very fat. 'Tis said there are plenty of elk and some buffalo about fifty miles west of this. Three baboons were discovered about four hundred miles northwest of here the past summer. Affidavits of the fact are made by some army officers whose veracity is not doubted. It was while cutting a military road from Fort Snelling to Fort Calhoun.

As the result of this exploration, in the following spring of 1839, Mr. Whicher embarked at Cincinnati with his family, a year's provisions, and all the parts of a frame house ready for erection, for settlement at Bloomington, where he had invested in land and town lots, and on one of the bold bluffs overlooking the river, at the end of what became the main street of the town, he proceeded to erect the house he had brought from Ohio. It was built with an old-fashioned hip roof and the gabled ends were finished with battlements. It was an old castle in every sense of the

word. Old settlers long remembered the unique house-warming which followed, and is thus described by one of them:*

In the spring of 1839 Stephen Whicher, Esq., made a large social party at his house at which were about twenty Indians with their squaws—in calico breeches, roundabouts, and moccasins ornamented with beads and trinkets. The Indian men were dressed for the party also with faces painted and gay blankets, with war trophies on, jewels in the ears and noses, brass bands on their arms, long ornamented pipes, weasel and skunk-skin tobacco pouches, war clubs with feathers attached to them, bears' claws and tusks, buck-skin breeches and waumises highly ornamented. All the elite of the town were present, ladies and gentlemen, young and middle-aged (we had no old folks then). George Lucas was there, Ralph P. Lowe, Esq., and his wife, Matthew Mathews and his daughter, H. Mathews and wife and two daughters, M. Couch and wife—a social and jolly company indeed. The center of the large room was cleared and an Indian war dance introduced. They lacked music, and Mrs. Whicher brought out some tin pans, and the fire shovel and tongs with a few sticks made the music.

In this picturesque home, Mr. and Mrs. Whicher dispensed a hospitality known in that earlier period the whole length of the valley, and in all the West, for the wit and cheer of its board and fireside. The host was a gentleman of the old school and his genial hearth was witness to the most interesting society and assemblies of this new country.**

In November, 1838, the first session of the Territorial Supreme Court was held at Burlington, and Mr. Whicher was one of the twenty lawyers then admitted to practice. From this time on to the day of his death, he was one of the most conspicuous members of the bar and enjoyed a wide practice. The following estimates will throw some light upon him as a lawyer:

Henry O'Connor, long a resident of Muscatine, and a contemporary of the men he mentions, thus writes of him:

There were, besides Whicher, at that bar S. C. Hastings, J. Scott Richman, William G. Woodward, Jacob Butler; and here also lived Joseph Williams, one of the first and one of the best Supreme Judges that Iowa has ever had. Of this group, Whicher was confessedly the finest and profoundest lawyer; indeed, except in a few notable cases, the equal of any and the master of most of the Iowa lawyers. His devotion to his profession and his care in the preparation of his cases was not infrequently commented upon by his associates. He was one who practiced law all his life and engaged in no other profession. Law was his bread and butter and to that profession he gave the whole of his energies.

S. C. Hastings, who was one of Iowa's first representatives in Congress, afterwards Chief Justice of its Supreme Court, and later Chief Justice of the Supreme Court of California, rode the Circuit with Whicher and knew him thoroughly, thus wrote of him:

Whicher was a talented and eminent lawyer, the peer of any in Iowa. He was an acknowledged leader at the bar; a man of rugged honesty and integrity; upright and steadfast in his devotion to duty. He had been a deep and thorough student and possessed mental faculties of a high order.

I have stated that he cared nothing for political honors. He was never a candidate for an elective office but on one occasion, when he was nominated by the

* Note—J. P. Walton's Reminiscences.

** Note—George Van Horn in Muscatine Daily News, 1880.

Whigs for State Senator in the district composed of the Counties of Muscatine and Johnson. Theodore S. Parvin, who was always a Democrat, thus speaks of Whicher and that canvass:

I stumped Muscatine County against him. While a very able lawyer and a sound reasoner, he had no trait of character in common with the mass of people. He was not in a popular sense one of them; while not an aristocrat, he had yet high notions of the dignity of man and could not bring himself down to the level of the masses. I was therefore able to take him at a disadvantage, and the Democratic candidate was successful.

But as I have already stated, he was appointed by President Fillmore in 1850, United States District Attorney for Iowa. He was the second one to hold that office; his predecessor was Isaac M. Preston, and Joseph C. Knapp his successor. The duties of this office he performed with such signal ability as to attract the attention of the entire bar and the people. During his term of office, he delivered a course of lectures before the Dubuque Law School. His great interest in the profession induced him to accept the invitation to deliver these discourses. A compliment which he highly esteemed, was the request of his class to sit for his portrait at the hands of an accomplished artist—one who assisted Healy in his pictures of distinguished American statesmen for the King of France. He was apparently reserved and aristocratic in bearing, and was thought by some to be lacking in warmth and generosity of character. But to those who knew him intimately, this was not the case. With them, he could unbend himself charmingly. He was fond of good company, enjoyed a good story and none could tell better. His house, which at that time, was the largest in the place, was celebrated for its open hospitality, and here he ended his days on the 13th of February, 1856.

William G. Woodward and J. Scott Richman.

If men were to be ranked according to their breeding or heredity, Judge William G. Woodward would be highly placed. His father, William H. Woodward, was not only a man of letters, but a lineal descendant of Doctor Eliazar Wheelock, who obtained from George the Third, the charter for and became the founder and patron of Dartmouth College. This Woodward was the defendant in the celebrated Dartmouth College case—the Trustees of Dartmouth College vs. William H. Woodward—in the argument of which, Daniel Webster won perhaps his greatest distinction as a Constitutional lawyer. A brief digression may be pardoned, explanatory of the case. Judge Woodward's ancestor, Dr. Wheelock, prepared with great care the charter for the College; a charter intended to be perpetuated without change. But in 1816, the legislature of New Hampshire undertook to alter the charter by increasing the number of trustees, which the charter declared should never be more than twelve, to twenty; and also by creating a board of overseers to whom the trustees were made subject, and, further, by changing its name from Dartmouth College to Dartmouth University. William H. Woodward was the Secretary and

Treasurer of the College, and the custodian of its records, and he regarded the legislation referred to as a sacrilege of the benefactions and memory of his great and good ancestor. The result was the case referred to, which went on appeal to the Supreme Court of the United States, where it was declared that the legislative acts were void and unconstitutional, on the ground that the charter was to be regarded in the nature of a contract, which could not be thus impaired by the legislature.

Judge William F. Brannan was from about 1855 to the time of their death, a contemporary of both Judge Woodward and Judge Richman. When I wrote the sketch of Judge Joseph Williams, I sent Judge Brannan a copy of it for any suggestions he might be pleased to make, and when he wrote the sketches of Judges Woodward and Richman, he sent copies of the same to me for such use as I might feel advised to make of them in the preparation of this work, and excerpts therefrom, constitute what follows:

Judge Woodward was one of the earliest pioneer lawyers who came to Muscatine for the purpose of making it a permanent home for himself and family. He came in 1839. The pursuit of health was the inducing cause that impelled him to abandon his home, friends and business in Boston, and the hope that his strength and vigor could be regained in a new territory of the far Northwest, of which but little was known in the New England States at that time, and which had been opened for white settlement only five years before, and then only in a narrow strip west of the Mississippi, the rest of the Territory being Indian reservations.

He was born in Hanover, New Hampshire, in 1808, and graduated with high honors at Dartmouth College. He then applied himself closely to the study of the law, and after a rigid examination was admitted to the bar. He had a full cousin, Benjamin R. Curtis, who was a little more than a year younger than himself and who while yet a youth gave promise of intellectual gifts of a remarkably high order. He, too, studied law, and on his admission to the bar, he and Woodward, who were strongly attached to each other, entered into a partnership and concluded to open an office in Boston, which they did. They were young, had at first few acquaintances in Boston, and had to quietly bear the probation incident to beginners in practice, in a community where they were practically unknown. Opportunity came to them sooner than they expected when they could be heard in a trial at court.

Mr. Woodward now, in 1838, took to himself a wife, Miss Arabella Brooks, to whom he had for some time been affianced. She was an accomplished young lady who was held in general esteem for the high and graceful womanly qualities that adorned her character, and made her a favorite with all who knew her. Mr. Woodward had been enjoying excellent health until about a year after his marriage, when an insidious disease, not uncommon in that climate, began to manifest itself, as he feared. His father had fallen a victim to consumption at a comparatively early age, and such had been the fate of many near and dear relatives. He at once consulted an eminent physician, who after a careful examination confirmed his fears. He told Woodward that the disease was yet in its incipient stage and that it could be arrested and its progress changed only by a change of climate, and that this should be made without delay. He had to turn his back upon the prosperity that shed its bright colors for the future and the high rank in his profession which his firm was rapidly attaining. He felt that all these considerations must give way to a sense of duty which he owed to the wife he had recently married. She concurred with him that his health was an object of the highest concern. He wrote at once to Mr. Brownell, whose wife was a sister to Mrs. Woodward, and who for years had been and was still a resident of Iowa. He sent a prompt answer that the climate of Iowa was redolent with health; that the strong, heavy damps of

the Atlantic coast that broad fatal disease had no existence in Iowa. He spoke in the highest terms of the fertility of the soil, with its gentle, undulating surface and of the picturesque scenery.¹

On the receipt of Mr. ¹Brownell's letter, he and his wife at once started for Iowa and on reaching Keokuk, where Mr. Brownell was then living, stopped with him, and by his advice rode^d up to Muscatine (then known as Bloomington) and concluded to make that his ¹home. He bought a choice lot on the river front and built a house in which he lived the rest of his days. He found the town with a small population and modest houses but of "great expectations." There were young lawyers, some of whom remained, while others sought more productive pastures. The emoluments^d of the lawyers were such as to enforce rigid economy. But Mr. Woodward found^d what he most needed, a pure and health-giving atmosphere, and a conquest over^d the threatened disease. He jogged along quietly like the rest of the lawyers. ¹He did not, however, remain unknown and unappreciated.

The first session of ¹the Legislature of the State paid a worthy compliment to Mr. Woodward. It passed an act creating a commission to consist of three to frame a complete code^d of laws for the new State. It was conceded that peculiar ability and fitness should be made the test in selecting the members of this commission. The Democrats controlled both legislative branches. Charles Mason, of Burlington, who had been Chief Justice of the Territory for years, William G. Woodward, and Stephen Hempstead, of Dubuque, an eminent lawyer, constituted the commission. ¹Mason and Hempstead were Democrats and Woodward was a Whig. Hempstead was elected the second Governor of the State. The work required time and study, great care for its labors, and when completed was reported to, examined^d by, and met the approval of the Legislature. Mr. Woodward was chosen to prepare the marginal notes, arrange in proper divisions, index and superintend its publication. When published, it was called the Code of 1851.

The ¹Legislature was named the General Assembly in the Constitution under which Iowa was admitted as a State, and the power was conferred upon it of electing the Judges of the Supreme Court. The Democratic party, which had hitherto dominated the politics of the Territory and State, had lost its supremacy in 1854, and its opponents came into power. The terms of the three Supreme Judges, all Democrats, were about to expire, and the Legislature in the month of January, 1855, convened as one body, and on the vote for Chief Justice, George J. Wright received fifty-three votes and Mr. Woodward fifty-one votes, and Judge Wright, having received the larger vote, became Chief Justice and Woodward Associate Supreme Judge. The vote for the third Judge was split among a number of candidates and it took a week or more to secure an election. Judge Wright told me, at the funeral of Judge Grant at Davenport, that at his first election to the Supreme bench, he was present, that he expected Judge Woodward would be elected Chief Justice, and he was greatly surprised at his own election to that position, and further, that he never knew how it happened.

Judge Woodward served six years on the Supreme bench. He had his share of the opinions to write. Those he wrote were drawn in scholarly language, bore ample evidence of the care he bestowed in coming to just conclusions, and the clearness with which they were expressed. In 1861, he was elected to the State Senate from Muscatine County, but resigned in 1863 to accept the more lucrative position of Clerk of the Circuit Court of the United States. He died on the 24th of February, 1871. Death had robbed him of his excellent wife on the 31st of March of the preceding year.

I never heard Judge Woodward deliver a speech in or out of court. I came to Iowa a few months after he had been placed on the bench. He had a case then pending in the District Court in which he took great interest. His position as one of the Judges of the Supreme Court precluded his taking a part in the trial, and Judge Grant, of Davenport, was retained as counsel in the case. I was called into the case, not so much to aid as to keep watch over it. I was present at their conferences, but was simply a listener, although I noted all that was said. Judge Woodward's face always wore an expression that invited cordiality, and he had a polished but gentle manner that made no distinction between individuals. He had a quiet dignity that won respect, without anything like assumption to mar it. He

had always been a great reader and his mind was stored with useful information. In social life, he had fine conversational powers and could readily interest an intelligent company on topics relating to science, history or physics, and even politics. Visitors at his home always met with a pleasant reception, and no efforts were spared for rational enjoyment. Judge J. Scott Richman commenced his law practice in Muscatine the same year that Woodward did, in 1839, and they were much together. He tells me that Woodward had a high sense of the professional ethics that should govern a lawyer, and that he could not be persuaded to bring a suit unless he had good reason to believe that it would be successful, and that he would not seek to win a case by unfair means. He also says that Woodward was a smooth, easy talker, improving with time, and that his arguments showed earnest research for the law applicable to the case. If there was material conflict in the testimony, he sought to discover where the truth lay, by mild means and not by abuse. Judge Richman further states that Mr. Woodward from the beginning, by his courteous deportment, was treated with a degree of deference that was seldom accorded to any of his legal brethren.

The strong attachment that existed between Woodward and young Curtis, and the fact that they united as partners in the legal profession and the wonderful talents that were developed in Curtis at an early age, have been referred to.

Of Judge Woodward it may be truly said that his disposition was mild, incapable of intended offense, either in word or manner, and conciliatory to the last degree.

J. Scott Richman is not only the oldest practitioner at the Iowa bar, but is the only surviving member of the convention that met at Iowa City in 1846 and framed the Constitution under which, in December of that year, Congress admitted Iowa as a State of the Union.

I happened to be in Iowa City in 1857, where I met an elderly man of much intelligence. He was from a distant county, but I cannot now recall either his name or home. Learning that I was from Muscatine, he at once made inquiries respecting Richman, and said that they had served together in 1846 in the same Constitutional Convention. Richman, he said, was a stranger to nearly all of its members, but soon became the subject of notice because of his unusually low stature, very short legs and youthful appearance. Nightly consultations were held among the members at which Richman was always present, as he was at the regular sessions. At both places he sat as a quiet listener for the first few days; then he was called upon for his opinion touching a proposition that had given rise to considerable discussion. He arose and in opening said that he felt much diffidence in speaking on a subject which had divided so many older and abler minds than his. He had, however, the rare faculty of compressing in a few but clear words, reasons that were full of force and effect and speedily drew close attention. His speech was short but convincing. He seldom spoke, but when he did, he was heard with close and respectful attention. In fact, the other members would say of him, in a kindly and approving spirit, "That little, short-legged, young fellow has a good long head and can say much that is valuable in a few words."

Mr. Richman was born in Somerset, Perry County, Ohio, 1820. He did such work on a farm as he could until he was fourteen, and was allowed to go to a country school during the winter months. At the age named, he was taken as clerk in a county where he stayed until he was eighteen, when he went to Knoxville, Illinois, and commenced the study of law. In 1839, he came to Muscatine (then called Bloomington), where he resumed his law studies, and in the fall of that year, having passed a satisfactory examination, was admitted to the bar. A short time after, he opened a law office in Muscatine and engaged in practice. His natural ability and studious habits attracted the attention of Hon. S. C. Hastings, who had a large practice in Muscatine and bordering counties and who in 1840 offered a partnership to Mr. Richman, which was accepted. This connection continued until 1847, when, Iowa having just become a State, Hastings was appointed its first Chief Justice. This of course ended the partnership.

In those early days the bar of Muscatine was made up of young men such as Ralph P. Lowe, Stephen Whicher, Jacob Butler, William G. Woodward, S. C. Hastings and J. Scott Richman; Richman was the youngest in years and Stephen

Whicher the eldest. They were all men of active brain, well educated, generally, with strong literary tastes, ambitious, and struggling for success in their profession. They had to encounter difficulties incident to the stages of incipient settlement in a new and almost unexplored region, with wandering Indian tribes for their neighbors. Textbooks and law reports were few, money scarce, clients generally poor, and fees low and hard to get. They all believed that Muscatine had natural advantages that would make it a valuable commercial center, and they bore difficulties with hope for the future, and endured with patience the mishaps that at times beset them. Lowe eventually moved to Keokuk, and reached the highest honors of the State; Hastings, lured by the dazzling reports of the golden mines that lay in the hills and valleys of California, removed there, and when it became a State, was elected its first Chief Justice, and finally amassed a large fortune. Richman was gifted with a quick conception, a sound judgment, and clearness of expression. It was not a great while before the people showed confidence in his integrity and ability. He did not encourage litigation if it could be justly avoided. He soon became, after the dissolution of the partnership with Hastings, the leading member of the bar, a position he could not have reached and maintained unless he had won the confidence and respect of the bench, and of the jury, in cases before them in which he had been counsel. He had well earned a reputation in jury cases of dealing fairly with the evidence and of avoiding anything that savored of misrepresentation.

In December, 1863, Judge John F. Dillon resigned the office of Judge of the Seventh Judicial District, having, in November preceding, been elected to the Supreme bench. Mr. Richman became his successor, the district being composed of Jackson, Clinton, Scott and Muscatine. No better selection could possibly have been made. He was successively re-elected, with but little opposition. He was a thorough lawyer and on the bench was patient, rarely, if ever, showing any sign of petulance. His rulings were prompt and clear, and his charges to the jury were models of judicial instructions. He stated the issues the jury was to try and the rules of law applicable to the questions raised by the issues. He was always kind and considerate to the young lawyer who exhibits timidity the first few times he appears in the trial of a cause in the district court. Appeals were seldom taken from any judgment he might render, and when an appeal was taken, it rarely happened that a reversal followed.

In the latter part of April, 1872, Hon. John P. Cook, of Davenport, departed this life. He was one of the earliest of our pioneer lawyers, whom long and successful practice had made perfect in the intricacies of the law (if such a thing is possible) and who had the confidence and esteem of all who knew him. His death left to his son, Edward E. Cook, then a young man, the management of a large and valuable legal business. Conscious of the heavy responsibility thus cast upon him by the death of his father and knowing that Richman would be a most desirable associate, young Mr. Cook tendered an equal partnership to Judge Richman, which was accepted. The Judge resigned his office in 1872 and engaged in active practice again. This partnership lasted for a number of years, when with mutual consent and good feeling a dissolution took place.

Impelled by a strong and growing desire to return to Muscatine, which had been his home for more than a generation, and renew social relations with such of his old friends of early days as were still left there, on the dissolution of the partnership, he quit Davenport, and with his son, E. F. Richman, a while after, resumed practice in Muscatine, the firm name being Richman & Richman.

In 1856 Governor Grimes called a special session of the Legislature to take action on land grants given by Congress to aid in the construction of certain railways within the State. Mr. Richman was prevailed upon to become a candidate to fill a vacancy in the lower house of the Legislature that had occurred in Muscatine County, and was elected by a large majority. He had three times been elected to public offices. In no instance had his candidacy been due to the slightest procurement by any action on his part. He had never been an active politician, but on the contrary, had always preferred a calm and quiet life.

An amusing but unexpected incident happened to Richman some time after the adjournment of the Convention of 1846. The Territorial Legislature was in

session for the last time and was desirous of making such changes as seemed proper in view of the certainty that Iowa was about to be admitted as a State. Before the lower house was fully organized, trouble showed itself. A clerk and his deputy were necessary officers to keep the record. Several persons sought these two offices, but the house had balloted for some time without coming to a choice. The fight over the candidates for clerk and deputy grew strong and bitter. Richman had business in the District Court which took him to Iowa City while the fight was at its height, and he wandered over to the State House. He had hardly reached the door of the legislative chamber when a member of the house saw him, and immediately cried out, "Let us put an end to this fuss and delay, and proceed with the regular business. There's Richman (pointing to him). Let's elect him clerk. He helped to kill the Territorial Government by his vote in the Convention. Let him take part in its obsequies." It at once brought a momentary calm and before Richman could say anything, he was elected clerk, and a new man was elected his deputy.

He lived for many of his closing years on his farm outside of Muscatine, but made it a rule to be at his office regularly. He is now in his eighty-sixth year. His steps are not as quick and active as formerly, but his general health is good, his mind clear and strong, with scarcely perceptible change to mar his memory. His sight has been renewed, and glasses are no longer needed for ordinary print. Of late years he has rarely appeared before the Court, but has left the duties incident to litigation to the competent care of his son, while he remains in the office as an advisory. From present indications it is not unlikely that he will round out a century. He is looked upon by all who know him as a patriarch, and regarded with the reverence due to his exemplary character.

Judge Richman had a son, E. Frank Richman, who was for a time, associated with and succeeded his father in the practice. He was a lawyer of note and ability. He studied law with his father and was admitted to the bar in 1865. His father was then upon the bench. After practicing law in Muscatine for a few years, he removed to Maquoketa in Jackson County, and afterwards to Davenport. Still later, he returned to Muscatine and became associated with his father in the general practice. He was at one time City Attorney of Muscatine. He took part in the Civil War and was Adjutant of the Forty-fourth Iowa Infantry.

Since the sketches above were written, Judge Woodward, Judge Richman and Judge Brannan have all passed away. I was personally acquainted with each of them, but more particularly with Judge Brannan. I last saw Judge Woodward at a session of the U. S. Court at Des Moines many years ago. He was reading from a volume of Carlyle's "Frederic the Great," respecting the merits of which we had a long and pleasant conversation. He died in 1871, Richman in 1908.

Jacob Butler, Elijah Sells.

Jacob Butler was born in Franklin County, Ohio, in 1817. He graduated at Miami College. Among his classmates were John G. Deshler—afterwards United States District Attorney, and Charles S. Foster, all three of whom finally settled in Bloomington (Muscatine.) Butler studied law with Judge Swan, of Columbus, author of "Swan's Treatise," who took a great interest in young Butler and insisted on giving him a hundred and fifty dollars with which to make his start as a young lawyer in the farther West. He first went to New Orleans, then to St. Louis, and

finally to Bloomington in 1841. The town then had only a few hundred inhabitants. He gradually rose to influence in his profession and with the people. He made accumulations, displayed great shrewdness in real estate investments, and in the course of time became comparatively wealthy. He was for three years and a half President of the Muscatine National Bank, and was also President of the Muscatine Gas Company. In 1863 he was elected Representative to the Tenth General Assembly, and was chosen Speaker of the House.

Let us turn now to his professional career. He displayed decided ability as a lawyer, and especially as a vigorous and persuasive advocate, and soon made himself known throughout that part of the State. His name is found among the earliest reported cases: in *Jackson vs. Fletcher*, Morris 304; in *Humpries vs. Humpries*, Morris 473; in *Woodward vs. Gregg*, 3 G. Greene. This shows his rapid progress and the decided mark he had so soon made. Judge Swan did not overestimate his fine capacities for the profession, and had he continued in and devoted himself exclusively to it, he would undoubtedly have attained the first rank, as his intellectual armor was excellent, his education thorough, his temperament active, and his speech felicitous. As above stated, he was Speaker of the House in the Tenth General Assembly, of which the writer was also a member. He was a person of strongly marked individuality, a man of decided ability and high character, but of the most irrepressible disposition. He was extremely irascible, rather inclined to be aristocratic, haughty, dictatorial, and could brook no opposition to what he thought ought to go ahead. Prompted by this characteristic, he would frequently resign the gavel to some other member, descend from the speaker's stand, walk about half way up the aisle, face about, and address himself to the subject with such nervous vigor of manner and forcefulness of expression as to leave no doubt of his earnestness. He was a radical of the first order; positive and impatient to the last degree; a fierce hater of slavery; was denominated an abolitionist, and had he lived in Boston, would have been a worthy and efficient coadjutor of Wendell Phillips and William Lloyd Garrison.

The following circumstance will illustrate the confidence he had in his ability to impress himself on other men. Some years after we had separated at the close of the session, I walked into the Chicago depot to take a train homeward. I casually noticed a genteelly dressed man and a fine-looking woman with several children; he seemed to be nervous, frequently rising and walking about and sitting down again. Looking more closely as he walked in my direction, I saw it was Butler and stepped forward to greet him. "You are just the man I want to see," he said, "have you got any money?" "A little," I replied. "I would like to borrow ten dollars," said he. "I have my railroad tickets, but we are tired and want sleepers and I have no money." Of course, I gladly let him have the money. He then gave me this explanation of his penniless condition: He had been visiting seaside resorts with his

family; the last one was the beautiful town of Stamford, on the Sound. The amount of his hotel bill, when he came to go, obliged him to recuperate his funds to get home on; this he put off to the last moment, and directed the driver on the way to the depot to stop at the National Bank of Stamford, which he did, and Butler went in, called for a blank draft, made it on the First National Bank of Muscatine, handed it to the cashier with the statement that he was the President of the Bank, and desired him to cash the draft. Instead of rushing to do so, the cashier looked at him out of the corner of his eye significantly and said, "Oh, that is too old a trick to be played in this part of the country." He positively refused to let him have any money until Butler had angrily thrown down his heavy gold watch and chain as security for a sum much less than he wanted, and of which every dollar had been spent when he reached Chicago.

He quit the practice to engage in banking, became wealthy, removed to Chicago to engage in the same business on a larger scale, met reverses that wrecked his fortune and caused him to die under unhappy conditions. The great Chicago bank collapsed, leaving him on the strand. His sensitive nature could not endure the shock, and he perished amid the wreckage—a notable instance of the unwisdom of men leaving prosperous conditions and old friends to embark among strangers on venturesome seas.

He was not well calculated for a politician, though he was active in politics. He could not "pretend to see things that he did not." His seemingly dictatorial bearing was an obstacle to general political success. He was chosen Speaker of the House, not because of his strength as a politician, but because of his positive qualities and unswerving principles. At the bottom, he was one of the kindest of men, his sympathies were quickly touched, and he was gracefully pliant when rightly handled. Between us there grew up a strong friendship. On the adjournment of the legislature, we agreed to exchange photographs. The following letter, written more than fifty years ago, not only shows a kindly spirit, but also characteristically expresses his political preferences:

Muscatine, 14th June, 1864.

Friend Stiles: I have not forgotten your letter and the photograph I am indebted to you for, although so much time has elapsed since their receipt. I enclose my rather surly looking effigy in exchange for yours which frankly I do not think does you justice.

I am just home from the East, and although I was not at Baltimore, I am glad to say I am delighted with what was done there. I have not seen a Fremont man during a tour of four weeks, extending as far east as Boston. I think we shall make as clean a sweep of the whole country as we did of Iowa last year. I am,

Very truly yours,

Jacob Butler.

In stature, he was, if anything, rather below the medium in height, but well and roundly built; his face full, his expression heroic, his address pleasing. His final sorrow and untimely death—for he was still in his prime—was a source of general grief.

Elijah Sells was, during the early part of my professional life, one of the best known and foremost men of Iowa. He figured actively during his life in four different States, Illinois, Iowa, Kansas and Utah. He was born in 1814 in Franklin County, Ohio, near the present site of Columbus. His great-grandfather, John Sells, came from Holland in 1723. His grandfather, Ludwick Sells, and his sons purchased a tract of land on the Scotia River, which in the early history of that country was known as the "Sells' Settlement." The youngest of these sons was William Henry Sells, the father of Elijah. Elijah Sells sprang from Revolutionary and fighting stock. His maternal great-grandfather, George Ebey, was a Revolutionary soldier under General Anthony Wayne, and was killed at the battle of Stoney Point. His grandfather on the paternal side was killed at Yorktown, in the last battle of the Revolutionary War. His father was a soldier in the War of 1812, under General William Henry Harrison. In 1833 Elijah came to Scott County, Illinois, and engaged in the manufacture of stoneware. He there began his political career by canvassing and assisting to carry Scott County for the Harrison electors. He removed to Iowa Territory in 1841, stopping in Davenport for a year, and then removing to Muscatine, where he resumed his business of manufacturing stoneware. In 1844 he was elected to the convention which drafted the first Constitution of the State.* The other members from his county were Ralph P. Lowe, afterwards Governor and Supreme Judge, and General John E. Fletcher. In 1846 he was elected to the first State Legislature and served two terms. He was again elected Representative in 1852, and in 1854 he declined the Whig nomination for Secretary of State, but at the first Republican Convention of 1856, he was nominated for that office and was elected, and served continually until January 5, 1863. The platform of the Muscatine County Republican Convention, drafted by Elijah Sells, was the first Republican platform ever drafted, and parts of its provisions were afterward embodied in the National platform. During a part of his incumbency as Secretary of State, he also served as Adjutant-General of the State. He declined the appointment of the first Collector of Internal Revenue, and soon thereafter received the appointment of Paymaster in the army with the rank of Major. He resigned this office and contested the gubernatorial nomination at Des Moines with William M. Stone, finally withdrawing against the advice of his friends in favor of his opponent. He then accepted an appointment as officer in the United States Navy, and was given the command of the receiving ship "Grampus" at Cincinnati. A year later he became Third Auditor of the Treasury Department, under Salmon P. Chase, from which position he was promoted to Auditor of the Treasury. Later, at the request of Secretary of the Interior Harlan, whose serviceable friend and faithful supporter he had always been, Colonel Sells became Superintendent of

* This Constitution was rejected by the people because of the contraction by Congress of the western boundary, which was restored in the Constitution of 1846 on which the State was admitted.

Indian Affairs for the southern superintendency, and did notable work in investigating cattle-stealing cases in Indian Territory, and in negotiating Indian treaties. He resigned his Federal position, but declined the offer of a Cabinet office tendered to secure his assistance in President Andrew Johnson's behalf in Iowa. He then went to Kansas and was elected for three successive terms to the State House of Representatives. At this period Colonel Sells came to Utah to manage mining interests at Alta, and from 1878 to 1894 was engaged in the lumber business in Salt Lake. He was appointed Secretary of Utah Territory by President Harrison in 1889, and by virtue of the law of Congress, was ex-officio Secretary of the Utah Commission and acting Governor during the Governor's absence. He was also Bank Examiner and Superintendent of Insurance. He held the office for four years.

As above indicated, he was throughout his career a man of supreme activities, and I may say, of supreme achievements. In the political field he was always a power, and one that had to be counted upon. He was probably the most alert and active leader of the Republican Party in Iowa during his time, his favor was courted and his opposition feared. He was the political manager of Senator Harlan when, after his resignation from President Johnson's cabinet, he became a candidate for United States Senator to fill the unexpired term which had been made vacant by his acceptance of the cabinet position, and also for the long or new term succeeding that one. His rival for both these positions was Governor Samuel J. Kirkwood. As a member of the State Senate at that time, I supported Kirkwood. The contest was a spirited and protracted one. The activities of Mr. Sells in behalf of Mr. Harlan were everywhere present. The result was the election of Harlan for the long term and Kirkwood for the short one.

Mr. Sells lived to a great age. He died suddenly at Salt Lake, where he had lived highly honored and respected for nearly twenty years at the age of eighty-three. In his latter days he displayed the same vigorous forces that had characterized his earlier ones. He was on his feet and active in affairs to the day of his death. Like an untiring soldier, he marched heroically to the end. All of the Salt Lake papers, for copies of which I am indebted to his daughter, Mrs. Lucy Bovard, of Kansas City, profoundly expressed the high estimation in which he was held, and the general sorrow in his sudden demise. Regarding him, the Salt Lake Tribune says:

Had he known yesterday morning that he was going to die before the noonday, we believe that as he looked back over the more than four score years which he lived, he would have had fewer self-reproaches than almost any other man. He filled the place in the world of a great, honest, patriotic man; he filled a place in society as a true husband, father and citizen. His life was a model one, and he goes down to the grave with the fullest affection and respect of all his fellow men. He lived more than man's allotted time on earth. He filled many important stations, and all with honor, and from first to last no one ever doubted his sincerity, his perfect truthfulness or his absolute integrity. No man in this region has ever earned more nobly final, everlasting peace than did Colonel Sells. The full sympathies of this city and State will go out to his sorrowing family.

He left numerous descendants, children, grandchildren and great-grandchildren. Among his children were W. H. Sells, of Salt Lake; Mrs. Lucy Bovard, of Kansas City; David M. Sells, of Denver, and E. W. Sells, of New York City.

Suel Foster, John Mahin and George Van Horn.

None of these men were lawyers, except George Van Horn, and he, after a few years of practice, forsook the profession of law for that of journalism, in which, like John Mahin, he became conspicuous; but I have selected them from among the public men of the early period who exercised a large influence, and with whom I was more or less personally acquainted.

Suel Foster was one of the first settlers and founders of Bloomington (Muscatine). He was born at Hillsboro, New Hampshire, in 1811. He belonged to old New England stock and was related through his mother to George Bancroft, the historian. At the age of twenty he removed to Rochester, New York, and worked a year as a common farm hand. At the end of that time he took his savings and bought a small stock of goods and peddled them out in the surrounding towns and counties. With unflinching interest he made these rounds and heard the oft repeated tale of the pioneer settler, and here, he said, imbibed a love of agricultural pursuits and conceived the idea of emigrating to the West and making a new farm in the valley of the Mississippi. As a preparatory step, he spent a few months at the Middleboro Academy that he might acquire a knowledge of bookkeeping and surveying. His brother, Dr. John D. Foster, had a few years previous gone to Illinois, whence he came East on business in 1836, and on his return, Suel accompanied him to Rock Island and thence down the river to Bloomington, where they jointly purchased an undivided one-sixth of the town site for which they paid the sum of five hundred dollars. The town had been surveyed but a few weeks previously and consisted of but two log cabins. In 1842 he engaged in the wholesale and retail grocery business as a partner of J. W. Richman, who, I think, was a brother of J. Scott Richman. In 1847 he was married to Miss Sarah J. Hastings, by whom he had two children, both of whom died, leaving him childless through the remainder of his life. Soon after the discovery of gold in California in 1849, he made an overland trip to the Pacific Coast, arriving in San Francisco in April, 1850. During that summer he acted as clerk in the Sacramento Postoffice, and in the fall was appointed to take the census of the east half of Butte County, California, embracing all the mountainous country from the Feather River to the top of the Sierra Nevada Mountains. In the winter of 1851, he started on his return to Bloomington, where he joined his family in the spring of that year and settled down to the business of farming; but soon after drifted into that of the nursery, horticulture and fruit raising, to which he devoted the remainder of his life. He accomplished great and beneficial results by the promotion of tree planting, of orchards and small fruits of all kinds and in disseminating many new and improved varieties of fruit trees. He

might, in a sense, be said to have been the Burbank of Iowa. He was active in organizing State and County Horticultural Societies and a frequent and valuable contributor to the various publications and periodicals of the country in the interest of horticulture and agriculture. He was the first man in Iowa to move in the matter of establishing and endowing an Agricultural Society for the state and for many years fought the battle single handed. He gathered from Germans and other foreigners, information relating to European schools of Agriculture and assisted in preparing the bill for the creation of the State Agricultural College. This bill was passed into a law by the Seventh General Assembly and he was made one of the trustees of the College, and was for five years President of the Board. From what has been said, it will be seen that he was a public benefactor and "when it is considered that he had no children to reap the benefit of his efforts in the matter of education, he must stand prominently forward in the character of a philanthropist.

He was not only a voluminous writer for Agriculture and Horticulture periodicals, but was also interested in weather statistics and made regular records of the atmosphere and its various phenomena. He was a distinguished member of the American Forestry Association and a constant and valued contributor to the press on this subject, as well as upon horticulture. He was equally far-sighted and sagacious in other directions, and was one of the early advocates of the state control of railroads. As has been well said, "The fingermarks of his labors as a promoter of fruits and forestry growing are visible in every part of the State, and in regard to the most suitable sorts for farmers to plant in his locality, he has been considered an oracle the last fifty years. His influence for good in the development of Iowa, it would be difficult to estimate at its true value."

John Mahin's life and labors are indissolubly linked with the Muscatine Journal, and through it with the Annals of the State. He had charge of the editorial department of that paper for a period of some fifty years and made it a power to be reckoned with in all projected affairs concerning the State and the welfare of its people. He was perhaps the most widely known, as well as the longest continued editor of a single newspaper in the State. He and his paper exercised an influence so powerful that it was felt to the uttermost limits of the commonwealth.

He was born in Noblesville, Indiana, in December, 1833. On the paternal side he was of Irish extraction. One of his early ancestors came from Ireland and settled in Rhode Island previous to the Revolution. From thence the family removed to Kentucky and afterwards to Ohio. On the mother's side he was descended from Pennsylvania-German ancestors. His father was a Methodist preacher in the early history of Ohio. From his earliest childhood, he was possessed with a strong desire to learn the art of printing, and at an early age was placed in a printing office. As he expressed it, he received his education and graduated at the "case" before reaching the age of eighteen. The printing office in which he was

placed, was that of the "Herald," afterwards changed to the "Journal," where for five years he was a diligent journeyman. In the meantime, he endeavored to satisfy his thirst for knowledge by reading every book that came within his reach—the usual and necessary step for self-made intellectual men. In July, 1852, when he was but nineteen years of age, he commenced editing and publishing the "Muscatine Journal," on his own account. At the end of two years, however, aspiring to a classical course of study, he entered the Wesleyan University at Delaware, Ohio, but was subsequently obliged to abandon this cherished scheme on account of serious illness. In 1856 he repurchased his interest in the "Muscatine Journal" and resumed its editorial control. Enough has been said to indicate the power with which he invested that paper. In April, 1861, he was appointed Postmaster of Muscatine, by President Lincoln, on the recommendation of a large majority of the Republican electors of that city and retained the position for eight years. In 1869 he was elected to the House of Representatives and took a leading part in many of the important measures that came before that body, one of which was for the taxing of railroads the same as other property, and for the passage of which he used his best efforts. In June, 1873, he was re-appointed Postmaster and held that office until 1878. During the Civil War his paper exercised a most powerful influence in favor of the administration and for a vigorous prosecution of the War. He became Secretary and Manager of the Soldiers' Monument Association of Muscatine County, which erected the beautiful shaft to the memory of the heroes who fell in defense of the Union, and which now ornaments the courthouse square of Muscatine. He was one of the chief organizers of the Muscatine Building and Loan Association, which accomplished great good for the laboring men of the city who desired to erect homes, and was for many years a director of that organization. He was subsequently chosen President of the Iowa Press Association. He was what might be properly called a reformer, promoter of temperance organizations and a leader in all movements tending to moral betterment.

I may briefly say of Mr. Mahin, that as an editor, he made no attempt to be rhetorically fine, and in his writings there was evident the purpose of the writer to convince with thoughts rather than to please with imagery. He followed a maxim of Colton, "That writer does the most who gives his reader the most knowledge and takes from him the least time." While he was a man of strong and earnest convictions, who fearlessly battled for what he thought was right, regardless of consequences to himself or anybody else, he was personally a lovable and gracious gentleman.

George W. Van Horn, as before indicated, was by education a lawyer. He was born in Springfield, Mass., in 1835; studied law with E. B. Gillette, of Westfield, and Charles R. Ladd, of Chicopee, both able lawyers of the Massachusetts bar. He came west and was admitted to the Iowa Bar at Muscatine in 1855, and

entered into partnership with David C. Cloud, and successfully continued in the practice with flattering prospects until the election of Abraham Lincoln as President, who appointed him Consul to Marseilles, France, and remained there until 1866. He had received a thorough Academic education, had strong literary inclinations, and during his leisure hours in Europe he wrote, "Tom Rockley, or the Heir of the Lodge," a romance which at once placed its author in high rank as a writer. He subsequently gave further proof that he was a highly accomplished one. Among his published works are "Storied Scenes in Europe," "Old London Town," "Picturesque France," "Men and Women I Have Seen," "Farmer Whitney's Letters."

But for Muscatine he accomplished a more useful purpose as a journalist. In 1870 he established the "Muscatine Weekly Tribune." He subsequently purchased the old "Courier," whose daily and weekly publications had run through a period of nearly thirty years, and with E. H. and W. C. Betts as partners began the publication of the "Muscatine Daily Tribune," the morning paper of the city, in the spring of 1874. When the "Daily News" was established, Mr. Van Horn became the editor-in-chief, and when the "News" and "Tribune" were consolidated in 1889, he had the management of the editorial department. He proved himself an able and perspicuous writer and an important factor in favorably moulding public opinion. His wide observation as a traveler and man of the world and his quick perception as to what is most needed for publication, combined with his experience as an author, made him one of the most attractive and influential editorial writers of his time. He was scholarly in his instincts, studious by nature, and had collected one of the rarest private libraries in that part of the State. In 1893 he was appointed Postmaster of Muscatine without relinquishing the management of his paper. He was an accomplished gentleman. He died at Muscatine in 1895.

William F. Brannan, Jerome Carskaddan, D. C. Richman and E. H. Thayer.

I first became acquainted with *Judge William F. Brannan* forty-nine years ago at the Davenport term of the Supreme Court, April, 1867. The acquaintance thus commenced, continued pleasantly until his death in 1910. He was one of the most agreeable and altogether pleasing gentleman that I have ever met, and this was the impression that he made upon everyone with whom he came in contact, for he was generally beloved while living and sincerely mourned when dead. Though learned, accomplished and profound, though distinguished for his abilities and by reason of the judicial stations he attained, there was not about him the slightest evidence of vanity or self-esteem. There was not a false fibre in him and he was as true to just principles as the needle to the pole. In his disposition and action, he was the exemplification of human kindness. I am aware that the partial biographer is prone to overpraise his subject, but I am willing to leave to every man that knew Judge Brannan whether I have done it in this instance, for I am sure I should re-

ceive a unanimous verdict in my favor. He was throughout a Democrat, but he was nevertheless kept on the bench for twenty years, until his physical infirmities prompted his retirement, by the aid of Republicans or rather at the hands of the people without regard to party or opposing candidate. Muscatine was conspicuous from its earliest history for the distinction of its legal talents, for the ability of its lawyers and judges, but neither the Muscatine district nor any district in the State was ever favored with a judge superior to Judge Brannan.

Knowing his kind and accommodating nature, I naturally turned to him for helpful data in connection with the present work. Our correspondence commenced in August, 1885, and continued with intervals to April, 1907. In the course of this correspondence, he furnished me with much desired information respecting the early members of the Muscatine Bar. In looking over his last letters as I write, my feelings are keenly touched by the reference he makes to his failing condition. In a letter of April 10, 1907, he says:

When I received your letter, I was so ill that I was incapable of almost anything until the latter part of last week. The reference you made to Judge Carskaddan induced me to call his attention to both your own letter and that of Henry Cadle and after some persuasion he furnished me with the naked data which I enclose. About eighteen months before the last term of my judicial service, I was taken with headaches that increased with frequency and violence without abatement, and sometimes of such force as to almost banish reason. I send you with this the comments I have written respecting Carskaddan with its faulty composition and its liability to severe criticism as regards matter of style.

In a letter dated two days afterward, April 12, 1907, he says:

In my recent letter to you, I told you of the infirmity I have been suffering for a number of years and the effect it had upon me. It has greatly impaired my memory, so that I am quite likely to forget some of the things that I desire to mention. In your letter you make mention of my sketches of Judge Richman and Judge Woodward, which appeared in the Annals. Now, you make just such use of them as you desire and please, and it was wholly unnecessary for you to seek my consent for that purpose. * * * The last few years I have felt impelled to seclude myself at home, for such a change had taken place in me that I felt an overpowering reluctance to go into company at home or abroad. The accumulation of years has worn on me, and I must patiently submit. It is difficult for me to write; what I could once write in a half an hour would now take an entire day, and I have practically ceased to do any writing. Having complied with your request regarding Judge Carskaddan, I will now endeavor to comply with that relating to myself, but only a word or two. I was born in Washington City, D. C., 1824, and wandered up to Hagerstown, Maryland, when I was a little over eighteen; taught school and read law and was admitted to the Hagerstown bar in 1846, but was not in a financial condition to engage in practice until 1852. In April, 1855, I started for the West and came to Muscatine, which has been my home since then. On the first of May, 1872, I was appointed to fill a vacancy on the bench of this district, by Governor Carpenter on the recommendation of the bar of the district, and was elected for the remainder of the term without opposition. When that term expired, I was elected for another term without opposition, my name being on both tickets. I resigned in the summer of 1875; my service on the bench up to that time having been three years and three months. Upon the reorganization of the judiciary in 1886, I was again elected district judge for a term of four years and continued to be re-elected for four successive terms, being sixteen years, making my judicial service close on to twenty years.

The skeleton thus given, I will endeavor to build out with further particulars relating to his life. As already stated, he grew up, to use that expression, in Washington. His first employment was as a messenger in the Pension Department where his father was employed. He was a student and received his education in McLeods Academy. When sixteen, he entered the Globe Printing Office as an apprentice, but continued his studies in the Academy by the aid of night work. Going to Hagerstown at eighteen, he at first secured a position as a teacher in a public school, but later was engaged as a private tutor in some prominent families of that place and while thus engaged, began the study of law. Though admitted to the bar in 1846, instead of entering the practice, he purchased a half interest in the Hagerstown Mail—a newspaper which is still in existence, and which he continued to receive to the end of his life. He was the editor of the paper, and while thus engaged, entered upon the practice of his profession. In 1853 he was appointed Auditor of the Court of Chancery, but his health failing him, he resigned the position and came west as already stated by him.

He soon acquired a good practice in Muscatine, and it was not long before he became well known to the lawyers throughout that part of the State. His political affiliations were, in a worldly sense, unfortunate, for from the time he came to the State until his death, the Republicans were in a large majority, with the exception of the one period in which Governor Boies was elected—and that was on a side issue. Had he been on the side of the majority, there is not a question but that he could have had any office in the State he desired. But his innate merits were of such a sterling character that they were able to overcome political majorities and even political preferences in so far as the Judgeship of his district was concerned. For he was appointed by a Republican Governor as Judge in 1872, elected at the end of that term without opposition, re-elected in 1886, again in 1890, again in 1894, and again in 1898, each time without opposition. Early in 1902, because of failing health, he announced that he would not again be a candidate. A meeting of the bar followed. This generally follows after the Judge is dead, but in this case, it was while he was still alive, and this is one of the resolutions that was adopted:

Whereas, after many years of toil and labor he has now voluntarily asked to be relieved from further judicial service; be it

Resolved by the District Bar Association in convention assembled that we do now most sincerely tender him a vote of thanks for his past services; that we acknowledge and record our love and esteem for him as a citizen, lawyer and jurist; that we now renew our expression of unlimited confidence in his ability, integrity and honesty.

To go back, in 1856 he was the Democratic nominee for member of the constitutional convention, and though there was a large Republican majority in the county, he was defeated by only ten votes. When the present school law came into effect, he was elected the first County Superintendent and organized the school system of Muscatine County. In 1858 he was appointed a trustee of the University

of Iowa, and inaugurated the movement for co-education and battled sturdily for its adoption until it became a final success. In 1868 he was a delegate to the Democratic National Convention, and in 1894 to the Presidential Convention which nominated Grover Cleveland, and was made one of its Vice Presidents. In the early seventies, against his will, he was nominated by the Democrats for Congress, and though the district was overwhelmingly Republican, his opponent was elected by only a slight majority. He was naturally a student, and it is said, closely perused every volume of the Iowa Reports, as they were issued from the press. This, with his remarkable memory of cases, enabled him to keep in harmony with the course of decisions and to readily apply the law as declared by the highest tribunal of the State. In important cases he frequently handed down his opinions in writing, which were models of clearness and strength. They were more than once favorably commented upon by the Supreme Court, and in one instance, his opinion was adopted as that of the court on account of its remarkable force and lucidity. During his early days in Washington, he was much interested in and saw many of the public men of that time. He could graphically tell of Andrew Jackson, of Martin Van Buren, of Taylor, Polk, Harrison and Pierce. He wrote some very interesting articles about those days, which would be pleasant to read. He was always an honored guest at the Jackson-Day Banquets, generally enlivened by his remarks.

After his first retirement from the bench to re-enter the practice, Henry Jayne, who had studied law under him, became a partner under the firm name of Brannan & Jayne. Subsequently, William Hoffman was taken into the firm, the firm name then becoming Brannan, Jayne & Hoffman. After his last retirement in January, 1903, he lived a quiet and retired life up to the time of his death, at the age of 86. In every position and station he served the public with perfect fidelity. In his long judicial career, he did much in moulding the jurisprudence of the State, and by his participation in the control, did much in shaping her educational institutions. His life was full of usefulness and crowned with a quiet, yet sweet distinction.

Jerome Carskaddan was living in November, 1910, for the sixth of that month was his eightieth anniversary which was noticed quite at length by the Muscatine papers in terms highly complimentary to the octogenarian. At the distance from which I am writing, I am not able to say whether he still survives. He was one of the early lawyers of Muscatine, and after the passing of Judge Richman in 1908, he became Dean of the Muscatine Bar—the oldest and longest in practice. The last time I saw Judge Carskaddan was in the latter eighties at Washington, D. C., in company with his friend, Judge Brannan. We were all there in attendance upon the Supreme Court of the United States. Desiring afterwards to procure some details respecting him for use in the present work, and appreciating the delicacy of writing him on the subject, I wrote to Judge Brannan for the information sought. To this Judge Brannan replied in the manner indicated in his letter to me of April

10, 1907, set forth in the foregoing sketch. That is to say, he obtained from Carskaddan and sent to me the following bare detail:

Jerome (Dewitt) Carskaddan was born in Seneca County, New York, November 6, 1829. Most of his boyhood and youth was spent in Oneida and Madison counties, New York. He was graduated at Hamilton College, Clinton, New York, in the class of 1851, and read law at Oneida, New York, and was admitted to the bar at a general term of the Supreme Court of New York held at Delhi, Delaware County, early in 1853. He removed to and settled at Muscatine, Iowa, in June, 1853, where he still resides, and is engaged in the practice of the law. He was in partnership with the late Edward H. Thayer, about two years, and until the latter was elected County Judge, in 1857. Mr. Carskaddan was elected Prosecuting Attorney of Muscatine County in 1857, and served two terms. In 1861 he was elected County Judge, and held that office until June, 1864, when he resigned. On December 1, 1863, he formed a law partnership with the late Dewitt C. Richman, which lasted fifteen years, until Mr. Richman was elected Circuit Judge. In 1896, he entered into a partnership with Wm. D. Burk, Esq., and on January 1, 1906, Mr. Irvin S. Pepper joined the firm. Mr. Carskaddan has been a local attorney for the Chicago, Rock Island & Pacific Railway Company since December 1, 1863, and for some ten years was on the Board of Directors of the Burlington, Cedar Rapids & Northern Railway. He is now president of the First Trust and Savings Bank of Muscatine, and a director of the First National Bank of the same place. Politically he is a Republican—has been ever since that party was organized. On May 1, 1854, he married Miss Marilla Brown, of Oneida Castle, New York, and their golden wedding date is a thing of the past. Their house, in which they have lived over forty years, is as old as the State of Iowa, having been built in 1846.

Judge Carskaddan remained the last of the early practitioners of Muscatine—a brilliant set of men who brought distinction to the Bar of Muscatine and won for it the admiration of the profession throughout the State. He remained in continuous practice for nearly sixty years, and for nearly fifty years of that period he was the local attorney of the Chicago, Rock Island & Pacific Railway Company. He was engaged on one side or the other in nearly all of the important cases tried in his county, and made a splendid record throughout his long career as an able and successful lawyer. In the letter of Judge Brannan to me, above referred to, speaking of Judge Carskaddan, he says:

I had come to Iowa early in May, 1855, and after looking around, concluded to make my home in Muscatine and had my books forwarded to me there. I very soon made the acquaintance of Thayer and Carskaddan and indeed of the other resident lawyers, all of whom I found genial and companionable men. My acquaintance with Jerome Carskaddan soon ripened into intimacy, and nothing has ever occurred to interrupt it. He accepted the nominations of county attorney and county judge, not that he made any effort to secure either, but they were in the line of his profession. In each he was elected by a handsome majority. He had been solicited to take the nomination either as Senator or Representative, but he refused to consider it. He could have been elected to either if he had chosen, but he considered that the duties at his office and the court claimed his whole attention. He had and always held the entire confidence of the community. He was a close student and every question submitted to him was examined with the greatest care before he was satisfied to pass upon it. He had a clear head and a quick conception. He never entered upon the trial of a case without having fully mastered all the questions involved. He never misstated evidence, was never given to noisy flights of fancy. His arguments were plain, clear and strong. There was not a man in the county who knew him but had the highest respect for and confidence in him. He is now verging close to eighty but retains his mental faculties perfectly and is sprightly in his movements. He is tall and thin,

and can walk a long distance without fatigue and with the elasticity and firmness of a man of fifty. A long and wide experience and observation in the state and federal courts confirms me in the belief that Judge Carskaddan is one of our ablest lawyers.

The following letter reveals his innate kindness and active desire to assist in preserving the memory of his legal associates. I had written to him for information concerning Edward H. Thayer and Judge D. C. Richman, who, as has been seen, were partners with him at different times in the practice, to which he made this reply:

Muscatine, Iowa, April 19, 1907.

My dear Mr. Stiles: Yours of the 12th inst. was duly received, and I was very glad to know that you remembered me. My life has been so quiet that I might easily drop out of remembrance.

In response to your request for some data concerning my old partners, Edward H. Thayer and D. C. Richman, I enclose brief sketches, which I hope may be of service to you.

Thomas Hanna and Allan Broomhall, of whom you inquire, are both dead. Mr. Hanna died, I think, in 1880, and Mr. Broomhall several years later.

If I can give you any further information concerning old members of the Muscatine bar, call on me and I will try to respond. In the meantime accept my best wishes for your health and prosperity.

Very truly yours,

J. Carskaddan.

P. S. I foolishly discarded my middle name—Dewitt—when I came to Iowa.

The following is the sketch of Judge D. C. Richman, referred to in the foregoing letter:

Dewitt Clinton Richman was born at Somerset, Ohio, September 1, 1826. His early life was spent in Pennsylvania and New Jersey. He first came to Muscatine, Iowa, in 1844, when eighteen years old, and remained there about two years, and then returned to Trenton, New Jersey, where he began the study of the law. In 1853 he came back to Muscatine and entered into partnership in the practice with his elder brother, Judge J. Scott Richman, under the firm name of Richman & Bro. This partnership continued until December 1, 1863, when his brother was appointed Judge of the District Court, and Dewitt C. formed a partnership with Jerome Carskaddan, under the firm name of Richman & Carskaddan.

This firm continued until March, 1878, a period of fifteen years, when Mr. Richman was appointed Circuit Judge by Governor Gear. He held this position for five years and until he resigned in 1883. He then entered into partnership with G. M. Titus, which connection continued until 1886, when it was dissolved and Mr. Richman took his son, Irving B. Richman, into partnership with him. This firm of Richman & Son continued in business until the failing health of the senior member compelled him to withdraw from active work. He died in 1899.

As a lawyer, judge, business man and citizen, Dewitt C. Richman deservedly held a high place in the public estimation, and was best loved and honored where best known. To both love and honors he was deservedly entitled. He was not only a good lawyer and an able judge but took great interest in public affairs and the organization of business enterprises. He was one of the organizers and directors of the Muscatine Savings Bank, an early stockholder and director of the First National Bank, and was prominently connected with other local affairs. He was in all respects a conscientious man and his integrity above all question.

In addition to what Judge Carskaddan has said of Judge Richman, I may say that after the expiration of the term to which he was appointed by the Governor, he was elected by the people for another term, before the expiration of which he re-

signed, as stated. While he and Carskaddan were partners, they had a large and very important practice, and both as a lawyer and judge, Richman displayed very high qualities. His wife's maiden name was Mary Berdine, from whom the son, Irving B., evidently takes his middle name. This son, as we have seen, became a partner of his father, after the dissolution of the firm of Richman & Carskaddan. The family mantle seemed to fall upon him, for he attained distinction as a lawyer, legislator, public speaker and literateur. He served two terms in the State Legislature, where he proved himself a fine debater; a Presidential elector in 1892, in the course of which he made a notable canvass. As an author he has contributed meritorious articles to the *Atlantic Monthly*, *The Political Science Quarterly*, and *The Magazine of American History*. To the domain of state history, he has given us "John Brown in Iowa," "Mormonism in Iowa," "The Spirit Lake Massacre," "The Indian Chiefs, Keokuk and Black Hawk," "John Brown among the Quakers and Other Sketches," and additional publications. In 1893 he was appointed by President Harrison, Consul General at St. Gall, Switzerland, succeeding Colonel S. H. M. Byers. His subsequent history or whether he is still living, I am unable to state.

The following is the sketch of Mr. Thayer, referred to in the letter of Judge Carskaddan:

Hon. Edward H. Thayer was born at Windham, Maine, November 27, 1832, and lived in his native State until 1850, when he came to Cleveland, Ohio, where he remained about three years, engaged in studying law, and in newspaper work. He settled at Muscatine, Iowa, in the spring of 1853, and began the practice of the law. He soon after formed a co-partnership with J. Carskaddan, which continued until Mr. Thayer was elected County Judge of Muscatine County. In 1854, Mr. Thayer was elected Prosecuting Attorney of Muscatine County, and County Judge in 1857, and was re-elected to the latter office in 1859.

At that time a county judge in Iowa was literally king of the county. He was Probate Judge, and was also clothed with all the power and authority now vested in the County Board of Supervisors. Mr. Thayer's sterling common sense and good judgment enabled him to discharge the various and onerous duties of his office with admirable skill and success. In politics he was a strenuous Democrat and an ardent admirer and supporter of Stephen A. Douglas in the conflict between the Douglas and Breckenridge factions of the party in the Charleston Convention of 1860, to which he was a delegate from Iowa. In 1862, he was the Democratic candidate for Congress in his Congressional District, but failed of election.

During the latter part of the Civil War, and for a while afterwards, he edited a Democratic paper at Muscatine, and in 1868, he removed to Clinton, Iowa, and established the *Clinton Age*, which he soon made a leading Democratic newspaper of Iowa, and which he managed and edited until his death in 1904.

Mr. Thayer was an earnest and efficient advocate of principles, policies and measures which his judgment approved. He was repeatedly called upon by his political associates to represent them in places of trust and honor. In 1875, he was elected a member of the House of Representatives of Iowa, and was a delegate to the National Democratic Convention at St. Louis in 1876, and in 1884 was a delegate to the Democratic National Convention at Chicago. In 1885, he was appointed postmaster at Clinton. He was a great advocate of good roads, and presided over and addressed several conventions and meetings on that subject. He assisted in establishing the State Normal School and was President of the Board

several years. He was also, by appointment of the Republican Governor Gear, the Iowa Member of the Mississippi States Commission, and devoted much time and labor to the work of that commission.

He was vestryman of St. John's Episcopal Church of Clinton for about thirty years. In 1858, he was married to Miss Delia E. Payne, of Westport, New York, who is still living.

Mr. Thayer was a man who, in an eminent degree, had "the courage of his convictions," and never hesitated to express his faith, whether it was or was not in agreement with current popular thought.

Henry O'Connor and David C. Cloud.

Both of these men were Attorney-Generals of the State. David C. Cloud was the first one after the creation of that office in 1853 and served for two terms, as did Mr. O'Connor from 1866, when he was first elected.

Henry O'Connor was an Irishman, having been born in Dublin, Ireland, in 1820; he died at the Soldiers' Home, Marshalltown, Iowa, in 1900. He gained his early education at Tullow under private instructions from the Monks, who kept a free school. He came to this country when twenty years of age and learned the tailor's trade in New York City, where he worked at it for several years. From there he went to Cincinnati where he studied law while still working at his trade. He was admitted to the bar there, and in 1849 came to Muscatine. His marked talents and great brilliancy as an orator soon made him known throughout the State. He was probably its most popular political orator, and the announcement that he was to speak always drew a crowd to hear him. He was alike eloquent at the bar and it was not long before he acquired an enviable general practice. He was originally an anti-slavery Whig, and a Republican after the formation of that party. He was a Presidential elector and supported General Winfield Scott for President in 1852. In 1856 he was again a candidate for President elector in the Fremont-Buchanan Presidential campaign. In 1858 he was elected District Attorney for his district and officiated in that capacity until the commencement of the Civil War. He enlisted as a private in Company A, First Iowa Infantry. He participated in the Battle of Wilson's Creek, where General Lyon was killed. In many of the towns through which his regiment passed, receptions were given and the duty of responding to speeches of welcome was always placed upon "Private O'Connor." Upon the return of his regiment, he was appointed by Governor Kirkwood, Major of the 35th Regiment of Iowa Infantry, in which he served until the close of the war.

I knew Major O'Connor intimately. We were much together. He became Attorney-General of the State the year following that in which I became Reporter of the Supreme Court. It was made our duty to attend its semi-annual sessions at Des Moines, Davenport and Dubuque. In this wise we became closely associated. We were always seated at the table with the judges. His presence was a perpetual source of good feeling. He brimmed with the playful wit of his native land; his

pleasantries were constant, the genial rays of his humor perennial. If he failed to be present at a meal, it was a source of regret. He and Judges Wright and Dillon, especially, indulged in mutual sallies that were not always impersonal. He liked to rally Judge Beck, who though rare and companionable, was not inclined to relish jokes on himself. O'Connor was one of the choicest, most delightful men I have ever known. It was a pleasure to be in his company. He was a genius, a born orator and a born wit. His talents were various. He could soar with ease from the ridiculous to the sublime, from the serious to the comic, from severe castigations to the most pathetic appeals. He was brave as a knight, as sympathetic as a woman. He was fond of pets and especially so of horses.

Had he lived at the time of and moved in the same circle with Curran and O'Connell, he would have been a worthy compeer; had he figured in the drama, he would have won renown by the variety of his genius. People flocked to hear O'Connor in his political speeches for the readiness of his wit, and the aptness of his retorts to the questions which he always gave his audience the liberty to ask. I was once present when he spoke to a crowded house at Ottumwa. It was during the hard times. One of the audience interrupted him by saying that he believed if the Democrats were placed in power, money would not be so scarce and easier to borrow. Smilingly, Henry turned towards him and said, "Oh, you are mistaken, my friend. It is not the scarcity of money, but the scarcity of collaterals. There is plenty of money and with the collaterals there is no difficulty in borrowing it. It is the collaterals we want. If you and I had the collaterals, we would not long be in the condition we are now both in." At another time, I was with him when he addressed a large meeting at Clinton. It was just after the close of the war, but the feeling it had engendered had not altogether died out. In the course of his speech, he was rudely interrupted by a man to whose questions he replied with deference; but the man grew offensive and finally, so angry that he started forward to make an assault upon Mr. O'Connor. Others rushed to interfere, but Henry said, "Do not stop him; let him come on. I think I have shot better men than he is."

In 1872 he was warmly supported for the Republican gubernatorial nomination, which finally went to Governor Carpenter. In the same year he was appointed by President Grant, Solicitor of the State Department at Washington, and served with distinction in that capacity for some fourteen years under Secretaries of State William M. Everts, Hamilton Fish, Frelinghuysen and James G. Blaine, with all of whom he was a personal favorite. He loved the people and the people loved him. He deserved all that Charles Aldrich declared of him that "He was a typical Irishman, impulsive, genial, courteous, warm-hearted, a man of many friends, with few or no enemies, a brave, self-sacrificing soldier in the Nation's time of need, a lawyer of ability and learning."

David C. Cloud was born in Champaign County, Ohio, in 1817; he died in Chicago in 1903 at the ripe old age of eighty-six years. He was of French-German extraction. His early advantages were very limited. From six to twelve years of age he attended the public schools three months, during the winter season. Later he attended school for six weeks; this was the extent of his schooling. When fifteen years of age he commenced the trade of book binder, but after six months' experience at this, went to learn the trade of a carpenter, in which he perfected himself. He came to Muscatine soon after the organization of Iowa Territory, when Muscatine was known as Bloomington. There he worked at his trade some eight years, reading law during his spare time, and in December, 1846, he was admitted to the bar. He became one of the best-known lawyers in the State. He was originally a Democrat, but subsequently joined the Republicans because of his opposition to the extension of slavery into the territories. He was a member of the convention that nominated Abraham Lincoln for the Presidency, and during the war was a staunch supporter of the government. He was not only distinguished as a lawyer, but as an author and political economist. During the progress of the Civil War, he wrote a book entitled, "The War Powers of the President." This volume was extensively circulated, demonstrated deep research, a high order of talents on the part of the author, and was received with general approbation throughout the north. He also wrote a book entitled "Monopolies and the People," which was well received. His progress from the carpenter's bench to the position of one of the first lawyers and publicists was remarkable. He was twice elected Prosecuting Attorney for Muscatine County, and upon the creation of the office of Attorney-General, he was the first one elected to that office in August, 1853, and upon the expiration of that term, he was re-elected to the same office and performed its duties with distinguished ability. In 1856 he was elected to the State Legislature, and took there a leading and influential position. He was made Chairman of the Committee of Ways and Means, and of railroads in that body. He exercised a potent influence during his career as Attorney-General and Legislator in framing and moulding the early legislation of the State.

From any and every point of view, he was a very able and skilful lawyer. In criminal and damage cases he was particularly eminent. He was regarded as one of the best criminal lawyers in the West, and it was said that he had tried more cases and recovered a greater total of damages against railroad companies than any lawyer in the State.

In 1872 he supported Horace Greeley for President, and was a delegate to the Democratic National Convention. After that he continued to act with the Democratic Party to the end of his life. He was an active and useful man in his time and one of the most widely known men in the State.

Samuel McNutt and John A. Parvin.

Samuel McNutt and myself were fellow members in the House of the Tenth General Assembly, 1864. We had both been Democrats and earnestly espoused the cause of Stephen A. Douglass in the Presidential campaign of 1860, but on the breaking out of the Civil War in 1861, we both joined the Republicans in support of the administration of Abraham Lincoln. When we met, therefore, as Republican members of the Legislature referred to, we found in each other politically that "kindred feeling which makes us wondrous kind." He was a prominent member of that body, and an original character in himself. Born in Ireland, he possessed in a high degree, the impetuous and histrionic characteristics of his people. Samuel was nearly always ready to address himself to any subject that came up. He could arise to his feet and get recognition from the speaker with more celerity than any other man I have ever seen. Quicker than a flash he was on his feet, and with a sort of "wildness in his aspect," his raven hair standing out, his large, black eyes gleaming, his hand upraised, his whole attitude theatrical as ever was that of Sheil or Curran, he would cry out "Mr. Speaker," with a voice so percussive, and with an air so dramatic that it had the immediate effect to impress both the Speaker and the House, that some startling announcement was about to be made. He seldom failed to get recognition from the speaker. His education had been liberal, he had been a teacher and college professor, an editor and lawyer, though he never practiced that profession to any extent. Subsequent to his service as a member of the Tenth General Assembly, he was re-elected and served in the Eleventh and Twelfth General Assemblies. At the close of his service in the House he was nominated and elected to the Senate for the full term of four years, serving in the Thirteenth and Fourteenth General Assemblies.

He was born near Londonberry, Ireland, in 1825, of Scotch extraction. His father, Samuel McNutt, Sr., moved with his family to America when the subject of this sketch was a child, settling at New Castle, Delaware, where the son was reared and received his early education. His father died there when Samuel was eleven years of age, leaving a widow and seven children, three boys and four girls, all of whom, under the fostering care of the mother, attained honorable positions in life. The literary brightness, and various contributions to the papers in both poetry and prose, of Samuel, early attracted attention in New Castle. He was a graduate of Delaware College, and subsequently taught school in New Castle. He studied law, and early removing to the far West, was admitted to the Bar in Milwaukee in 1850. From 1852 to 1854 he was a professor in Hernando Seminary, Mississippi; in 1854 he came to Muscatine, Iowa, and engaged in teaching; in 1856 was made principal of the public schools of Muscatine; in the same year he became the editor of the *Muscatine Inquirer*; associate editor of the *Dubuque Herald* from 1856 to 1859; was editor of the *Dubuque Daily Union* in 1861; member of the Farmers'

National Congress in 1884; appointed United States Consul to Maracaibo, Venezuela, and resigned in 1890; Judge of the Municipal Court of Muscatine, 1895-6.

Samuel McNutt had a nephew, William Hazlett, who was born in Muscatine County, studied law with Jerome Carskaddan, of Muscatine, graduated from the law department of the State University, and was for a number of years one of the most prominent lawyers of Pocahontas County and that part of the State. For six years he was District Attorney of that district, and was a partner of J. H. Allen for some time, under the firm name of Hazlett & Allen. He removed some years ago to California, resides in South Pasadena, with offices in Los Angeles. He is ranked both in Los Angeles and Pasadena, as one of the ablest members of the Bar. He is a highly exemplary citizen, takes a leading part in public affairs, and is held in the greatest esteem as a man of worth and influence.

John A. Parvin and myself first met as members of the State Senate in 1866. His tall form, rather clerical dress, grave manner and rigid morals, always reminded me of a Puritan. He was a man of high character, self-willed, strong and useful. He was born in Cumberland County, New Jersey, November 10, 1807, where he spent the years of his minority. After coming of age, he emigrated to Cincinnati, Ohio, where he engaged in teaching school. In April, 1839, he removed to Muscatine (then called Bloomington), where he organized and taught the first school. At the end of a year he discontinued teaching and engaged in the mercantile business for four years. He was next appointed Clerk of the District Court. In 1850 he was elected Representative to the General Assembly, and served in the session of 1850-51. He was elected Mayor of Muscatine in 1854. In 1857 he was a member of the State Constitutional Convention, and in 1863 he was elected to the State Senate and served six years. While a member of the Senate he drew up and introduced the bill for the establishment of a State Reform School for juvenile offenders under sixteen years of age. The bill became a law, and the school was temporarily located at Salem, in Henry County. Mr. Parvin served sixteen years as an officer, part of the time as Superintendent and part of the time President of Trustees. The Legislature finally located the School at Eldora, in Hardin County, for boys, and a department at Mitchellville in Polk County, for girls, and changed the name to Iowa Industrial Schools. Mr. Parvin's public life ended with his service as one of the trustees of this reformatory school. He retired to the seclusion and quiet of his farm, three miles from the city, and there his last years were spent. In all his relations, public and private, he was very highly esteemed for his gentlemanly manners and his well-known integrity. He was an earnest worker in all educational and benevolent enterprises in his community, even when surrounding conditions were not encouraging, and was one of the original seven members who organized the First Methodist Church in Muscatine in 1840. He died in 1887, in the eightieth year of his age.

Cornelius Cadle and Henry Cadle.

Cornelius Cadle was a native of New York City, born in 1809. He lived there until thirty years of age, when he came in 1843 to Muscatine. He had a great taste for machinery and was a natural mechanic.

He early manifested an interest in the old volunteer fire department of his native city (New York), and was elected foreman of Engine Company No. 21, and afterwards elected fire warden of Ward 5. He alluded with pleasure to the old firemen of his time, and the noted scenes associated with the department; and the habit of order in the management of his clothes, so as to be ready for duty at an alarm in the night, he always retained even in later years; and this early training of having everything in its place and of strict punctuality in meeting an engagement to the moment was a marked trait of his character.*

He built the first sawmill in Muscatine and was engaged in the sawmilling and lumber business for many years. He officiated in several public positions with honor to himself and benefit to his townsmen; among them was City Alderman, County Supervisor and County Treasurer. On his way westward from New York, he paused for a while at New Haven, Ill. In a letter written from there, he gives the following description of the country:

The cows, horses, human beings, all look as if they had shaken their flesh off or pawned it for whisky.

Later he thus writes of Bloomington:

There is a fine class of settlers and the prices of living low compared with New York, beef and pork selling at Bloomington for 1½ to 2 cents per pound; chickens, 75 cents per dozen; eggs, 4 cents per dozen; wild ducks, equal to canvasbacks, 5 cents apiece, or shoot them yourself; quails, 25 cents a dozen; the latter often flying in the windows, and as they become more civilized will probably come in already cooked.

He advocated nothing but the strongest measures to crush treason and rebellion, and furnished three sons, Colonel Cornelius Cadle, Jr., Captain William L., and Private Charles F., who served during the war, while a fourth son, Edw. F., in California, enlisted there and was made a Lieutenant in his company.

Deacon Cadle was not a man of many words. What he said was always of good sense, sound in principles, to the point, and often condensed and brightened with genuine wit. He did not often speak out his views spontaneously. But touch him at any time, bring out his sentiments, sound him, he was true, wise and unfalteringly right. His dislike of all sham and fustian and bombast was as intense as his perception of it was keen. Combined with his faithfulness in his distinctively religious and business relations, there was great fondness for the beautiful in nature. Geology was a favorite study. He was a useful member of the Academy of Science in the city, and contributed many and choice specimens to its cabinet and rooms. He died in 1886, honored and beloved by the community.

* Note—Dr. Alden B. Robbins in Iowa Historical Record, October, 1886.

He was the sire of a splendid progeny, among whom were Col. Cornelius Cadle, Jr., who served with distinction in the Civil War, and Henry Cadle, who for many years, was a lumber merchant at Bethany, Mo.

I became acquainted with the latter during our association as members of the Missouri "Society of the Sons of the Revolution" and of the "Society of the Colonial Wars." He was for a long period Secretary of both of those Societies, and for a time of the General Society. He was noted throughout the United States for his pre-eminent services in this field. He was considered the most thoroughly posted and the best authority on all questions connected with those orders of any man in the country. He took great pride in it, and his innate kindness prompted him to take the utmost pains in giving information, and assisting persons who desired to trace their ancestry with a view to joining either of said societies. Every member came to honor and love him for his delightful graciousness. He also took great interest in preserving data relating to early men of Muscatine, and I am indebted to him greatly in that behalf, for whenever a notable death appeared in the "Muscatine Journal," which he regularly received, he would as regularly send me the paper; and in like spirit he would respond to inquiries I from time to time made of him respecting early residents of Muscatine. He died in 1915.

Allen Broomhall, Thomas Hanna, Henry Jayne and William Hoffman.

With Allen Broomhall and Thomas Hanna I was well acquainted; with Henry Jayne and William Hoffman but slightly. The two former paid the debt of nature quite a good many years ago; as to whether the two latter be living, I do not know; if they be, they are old enough to be on the retired list and may be properly noticed.

Allen Broomhall, I recollect as a very tall, dark-haired and dark-eyed, good-looking man. He was of English-Quaker stock. His paternal ancestor settled in Chester County, Pennsylvania, soon after the colony of William Penn was established there. Allen was born in Belmont County, Ohio, in 1834. His father and mother were both members of the Society of Friends, and traced their ancestry to the Penn colonists. It is said that there is still retained in the family an heirloom which has descended from father to son since that time, in the shape of a volume of William Penn's Sermons." The early education of Allen was received in the log schoolhouse of his native place, and completed at Barnsville Academy. He came to Muscatine County in 1856, settling at Liberty, where he purchased and improved several tracts of land. He studied law with Jerome Carskaddan, of Muscatine, and was admitted to the bar in 1861. Subsequently he attended the Cincinnati Law School, from which he graduated. He formed a partnership with David C. Cloud, which continued successfully for a number of years, and later with Judge J. Scott Richman. As a lawyer, he ranked well and had the confidence of the courts and of the people. He was not distinguished as an active practitioner.

but was a superior office lawyer and counselor. His inherent Quaker propensities prompted him to conciliation and compromise whenever it could be properly effected. He had a good clientage and represented some of the large business interests of his city. He was particularly distinguished for his interest in the cause of education and public schools. He was an earnest advocate of popular education, of new and better schoolhouses, of higher standards of scholarship; increase of teachers' salaries. For several years he agitated and urged the erection of a new high school for Muscatine and upon this issue in 1873, he was elected President of the Muscatine Board of Education and continued to be elected to that position for many years. He was a highly honorable and useful citizen who left a lasting influence upon the public institutions of Muscatine. I used to meet him at the Davenport terms of the Supreme Court whither the appeals from Muscatine County went, and conceived a high opinion of him.

Thomas Hanna I also used to meet at the Davenport terms and it was there that I became acquainted with him. In appearance, he was quite unlike Mr. Broomhall, for he was short and stoop-shouldered, but he was a close, well-read, conscientious and honorable lawyer. The clear statement of a case is a great point to be gained, and one that it seemed to me, Mr. Hanna very well accomplished in the opening of his cases.

He was born in Salem, Ohio, in 1820, was reared and educated in Indiana where he studied law, and in 1852 was admitted to the bar. He located and commenced practice in Muscatine in 1856. He was universally respected by the people of Muscatine County, and in 1877 was elected its State Senator. In that body he took an honorable and influential position. Among his associates were many prominent men, such as Judge D. D. Chase, Judge Henry L. Deshiel, Alfred Hebard, John L. McCormack, John T. Stonemen, Ezekiel Clark, William Larabee, Judge N. W. Rumple, John S. Wilson, Moses M. Ham, Aaron Kimball and James M. Shelley. He was successful in the profession, built up a respectable practice and enjoyed the confidence of the bar and of the courts. During the Civil War he was appointed by the Governor, one of the commissioners to take the vote of Iowa soldiers in the field. He performed faithfully and well every duty placed upon him.

Henry Jane, as will be seen by reference to the sketch of Judge Brannan, studied law under, and subsequently became a partner with the latter. He was a Pennsylvanian by birth and came with his parents when a lad, and settled in Scott County, afterwards removed to Muscatine County where he received his education. He was an active and efficient lawyer for many years in Muscatine and adjoining territory. His partnership with Judge Brannan continued until the latter went on the bench, but after Judge Brannan's first resignation, the partnership was resumed, and subsequently enlarged by taking into it William Hoffman. Mr. Hoffman was

a Prussian by birth. His parents emigrated in 1852 and settled in Louisa County, where the son was reared and received his education. He early showed his patriotism by enlisting as a volunteer soldier in the Civil War. He was a member of Company G, in the 19th Regiment of Iowa Infantry, and participated in the many battles that regiment encountered. He was wounded at Prairie Grove, was captured at Moganza and confined in the Rebel prison at Tyler, Texas, for nearly a year, when he was exchanged and resumed the active duties of a soldier. On his return from the War, he entered and graduated from the State University and subsequently from the law department of that institution. He was a lawyer of ability and enjoyed a successful practice for many years.

The sketches of Ralph P. Lowe, Joseph Williams and S. C. Hastings will elsewhere be found by reference to the index.

CHAPTER XI.

KEOSAUQUA.

The Earliest Courts and Lawyers.

The first court held in Van Buren County was in Farmington, while we were still a part of Wisconsin, April 10, 1837, Judge David Irvin presiding. The first lawyer settling in the County was H. H. Buckland. He came from New England, settled at Bentonsport, and after remaining a year or more, returned to his former home. The next were Isaac N. Lewis, Samuel W. Summers and Richard Humphries. Lewis removed to Missouri, where he died some years ago, Summers to Ottumwa, Humphries to California.

On the fifth of April, 1884, I had an interview with Josiah H. Bonney at Keosauqua, where he lived. The interview^a was an extended one, the result of which I took down as we talked, with pencil on paper, which is here reproduced, Mr. Bonney speaking in the first person:

I came from the State of New York to Van Buren County in the spring of 1839—the year following the organization of the Territory. I became Secretary of State after its admission. Elisha Cutler was the first Secretary, I, the second. Keosauqua and Farmington were the principal places in the county. At that time the lawyers in Keosauqua were Isaac N. Lewis and Samuel W. Summers. Lewis was elected to the Legislature in 1842. He subsequently removed to Clark County, Missouri. Summers remained until the Last Purchase in 1843, when he removed to Ottumwa. Richard Humphries remained here some five or six years, then went west. The next lawyers that came were George G. Wright and Oliver Weld, in 1840. They were for a while associated as partners. Weld died in Keosauqua in 1842, when about twenty-seven years of age. He was regarded as a man of fine capacity, and a sound lawyer for his age. He was unmarried. He was a member of the Legislature in 1841. He was a man of deep thought, rather short, full, round face and large head. The next lawyer that came was a Mr. Payne from Illinois. He was tall and commanding in appearance and was thought to be an able lawyer, but died in a few months after his arrival here. He came in the spring of 1845, the same year James B. Howell and James Cowles came. They formed a partnership and continued in practice until about 1847. They purchased the Des Moines Valley Whig and Register. Howell acted as editor. They took it to Keokuk and changed it to the Gate City. J. C. Knapp and Augustus Hall came in 1845. Delazon Smith in 1846. When William McCauley was executed, I was the Sheriff of the County and reluctantly performed the execution, which was the first and only one that ever occurred in the county. He pleaded guilty and was sentenced to be hanged, but on appeal the judgment was reversed on the ground that sentence of death could not be passed on the plea of guilty. A second trial resulted in a verdict of guilty, and he was sentenced to be hanged. He was executed in May, 1846, in the open air on a gallows erected on a bowl shaped mound lying in and at the point dividing the present courthouse and the depot. The day was a beautiful

one and a large crowd were present. The prisoner was perfectly self-composed, and was ambitious that a large crowd should be present. He made a short speech to the assembled multitude. A little girl in the jail had taught him to read during his confinement and the burden of his speech was an exhortation to the people to educate the children, saying that if he had known how to read, had been taught the ways of knowledge, he would never have committed the crime he did. Several times, immediately after the first sentence of death was passed, I dreamed of making the preparation for the execution, and so vivid were some of these scenes that I would jump from my bed. It made such a deep impression on me that I changed my opinion in regard to capital punishment and have ever since been opposed to it.

Respecting Isaac N. Lewis, I may add in addition to what Mr. Bonney has said, that I heard him spoken of on my first coming to Iowa, by lawyers who had known him well. They all gave him the credit of being a man of excellent parts and a good lawyer. Of Humphries, Mr. Wesley Walker, who came to Keosauqua in June, 1839, told me, at the time I had my interviews with Bonney, that Humphries was a one-armed man; that he came from Philadelphia and was a well-read lawyer; that he remained in Keosauqua five or six years, then went to California, where Mr. Walker saw him at Sacramento in 1850. Of Oliver Weld, Judge Wright, in an address delivered at Keosauqua in 1856, says:

Oliver Weld died at my residence in October, 1842. He had represented the county in the Legislature, was a man of sterling worth, strong mind, universally esteemed, and bid fair to occupy a proud position as a lawyer and politician. He was my partner at his death, and I knew him well. He was an honest man. In his death, the State lost an able man, the profession a strong lawyer, and society a valuable member.

Respecting James H. Cowles, Ex-United States Judge Henry C. Caldwell gave me in September, 1911, the following memoranda:

James H. Cowles, of Keosauqua, was an accomplished, pleasing man, highly popular and a very promising and able young lawyer. His father was at one time president of the Denmark Academy. Cowles was of a delicate mould. It was thought that he had consumption. He went South and died there while a comparatively young man.

The other gentleman referred to by Mr. Bonney, will be noticed elsewhere. Of Mr. Bonney himself, I can say that he was an exceedingly fine man in all respects; an accommodating, natural born gentleman. I feel under obligations for the memoranda which he at various times kindly furnished me. He was anxious to preserve the early history of Van Buren County and of the men connected therewith. He was not only the first Sheriff of Van Buren County, and the second Secretary of State, but the Democratic candidate for Governor, and Commissioner of the Des Moines River Improvement Company. He died at Keosauqua in 1888.

Edwin Manning.

When I came to Iowa the name of Edwin Manning was a widely familiar one in southern Iowa, and northward along the entire line of the Des Moines Valley. He lived in Keosauqua where he had first permanently settled and built and where he

continued to reside until his death. We lived in adjoining counties. I had quite frequent occasion to go to Keosauqua and early became acquainted with him. We were both natives of Connecticut which had a tendency to promote that acquaintance, and whenever I went to Keosauqua I rarely failed to call upon him at his store or bank. As a constructive and executive man of business, I think he was without an equal in the early days of the Territory and State. He came to Keosauqua when it was virtually a wilderness, when he was twenty-six years of age, and here he lived until he attained his ninety-second year. From beginning to end, his life was one of superlative activity. He erected stores in different parts of the State, took a leading and often controlling part in public affairs, and may be properly called one of the great builders of southeastern Iowa. Every enterprise flourished under his creative touch. He attracted settlements, advanced business prosperity, and proved himself an inestimable factor along these lines, and while he advanced to great wealth, in so doing he turned not a deaf ear to the appeals of the poor and helpless.

He was very tall, rather slim, moved with a firm step and uplifted head, had a marked and rather classical face, and altogether had a bearing and appearance that would attract attention wherever he might go. His portrait occupies a place in the gallery of the Iowa Historical Department.

His own narration of some of the principal events of his early life will be more interesting and more authentic than anything I could say myself. I have accordingly extracted the following from narrations made by him on some public occasions, particularly those of the Semi-Centennial celebration held at Burlington in 1883, and the Tri-State Old Settlers' Association held at Keokuk in 1885, which I give in his own words:

In the autumn of 1836 I left New York for the great West via railroad and canal to Pittsburg, thence by Ohio river navigation to St. Louis. The city of St. Louis at that time had a population of about 9,000. My means being limited and my associates being land operators, we spent a week only in the city. Here we procured horses and explored the Missouri Valley as far up as Lexington, Missouri, being delighted with the country. We soon put all our spare funds into lands. When this was done we turned our course to the "Black Hawk" Purchase, arriving at St. Francisville, in Lee County, in December. Here we found a log cabin hotel full of sojourners and speculators in "Half Breed Claims." The famous "Black Hawk" Purchase was attracting great attention and we found satisfactory evidences that the climate and country were as good as its advocates claimed for it. Captain Fairman and myself made a horseback ride across the "Half Breed Tract" to Fort Madison, on our way calling on the old war chief, "Black Hawk," who received us kindly and introduced us to his wife and daughter. When he discovered our call was out of mere curiosity, he treated us to a hasty good-bye and we soon reached Fort Madison. Here we found a sprinkle of small houses and General Knapp was building a large hotel. By this time the market value of "Half Breed Claims" was growing stronger. Some late news from St. Louis favorable to this valuable reservation made the market lively, and here and there, I made my first investment in Iowa, in a "Half Breed Claim." This done, Captain Hall and myself improvised a jumper sleigh ride up the Des Moines river. We soon reached the "Grand Rapids," forty miles away. Here the vast water power seemed to challenge comparison, and admiration of it by Captain Hall and his associates caused us to locate "Keosauqua" at this point. This done I returned to my Pennsylvania home

and did not return to Iowa till the first land sale in 1838. By this time I was satisfied to take my chances in Iowa for a home. I ordered a \$5,000 invoice of goods from New York City and they were lost in the Gulf in transit, but being well insured I was not the loser, the stock was duplicated and came forward and was considered the largest assortment brought to Iowa at that time. I presume I am the earliest pork packer and shipper in the State. I supplied the post at "Raccoon Forks" with commissaries and transferred them from St. Louis by steamboat in 1840. I built and run the first flat boat of pork on the Des Moines river. In all my flat boating I can remember of sinking but three laden with pork and grain and one of them was sunk twice, first at Bentonsport and next at Croton dam, but all was saved and proved satisfactory investments, notwithstanding the extra expense caused by shipwreck. The next decade brought the river improvement. It was a grand boom for the Valley for a short time; but the volume of water was found too great to warrant and justify the improvement. After a fair trial it proved to be behind the age and not suited to the wants of the Valley. As I had inaugurated navigation and "run" the first flat boat laden with pork, it was my province to re-open navigation in the spring of 1851. The Valley was suffering greatly, owing to the mill obstructions in the river, and the demand for navigation caused me to visit St. Louis and charter the steamer "Jenny Lind and barge," and load them with merchandise supplies for the Des Moines river. I gave timely notice to the mill owners to have their locks and gates in working order, but when we arrived at Farmington we found the locks and gates so dilapidated they would not open. Here the great question of legal right to open was sprung and I responded by commanding Captain Allen to pull out the gates and go ahead. My order was obeyed and success crowned our efforts. This timely movement proved a blessing to the entire Valley, as the navigation of the river from that time was never obstructed until the iron horse was made to supersede both river and slack-water navigation. In the language of Governor Grimes, this timely and modest movement in behalf of the public good he regarded as one of the great events the people of the Valley should ever be proud of. When the "Jennie Lind" reached Des Moines, from St. Louis, with a full cargo of supplies, it opened both the hearts and purses of the merchants of the city. A reception was tendered Captain Allen and myself for our successful voyage and all the hospitalities of the city bestowed. A company was soon formed, a boat purchased and put in the St. Louis trade.

As one of the commissioners of the Des Moines River Improvement Company, he saved to the State a vast acreage of land, and demonstrated that the whole scheme was futile and impracticable. He would have filled any office within the gift of the people with credit, and was several times solicited to become a candidate for Governor and Congressman, but steadily refused these proffers. He was born in South Coventry, Connecticut, in 1810, and died at Keosauqua, in 1901.

George G. Wright and Joseph C. Knapp.

I join these men because they were very near to each other and associated as law partners for many years. Judge Wright was one of the Judges of the Supreme Court of Iowa during most of the time I was its Reporter, and from this and other associations, I came to know him intimately. He died in 1896. For more than half a century his name had been a familiar one, intimately associated with the progress and current history of the State. The mature years of his long and busy life were devoted to its interests with a purpose as steadfast as it was heroic. He was not only one of the most widely known men of the commonwealth, but one of the most popular. He had been a favorite with the people throughout his entire

career. The causes for this general popularity lay in his intrinsic character and make-up. In appearance and bearing, he was very attractive. He walked with a limp owing to a defective limb, but notwithstanding, his figure was good, his face classical, his countenance always beaming with good will. He loved the pioneers, the old settlers, and they were always at ease with each other. He delighted in the narration of early events; his memory was extraordinary and he was able to recognize and never failed to greet any man with whom he had had the least acquaintance. This faculty greatly facilitated the renewal and continuance of his early acquaintances. He frequently delivered addresses to and about men of the early period, and especially those related to Van Buren County. As instances, he delivered one before the Library Association of Keosauqua in 1856, and another before the Pioneer Law Makers' Association of Van Buren County, in 1872, in the course of which he went into the minutest details respecting the early settlements and settlers in that county—giving the names of the different pioneers, the dates of their coming, just where they settled, their course of life, and in many cases the names and dates of birth of their children. These narrations, like all his others, were interspersed with incidents and anecdotes which were interesting to know. These qualities brought and kept him very close to men of the early time and their descendants. He was exceedingly affable and always approachable to the humblest citizen. He had reflected deeply and comprehensively on the affairs of the world and was an excellent judge of human nature. He was so full of pleasantry and good nature that I do not believe anyone ever engaged in a conversation of any length with him without being told some apropros anecdote or incident that would provoke a smile and give a pleasant impression. It will be readily appreciated that these combined qualities made him greatly beloved by the people, and they were always ready to rally to his support. There was no office within their gift that he could not have obtained for the asking. Indeed, he did receive at their hands the highest honors of the State. For fifteen years he was a Judge, and a portion of the time Chief Justice of its Supreme Court; then its United States Senator. In respect to the latter position, he had a most formidable rival in the person of William B. Allison, who for so many years subsequently represented Iowa in the United States Senate with a distinction which rivaled that of any of his compeers in that body. The only objection I had to Judge Wright was the character of his handwriting, which was the most difficult chirography that I have ever beheld. In digesting his opinions, while preparing my head notes, I had often great difficulty in ascertaining what he had written. These opinions, too, were written in his best and most legible style and were not quite so bad as some of his more hastily prepared productions. He sent me many years ago for my use in this work, quite a lot of hastily written memoranda, which after repeated efforts to decipher, I gave up as impossible.

As a summary of his personal traits: In public affairs he was extremely cautious. He was not a bold and aggressive leader of men. His popularity was whol-

ly due to other sources. His good humor and cheerfulness were perennial. His attractive person, his still more attractive, finely lined face carried a ray of sunshine that enlivened all surroundings.

His manner was urbane and graceful, and "on his unembarrassed forehead, nature had written 'Gentleman.'" He was, in short, one of the most lovable of men; he drew everybody to him. As for myself, my affectionate veneration was such that I dedicated to him my "Digest of Supreme Court Decisions," published in the early seventies; and on the occasion of his death, made a plea for a statue to his memory in a communication addressed to and published in the Des Moines State Register of January 24, 1896.

As a Judge, he has had few equals and no superiors in the history of the Supreme Court of the State. His numerous decisions constitute one of the principal bases of its jurisprudence and will serve to perpetuate his judicial fame throughout all its future period. His associates on the bench were John F. Dillon, Ralph P. Lowe and Chester C. Cole, and it was this rare judicial array that principally contributed in giving to the Supreme Court of Iowa the distinction throughout the entire country of being one of the very strongest in the land. Among these it goes without saying, none was more conspicuous than Judge Wright. He possessed those four qualities which Socrates declares to be the requisites of a judge: To hear courteously, to answer wisely, to consider soberly, and to decide impartially. His published opinions are models of unaffected wisdom and force. With no attempt at learned display, they grasp with all the force of reason the naked points of controversy and trenchantly carry them to lucid conclusions.

Nothing that I can say of him as a judge would furnish as reliable an estimate as that contained in the following letter of that great lawyer and judge, John F. Dillon, to the Pioneer Law Makers' Association, read at its reunion of 1898:

I esteem it one of the felicities of my professional career that I was associated for six years with Judge Wright on the Supreme Court bench of the State of Iowa. It is scarcely necessary for me to express my opinion of his learning as a lawyer, and his merits as a judge. No difference of opinion on this subject, so far as I know, ever existed among the bar and the people of Iowa. The verdict of the bar on this subject is that, take him all in all, he had no equal among the state's chief justices or judges in her judicial history. Some of them may have had, in special and exceptional lines, superior gifts, or superior learning, but as I have just said, take him all in all, he easily stands conspicuous and foremost. To those who served on the bench with him, and to the bar who practiced during the period of his long connection with the court, the reasons for this are not difficult to find. I may refer to some of them briefly.

First among these reasons may be mentioned his zeal and conscientiousness in the performance of his official duties. As Chief Justice he was always present; and, having control of the deliberations of the Court, would never consent to adjourn any term until every case which had been argued or submitted was considered. The period of my association with him was when there was no rule requiring the records and arguments to be printed. They were mostly in writing. Judge Wright was a rapid and most excellent reader; and his invariable habit during our consultations, in all cases submitted, was, first, to take up the argument

of the appellant; read it; next the argument of the appellee; then any reply, referring to the record whenever necessary; then to insist on a full discussion and a vote. I believe I may safely affirm that no case was decided during these six years that I was on the bench without this "formula" having been complied with. No case was assigned, previous to full consideration among the judges, for examination and an opinion by a single judge. I verily believe that the admitted excellence of the judgments of the Supreme Court of Iowa during the period of Judge Wright's incumbency of the office of Chief Justice, is due to the course of procedure above mentioned.

Another characteristic of Judge Wright was his intimate knowledge and memory of the legislation and course of decisions in the State. He was a living digest of these decisions. He carried in his memory every important case that had ever been decided, and thus kept the lines of judicial decision consistent.

As a presiding officer he was without any equal. He had remarkable executive ability. He presided with dignity; maintained the utmost decorum in his court, and yet no member of the bar, I believe, ever felt that he was exacting, oppressive, or that he in any way encroached upon their legitimate rights and privileges. He had almost in perfection what I may call the "judicial temperament." He showed absolute impartiality, had great patience of research, and above all, a level-headed judgment, and strong, sure-footed common sense. Combining these merits and qualities with ample learning in his profession, it is no marvel that the bar of Iowa hold him and his memory in such deserved honor.

His miscellaneous reading had not been wide; his acquaintance with English or classic literature, slight. None of his compositions are adorned with decorative drapery. I do not think that in any of his writings can be found the employment of Latin or other foreign phrases, save in those terms and expressions which have been preserved in the law; but they are none the less forceful, and often traced in elevated lines.

His notions concerning the judicial office were of the highest order. Perfect independence of the judiciary was his ideal, and when a portion of the press joined in a denunciation of the judges, one of whom was Judge James G. Day, who united in the opinion of the Supreme Court, declaring what was known as the prohibition amendment to the Constitution void, it made him indignant, though he was not then on the bench. Stirred with this feeling, he wrote me the following letter, which clearly reveals his views on the subject:

Des Moines, May 2, 1883.

Dear Stiles: As you value the independence of the judiciary, the integrity of courts and the good name of the State, I hope you will stand as a wall of fire against this most iniquitous clamor that four judges should be outraged and disgraced because they had the "courage of their convictions." I do not care about the case, nor the decision, nor how it was decided, but I do care, when it is proposed to appeal from the Court to State Conventions and town meetings. I know your views must be in accord with mine on this subject, and I only write that it may be made the more certain that Wapello County be truly represented. I do not propose that Judge Day shall go down before this unjust whirlwind.

Your friend ever,

George G. Wright.

I feel privileged in saying that to this I made the following reply:

Ottumwa, May 3, 1883.

Dear Judge: Yours relating to Judge Day is received. I cordially endorse its sentiment. To allow the slaughter of Judge Day for performing a duty in accordance with his conscience as a judge and which to have shrunk from would have

been moral cowardice, will never do. In my judgment the clamor that certain newspapers have made against, and the opprobrium they have sought to throw upon the judiciary of our State, has done more to corrupt the political morals of our people than anything that has occurred in my time. I propose to stand by Judge Day, and I believe that is the general sentiment here.

Judge Wright was born in Bloomington, Indiana, 1820, and graduated from the University of that State in 1839. He studied law with his brother, Joseph A. Wright, who was at one time, Governor of Indiana, and afterwards United States Minister to Germany. He was admitted to the bar in 1840, and during that year came to and commenced the practice of his profession in Keosauqua. In 1844 he formed a partnership with J. C. Knapp, under the firm name of Wright & Knapp, which continued till his removal to Des Moines in 1865. In 1847 he became Prosecuting Attorney for Van Buren County; in 1848 he was elected to the State Senate and served in that capacity two terms; in the fall of 1850 he was nominated by the Whigs of that district for Congress, but it had a clear Democratic majority, and his opponent, Bernhart Henn, was elected. In 1853, when General George W. Jones was re-elected to the United States Senate, Wright was nominated by the Whig caucus and received the vote of the Whig members of the General Assembly. He was then but thirty-three years of age. In 1855 he was elected as one of the Judges of the Supreme Court of the State and served until 1859, but declined a re-nomination. In the following summer, 1860, however, he was appointed by Governor Kirkwood to fill the vacancy on that bench, occasioned by the death of Judge Stockton. At the end of that term, he was re-elected for a term of six years from the first of January, 1866. In January, 1870, he was elected to the United States Senate for a full term commencing March 4, 1871, in consequence of which he resigned his place on the bench. In the Senate he served on the important committees of judiciary, finance, claims, the revision of the laws and on Civil service and retrenchment. In the performance of these duties, he won a high position in that distinguished body, but at the end of the term, absolutely declined a re-election. He was elected in 1860 President of the State Agricultural Society and served five years in that capacity.

While in Keosauqua, Henry C. Caldwell was added to the firm of Knapp & Wright. While in Des Moines, at the close of his term in the Senate, the Judge became a member of the firm of Wright, Gatch & Wright, composed of himself, his son, Thomas S., and Colonel C. H. Gatch. In 1881 the firm was composed of Judge Wright, his sons, Thomas S. and Carroll Wright, and A. B. Cummins, afterward Governor and United States Senator. In the fall of 1865, after he had removed to Des Moines, he, with Judge C. C. Cole, established the first law school west of the Mississippi River. After the first year, Prof. W. G. Hammond, afterward Chancellor of the Law Department of the Washington University at St. Louis, accepted a position with them, giving his entire time to the school. In 1868 the law school was removed to Iowa City, and became the law department of the

State University, Judges Wright and Cole becoming law lecturers of the department. He took great interest in this work; his last lecture before the department was in June, 1896, and in it he referred with pathetic eloquence to his co-workers of the past, who had been his associates in laying the foundations of the State. In 1879 he was elected a director in the Chicago, Rock Island & Pacific Railroad Company. The State is not only indebted to him for wise decisions moulding its jurisprudence, but for introducing into its early laws beneficent measures that have been enduring. He prepared and introduced both the bills which passed into laws, abolishing imprisonment for debt, and the creation of homestead exemption.

Among the sons of Judge Wright were three who became eminent lawyers. Thomas S. Wright was General Counsel for the C. R. I. & P. Railway Company. He died suddenly, while on a visit to New York some years ago. Craig L. Wright went from Des Moines to Sioux City and formed a partnership with William L. Joy. This firm continued to be one of the strongest legal firms in that part of the State for many years. This son died at Los Angeles in 1915. Carroll Wright, who died many years ago, was the General Attorney from Iowa of the C. R. I. & P. Railway Company.

Joseph C. Knapp, in appearance, temperament, bearing, disposition—in the tout ensemble of his characteristics, was in striking contrast to his long-time partner, Judge Wright. He was a man of moods, sometimes blunt, gruff, apparently unsociable, devoid of popular traits and cared nothing for public opinion. He was really a great man, and had his lot been cast in a large city, rather than a country town, he would have attained a national reputation. He needed the stimulus of great demands and the execution of great purposes. He did not have these, and lapsed into the inertia of his surroundings. He had a great contempt for little things, and I think became discontented with his environments. But it was too late in life to change, and he lingered and died in Keosauqua. He was leonine in appearance and character, but it took something more than the ordinary to arouse him. But when once aroused, he was a veritable Jupiter Tonans and made everything around him tremble. I heard him when thus waxed, make the closing argument in the slander case of Bizer vs. Warner, tried in our Court at Ottumwa fifty years ago, and it made my youthful blood tingle. He was a pretty regular attendant of our Court during the early part of my professional life. He subsequently became the Judge of our District Court and it was my fortune to try a good many cases before him. At that time he was somewhat advanced in years, and the lapse of time had considerably toned down his youthful fires. His reputation as a great lawyer overshadowed his reputation as a Judge, and was co-extensive with the State.

Anecdotes, when apt, sometimes serve to illustrate a man's traits. I have said that Judge Knapp was occasionally gruff. The following incident related to me by Judge Robert Sloan, who lived in the same town, and was for many years a dis-

tinguished Judge in that district, will illustrate. Knapp was a member of a committee to examine an applicant for admission to the bar. The other members of the committee asked the young man a number of questions, the answers to which disclosed the fact that his legal attainments were very slim. Finally Judge Knapp thought he would ask him a practical one and said, "Suppose Cox & Shelley (wholesale merchants at Keokuk) should send you an account for collection. What steps would you take in the matter?" "Well," was the answer, "I would sit down and write the man to come in and pay it, then I'd wait on him three or four days and if he did not come in, I'd put it in the hands of a Justice of the Peace and in about a week I'd go around and get the money." "Yes, like h—ll you would," growled Judge Knapp. He had been there himself.

I have said that he was leonine when aroused. He was also defiant of the court when he felt outraged. He was once defending a man charged with a criminal offense, against whom there was great excitement and prejudice on the part of the public. Knapp conceived that both the Judge and the Prosecuting Attorney actively participated in this feeling and that they manifestly exhibited it throughout the trial. As a consequence, he was inwardly boiling with rage when he came to make his argument, but suppressing his emotions, he commenced in low tones and mild to the Jury. He spoke of the unjust prejudice that had been manifested against the defendant and the duty of the Court to protect one on trial for his life or liberty by an impartial administration of the law, and a properly conducted trial. He said that a court had been defined to be a temple of justice, where every man's rights were protected by an orderly and impartial trial. Then, no longer able to restrain his feelings and raising his powerful voice to a pitch that made the rafters tremble, looking at the Judge, the Prosecuting Attorney and the assemblage around him, he exclaimed: "But what have we here? What have we here? What have we here?—A judicial mob! A judicial mob!"

I have said that he was without popular traits and cared but little for public opinion. He was boldly independent, had a contempt for pretense and lacked discretion in concealing his views—poor traits for one desiring to court popular favor. When a candidate, the story was circulated that he had in a certain conversation said: "The people are like a lot of sheep; they will follow the bellwether wherever he leads."

Beneath all outward appearances, beneath occasional brusque exhibitions of acerbity, he was at heart and in the depth of his great soul, a man of profound pathos and tender sympathy. His acerbity was but seeming and then only occasional. In his better moods he was one of the most sociable and agreeable of men; his well-informed and comprehensive mind and his keen discernment made him a most interesting conversationalist. While he occupied the bench he exhibited no irregularities of temper or conduct, and all of his proceedings were marked with a

strength and dignity. The last interview I had with him I shall always remember. He was holding court at Albia and I had gone over there to get some order signed. After the adjournment of court, he invited me to his Chambers and we sat and talked during the whole evening. He was then nearing the end of his career. Time had softened his asperities, and as I listened to his kindly conversation and looked into his strong, expressive face, in the lineament of which God had left the traces of his own mercy, I fully realized the truth of what I have said concerning his pathetic nature.

He was born at Berlin, Vermont, in 1813. He was educated at Montpelier, and in 1833 came westward and located at Racine, Wis., where he studied law with Marshall M. Strong and E. G. Ryan, who was for many years Chief Justice of Wisconsin, and one of the greatest legal minds of the age. After a few years' practice at the bar in Wisconsin, Mr. Knapp, still a single young man, following the star of empire, came to Iowa three years before it became a State, and settled in Keosauqua, in 1843, where he continued to reside until his death.

In 1846 he was appointed by Governor Clark, Prosecuting Attorney of that district, and in 1850, by Governor Hempstead, District Judge of the district, to fill the vacancy caused by the resignation of Cyrus Olney. In 1852 he was nominated as his own successor for District Judge, and ran against William H. Seevers, but was defeated. In 1852 he was appointed by President Pierce, United States District Attorney for Iowa, and reappointed by President Buchanan to the same office, holding it for eight consecutive years. In 1861 he was a candidate for State Senator in Van Buren County against A. H. McCrary, the latter being elected. In 1870 he was a candidate for Judge of the Supreme Court of Iowa against C. C. Cole and in 1871 a candidate for Governor of Iowa against Cyrus C. Carpenter, his opponent in each case being elected. In 1872 he received the votes of the Democrats in the State Legislature for United States Senator. In 1874 he was again a candidate for Judge of his district against Morris J. Williams and was elected. At the expiration of his term of office as District Judge, he declined a renomination, having received the nomination for State Supreme Judge by both the Democratic and Greenback parties against Jas. H. Rothrock. In this contest he had strong hopes of success, but was defeated by a small majority. His defeat he always attributed to the action of the Democratic central committee in making a fusion and division of candidates with the Greenback Party, after each had made their nominations in regular convention. This he regarded as unwise and unauthorized on the part of the committee, and as the cause of demoralization and dissatisfaction, sufficient to overcome the advantage he had in being the regularly nominated candidate of both parties, and by means of which he had counted on success.

In 1876 he received the distinguished honor as a Churchman and Jurist of Appointment on the Congregational commission to investigate the charges of unminis-

terial conduct against Rev. Henry Ward Beecher, his associates being: Hon. N. P. Chipman, United States District Judge, of Connecticut; Hon. S. B. Gookin, of Indiana; Jonathan E. Sargent, of New Hampshire, and Hon. A. Finch, of Wisconsin.

In his earlier days he was conspicuous in Democratic politics, but for the greater part of his life, his party was in a hopeless minority, which accounts for the defeats noted.

He died in 1882 at his residence in Keosauqua. His funeral was largely attended by members of the bar throughout that portion of the State. At the following term of the District Court, memorial services were held, at which addresses were made by a number of prominent lawyers. In order to confirm what I have said, and as expressive of my own views regarding Judge Knapp, I give the following brief excerpts from some of those addresses:

Judge Robert Sloan said:

His real fame is as a lawyer. The people of this part of the State recognized him as a great lawyer before any of us came to the bar. When we remember his seeming contempt at times for the ordinary conventional courtesies of life, we wonder at his strength with the people. But when we recall his genius, learning and power at the bar, we are at no loss to account for it. He was trusted by them with a faith that falls to the lot of few men to inspire. When in trouble, clients turned to him, feeling well assured that with him for their advocate they had more than an equal chance for success. There were few great trials in this part of the State, up to the time he went on the bench the last time, that he was not engaged in. * * * When aroused in a case calling forth all his energies, he seemed like a lion at bay, determined to conquer by sheer force and yet he pleaded with wonderful gentleness and persuasive power at times. * * * In social intercourse, when the mood was upon him, he was indeed a charming companion. Few men could be more intensely interesting or more genial and pleasing. But he had no weather talk for want of something to say.

D. C. Beaman, who was his partner for a time and afterwards became the attorney for the Colorado Fuel and Iron Company, said:

His name alone was a power in any cause and his best efforts when aroused in a just one were as resistless as a whirlwind. His name appears in the first volume of the Decisions of the Supreme Court of Iowa, published in 1846, and continues in every volume down to 1881, embracing sixty-one volumes. There has lived in Iowa no other lawyer whose name is thus inscribed without a break or lapse. * * * It was my good fortune to be associated with him during the latter years of his life. As his years grew upon him, he was bound less and less by the fetters of technicality, and held in profound contempt all precedents not in harmony with his own enlarged views of equity and right. His ideas of law were drawn from broader fields than ever before, and the iron chains of ancient and common laws were dissolved by the higher elements of social and moral sentiment. His professional ethics were of the highest order. He had his moods like most men, but unlike most men, he had no tact nor desire to dissimulate, and hence when he had no intention to speak, he did not speak, and when he had no desire to form a new acquaintance or be bored by an old one, he was as impassive and unconcerned as the Sphinx. * * * In the forensic arena his powers of pathos and sentiment were equaled and perhaps excelled by those of denunciation and satire, while his humorous comparisons were always of marked originality and inestimable in effect. Contrary to the generally formed opinion of those not intimately

acquainted with him, his conversation in everyday life was rarely of a solemn or morose character, but a vein of the highest humor continually appeared, pleasant, enlivening subjects were those most frequently chosen by him, and his manner as a conversationalist was attractive in a high degree.

In physique, he rather strongly resembled Judge Samuel F. Miller. His features were strong, resolute, but regular rather than angular; his partially bald head strikingly fine, broad and high. His whole bearing carried the idea of strength.

In 1849 he married Miss Sarah A. Benton, whose younger sister afterward became the wife of Henry C. Caldwell.

I feel constrained to tell the following anecdote illustrative of Judge Knapp, and incidentally of Ben M. Samuels, of Dubuque. It was at the time when Knapp was United States District Attorney. Samuels, who was one of the most eloquent, as well as one of the ablest members of the Iowa Bar, in defending a criminal in the United States District Court at Dubuque, made a pathetic appeal to the Jury, in the course of which he described the wife and children who were awaiting with painful anxiety for the verdict which should fill their hearts with joy or with despair; and in the climax of this appeal, he quoted Byron's lines,

'Tis sweet to hear the watch dog's honest bark
Bay deep-mouth'd welcome as we draw near home;
'Tis sweet to know there is an eye will mark
Our coming, and look brighter when we come.

Knapp in his reply, called attention to this appeal of Samuels and said, "Why, gentlemen, there is no evidence in this case that the prisoner has any wife or any children, or any dog. The chances are that he has neither and that they exist only in the imagination of Mr. Samuels."

Many stories were told concerning him and Judge Wright, and of them I can properly give these, as they throw additional light on some of their characteristics, and because we naturally desire to know particulars about persons who awaken our interest. Judge Knapp was very absent-minded, sometimes so "deep in abstraction sunk," that he was oblivious of everything about him. Judge Wright used to relate this incident. He said Knapp wanted to saw off a limb of one of his apple trees, and for that purpose, with the aid of a ladder, with saw in hand, ascended the tree and seated himself the wrong way across the limb and commenced sawing it off on the side next to the trunk. The result was that when it parted, Knapp and the limb went to the ground together. To the same point, Judge Henry C. Caldwell, who, as a young lawyer, entered the firm, which then became Knapp, Wright & Caldwell, vouched for this incident: He said that they had in the office, a drawer with two compartments, in one of which was kept the money taken in and belonging to the firm. In the other compartment they had placed some counterfeit bills which a counterfeiter they had defended, had surrendered to them. Knapp was going into another county, to be gone several days. To provide himself with funds, and

forgetting the distinction between the compartments, he took twenty dollars from the counterfeit bills. When he returned from his trip, Caldwell asked him how he managed his finances. "Oh," replied Knapp, "I took twenty dollars with me out of the drawer." "But that was the counterfeit money that fellow gave us," said Caldwell. "Yes, that is so; I had forgotten all about it," replied Knapp; "but it didn't make any practical difference, for the money went all right, and I heard no complaint about it."

Knapp used to tell this one on Wright. He said when Wright ran as the Whig candidate for the Territorial Legislature, his opponent was his father-in-law, Judge Thomas Dibble, an old-fashioned and popular Democrat. The district, composed of Davis, Appanoose and Van Buren Counties, was overwhelmingly Democratic, but it was thought Wright might pull through by reason of his popularity. So Wright went into Appanoose County to interview the twenty-seven voters there. He was all suavity, talked nicely to the men, was sweet to the women, and dandled and praised their babies at the different cabins. When he returned, he told Knapp that he had the promise of every voter, and that he believed he would get every vote in the County; but when the vote was counted, it was found he had received only one out of the twenty-seven, and Dibble the remainder. Wright, he said, wrote to the canvassing board, asking for the name of the man who had voted for him, as he desired to send his wife a new dress; but he never did send the dress, for the reason that it was claimed by sixteen different men.

The following letter, written by Judge Knapp to D. C. Beaman, his recent partner, who had removed to Ottumwa to become associated with me, affords a glimpse of the quaint and delightful humor of Judge Knapp, when it is known that "my partner, Mr. Jordan Payne," referred to in the letter, was an old negro he had engaged to occasionally perform the duties therein specified. This letter, Mr. Beaman gave to me when it was received more than thirty years ago, and I have preserved it to the present time. It reads:

January 5, 1882.

Dear Beaman: If you have a key to the office, please bring it down. I want it for my partner, Mr. Jordan Payne, whose professional business is to build a fire and sweep out, and to that end wants a key. I doubt if the business of the office will pay two, but have guaranteed Mr. Payne so much per week anyway.

Yours,

Knapp.

Since writing the foregoing sketch, I have had an interview with Judge Knapp's widow, who is visiting her sister, the wife of Judge Henry C. Caldwell, at Los Angeles. This interview occurred on the 10th of December, 1912. In it she told me of this incident, which reveals strikingly the difference I have endeavored to point out in some of the traits of Judge Wright and Judge Knapp. She said that her uncle, Judge Wright, was visiting their home; that after the manner of the times, both he and Judge Knapp wore long linen dusters, the weather being warm; that after breakfast Judge Knapp took off the rack and put on Judge Wright's duster,

and went across the street to his office. When Judge Wright was about to depart he discovered that Knapp had worn away his duster instead of his own; whereupon he rushed over to the office and said to Knapp, "Why, you have got on my duster." "Well, that accounts for it; I have felt all the forenoon like running out of the office and across the street to shake hands with every fellow that came along."

A copy of the foregoing sketch down to the point of the last anecdote had been sent by me to one of the numbers of the *Annals of Iowa*. A few days ago I received from Mark M. Baker, of Chicago, the following letter which speaks for itself:

Dear Sir: The writer is unknown to you but has just read your article on Judge Knapp, and it has impressed me so that I feel like thanking you. You must have had an intimate acquaintance with this remarkable man. As a boy of twelve I went to live in the Knapp home and remained with them until I finished school in Keosauqua. Your stories of Judge Knapp are absolutely true. One more I will tell you. I looked after the wood as one of my duties. I felt sure someone was stealing our wood as I kept it piled straight in the wood house. I told the Judge I was positive old Mrs. Garrett (colored) was stealing our wood, for that morning her cook stove had been blown up from a loaded stick. He looked at me and asked me if I was certain it was Mrs. Garrett that was taking our wood. I told him I was absolutely sure of it. He said, "Well, damn her, if she has no money to buy it and is cold she has a perfect right to steal it." I have always wondered if he thought I fixed that stick of wood.

A day or two after the receipt of this letter, I paid a visit to Judge Caldwell, and read it to him and Mrs. Knapp, who, by the way, in her 84th year, is as bright and sprightly as most women of fifty. She remembers Baker, who is now a prosperous merchant of Chicago, perfectly, and laughed heartily over the letter. Judge Caldwell said the incident reminded him of one in his army experience, relating to General Samuel R. Curtis. He said, that while General Curtis had command of the Department of Missouri during the war, he was called by the General to come to St. Louis for a conference, and that while there, Gen. John W. Noble, who was then acting as Judge Advocate, came in and presented General Curtis with the written findings of a court martial, on which Noble had endorsed his recommendation that the judgment be carried out. "What is this young fellow guilty of?" inquired General Curtis. "Stealing a blanket." "And what is the finding?" "That he be put to hard labor and wear a chain and ball for thirty days." "Tut, tut, that won't do. It was a cold night, wasn't it?" "Yes." "Well, if I were freezing as he was, I would steal a blanket myself. Let the boy go."

Augustus Hall, Delazon Smith, Charles Baldwin.

Augustus Hall came to Keosauqua in 1844, and entered upon the practice. Reference has been made to him in the sketch of his brother, Judge J. C. Hall. He left the State soon after I came to it, but his reputation as a man of great talents, a lawyer of great ability, and an advocate of remarkable eloquence, had been well

established during his residence in Keosauqua. In many respects, he was dissimilar to, and in some respects, the superior of his brother. He was superior in eloquence, dramatic power and scholarly attainments.

In 1852 he was one of the presidential electors and cast his vote for Franklin Pierce. In 1854 he was elected to Congress on the Democratic ticket. His opponent was R. L. B. Clark, of Henry County. In 1856 he again received the Democratic nomination for Congress, but was defeated by Samuel R. Curtis. In 1857 he was appointed by President Buchanan, Chief Justice of the Territory of Nebraska, and from that time ceased to be resident of Keosauqua and the State. That he was highly gifted, and in many respects a most remarkable man, was the universal testimony of his contemporaries. His memory is said to have been wonderful; that he could remember clearly the testimony of every witness who had testified in a case, and that he could quote with the greatest facility, passages from the Bible, the classics, history and the choicest sources of literature. In completing this work, I have frequently availed myself of the opportunity of consulting with and gaining information from the few survivors of the early time—only two or three in number now among the lawyers—who were young men when I came to the bar in 1857. Among them are Ex-United States Judge Henry C. Caldwell and Judge Charles C. Nourse, now living in California. On yesterday, the fourth of September, 1912, I was present at the celebration of the eightieth birthday anniversary of Judge Caldwell, at his home in Los Angeles. Judge Nourse lives at Sierra Madre, one of the suburbs of Pasadena. Both of these men were young lawyers in Keosauqua, while Augustus Hall was in the height of his career. Speaking of Hall, Judge Caldwell referred to two incidents illustrative of his skill and memory. In one instance he was defending a man, against whom two witnesses had testified—whom he had caused to be separated before giving their testimony—one of them that he had seen the prisoner at a certain place and at a certain time, and the other, called to corroborate the first, that he had also seen him, but fixed the time at quite a different hour. On the testimony of these two witnesses the case depended. In summing up to the jury, Hall drew from his pocket a copy of the Bible with the Apocrypha attached, and read from it the history of Susanna who was about to be executed on the false testimony of two elders, one of whom had testified that the offense of which she was accused, was committed under a Mastick tree, while the other elder, testified that it was under a Holm tree; and upon this discrepancy the testimony of the elders was discredited, the elders themselves denounced, and the life and honor of Susanna saved. Judge Caldwell said that Hall read it with great vehemence and dramatic power; that the effect was electrical and the Jury promptly returned a verdict of not guilty. The other instance was a habeas corpus proceeding before Judge Mayne, the Judge of the County Court of Van Buren County, and which had then jurisdiction in habeas corpus proceedings. The man had been arrested and cast into jail by the officer under a mittimus which did not

specify the charge for which the arrest was made. Hall issued a writ of habeas corpus before Judge Mayne for the release of the prisoner on the ground that the imprisonment was unlawful in that the mittimus failed to specify any offense. Judge Mayne was a Methodist and keenly alive to scriptural influences. Hall, knowing this, in denouncing the arrest without the specification of any crime, appealed to the trial of Paul before Festus and King Agrippa, wherein Paul had been violently accused, brought before Festus and his life demanded, without any specific crime being charged against him. Festus had come with him before King Agrippa, saying that he had no certain thing to write against Paul: "Wherefore, I have brought him forth before you, and especially before thee, O, King Agrippa, that, after examination had, I might have something to write. For it seemeth to me unreasonable to send a prisoner, and not withal to signify the crimes laid against him."

This scriptural re-enforcement of the law that every man accused shall be informed of the crime of which he is accused, carried the day with Judge Mayne, and the prisoner was released. These two scriptural incidents probably furnish the first precedents for the separation of witnesses, and the doctrine that the accused shall be informed of the charge against him, and the nonscriptural ones aptly illustrate the dexterity and varied gifts of Augustus Hall. He belonged to a remarkable family. Jonathan C. Hall, Augustus Hall and Benjamin F. Hall form an important group in the galaxy of Iowa's illustrious men.

James W. Woods (Old Timber), whose name was familiar to all of the early lawyers and old settlers, thus speaks of him in one of his communications to me:

Augustus Hall came in the early forties from Ohio to Iowa. He commenced and continued to practice in Keosauqua until he was appointed by President Pierce one of the Judges of the Territorial Supreme Court of Nebraska. He was a younger brother of J. C. Hall. He had also another brother, named Cyrus, who was an officer in the regular army and died of cholera at San Antonio, Texas, in 1848. When he came to Keosauqua he was a young man; his naturally fine talents were aided by the stimulus of poverty. He rose so rapidly in his profession that in a comparatively short time he ranked among the ablest lawyers of the State. He had all the condensation and clearness of his brother, J. C. Hall, in the statement of a proposition, and far greater eloquence and dramatic power. He perhaps lacked, somewhat, in the sledge-hammer logic of his brother, but he was potent alike before court and jury. While a young man, he walked all the way from Keosauqua to attend the Supreme Court at Iowa City in the winter season and without an overcoat. His practice became large and lucrative, but his generous heart always kept him poor. In disposition and mental makeup he was rather silent and reflective, differing in this respect from his brother, J. C. He was more learned, cultivated and polished than his brother, and his superior in general accomplishments. He died from an injury received in an accident at Omaha, during his judgeship. He was a Democrat in politics, but was not what might be called a politician. In personal appearance, he was not above medium height, had light hair, bright and attractive eyes, and florid complexion.

He was born at Batavia, in the State of New York, in 1814, and died in Nebraska in 1861. His son, Richard J. Hall, became a leading member of the Omaha Bar.

Delazon Smith was one of those versatile geniuses that appear only at intervals. He was a native of Ohio, from whence he came to Keosauqua at an early day, and where, by his pyrotechnical instincts and accomplishments, he soon established a reputation. He had great wit, great readiness, dramatic power and eloquence. He created a sensation in political circles by his activities and by his occasional spectacular attitudes. He has been so graphically described by James W. Woods in the sketch of that gentleman, that it becomes unnecessary for me to do more than refer the reader to it. That Smith was a man of conspicuous brilliancy is beyond question. He was a college graduate, and as a young man, had gained distinction as a writer and orator in his native State of Ohio. He was appointed during Tyler's administration, Minister to Bogota. On the incoming of a new administration, his successor was appointed, but it was said that the administration could not get in communication with or find Smith, and he thereby acquired the title or cognomen of "Tyler's lost Minister;" but another one was more generally applied to him, that of *Delusion Smith*, by which Judge Knapp once referred to him. He used to give Knapp and his political associates a good deal of trouble by his skilful performances, which so exasperated Knapp that he gave him the name referred to. In the early fifties he removed to Oregon and became one of the first United States Senators from that State. At the end of his term, and while returning to Oregon, via the Panama route, he sickened and died on the way.

Charles Baldwin was a lawyer of ability, though he did not come to the bar until comparatively late in life. He was not strong as a trial lawyer, but his conceptions were remarkably clear and strong. When upon investigation he came to a deliberate conclusion, he had great confidence in that conclusion, and he was generally right. As an instance of that, the case of *Wilson vs. Tribblecock*, may be referred to. The question involved was whether a note payable in gold coin could be enforced according to its terms. Mr. Baldwin insisted that it could, and though the two State Courts decided against him, he had the tenacity to take the case to the Supreme Court of the United States, where his own view was affirmed. He remained in the practice for a number of years, and perpetuated himself in two sons, who became decidedly prominent in the profession, W. W. Baldwin, one of the leading lawyers of the Chicago, Burlington & Quincy Railroad Company, and Charles Baldwin, who successfully established himself in Salt Lake City.

Robert Sloan, D. C. Beaman and William M. Waller.

Robert Sloan, including the time that he was Judge of the Circuit and the District Courts of my district, must have been on the bench for some twenty years. For a good portion of that time, and until my removal to Kansas City, I practiced continually before him—so long that he seems almost a part of my life. A man who has achieved distinction as a practicing lawyer, sometimes makes an unsatisfactory

judge. On the other hand, I have known lawyers that were not notable as practitioners who made excellent judges. Robert Sloan belonged to the latter class. It is questionable whether any *nisi prius* judge served as long in the State as he did, and it is also questionable whether any ever served better or with more credit to himself and his constituency. He was a man of high character, his integrity beyond question, his painstaking investigation constant. He had naturally a good legal mind, a clear conception of fundamental principles, and an excellent judicial temperament. This fine combination made him one of the best judges that it has been my fortune to practice before, during a long and pretty wide experience. He had the respect and the confidence of the entire bar of his district, which was one of the most important in the State. He had also the respect and confidence of the people, and term after term they continued him in his judicial position.

Viewed from his personal side, he was an amiable, high-minded, Christian gentleman. In conversation and in his social relations he was pleasant and entertaining, fond of talking with his friends, enjoyed a good story and told many amusing incidents himself. He took great interest in preserving the history of Van Buren County, and especially of men connected with its early period, and on this subject contributed many articles for publication. He had a good deal of the antiquarian instinct and took a good deal of interest in the exploration of Indian mounds that in places line the Des Moines River.

In his judicial functions, he possessed, in a great degree, that element so necessary to a judge—patience. Instead of embarrassing counsel by frequent interruptions, he listened attentively to all that was said on either side. He took infinite pains in drawing his instructions to the jury, and as a result, they were always clear and free from confusion. But few of his judgments were ever reversed. I have intimated that he was not conspicuous as a practitioner. He could not well have been, for he had been at the bar but a comparatively short time, before he was elevated to the bench. He was, however, a sound and successful lawyer both before he became a judge and after his retirement from the bench.

He was not what would be termed a handsome man, unless judged by the old saying that "handsome is as handsome does." His figure was not perfectly moulded, but tall, lean and a little stooped. His face was serious, rather long and rather thin, but his forehead was fine and elevated and his intelligent eyes thoughtful and searching.

He was born in Ohio in 1835. He was fairly educated, but not a collegian. When eighteen years of age he came with his parents to Iowa where he taught school for several years, and after that entered upon his legal studies in the office of Judges J. C. Knapp and George G. Wright, at Keosauqua, and there entered upon the practice. Keosauqua always remained his home.

D. C. Beaman, I ought to know pretty well, as we were partners for several years at Ottumwa, whence he came after the dissolution of his partnership with Judge Knapp. He was the son of a New England clergyman, Gamaliel C. Beaman,* who came to Iowa in an early day, one of the Andover Band. The son was born at Burlington, Ohio, in 1838, and was educated at Denmark Academy and Oberlin College. In an article contributed by him to the *Annals of Iowa*, entitled, "The Sword of Black Hawk," appearing in Volume 9, he says of himself:

From 1861 to 1874, I lived at Independence (now Selma) on the Des Moines river in Van Buren County, Iowa, two miles below the farm of James H. Jordan and one mile below the town of Iowaville, where was fought the last battle between the Sacs and Foxes and the Iowas, in which the latter were practically exterminated.

From the time he was of age, he was engaged in business affairs and was thirty-one years old when he was admitted to the bar. Taking that fact into consideration, his rise and progress were remarkable, for in a few years he became known as one of the most astute and skilful lawyers in the State. From some circumstances that I do not now remember, the attention of J. C. Osgood, President of the Colorado Fuel and Iron Company, was drawn to him and his extraordinary capabilities. This resulted in the employment of Mr. Beaman and his going into the legal department of Mr. Osgood's Company at Denver, in 1887, where he eventually became its General Counsel and distinguished himself in that line by the efficiency of his service. My previous partner had been Judge E. L. Burton, under the firm name of Stiles & Burton, and after his election to the bench, Mr. Beaman became my partner under the firm name of Stiles & Beaman. I may say, for the purpose of this article, that we were attorneys in that district for both the Chicago, Burlington & Quincy Railroad Company, the Chicago, Rock Island & Pacific Railroad Company, and the Union Coal & Mining Company; that our practice was extensive for that part of the State, and of a character to test the capacities of Mr. Beaman. That partnership continued until my removal to Kansas City in 1886. I have no hesitation in saying that he proved himself equal to every emergency and demonstrated that he was a lawyer of great skill and ability. He was one of the most methodical and analytical men in all of his reasonings and proceedings that I have ever known. He combined with his legal qualifications, clerical ones of the first order. He wrote a

* Rev. Samuel Stores Howe, in the January, 1883, Old Series, *Annals of Iowa*, in an article, "Historical Recollections of the First Presbytery in Iowa," page 11, thus speaks of the Rev. Mr. Beaman: "There was Gamaliel C. Beaman, a graduate of Andover Theological Seminary—a missionary, first, like W. W. Woods, in Indiana; and then, in Montrose, Iowa, opposite Nauvoo, Illinois, that plague-spot of Mormonism. The Mormons stole his good horse, saddle, and bridle on their way through the wild tract to Kaneshville, now Council Bluffs. Then he founded the church at Croton on the Des Moines river, where, during the late Civil War, he stood by his home, with his rifle in hand, to keep off invaders from Missouri—the hero of two wars—but, most of all, the warrior with the world, the flesh, and the devil!"

hand as neat as a Spencerian professor, without a blot or a scratch and that could be read as easily as print. He had had considerable experience in bookkeeping before entering the profession and this, with his natural talent, not only made him an expert in that line, but proved of the greatest service in the practice, especially in cases where complicated accounts were involved. His qualities in this respect were the very opposite of my own and supplied what was lacking in me. His preparatory legal studies had not covered as long a period as is usually employed by students seeking to enter the profession, and as a consequence, he was not perfectly well versed in what is known as the black letter law or in the obsolete points of Coke and Blackstone, but with their live and practical features he was well acquainted; and whatever he may have lacked in technical, he made up in practical knowledge. He was never idle and kept himself exceedingly well versed in the decisions of the Supreme Court by reading every case as it was reported, and his excellent memory enabled him to utilize and apply them, whenever they were needed. He was, I think, as well-equipped and what is called well-posted a lawyer as any other in the State. The Colorado Fuel & Iron Company, of which he was the General Counsel, was one of the largest in the country as it is now. It became involved in some cases of great importance, in the course of which the fine talents of Mr. Beaman were conspicuous.

He was rather slight in person, and by nature somewhat delicate, but he had trained and kept himself trained to a state of physical hardihood by outdoor exercise and the sports of the field. He was a persistent hunter and fisherman, and in these pursuits there was scarcely a favorable portion of the country that he had not penetrated; he traversed in season the prairies of Kansas, the mountains of Colorado, the head waters of the Rio Grande and the recesses of Catalina Island. I went with him to the latter place when we were both past the allotted three score years and ten, and he caught more fish than any man in the company. In this way he kept himself from the grave and in good trim. He belonged to several fishing and game clubs and took great interest in kindred legislation. He was the author of what was popularly known as the Beaman Game Law of Colorado.

Mr. Beaman was not an eloquent advocate, but presented his points, whether to the court or to the jury, with remarkable clearness and force; and in drawing legal papers, contracts, articles of incorporation, and in comprehending the points to be covered, he was an expert.

He was quick and light in movement, but in temperament, as cold and imperturbable as any man I have ever seen. I never saw him outwardly manifest any anger or passion, or even exhilaration. He was "as mild a mannered man as ever cut a throat or scuttled a ship." Notwithstanding, he was an agreeable companion, and had numerous traits of a good fellow. He enjoyed and, indeed, craved amusements, lively company and refreshing incidents. He was exact and trust-

worthy in a high degree, and his perfect integrity was beyond question. He retired from the practice in 1910 and has since then devoted himself more than ever to the sports of the field.

"*Billy*" *Walker* was a comparatively young man when I first became acquainted with him, and if now living, has scarcely passed the three score and ten mark. He belonged to an old and highly respectable Van Buren family. He studied law and became a member of that bar. He was naturally vivacious, bright and active. He early made his mark in the profession and came to be known as a sound and skilful lawyer. He was a member of the firm of Lea, Wherry & Walker, and afterwards of Wherry & Walker; after the death of Lea, and the removal of Wherry to California, he continued in successful practice at Keosauqua. His integrity was unquestioned, he had the confidence of the people and everybody liked him, for he was one of the best fellows in the world—kind, obliging, companionable and always ready to help a friend. He was one of the few individuals that it is always pleasant to meet. He made a call on me once when I was in Kansas City, and I felt that scarcely any occasion could have been more agreeable. His brother, Moses, who married a sister of Thomas J. Potter, the great railroad manager, was Clerk of our District Court at Ottumwa nearly fifty years ago. I hope Billy is still living and that these lines will remind him of his old friend.

CHAPTER XII.

FAIRFIELD.

Samuel Shuffleton and Cyrus Olney.

As the result of pretty thorough investigation, my conclusion is that *Samuel Shuffleton* was the first lawyer who settled in Fairfield, though there may be some question as to whether *Cyrus Olney* was not there as early as Shuffleton. One thing I think is clear, that Shuffleton and Olney were the first two resident lawyers. Shuffleton was there, I should say, as early as 1838, for at the second meeting of the Board of County Commissioners in September, 1839, it was ordered "that Samuel Shuffleton be appointed Clerk of the Board of County Commissioners, in place of John A. Pitzer, removed."

Christian W. Slagle, who was one of the early lawyers of Fairfield, once told me that Shuffleton was an Englishman by birth. Further than this, I have not been able to learn anything of his antecedents. Some forty years ago, in changing trains, I had to lie over several hours in Fairfield, and believing that Shuffleton was the first lawyer there, and having been informed by Mr. Slagle, that he had died and was buried in Fairfield, I went to the graveyard, and there found a broad slab erected to his memory, with an inscription which I copied, but have mislaid. My recollection is, that in addition to the date, it gives the place of his birth. He was present, as the record shows, at the first term of the Territorial District Court held at Fairfield, in August, 1839, and that he was then admitted to practice on the presentation of a certificate admitting him to practice as a lawyer in the State of New York. From this, it is clear that he came from New York to Iowa. In 1846 Verplank Van Antwerp was instrumental in getting up a convention of the Democrats of Jefferson County, for the purpose of endorsing some provisions that he had drawn with the view of having them incorporated into the state Constitution. On the provision relating to banking, a spirited discussion arose, "in which Charles Negus, Samuel Shuffleton and George Atcheson participated."* From what has been said, it is evident that he was a participant in early public affairs. Charles Negus, who was, himself, one of the early lawyers of Fairfield, and has contributed perhaps, more to Early Iowa History than any other man, thus describes Shuffleton:

He was a man of much more than ordinary ability, energetic and ambitious of notoriety and fame. For several years he was clerk of the commissioners'

* *Annals of Iowa*, October, 1871.

court, postmaster, and colonel of the militia of the county, which, in those days, had their regular drills. The only obstacle to his having become one of the most prominent men in the West was that he was inclined to be reckless in his habits. He was industrious, naturally a good manager, and succeeded in accumulating means, and built the first frame house ever erected in Fairfield, which was a building about twenty by thirty feet on the ground, and a story and a half high. His wife was a very interesting and intelligent woman, much attached to her family, and had much influence over her husband, to whom he was fondly devoted, and was guided by her counsel. They had four most interesting children, who, though left orphans when the oldest was only about fourteen years old, and mostly had to shift for themselves, grew up to be useful citizens.*

From all accounts, Shuffleton was a man of merit and a natural born gentleman. His life, long before its meridian was reached, was overclouded by a profound and terrible misfortune. He was at the time, Postmaster of Fairfield, and while there in attendance upon the business of the office, a terrific thunderstorm arose. His house was struck by lightning and his wife instantly killed. When he returned to the house, he found that the shock had made a wreck of a portion of it, and beneath the rubbish were found his wife and two small children. The children were taken out alive, but the mother was found a corpse, with her face and body disfigured beyond recognition. This calamity, to a great extent, blighted his life and usefulness, and in a comparatively few years he sank into an untimely grave. A full account of the distressing circumstances is given by Mr. Negus, in the article referred to in the note. Judge H. B. Hendershott, who knew Shuffleton well, told me that while he did not think he was as fine a lawyer as his partner Thomas Gray, he was, nevertheless, an excellent and painstaking one, and a generous gentleman.

Cyrus Olney, as well as Samuel Shuffleton, was present at the first term of the Territorial District Court, held at Fairfield, in August, 1839, Judge Joseph Williams presiding. At that term Olney was appointed Prosecuting Attorney for the term, as the records will show. In 1847 he was elected Judge of the District Court for the third judicial district. He was a student and a man of decided ability. As a trial judge he was superior. Judge J. C. Knapp, who was an excellent authority, once told me that Olney was one of the best judges that ever sat upon the bench in Iowa. Not long ago I mentioned this commendation to Judge Henry C. Caldwell and he told me that he once heard Judge Knapp say that Olney was the ablest trial judge he had ever known. He was the first Prosecuting Attorney of the County, and the first Judge of that district under the state organization. At the close of his judicial term he was appointed one of the Supreme Judges of Oregon Territory and removed there.

* Early Times in Iowa, Charles Negus, Annals of Iowa, July, 1872. It is unfortunate in the cause of correct history that Shuffleton in this article of Mr. Negus is referred to as "Colonel A, the first lawyer who settled in Fairfield." For certain reasons Mr. Negus refrained from giving the full surname, but intended to indicate it by the first letter thereof, "S," which the printer evidently and beyond all question mistook for and made "A" instead.

James W. Woods (Old Timber), more than thirty years ago, gave me this description of him:

In person, Olney was rather below the medium, with nothing striking in his appearance, but he had a quick and active mind, and was lively and animated in conversation, though rather reserved and serious in his ordinary bearing. He was perfectly self-possessed, with a large amount of brain power, a fair advocate, and, for his years a well-read lawyer. On the bench he was a model judge, courteous and amiable, and, for so great a student, popular with the masses. He was elected Judge of the Fairfield District and held that position until he went to Oregon. But few of his decisions were reversed.

Charles Negus and Thomas H. Gray.

Charles Negus was not only one of the early lawyers of Iowa, but also one of its earliest and most valuable contributors in the preservation of historical data. Among other articles furnished by him and printed in the *Annals* are, "The Southern Boundary of Iowa," "Early History of Iowa," and "Early Times in Iowa." These articles are all written with the greatest minutiae, and replete with personal mention and great variety of detail.

In appearance, Mr. Negus was commanding and impressive; tall and broadly built; his head was large; his brow expansive, his expression serious. He looked like Webster, and had a "front like Jove." The first time I saw him was at a large outdoor political meeting on one of the adjacent hills to Ottumwa. It was in 1858 or 1860. Judge H. B. Hendershott presided, and introduced as the first speaker Colonel George Gillaspay, and after him Charles Negus. His appearance impressed me as I have attempted to describe, but his effort was disappointing. He was well educated, had fine literary ability, wrote entertainingly and well, but was not on any occasion either brilliant or felicitous in speech. His thoughts seemed to flow so copiously that they were unable to find adequate expression. He always reminded me, though not closely of course, of what Dr. Johnson said of Oliver Goldsmith "he wrote like an angel and talked like 'poor poll.'" But while he was not what would be termed a fluent and lively speaker, he was nevertheless an interesting, and always a forceful one. Judge J. C. Hall, of Burlington, was not easy of speech, and was sometimes awkward in expression, but he always managed to land his intelligent blows in an effective manner, and so it was with Charles Negus. For very many years he was one of the most distinguished lawyers of Southern Iowa. He had always been a profound student, and he was perfectly familiar with the great principals and precedents that underlie and constitute our jurisprudence. His learning was deep, and in no sense superficial.

From autobiographical narrations that he has given us through the *Annals of Iowa*, concerning his early life, and from other sources relating to his later years, the following summary is gathered. He was a native of Massachusetts. He was left without parents while an infant, and was reared in the families of his grand-

parents until he was nine years of age, when his grandparents died. His paternal grandfather was Silas Negus, a physician of repute, whose eldest son became a noted physician in Webster, Massachusetts. Lyman Negus, father of Charles, died while young. After the death of his grandparents, Charles went to live with his stepfather. He became a hard student and attended the Wilberham, Massachusetts Academy something over two years, then taught school and subsequently entered and graduated from Wesleyan University at Middletown, Connecticut. After this, he taught in the High School at New London, Connecticut, and at the end of this service entered upon his legal studies, and in 1840 was admitted to the bar. Not long thereafter, he started westward and settled in Fairfield in the spring of 1841. In speaking of himself after this period, he relates this amusing incident:

The Sunday evening after I came to Fairfield, I took a walk, and about a mile from town I came to a cabin, the home of R. Taylor. Taylor was the first squatter on this piece of land, had built a comfortable house, and there was a large pile of logs laying by his door for a stable. It was a pleasant spring evening, and either by design or accident, Taylor, with his whole family, had left their domicile and seated themselves on a long log. The family consisted of himself, wife and fourteen children. On the log was first Taylor, then his wife, the largest child next, and tapering off with a regular grade, the last being a youngster just able to toddle about. In this little group were three pair of twins, and the oldest child was only about fourteen years of age.

In 1850 he was elected to the Legislature from Jefferson County. He also served as Prosecuting Attorney for the County. He was a man highly esteemed. He was the soul of honor, and despised everything mean. His contributions to the early history of the State are invaluable, and will cause his name to be closely linked to it throughout the future.

On the occasion of his death in 1877, a general meeting of the Jefferson County Bar was held, at which the most sincere and heartfelt expressions of respect and reverence were made. Resolutions commemorative of his memory were presented, and ordered to be made a part of the record of the Supreme Court of the State, and the Court adjourned out of respect for his memory. The presentation of these resolutions was accompanied by some remarks of Daniel P. Stubbs, from which I have thought it due to the memory of Mr. Negus and as giving a further insight to his character, to give the following excerpts:

At the time of Mr. Negus' death he was the oldest practicing member of the Fairfield bar. As a lawyer, he was able, high-minded and true. As a citizen, he was public-spirited in every project beneficial to his people. As a member of the Iowa Legislature, as Judge of the Probate Court of Jefferson County, as President of the Iowa Railroad Company, as director of our public schools, and in numerous other public positions, he left his mark upon the times in which he lived, and upon the State of his adoption. He will long be remembered by a grateful community. His monuments stand before us in edifices of learning, great thoroughfares, churches, and charitable institutions, that received vital encouragement from his enterprise and liberality. At the time of his advent to this territory the red man's wigwam occupied the valley of the Des Moines, and in fact, most of the Territory. He took a deep interest in these denizens of the forest. No man in the State was more conversant with their history and noticed with more watchfulness their

declining vicissitudes than he, and the State is greatly indebted to him for the information he industriously collected and preserved, concerning them. He devoted much of his later years in researches for the Indian names that have been given to different counties, places and streams in our State. He was fond of repeating these lines:

"There rings no hunter's shout,
But their names are on your waters,
You may not wash them out."

He prepared a history of the origin of these names, given to various localities, and thereby preserved that which might have been forgotten.

Thomas Gray was one of the brightest lawyers and one of the most beloved of his time. I have talked with many who knew him well, and they all united in this tribute. He was the first law student in Jefferson County; he rose rapidly, and was cut down in the midst of a youth that gave promise of future eminence. Where he was born and whence he came I have been unable to learn. He came to Fairfield with William Huston, a merchant, for whom Gray worked a while as clerk. He subsequently became a law student in the law office of Samuel Shuffleton, with whom he entered into partnership after he was admitted to the bar in 1841, under the firm name of Shuffleton & Gray. Mr. Negus said of him, that

he was possessed of easy and agreeable manners, well calculated to suit himself to whatever company he might chance to meet, and generally beloved and respected by all who knew him. He professed to be an infidel in religious doctrine, and to believe that death was an eternal sleep, and that when a man closed his earthly career, that was the end of him.

On the third of December, 1883, I had a conversation with Judge Hendershott, the substance of which I entered in my memorandum book at the time:

Thomas Gray was a man of extraordinary talents but a person could detect from his phraseology and pronunciation that his early education had been neglected, but he was a strong, cogent reasoner and a remarkable lawyer for his age. The following incident will indicate what I have said respecting his early education, as well as throw some light upon Judge Mason. He was engaged in the trial of a case at Ottumwa before Judge Mason, and while arguing a question before the Judge, used several times the expression "subordination" of perjury for "subornation" of perjury. Mason became so nervous at the repetition of the blunder that he hitched about on his seat, and finally, unable to stand it any longer, corrected Gray. I was present.

Gray had a large amount of business which constantly grew and required intense work and late hours. His constitution was delicate, the strain was greater than it could bear, and he was brought to a bed of sickness which resulted in his death. Charles Negus, who was with him much during his sickness and at the time of his death, gives this description:

Gray was young; he had bright prospects; life was dear to him; he hated to die. But he had the fortitude of a philosopher of age; he met his fate with firmness; he died with composure, and showed to the last that he believed in the doctrine that he had professed—that death was an eternal sleep. The extensive acquaintance and popularity of Gray brought many from a distance to attend his funeral, and drew together the largest collection of real mourners that had ever been assembled in the town; and probably it has been the lot of but few persons, in the early settlement of Iowa, to be followed to the grave by as many real

mourners as followed Thomas H. Gray. A few years after his death, at an old settlers' celebration, by voluntary subscription, there were enough means contributed to erect a suitable monument over his remains, which points out the grave of the first individual who was a student of law in Jefferson County.

Christian W. Slagle, George Acheson and J. M. Shaffer.

I have placed these men together because the first two were partners from almost boyhood, and until death dissolved the firm, because the last one was a near relative of the first, and because all three were natives of the same place, were very close to each other during life, and their memories associated after death.

In looking over the distant past and thinking of my early professional associates, as I frequently do, I have often the vision of *Christian W. Slagle*. He was one of the most lovable men in all respects I have ever known. He was typical of all that is best in professional life and private character. One who had the pleasure of his acquaintance could not help believing that the Almighty has made but few men superior to him in noble qualities. He was one of the committee who examined me for admission to the bar at Ottumwa in 1857, and from that time forward, though he was much my senior, we were warm personal friends. In 1881 when I began collecting material for the present work, I addressed an open letter to the members of the profession, which was published in some of the papers, requesting information in regard to the early lawyers of the Territory and State. Mr. Slagle saw one of these publications, and thereupon on his own notion, wrote me the following letter which I produce for the purpose of showing his innate kindness, as well as his appreciation of, and desire to aid this effort in preserving the memory of his early associates:

Fairfield, Iowa, October 21, 1881.

Hon. E. H. Stiles, Ottumwa, Iowa.

My dear Sir: I notice in the Register your communication in relation to a history of the Iowa bench and bar. I am glad you are undertaking that work. I suppose and hope you do not intend to be hurried in its publication. I am going from home now, to be gone several weeks, and before going wish to express my gratification that you are undertaking this work, and to assure you that any aid I can give you will be given very cheerfully, and when I return will devote myself to recalling as much as possible that may pertain to the notable lawyers of this section of our State.

Yours truly,

C. W. Slagle.

He not only had the admiration and respect of every man who knew him, but was just as completely installed in the public confidence. He might have received at the hand of the people of Iowa any honor within their gift. He stood high in the public esteem from the very inception of his career. The people always desired him to serve them, but they were rarely able to induce him into the turmoils of public life. The few times that he did break this rule in response to the urgent wish of the people, gave convincing proof of the superior capacity, high purpose, and lofty ideals, that give dignity as well as fidelity to official station. He was a fine lawyer in every sense of the word, and as perfect a gentleman, in the highest sense, as could be found in any land. He was an earnest friend of education, and gave to its

cause much of his effort and much of his noble life. As Regent, and for a time, President of the State University, he was a powerful factor in shaping its course and in the achievement of the high destiny it attained.

He was born in Washington, Washington County, Pennsylvania, in 1821. His parents were Jacob and Martha Slagle. He had several brothers and two sisters who survived him, among whom were Jacob F. Slagle, John S. Slagle and Mrs. Anna McConnell, of Pittsburgh, Pennsylvania; Rev. Barnard W. Slagle, of Defiance, Ohio, and Mrs. Charlotte Neely, whose husband, Professor Neely, was a noted educator, and for many years the distinguished principal of the Public Schools of St. Joseph, Missouri.

He graduated from Washington College in 1840, spent the following year as a teacher in Virginia, returned to Washington, began the study of law, and was admitted to the bar in the beginning of 1843. In the spring of that year, in company with his boyhood friend and chosen companion, George Acheson, he wended his way westward. In the course of the same season they reached Fairfield, fixed upon it as their place of residence, and as partners under the firm name of Slagle & Acheson, practiced their profession there for nearly forty years, and enjoyed the distinction of being the oldest law firm in the State. The unity of these two men was almost as perfect as that of David and Jonathan. They never kept any books, and had a unique manner in settling the affairs of the firm. They divided the earnings or receipts, after deducting the expenses each day. So just and harmonious were they, that this singular practice worked to a charm through all the years of their long association, and there was never an element of discord or disagreement between them. This remarkable partnership, which achieved a high distinction throughout the State, was dissolved by the death of Mr. Acheson in 1881; and his death was followed by that of Mr. Slagle in 1882.

In 1849 Mr. Slagle was married to Nancy M. Seward, of Guilford, Connecticut. He left surviving him, five children, among whom was Virginia, who married James G. Berryhill, and Grace, who married Charles M. Junkin. He had had for his professional associates the most distinguished lawyers of the State; so that both nature and association combined to perfect in him the graces of human action. He served as the Chief Regent of the State University of Iowa, for the period of sixteen years, from 1866 to 1882, and then at the urgent request of the faculty and governing board, consented to act as President, to fill the vacancy caused by the illness and death of President Thatcher in 1877-8. At the time of his sudden death he was the principal financial manager of Parsons College at Fairfield. He was an untiring worker in the establishment and development of the public library and museum of Fairfield; was one of its first trustees, and continued to act in that capacity until the time of his death. In 1857 he was appointed by Governor Lowe, one of the Board of Commissioners to inaugurate the State Bank System provided for

by the Legislature. In 1859 he was a member of the School Board, and was instrumental in giving Fairfield its first graded school. In 1863 he was also a member of the School Board, and upon his motion and advocacy the two-mill tax was levied with which to begin the erection of the Union School building. He was one of the founders of the Jefferson County Agricultural Society, and at its meeting in October, 1853, introduced the resolution which led to the organization of the State Society.

He died in his intellectual prime at the age of sixty-one. His death was unexpected, and was said to have been caused by overwork in connection with the financial management of Parsons College, and the performance of other duties. This announcement was the cause of profound grief throughout the State, and the expression of the press showed the high estimation in which he was held. Some of these papers I made it a point to collect at the time, and now have them before me and from a few of them, I feel privileged to make the following brief excerpts. The Keokuk Constitution, which was opposed to him in politics, said:

He was a man of the noblest impulses and highest aspiration. His heart was kindness. He never harmed a child or crushed an insect, or injured any of God's creatures. He never speculated with his popularity, but pursued an even tenor of life that won the respect and confidence of all men.

Of him the Davenport Gazette said:

In his death Iowa has lost one of its best citizens. He quietly occupied a large place in his community, and in the State. His admirers were limited only by the extent of his acquaintanceship.

Of him the Ottumwa Courier said:

We have never known a single prominent citizen of Iowa who in a larger degree possessed the unbounded confidence of his fellow citizens than Christian W. Slagle.

And thus the State Register:

The State has sustained a great loss in the death of Christian W. Slagle—one of the best and purest men, and one of the ablest the State has ever had. So modest was he that he never impressed himself upon the State in the full measure of his large capacity and decided ability. The loss of a man of such peculiar and peculiarly good ability, of such high-minded worth, and of so pure a type of all that is best in men, is indeed a public loss and a private grief.

In an article appearing five years after his death, in the October, 1887, number of the Iowa Historical Record—when the likelihood of mere eulogy had passed—it is said:

Mr. Slagle did not attain great fame, and thereby become known throughout all this land. He did not fill great public offices, and through them impress himself on the legislative, executive, or judicial movements of the State or Nation. He did not amass great wealth with which to accomplish for the public good and the general welfare a number of most worthy purposes that he had in constant contemplation. But he did one thing which touched with positive effectiveness the fields occupied by the others indicated. He lived a life that was worth the living. It is about five years since he passed away from earth; but the effect of what he

said and did remains in the community of which he was an useful and honored member, and will keep active the processes which induce desirable results throughout the long line of the future.

In like spirit, the faculty of the Iowa State University and that of Parsons College expressed their view of Mr. Slagle's splendid services, and the great loss that these institutions and the State at large, had sustained in his death.

His personal appearance was in perfect similitude with the superb qualities that have been ascribed to him. His features were regular, his head broad and well-shaped, his face pleasing, his countenance beaming with intelligence and the firm, kindly fires that lighted it. In stature, he was medium, not decidedly robust, rather exquisitely, but strongly fashioned; his complexion fair, his hair light, as also his beard of chin whiskers, his spectacled eyes, blue and lustrous.

So much of *George Acheson* has been seen in the preceding sketch of Mr. Slagle, that what I have to say in addition need not be lengthy, and especially so in view of what Dr. J. M. Shaffer says concerning him, as we shall presently see. Knowing of the life-long and intimate acquaintance existing between Mr. Acheson and Dr. Shaffer, I wrote to the latter concerning Mr. Acheson, requesting him to furnish me some biographical data of Mr. Acheson; to which I received the following reply:

Keokuk, Iowa, November 5, 1881.

Dear Friend: In response to your letter, I enclose you a brief sketch which I have prepared of George Acheson, and which I hope you may be able to utilize in your work; if so, I shall be gratified.

Truly yours,
J. M. Shaffer.

The following is the sketch referred to, which is not only valuable for what it says of Mr. Acheson, but for the light it throws upon others who are mentioned, and which I present in a slightly condensed form:

George Acheson was a man of no ordinary character. He was about sixty-one years of age when he died. He received his collegiate training at Washington College, Pennsylvania, and his legal education at Chambersburg, Pennsylvania. He came to Iowa in 1843 with Christian W. Slagle and became associated with him as a law partner, an association which lasted until Mr. Acheson's death. They came west as boys in 1843. Arriving on a boat at St. Louis, they took another one northbound from there, in April of that year. The boat was frozen in six miles below Hannibal; they walked on the ice to the shore, and remained until the boat went to St. Louis and returned. Somehow they never quite lost the title of "boys." They were boys when they came to Iowa, and in the midst of important deliberations they were still boys.

Mr. Acheson was a Democrat of the old stamp. He loved Democracy for its very name, but he would never accept any candidacy for an office. He used to make stirring speeches for his party and was contemporary with Bernhart Henn, J. C. Hall, Charles Negus, Wm. G. Coop and others not unknown to fame. He fought and aided in the defeat of the first constitution which divided the State of Iowa at a point north and south of where the City of Des Moines now stands. At the very first assault on Sumpter, he came bravely out, and at a public meeting presided over by Hon. Bernhart Henn, who had been a Democratic member of Con-

gress, he denounced secession and all its aiders and abettors. He took strong grounds with Stephen A. Douglas, through that bitter contest, afterwards allied himself with the Republican Party, and voted and worked with it. He gave liberally of his substance to the Union cause, and for the support of those engaged in it.

At Burlington, the disaffected had George Francis Train to address a meeting. The Union men determined to offset that, and induced Mr. Acheson to come from Fairfield to Burlington, and make a speech in Grimes' Hall. The hall was crowded with the best men and women of the city. He made a speech so full of fire and force that it was long remembered. He fairly entranced his audience. Reaching a climax in his denouncement of treason and traitors, it seemed as if language failed to fairly express his detestation, and he exclaimed in the language of the Psalmist David, "Do not I hate all thy enemies, oh, Lord." The effect was electrical; and then in a low voice that penetrated every ear in the audience: "I propose three cheers for every soldier in the field, and for every loyal man and woman at home." No such magnificent outbreak from human throats ever awakened the echoes in Grimes' Hall before. Zenophon said that the words some men used in their social intercourse were worth preserving. And so it was with those used in the social intercourse of George Acheson, Christian W. Slagle, Samuel C. Farmer, William Long, James F. Wilson, Daniel P. Stubbs and Edward Campbell. Of George Acheson, nothing may be recalled that was not truest, best and highest in all that pertains to a noble life.

He was a Mason and he loved the order. He was for many years Master of Clinton Lodge No. 15, and High Priest of McCord Chapter No. 5. It was an inspiration to see him work. I heard a Mason once say, "The Lord created George Acheson on purpose to be Master of a lodge." He believed in Masonry as a system of morality and religion, and as a great factor continually at work in advancing the spiritual condition of the people. After the death of Mr. Acheson I wrote to Brother J. L. Myers, an officer of McCoid Chapter No. 5, of Fairfield, to give me an account of Companion George Acheson's exaltation in said Chapter. In his reply, among other things, he said this of George Acheson: "He supported our institution in sunshine and in storm; and his life was an exemplification of faith, temperance, industry, frugality, brotherly love and charity."

Mr. Acheson was educated in the Calvinistic faith, but later in life, became a liberal in religious matters. He firmly believed and taught the doctrine of the final restoration of all men to holiness and happiness. He rejoiced in the belief that God's goodness and mercy were immeasurable, and that He never grieved or afflicted his children in this world and would never do so in the world to come.

A few suggestions may be added to what has been said, which will throw some additional light on Mr. Acheson's early life. There are to be found several indications, that as a young man, he took an active part in Democratic pol-

itics, though neither seeking nor being willing to accept political office. In a Democratic County Convention called in 1846 to discuss certain provisions recommended for incorporation into the new constitution, we find him taking a spirited part in the debate.* As I recollect him when he was a comparatively young man, he was small in stature, and quite different in temperament and appearance from his partner, Mr. Slagle, for, while the latter was what might be termed on the blonde order, the former was rather on that of the brunette; dark, nervous, quick in movement, eloquent in speech. The maiden name of his wife was Mary Hemphill. He left surviving him two daughters and two sons. One of the daughters married Charles Clarke, a Lieutenant in the United States Navy; another, Mr. Frank Garrettson, then a resident of Kansas City; while the two sons, John and George, at the time of their father's death, were in business in Fairfield.

Doctor Joshua M. Shaffer was one of the rarest men that have graced the history of Iowa—not in a political, or in any respect, ostentatious sense, but in an enduring and useful one. For nearly half a century he was a steady contributor to its historical collections along almost every line of thought and investigation. The "Annals of Iowa" fairly teem with his contributions, or notices of his contributions. He was limited to no particular subject, for his activities were general and ranged from the writing of biographies to the collection of the rarest specimens of natural history, to ornithology, to practical taxidermy, to the gathering of choice mementoes of the past in every field. The collections of natural history in the Iowa Historical Department, in the Fairfield Library and Museum, are replete with evidences of his industry, his liberality and his genius. When we consider that these various achievements were but mere side efforts of an eminent physician, we are easily and inexorably brought to the conclusion that he was a man of remarkable gifts.

As hereinbefore stated, he was a relative of Christian W. Slagle, and a native of the same place, Washington, Pennsylvania, where he was born in 1830, and where he received his preliminary education before entering the medical department of the Pennsylvania University, from which he was graduated with honors. When he was twenty-two years of age, he came to Fairfield, Iowa, and entered upon the practice of his profession, in which he attained signal eminence. During the Civil War he was surgeon of the board of enrollment. He removed to Keokuk in the early seventies, and became a lecturer at the College of Physicians and Surgeons there. Besides the ordinary degree of M. D., he had conferred upon him those of A. B. and A. M.

In addition to his other labors and achievements, he took upon himself those connected with forming the State Agricultural Society. He was one of the organizers of that body, and became its first secretary, a capacity in which he served with

* Annals of Iowa, October, 1871, in an article by Charles Negus, entitled, "The Early History of Iowa."

the greatest efficiency for some fifteen years, and until the institution had attained a permanent basis. He also took great interest in founding and developing in every possible way the Fairfield, or Jefferson County Library.

As already intimated, he had a great taste for natural history and was, himself, a skilful taxidermist. He had made the finest and largest collection of stuffed birds and small mammals in the State, valued at several thousand dollars, and this he presented to that library. He also acted as its Secretary for a number of years, and his name, as well as those of Christian W. Slagle and James F. Wilson is inseparably connected with it.

As throwing some light upon the various and useful contributions of Dr. Shaffer to the State and its history, I can do no better than present the following extracts, from what the late curator of the Historical Department of Iowa, Charles Aldrich, has said of him:

Dr. Shaffer is one of the men of Iowa who has left footprints upon its history which will endure for many generations. In addition to his other and various works, he has kept a daily journal during all the time he has been a medical practitioner. Possibly some future antiquary may unearth this interesting mass of manuscripts and publish to distant times what will throw a flood of light upon the medical history of the last four decades of this century.*

And again, among the very last writings of Mr. Aldrich just before his death, and found in his closed desk—was this final tribute:

No one but the designer of a life's work can so perfectly complete it. The Historical Department is indebted for its existence largely to strong and great men of this character. Two who never ceased their labors have recently sent to the Department what they protest shall be their last active efforts—they maintain they have cleared their desks. They are William Salter, D. D., of Burlington, and J. M. Shaffer, M. D., of Keokuk. These names occur in the early correspondence of the Department, and from that time to the present they occur with frequency not exceeded by any others, and ever with wisdom where wise counsels were needed, and with material assistance where that might be provided. Both these grand men remain in the active and accurate use of their faculties and both today conduct their correspondence in their own fine, legible hands. Both are over eighty years of age, and both have lately prepared and forwarded items considerably augmenting the collections of the Department, and as usual without cost or expense to the State.

Dr. Shaffer was a frequent contributor to the press through all the years, but for mere politics he had but little inclination, though in 1862 he was elected to the State Senate, and proved himself a wise and efficient member. In religion he was a Unitarian and an active member of that organization.

I cannot leave Dr. Shaffer without a glance at his personal side. When we first met he was thirty-four or five, and I was twenty-nine or thirty. He certainly was the most old-fashioned young man I had ever seen. He wore trousers with the old-fashioned let-down flap in front, such as our grandfathers wore, instead of the more modern perpendicular opening, which was introduced when I was a small boy,

* Annals of Iowa, Vol. 1, Third Series, 498, 499.

and which I well remember caused a tremor among the prudish old ladies, who denounced the new fashion as vulgar and Frenchy. The old style was such as we see in all the pictures of the early time, and of which the present generation, or any of the last seventy years, have no knowledge. Joshua's trousers in the respect referred to, followed the style of his forefathers and for years and years he persisted in it. It displayed his characteristic of cherishing and sticking to things of the past. In other respects his attire conformed to the fashion of the times. He had a good person, of medium height, rotund and well formed; regular features, a pleasing, and when I knew him, full bearded face. In disposition and manner, he was so open, frank and prepossessing as to at once inspire perfect confidence and respect. As a delightful entertaining companion, he had few equals. He was in the main, a conservative instead of a radical, and against sudden changes that often go to extremes; though, for many years, he was a strenuous advocate of cremation, and belonged to a society, each member of which was pledged to the disposition of his body in that manner. Taken all in all, he was one of those fine characters, whose appearance, like those of some planets, occur only at intervals.

Daniel P. Stubbs.

With Daniel P. Stubbs, I had an intimate acquaintance; we lived in adjoining counties, and he was occasionally at our court and I was occasionally at his. In addition to this, we were both members of the Tenth and Eleventh General Assemblies, he being a member of the Senate in the Tenth, while I was a member of the House, and in the Eleventh we were fellow members of the Senate. We had, as I now recollect, five strikingly tall members in the Senate and Mr. Stubbs was one of them. He had a height of about six feet and three inches. While he was not handsome, his bearing was stately, and what he lacked in physical beauty, he made up for in intellectual strength. On all occasions in which he participated, he was not only conspicuous by his towering figure, but by the strength of his speech and reasonings as well. He was one of the ablest lawyers in the State, and I can testify that he exercised great influence in the proceedings and legislation of the Senate. He was not only a lawyer of extraordinary ability, but a high public-spirited citizen who aspired to do much and did much to forward the best interest of the State. He formed a legal partnership soon after he came to Fairfield, in 1857, with James F. Wilson, under the firm name of Wilson & Stubbs. This firm soon became well known throughout the State. It continued for a number of years, but after the entrance of Mr. Wilson into the field of national politics, the greater portion of the legal work fell upon Mr. Stubbs; and it could not have well fallen upon more competent shoulders. The reputation of Mr. Stubbs as a lawyer continued steadily to grow and it was not long before it became statewide. He only achieved wide distinction as a civil lawyer, but also as a criminal lawyer. Cases of the highest importance in both lines came to him without seeking. He was not only learned in legal

principles, but skilful and alert in applying them. Auxiliary to this, he was forceful and spirited in argument and frequently reached climaxes of persuasive and eloquent oratory.

. He was a man of high and patriotic motives. His patriotism was of the earnest and practical kind, and his public zeal was manifested in the most beneficent lines.

While in the Senate he was the author of and introduced the Joint Resolution ratifying the Amendment to the Constitution of the United States forever abolishing and prohibiting slavery and involuntary servitude everywhere within the domain and jurisdiction of the United States.

In addition to the offices already mentioned, he was twice elected Mayor of Fairfield, and in 1877 he was unanimously chosen by the Independent "Greenback" Party as their candidate for Governor; he accepted the nomination, made an effective canvass, and received thirty-five thousand votes, to the astonishment of both the old parties. He had been a Republican from the inception of that party, down to 1876, when he, with General James B. Weaver, allied himself with the Greenback Party, and became the advocate of paper currency to be issued by the government or under its direction. He was of English parentage, and a descendant of Thomas Stubbs, a Quaker, who settled in Pennsylvania about the year 1700, and afterward emigrated to Georgia. Daniel P. Stubbs was an excellent example of a thoroughly self-made man, as the following outline of his early life which I obtained from authentic sources will show: He was born in the extreme southern part of Preble County, Ohio. His father and mother, William and Delilah Stubbs, were born in Georgia the latter part of the last century. All of his grandparents were natives of the same State; they emigrated to Ohio in 1805, making the long and tedious journey over the mountains with teams. They left their native State on account of their opposition to slavery, and went to the Northwest Territory, where slavery and involuntary servitude were prohibited; his maternal grandfather was a Revolutionary soldier and was at the surrender of Cornwallis. Daniel was raised upon a farm and labored hard as a tiller of the soil until after he had attained his majority. He had only the advantages of the common school, with the exception of the select school three miles from his residence under the control of the Society of Friends, of which his parents and himself were members. In the winter he often went on foot, but seldom attended an entire session, on account of work to be performed on the farm. Up to the time of his majority he had no advantages in the direction of his inclination; he had never witnessed a court in session, or heard the trial of a legal case. After farming one year on his own responsibility, he went to the Union County, Indiana, Seminary for five months; then commenced teaching, but soon became one of the principals of the Seminary. He formed the idea of becoming a lawyer long before he left the farm, and worked at fifty cents per day in a sawmill to procure means to purchase Blackstone's Commentaries. He read

law for several years, at such spare times as could be devoted to it, before he took a course of regular reading. In the fall of 1855 he entered the Law College of the Indiana University at Greencastle, from which he was graduated in 1856.

Socially Mr. Stubbs was a most agreeable and entertaining gentleman. His wife's maiden name was Carrie Hollingsworth, to whom he was married in 1855. She was a lovable woman, wife and mother. I was invariably invited to enjoy their hospitality at their beautiful home whenever I visited Fairfield. The last occasion of this kind was when the beloved and lamented Benjamin J. Hall, of Burlington, and myself delivered Fourth of July orations at Fairfield nearly forty years ago. Mr. Stubbs invited us to his house where we were delightfully entertained. He died in Fairfield, in 1905, at the age of seventy-six.

Ward Lamson, A. R. Fulton, W. W. Junghin and Edward Campbell.

Not long after coming to Iowa, and as early, I think, as 1856 or 1858, I heard of *Ward Lamson*, who lived in the adjacent County of Jefferson. To be a free thinker, respecting religious matters in those days required more heroism than now. *Ward Lamson* was in that class and much talked about. I came to know and to admire him in the latter fifties. He was a native of Sterling, Massachusetts, where he was born in 1820. He died at Fairfield in 1904. He came to Burlington in 1837. In 1852 he removed to Fairfield. He was a man of decided ability, and a profound thinker. His character was elevating and his life a useful one. Of him *Charles Aldrich* thus wrote:*

As a business man he was active and thorough. In the early fifties he was engaged in the real estate business, and some of the methods he devised for keeping entries of land in his own office were adopted by the Land Department at Washington, as superior to those in use. By nature he was a student, an independent and original thinker, and especially interested in scientific investigations. The honor of founding the Jefferson County Library Association in 1853, belongs to him; that institution has developed into the splendid Fairfield Public Library, in the building up of which Mr. Lamson was closely associated with the late Senator *James F. Wilson*.

With *Alexander Fulton*, I was more intimately acquainted. He had a step-daughter, the wife of the eminent Ottumwa physician, *T. J. Douglass*, who was greatly beloved by him and whom he used frequently to visit. I met him here and elsewhere often through the course of many years. He bore the evidence of his Scottish ancestry in his features and makeup, and in the plainness of his honest upright character. He had a right to be proud of his learning and his manifold accomplishments; if he were, it did not appear in his exterior, for he was one of the most modest and unassuming of men. We were both members of the Pioneer Law Makers' Association. He was its Secretary at the time of his death. On the day following that occurrence, there appeared in the Daily Capital of Des Moines, the

* *Annals of Iowa*, Third Series, Vol. 6, 398.

following sketch, written by his life-long friend, William H. Fleming, who was highly competent from every point of view to write upon the subject:

Alexander R. Fulton, editor of the Western Newspaper Union, of Des Moines, was a native of Chillicothe, Ohio, born in 1825, and was a son of James and Rebecca (Green) Fulton. His father was born in Huntington, Pennsylvania, in 1799, and was of Scotch descent, having emigrated from Glasgow to America in the eighteenth century. The mother of Judge Fulton was a daughter of Nathaniel Green, a Virginian, whose ancestors left their home in the north of Ireland to become residents of the United States. Both parents lived to a ripe old age, having passed their eightieth birthdays. His father departed this life in 1883, and his wife was called to her final home in 1884. Judge Fulton was educated in Mount Pleasant Academy, at Kingston, Ross County, Ohio. He made a special study of higher mathematics and surveying, adopting the profession of civil engineer. In 1851 Mr. Fulton removed to Fairfield, in this State, whither his parents had come a year before. He soon afterward became editor and proprietor of the Fairfield Ledger, which he sold to Mr. W. W. Junkin in 1854. He was Judge of the County of Jefferson for four years during the fifties, at which time that officer was not only Judge of Probate, but also performed all the duties now devolved upon the Board of Supervisors. In 1855 he was chosen Assistant Clerk of the House of Representatives, the first House in which the Democrats were in a minority. It was by this House that the first prohibitory law was passed. Mr. Charles C. Nourse, now of Des Moines, then of Van Buren County, was the Chief Clerk. Mr. Fulton occupied the same position at the extra session of 1856, in which the first railroad lands grants were disposed of. He was also Engrossing Clerk of the same body in the Sixth General Assembly, the last to meet at Iowa City. Mr. James W. Logan, now of Waterloo, was Chief Clerk at the time, and William P. Hepburn, now Solicitor of the Treasury, was Assistant. For twelve years Judge Fulton was Surveyor of Jefferson County. In 1863 he represented that county in the House of Representatives. He shortly afterwards removed to this city, which has since been his home. Becoming connected with The State Register, he made a tour of the State, visiting almost every county, and furnishing that paper a very readable description, historical and otherwise, of each. In 1870, when the State Board of Immigration was organized, he became its Secretary, a position for which his experience in newspaper work qualified him, and it is not too much praise to say that much of the admirable work done by the board in attracting the attention of homeseekers in other States and foreign lands to Iowa, is to be credited to Judge Fulton. About the same time, Judge Fulton became Secretary of the Board of Capitol Commissioners, which he held until 1873. He then was connected with the State Printing Company, which founded the business, now so extensive, of the Western Newspaper Union, and has from the first had charge of the editorial work of that establishment, occupying also, during later years at least, the position of cashier. Judge Fulton was a tireless worker. The engrossing cares of his regular employment did not prevent him from devoting several hours a day to literary labor. In this character of work he was among the foremost Iowans. Perhaps no man, unless it be Charles Negus, his former townsman, has done so much towards perpetuating the early history of Iowa as has Judge Fulton. His work on the "Red Men of Iowa" is authority on the subject of which it treats. As a poet Judge Fulton has given the world several productions of merit. In short, he occupied a unique place among the literati of Iowa, one that will not soon be filled. While a resident of Fairfield, Judge Fulton married Mrs. Augustus S. Wheeler, who by her former husband had two children—Lizzie, who died in 1885, the wife of Dr. T. J. Douglass, of Ottumwa, and George O. Wheeler, now of this city.

In 1883 Judge Fulton became corresponding editor of the Second Series of The Annals of Iowa, of which Samuel Storrs Howe was the editor in chief. Judge Fulton's name first appears in the January, 1883, number of that series. Among his various contributions to the Annals are "Bee-hunters of Early Iowa," in the October, 1882, number of the Annals; "Lewis and Clarke's Expedition," in the

January, 1883, number; "Incidents in the Early Settlement of Mills County," in the July number of the same year; "Early Journalism in Iowa," in the October number, 1883. He was an occasional contributor to Martha J. Lamb's Magazine of American History, and his articles were always highly appreciated by the public. He had in preparation at the time of his death, a history of "Early Mormonism in Iowa." His memory was full of reminiscences, and he had a marvelous recollection of early occurrences.

William Wallace Junkin was without doubt, the dean of Iowa journalism, having owned and edited the *Fairfield Ledger* nearly fifty years. He made it a leading newspaper. It had a wide circulation and exercised great influence in public affairs. He furnished a notable instance that a young man of good principles, determined character, and high purposes, may without the aid of wealth or other auxiliaries not within his own reach, make his mark and a successful career in the world. He was a Virginian by birth, having been born at Wheeling, in 1831. When he was thirteen years of age, his parents removed to Iowa, locating first in Louisa County, later in Lee County, and in 1845 in Jefferson County, where he acquired a farm and built a home. This was before the State had emerged from the Territorial condition. On this farm young Junkin learned the habits of industry and labor, and developed those physical powers which helped to sustain him in later life. He had worked at the printer's trade, or rather in learning it, in Wheeling, and in St. Louis where the family on their way westward were obliged to spend the winter by the closing of navigation. The *Iowa Sentinel* was the first newspaper published in Jefferson County. Its proprietor was A. R. Sparks, and in 1847 employed young Junkin to work on his paper. The latter, during the next year, 1848, was employed by Barlow Granger, of Des Moines, to work on his paper, *The Star*, the first paper published in that place. The next year, 1849, he was employed for a time on *The Ottumwa Courier*, the first paper published there. It will thus be seen that Mr. Junkin was truly a pioneer in that line. During the same year he returned to Fairfield and was employed on the *Fairfield Ledger*, then owned and operated as we have seen by A. R. Fulton, and from whom he purchased it in 1854, and the next year Mr. Junkin became the sole proprietor. In 1878 his son, Charles M. Junkin became associated with him and so continued until the father's death, which occurred at Fairfield in 1903. Since then *The Ledger* has been ably conducted by the son. In W. W. Junkin and his paper, James F. Wilson always found a powerful ally, and through all the series of his public life, from the time he was elected a member of the constitutional convention of 1857, down to the close of his life as United States Senator, Junkin was always his firm and steadfast friend.

He aided greatly in the establishment of the *Fairfield Library*, one of the choicest in the State, and was an important factor in every enterprise for the public good. His life was long and useful, and his recollections of men and events in our

State were well worthy of preservation. The editor of the *Annals* had urged him to write them out for these pages, and we understand that he had commenced the work, but so late in life that he was unable to complete it. His life was full of good works, and his death has occasioned wide regret.

The name of *Edward Campbell* calls up to me everything that is pleasant. "Alas, poor Yorick! I knew him; a fellow of infinite jest, of most excellent fancy." He was not only infinite in jest, but possessed humor of that high quality which is said by Carlyle, to have been "justly regarded as the finest perfection of genius. If Campbell could have lived forever, his presence would have been a perpetual joy to his associates. No man could suffer despondency, with Campbell to lighten the atmosphere. He excelled all other men in that respect that I have ever known. He was not only witty, but wise. His perennial cheer gladdened the hearts of his friends, the variety of his wisdom instructed them. These qualities did not change with the changing years, but remained with him in all their pristine vigor until he died an octogenarian—at the age of eighty-one. Of him it might well be said that, "Age could not wither, nor custom stale his infinite variety." His person was altogether pleasing; rather small in stature; light of complexion; his head and face rather oval; his features and facial lineaments as exquisite and cleanly cut as those of a Grecian statue. He came to Jefferson County in 1865. I became acquainted with him not long afterward, and when I learned that he had for many years been Clerk in the court of my cousin, Walter Forward, of Pittsburg, as well as his personal friend and admirer, our friendship became intimate.

One of my greatest pleasures was to be in his company. His conversation was interspersed with many interesting anecdotes, incidents and experiences; with descriptions of distinguished men he had known, their characteristics and what they had said and done on different occasions—all scintillated by his rare personality and his wonderful gift of narration.

He was born in Washington County, Pennsylvania, in 1820. He was not a college graduate, but he had strong literary inclinations, was an omnivorous reader which gave to his naturally quick and perceptive mind the enrichment of continued culture. He came to Iowa from Pennsylvania where he had held important public offices for several years. Among his friends there were Walter Forward, Chauncey Forward, Jeremiah S. Black and Samuel J. Randall. He was a Democrat of the old school. Judge Black was his exemplar in public life, as well as in citizenship. When he came to the State he purchased a tract of one thousand acres and turned his attention to agriculture in which he was successful to a marked degree. In 1878 he removed to Fairfield and interested himself in public affairs, yet never neglecting his personal ones. He secured a competence and lived at his ease during the closing years of his life, but never lost interest in public concerns. Not long after he came to the State, he was made Chairman of the Democratic State Central

Committee. He found the party in a weak condition, but he infused his energy into the organization and prepared the way for the victories that came later in the election of Horace Boies twice for Governor. He was a trusted sage and advisor of the Democratic Party until the nomination of Bryan for President, when he affiliated with the "Gold Standard" wing which supported Palmer and Buckner. In 1871 he was elected a member of the Legislature from Jefferson County, when it was overwhelmingly Republican, and party spirit ran high. His strong personality and his unswerving and well-known integrity swept over the usual Republican majority. Upon the election of President Cleveland he was, by him, appointed United States Marshal for Iowa and served over four years in that trying position, retiring with honor and without a blot on his stainless record.

In every public gathering of his party Mr. Campbell was always a conspicuous figure; the old men listened to his counsels gravely and the young men sought inspiration of his fine face, and sat at his feet for instruction as though he were a modern Gamaliel; he had the rare quality of adapting his methods to those with whom he was brought in contact; he was far from being all things to all men, but he was so congenial to the atmosphere surrounding him that he won the hearts of his political opponents with his keen but gentle humor that left no sting behind.*

His neighbor, Charles E. McElroy, who knew him intimately, thus wrote of him in his paper:

He was scrupulously exact in his dealings and it was a matter of honor and pride with him to owe no man anything. His personal appearance bore the conscious evidence of his rectitude. He walked the street with head erect and shoulders well thrown back and with the dignity and tread of one who was a prince among men, yet with the democratic simplicity of sturdiness, which would have made him a man among princes.

He died at Fairfield in 1901.

Moses A. McCoid, William B. Culbertson, William G. Coop, John J. Cummings and Other References.

Moses A. McCoid was a lawyer and statesman of real ability, and a soldier of courage and achievement. He was born in Ohio in 1840, and died at Fairfield in 1903. He came to Fairfield when eleven years of age, with his father, in 1851. He was educated in Fairfield, and at Washington College, Pennsylvania. He became a student in the law offices of Wilson & Stubbs. He enlisted before he was of age as a private soldier in Company E, of the famous Second Iowa Infantry, serving continuously for more than three years, participating in the great battles in which that regiment was engaged. He was with it in the memorable conflicts of Ft. Donelson, Shiloh, Corinth, Bear Creek and Resaca. He was promoted for bravery to be second lieutenant of his company, later to first lieutenant, and then to adjutant of the Regiment. He had studied law before entering the service, and

* Samuel B. Evans, in the Ottumwa Democrat, March, 1901.

while at home on a furlough, was admitted to the bar, in 1861. When he was mustered out of service he became a member of the law firm with which he had studied, which then became Wilson, Stubbs & McCoid. Upon the retirement of Mr. Wilson, after he had fairly entered the field of national politics, the firm became Stubbs & McCoid and so continued for a number of years. In a comparatively short time after entering upon the practice, he developed legal abilities of a high order. He was elected and served as Prosecuting Attorney from 1866 to 1871. In the latter year he was elected to the State Senate, and ably served in that position through four sessions of the Legislature until 1879. In the year last mentioned he was elected to Congress from his district, and continued to be re-elected for three successive terms. He was one of the strong men of Iowa from whatever point of view considered. On the occasion of his death the Fairfield Ledger thus clearly and correctly characterized him:

Moses A. McCoid was a man of great mental strength, and in many particulars was the most brilliant among the many noted men who have been counted a part of this community. His natural ability was supplemented by an excellent education and years of study and training. There was an alertness, a keenness about his work as a lawyer which made him a dangerous opponent and gave him high standing before the bar. He was an orator of more than average ability, and a writer of strength and gracefulness, as many passages in a book he published a few months ago, "John Williamson, of Hardscrabble," will attest. Withal, he was a most genial and accomplished man, and a delightful social companion.

I saw a good deal of Mr. McCoid while at court, state conventions, and elsewhere, and observed his career with more than ordinary interest. As already indicated, I place a high estimate on his abilities. He had a manly figure and a dignified, pleasing address. He was a rather tall, somewhat plethoric, well-formed, and fine looking man. While seemingly reserved and distant, he was warm-hearted, really convivial in disposition, and possessed a sly vein of humor that was often irresistible, as the following incident, which he related to me, will show. I give substantially as told. Old John Winter, of Mount Pleasant, a well-known, brawny and "brainy," gray-headed, big Irish railroad contractor and builder, was a client of Mr. McCoid. He was a great friend of Ex-Governor William M. Stone, who was then Commissioner of the United States Land Office. McCoid was at Mt. Pleasant and happened to see John. In the course of the conversation, McCoid told him that he was going to start back to Washington on the following Monday. Whereupon John said, "Mose, I have been a good client of yours, and I want you to do me a personal favor. My old friend, Governor Stone, as you know, is Commissioner of the General Land Office, and I would like to send him a gallon of the finest whisky that was ever tasted. It is very old, I have had it on hand for twenty years myself, and I don't know how much older than that it is. Now I can bind up a willow demijohn in paper, so that no one will ever know what it is, and if you will take it after I have filled it with that whisky, to Governor Stone and present it to him with my compliments, I shall esteem it a great favor, and if you will tell me

on what train you intend to leave Fairfield, I will be at the depot here at Mt. Pleasant, when the train comes by and give it to you." To this "Mose" readily assented, and informed John when he would leave Fairfield. John was at the station when the train came in and passed the demijohn to Mose. When the change was made at Chicago, McCoid found in the sleeper four or five other members of Congress with whom he was acquainted, who were on their way to Washington. In the course of the evening they became engaged in a social game of cards in the gentlemen's room, which continued for a while, and in the course of which the private stock which they had along became exhausted. The next morning there was a general drouth, and having learned of the great age and fine variety contained in McCoid's demijohn, his comrades induced him by great persuasion to uncork it for just a drink or two, which would never be missed, as they were not only very dry, but exceedingly curious to sample so old and rare an article. McCoid finally yielded. But the one or two samples, instead of allaying, increased the desire for more, and, to make a long story short, when they reached Washington the demijohn was empty. "In this dilemma," said McCoid, "I did not know what to do. I at first thought I would go to the choicest liquor store in Washington and get the demijohn refilled with the oldest and rarest whiskey to be found. But then I said to myself, 'That will not do, for it would be fraud on both John Winter and Governor Stone. After pondering deeply on the subject, with feelings of great contrition, I resolved to 'take the bull by the horns,' go to Governor Stone and tell him the truth of the whole story. I accordingly went with the wrapped, but empty demijohn under my arm. I was ushered into Governor Stone's private office. After passing salutations, I said in as serious tones as I could command, 'Governor Stone, your old friend, John Winter, sent by me, to you, in a demijohn nicely wrapped in paper, a gallon of the finest whisky, he said, that a man ever drank. He said that he had had it on hand for twenty years, that it was old, that it was very, very old, and, Governor, I have no doubt of it; in fact, it was so darned old that it would not stand the trip. Here is the demijohn, but the whisky has evaporated.' I then told Governor Stone the circumstances already related. He laughed heartily, and said the loss of the whisky was fully compensated in the amusement of the whole affair."

I have related this incident because it illustrates more graphically than anything I could say, that under all the quiet reserve of Mr. McCoid, there lay a humor of incident rarely excelled. In his death, which was untimely, Jefferson County and the State suffered a loss that will not soon be repaired.

William B. Culbertson, whose middle name must have been Benjamin, for he was always familiarly called and known as Ben Culbertson—was as a young man a jolly, bluff and rollicking fellow, and I do not think that age could have sobered his natural temperament very much. He was hale, a fellow well met and quite the life of any company he happened to be in. His animation and vivacity were always

brimming. He was the son of John W. Culbertson, one of the large landowners and public men of Jefferson County, who served two years in the Territorial Legislature, four years as a Clerk of the District Court, and Receiver of Public Moneys at Fairfield, from 1853 until the office was transferred to Chariton. William was reared on his father's farm, received his education in Fairfield, at Howe's Academy at Mt. Pleasant, and in the Law Department of Yale College, whence he was graduated. He studied law with Charles Negus, and afterward became his partner under the firm name of Negus & Culbertson. He was admitted to the bar in 1857. He practiced law successfully at Fairfield for a number of years, and became favorably known throughout the southern portion of the State. He subsequently removed to Burlington, and established himself in the practice there. His popular manners and good fellowship combined with his ability soon made him generally known in his new abode, and in the fall of 1893 he was elected to represent Des Moines County in the House of the Twentieth General Assembly, and in the fall of 1895 he was again elected to represent it in a like manner in the twenty-first General Assembly.

At the commemoration of the fiftieth anniversary of the settlement of Iowa, held at Burlington in 1883 he was called upon and made an impromptu speech, the following extracts from which will exhibit the traits I have mentioned:

It is good for us to be here today, for the old, the middle-aged and the young to hear narrated the incidents attending the early settling of our State. When I came to Iowa, forty-three years ago, a child of four years, civilization extended but fifty-six miles west of here. The remainder of what now comprises the State was the property and home of the red man. God bless the women of Iowa, especially the pioneer mothers! I cannot find words to express my gratitude to them, who endured the trials and privations of pioneer life, and nerved and encouraged their husbands and children in the work of making Iowa what she is. In this celebration and in all others that may follow, let us not forget to render unto the women of Iowa the credit due them for making us what we are, not ceasing to regret that they had not better material to work upon. Standing upon the banks of the mighty Mississippi, in the bright and beautiful sunlight, I say to you that Iowa does not owe her greatness and prosperity to any particular church or political party, but to the noble women and men, who had the nerve, pluck and energy to come here, clear up the wilds, and make our land blossom as the rose. In conclusion, permit me to make reference to the overwhelming debt of gratitude under which we shall ever remain to the pioneer Methodist preacher. But for them this fair land would now be overrun with the traditional yellow-legged chicken. All thanks to the martyr Methodist preacher! You have received a sermon from one of the preachers, you have heard and endured a plea from a lawyer, and it is but meet that you should give your kindly attention to the doctor. The thought presents itself to me forcibly of the proximity the three professions have toward each other; the doctor kills, the preacher gives the sermon, the lawyer settles the estate, but rarely upon the heirs.

He was a generous and most companionable gentleman. He died in Burlington a number of years ago and is affectionately remembered by everyone who knew him.

In the early history of Jefferson County the name of *William G. Coop* was a familiar one, and with the older citizens, continues so to the present day. He was

one of the most influential men of his time in Jefferson County. Of him another eminent citizen of that County, A. R. Fulton, wrote in 1882:

There are still living in Iowa many persons to whom the name of the subject of this sketch will appear familiar, and especially among those who were identified with the politics of the Territory, and of the State in its infancy. It is the name of one who was, by nature and training, adapted to take a leading part in laying the foundations of a young State, before the era of railroads and telegraphs. Nearly all his life had been passed upon the border up to the time when, at the age of thirty-three years, we find him honored by a pioneer constituency with official trust in the Territory, and representing that portion of it then upon the extreme border. He was one of those, who, while contending with the difficulties and privations of pioneer life, rendered important service in planting the foundations of a grand and noble State.

He was born in Greene County, Virginia, in 1805. In 1830 the family joined the tide of emigration flowing westward, and settled in Macoupin County, Illinois. Soon after this, young Coop contracted to deliver a lot of cattle to the military post at Green Bay. After his return home the people of Macoupin County elected him Sheriff, and re-elected him for six terms. When the Blackhawk War began the young Sheriff was among the first to respond to the call of Governor Reynolds for volunteers to meet the hostile savages. He was elected Captain of a company and soon after commissioned Colonel of the regiment. Having served with credit through the campaign of 1832, which resulted in restoring peace with the Indians, he returned to his Illinois home and continued to discharge the duties of Sheriff of his County almost to the time of his removal to Iowa. The result of the Blackhawk War was the opening of the new territory west of the Mississippi, where settlements began in what was designated as the "Blackhawk Purchase." In June, 1836, Colonel Coop and family came to Jefferson County, and selected a location about seven miles east of Fairfield. During the same year several other families from Illinois—most of them originally from the southern states—located in the same vicinity, forming the advance guard of what was soon to become a thriving frontier community. Colonel Coop and his wife, who was Miss Nancy Harris, a native of Lexington County, Kentucky, were the parents of the first white child born in the Territory now within the limits of Jefferson County. This son was William Henry Coop, who was born in July, 1836. In that year or the following, Colonel Coop laid off a town on his claim that he called Lockridge, which he hoped and strove to make the county seat, but in which he was doomed to disappointment. In 1837 he went back to Illinois, purchased a stock of goods, and shipped them by river to Fort Madison. On the way the boat was wrecked and the goods were seriously damaged, but he brought them to his claim, and as soon as he could prepare a building in which to place them, opened what was known as Coop's store. It was the first trading place within the limits of the County.

His town of Lockridge is perpetuated in name in a station on the Chicago, Burlington & Quincy Railroad, a few miles east of the original location. The original

town passed into cultivated fields after Fairfield became the county seat. As will be seen, he came to Iowa while it was still a part of Wisconsin. After the organization of Iowa Territory in 1838, Colonel Coop was elected a member of the first Territorial Legislative Assembly, which convened at Burlington in November of that year. The organized counties at that time were Lee, Des Moines, Muscatine, Scott, Dubuque, Cedar, Louisa, Henry and Van Buren. Henry County included the greater portion of what is now Jefferson County, and Colonel Coop was accredited as one of the members from the County or District of Henry. His colleagues were William H. Wallace and Asbury B. Porter.

Among the acts passed by that Legislature was one providing for the organization of Jefferson County and the location of its county seat. Colonel Coop was re-elected to the Second General Territorial Assembly, which convened at Burlington in November, 1839; a special session was also held in July, 1840. At the election of members of the Third General Territorial Assembly, he was elected to the Council or Senate from Jefferson County, which had become fully organized. He was again re-elected to the Council of the Fourth Territorial Assembly, which was the first to convene at Iowa City. It met in December, 1841. In 1845 he was elected to the Council of the Seventh Territorial Assembly from a district composed of the Counties of Jefferson, Wapello and Monroe, and re-elected to the Council of the Eighth and last Assembly under the territorial organization. He had had the honor of sitting as a member of one or the other branch of the Territorial Legislature at six of its eight regular sessions, and one special session. In this period were laid the foundations of the future State.

To the Constitutional Convention of 1844 and that of 1846 he was elected a member. After the ratification of the constitution framed by the latter convention, and the admission of Iowa as a State, he was in 1852 nominated by his party, which was always the Democratic, to the State Senate, from Jefferson County. He was made Chairman of the Committee of Agriculture, and was a member of other important committees including the special one on university lands, of which he was made Chairman. During that session he introduced a number of important bills which passed into laws. At the next session he was again made Chairman of the Committee on Agriculture, and had prominent standing on other committees. He exercised great influence in shaping the laws of the State. In 1857 the convention, which was to frame a new constitution, met. As its preference for the member to represent Jefferson County in that body, the Democratic Party nominated Colonel Coop, but he was defeated by the Republican candidate, the young, but rapidly rising aspirant, James F. Wilson. This was the first defeat that Colonel Coop had experienced in a long succession of victories. Mr. Fulton, in the course of the article before referred to, thus describes him:

He was not a fluent and ready debater, but could express his ideas in a practical and common-sense way. As a legislator he was always present in his seat,

and ready to vote on all questions as his conscience dictated to be right. His party fealty was strong, being a Democrat in the strictest sense, but he was always faithful to his constituency, honest in the discharge of his public and official duties. In social life he was highly esteemed by all who had the pleasure of his acquaintance. He was a plain, unassuming farmer at home, but commanded the respect of all as a man of practical good sense and agreeable bearing in his intercourse with his fellowmen. In person he was tall, of dark complexion, commanding presence, and easy manners.

The memory of such a man surely deserves to be perpetuated. He died at his home in Jefferson County, generally lamented, in 1874.

John J. Cummings was a native of Marshall County, Virginia, where he was born in 1828. His father died while he was an infant, and he was reared by an uncle in Ohio. On the breaking out of our war with Mexico in 1846, he enlisted in the United States Army and participated in all the battles of his regiment until the close of the war in 1848. In 1850 he entered Alleghany College, from which he graduated. He studied law in an office and was also a member of the Poughkeepsie, N. Y., law school. He came to Centerville, in Appanoose County, and entered into partnership with Judge H. B. Tannehill. In 1862 he moved to Fairfield and entered upon the practice there, in which he continued for many years. He was a Democrat, but strange to say, was elected nine times Mayor of Fairfield, six times in succession. Nothing could be more significant of the public confidence placed in him.

The present generation of Jefferson County lawyers includes a number not unworthy of the preceding ones. Among those with whom I was acquainted, and at present am able to recall are: Rolin J. Wilson, son of United States Senator James F. Wilson; Charles D. Leggett, who for a number of years was the able Judge in the Judicial District embracing Ottumwa, subsequent to my removal to Kansas City, Mo.; Mr. McKemey, whose first name I have forgotten, but who for some years was a partner with Judge Leggett; A. W. Jaques, brother of the distinguished Ottumwa lawyer, W. H. C. Jaques; David B. Wilson, M. B. Sparks, and Robert F. Ratcliff, who had early studied law, but did not engage in the practice until 1861. His age and early identification with the County deserve more than a passing word. He was born in Williamsburg, Virginia, in 1825. He came to Fairfield in 1850, where he followed teaching until 1854. In that year he was elected Clerk of the District Court, and held the office until 1861, when he engaged in the practice, and was in the same year elected Mayor of Fairfield. In every position and capacity he displayed excellent ability. Nor should I fail to mention in this connection, W. T. Burgess, who was admitted to the bar in 1861, but in the following year entered as a soldier in the Civil War, became Captain of Company E, of the 30th Regiment of Iowa Infantry, and was engaged with his Regiment in several battles, including those at Haines Bluff, Vicksburg, Fort Hindman and Grenada. He served several years as member of the Board of Supervisors of Jef-

erson County; was Clerk of the Committee of Railways and Canals in the National House of Representatives; in 1875 was appointed Postmaster of Fairfield, and in 1878 was chosen a member of the school board. Nor should Joseph R. McCrackin be omitted, who studied law with Slagle and Acheson, and afterward became a member of the firm. I have before me a letter written to me thirty-one years ago by Mr. Slagle, the heading of the sheet on which it is written, being: Slagle, Acheson & McCrackin, Attorneys at Law. He was a native of Pennsylvania, came to Fairfield in 1885, enlisted as a soldier in the Civil War and served from 1863-'6. He came to be an excellent lawyer, as well as a most worthy and patriotic citizen.

CHAPTER XIII.

DES MOINES.

Daniel O. Finch, P. M. Casady, R. L. Tidrick, Curtis Bates, Byron Rice and John H. Gray.

Daniel O. Finch was among the first lawyers of Des Moines. He came to Iowa and to the Iowa Bar in 1851, settling at Cedar Rapids. He came from Monroe, Wisconsin, where he had gone in 1847 from the State of New York, after graduating from the Poughkeepsie Law School. While at Cedar Rapids he was a partner of George Green, afterward one of the Judges of the Supreme Court. In 1853 Mr. Finch removed to Des Moines. It was then a place of two hundred and fifty inhabitants. Here he was when I came to the State and here he remained until his fame as a lawyer, and his eloquence as an orator had extended to all parts of the State. I met him in the early years of my professional career. He was one of the most magnetic and charming of men, having all the elements of good fellowship, combined with the accomplishments of a scholarly gentleman. Though heroic when occasion demanded, he was as free from every tinge of malice as any public man within my knowledge. His heart was as warm as his nature was open. He was generous to a fault, and cared nothing for money, save for what it would buy. He was true as steel to his friends; enemies, he had none. He was well built, gracefully formed and prepossessing in appearance. He had very dark, luxuriant hair, regular features, a rather florid complexion, while his face was lighted with full, dark and luminous eyes. His outward appearance and demeanor naturally drew people to him, and his innate qualities served to make them lasting friends.

For many years he was a brilliant leader of the Democratic Party, and its most conspicuous and attractive orator with perhaps one exception in the person of Benjamin F. Samuels, of Dubuque. He was not only an eloquent, fascinating orator and advocate, but a lawyer of great ability. He had a living from the start, and a lucrative practice for a long period, but he was without the trait of accumulation, too generous to save, and died poor. His last days and those of his beloved wife were spent in California, where they were comforted and ministered to by his children, some of whom had become residents of that State, and whither Daniel was induced to turn his footsteps as the evening drew near, and where he died, at San Francisco, in 1906, in the seventy-seventh year of his age. He was born in Una-

dilla, Otsego County, New York. Both of his parents were natives of Connecticut whence they had emigrated to New York. He was educated at the Delaware Institute, at Franklin, New York, and at the Oxford Academy of Chelango County in that State. In the fall of 1847, immediately after leaving the law school, he located in Wisconsin, as before stated. Upon his coming to Des Moines from Cedar Rapids in 1853, he entered into a legal partnership with Judge Curtis Bates, then one of the leading lawyers of that part of Iowa. During the period of this partnership, Mr. Finch was the editor of the Iowa Star, started by Barlow Granger, and which was the first newspaper of Des Moines. In 1855 Judge Bates retired from the firm and was succeeded by Marcellus M. Crocker. This firm continued for some time, and the names of Finch & Crocker are frequently found in the Iowa Reports of that period.

In 1856 he was one of the presidential electors, and as such canvassed a good portion of the State, which prominently brought him before the people as a political orator of a high order. He cast his electoral vote for James Buchanan. In 1860 he was a delegate to the National Democratic Convention, which nominated Stephen A. Douglas for the presidency. In 1854 he had been a candidate for District Judge, and in 1857 for State Senator. In 1862 he was the Democratic candidate for Congress in his district. It was strongly Republican, but he was defeated by only a small majority. In 1864 he was a delegate to the National Democratic Convention, which resulted in the nomination of Gen. George B. McClellan. In 1868 he was again a delegate to the Democratic National Convention, which nominated Horatius Seymour. In 1876 he was again a delegate to the Democratic National Convention and was made Chairman of the Iowa delegation. In 1877 he was President of the Democratic State Convention. In 1885 he was appointed by President Cleveland, United States District Attorney for the southern district of Iowa and served in that capacity with marked ability until 1889. He enjoyed a high degree of personal, as well as political popularity throughout his entire career. He was an uncompromising Democrat to the end of his days, but, as will be seen from one of his letters, he voted for Palmer and Buckner and the Gold Standard in the presidential campaign which resulted in the election of William McKinley for President.

In the preparation for the present work, I wrote to Mr. Finch after his removal to California, kindly asking him to furnish me information concerning some of his early associates. I wrote him several letters on the subject, to each of which he invariably replied; and as these replies furnish information of a more primary character than anything I could say, respecting the persons mentioned in the heading of this chapter, I feel justified in making some of them a part of this sketch, especially so as they throw a strong light upon Mr. Finch himself.

Alameda, California, October 12, 1897.

My dear Stiles: Uncle Sam is good at finding the locus in quo of his subjects, and this is proven by the fact that your welcome letter of the 15th inst. after having visited three post offices has at last found its way to my open arms at the address at the head of this sheet, this being the place where I am for the winter, if not longer, to take my otium without the dignitata. I have a son in San Francisco, occupying a cottage on this side of the bay, and that we might have the benefit of good schools for our two grandsons, my wife and I accepted his kind invitation to spend a time with him—I give you this as my excuse for leaving temporarily my cabin in the woods by the sea. It was with great personal pain that I left the cabin, for I have seen enough of the rough and tumble of the world and would like to spend the little remainder of earthly habitation with nature and a few dear friends, and I hope to again get back to that sequestered nook where through nature I can commune with the Creator, and in memory at least, with the friends of early days. I am no longer a seeker of honors political or professional and am quietly mourning over the great errors of the party to which I have belonged for a lifetime, and mourning more over the grievous sins of the party in power. So strong, however, is my love for my country and so earnestly do I desire the perpetuation of our free institutions, that I went eight miles in a row boat over rough waters to cast my vote for Palmer at the last election. It was the only ballot of the kind cast in that precinct. In this I was guided by the rule of my life—Principia non homines.

With regard to Judge P. M. Casady, I would say that when I came to Des Moines in March, 1853, his firm, Casady & R. L. Tidrick, was one of the leading firms in central Iowa. Upon the expiration of Judge William McKay's term Casady was elected Judge of that District, and qualified and performed the duties of that office for a short time, but, as I now recollect, never held a term of court because he was appointed by President Pierce to the Receivership of the United States Land Office, a much more lucrative office than the Judgeship. He resigned this office in a few years and has since been engaged in banking, and is now the President of one of the largest banking institutions in Des Moines. Judge Casady is a rare man in all respects, and perhaps there is no man in Des Moines who enjoys more universal respect. It was much regretted by the bar that he did not feel it his duty to continue in the Judgeship, a position he would undoubtedly have honored. At the solicitation of Mr. Aldrich, Curator of the State Historical Department of Iowa, I have written an article on the administration of Judge McFarland which will probably appear in the January number of the "Annals of Iowa,"* and have partly promised some additional articles upon some of the early men of the State. My wife desires to be remembered to you and now, old fellow, don't let another century pass without my hearing from you. And believe me as ever,

Your old friend,

D. O. Finch.

To what has been said in the foregoing letter of Judge Casady and R. L. Tidrick, I desire to add the following data:

Phineas M. Casady was born near Connersville, Indiana, in 1818. He died at the advanced age of ninety, at Des Moines, in 1908. He received a liberal education, studied law and was admitted to the Indiana Bar in 1841. In 1842 he was appointed Deputy Clerk of Rush County, and held that office until he removed to Iowa in 1846, where he commenced the practice of his profession. He was appointed the same year the first Postmaster of Des Moines, and held that position until January, 1849. In 1848 he formed a partnership with R. L. Tidrick, under the firm name of Casady & Tidrick, which existed until 1853, and did a wide and successful business. In 1847 he was School Fund Commissioner of Polk

* Note—Neither this article nor any of the others referred to appeared.

County, but resigned the position after a few months. In 1848 he was elected State Senator for the district embracing the Counties of Marion, Polk, Jasper and Dallas, and all the counties west of there to the Missouri River, and to the State line on the north. He thus served as Senator in the Second and Third General Assemblies of the State Legislature. Nearly one-half of the territory embraced in the boundary of the State was not yet divided into counties, and he prepared a bill and became its leader, for its division into counties. This was, perhaps, the most important measure of the Second General Assembly. What name should be given the new counties constituted a subject of much difference in opinion. He gave the subject his best efforts, and to him may be justly ascribed the principal credit of fixing the names that were finally given. As well said by Governor Gue, in his admirable history of Iowa, "The name of Senator P. M. Casady thereby became imperishably associated with one of the most interesting events of Iowa history."* At the meeting of the Iowa Law Makers' Association in 1894, he read an interesting paper stating the origin of the names given to the different counties, and the incidents connected with their adoption; ** an abstract of which afterward appeared in the *Annals of Iowa*.* * *

In 1854, as stated by Mr. Finch, he was elected Judge of the Fifth District, but soon resigned to accept the appointment of Receiver of the United States Land Office, tendered to him by President Polk, a position which he held until his resignation in 1857. He then formed a partnership with Marcellus M. Crocker, and two years afterward Jefferson S. Polk was taken into the firm, under the firm name of Casady, Crocker & Polk. This firm continued until 1861, when Crocker entered military service. In 1864 Mr. Casady retired from the practice and devoted himself to general business interests. He organized and for more than a quarter of a century was President of the Des Moines Savings Bank. He was one of the organizers of the Pioneer Law Makers' Association, and through the whole course of his professional and business career contributed valuable articles for the preservation of Iowa history. In 1907 when verging close to his ninetieth year, he resigned the presidency of his bank, and retired to private life. Charles Aldrich, in noticing this event, spoke of him:

He has always been known for the beauty of his character, and the uprightness of his dealings with his fellowmen. No man in the State enjoys a wider measure of respect, and now that he has so gracefully retired, he will carry with him the hearty good will of everyone who knew him.

The last time I saw him was at the reunion of the Pioneer Law Makers' Association in 1898. He was then eighty years of age, but his step seemed as steady as of old, and his beneficent face was illumined with its old-time cheerful serenity. His erect and impressive figure corresponded with the harmony of his character.

* Gue's History of Iowa, Vol. 4, 44.

** Proceedings, Law Makers' Association, 1894.

*** *Annals of Iowa*, Third Series, Vol. 2, 195.

R. L. Tidrick, who has already been mentioned, was a native of Guernsey County, Ohio, where he was born in 1825, and where he received his early education. He studied law and was admitted to the Ohio Bar. He came to Des Moines in 1847, and actively engaged in the practice. As before noticed, he was at one time a partner of Judge Casady. He was also for a while a partner of William McKay, who afterward became Judge of the District Court of that district. Mr. Tidrick was postmaster of Des Moines at an early day, and also Register of the State Land Office for several years. In 1850 he became Prosecuting Attorney, and in 1857, Mayor of Des Moines. Later in life he retired from the practice and devoted his interests to business affairs. He was closely identified with the early history of Des Moines. He was a good lawyer and a man of high character.

Curtis Bates was a well-known lawyer and public man of his time, but I was not able to obtain much information concerning him, and wrote to Mr. Finch for that purpose, in response to which he wrote me from Alameda, California, in 1897, the following particulars:

Judge Curtis Bates was a native of Ohio, and I think spent his early life in Ripley in that State. He was in the Ohio Senate one or two terms and came to Iowa and located first at Iowa City, I think about 1848, and moved to Des Moines early in the fifties. He was my first partner in the law in Des Moines, the firm being Bates & Finch in 1853. He was fifty years old and I was twenty-four. In 1854 he was the Democratic candidate for Governor but was defeated by James W. Grimes by a small majority—the first Democratic defeat in the State. Judge Bates had but few equals in the State as a counselor. He was not an advocate and neither was he a stump speaker, and to this fact I have always attributed his defeat by Grimes, who was superior as a public speaker. Bates died about fifteen years ago in Des Moines, where he had lived a retired life for many years previous. Judge Bates had the highest regard and affection of his neighbors and was a most upright and exemplary citizen.

In a subsequent letter, Mr. Finch writes:

I am thankful that I have revived Hon. Curtis Bates in your memory, for he was truly a remarkable man, not for his brilliancy, but for his rare worth as a safe, able, conscientious lawyer and an exemplary citizen, pure in public as well as in private life. Such characters are too rare in this day to allow oblivion to envelop their memory.

As before intimated, I have but little data concerning the nativity and early life of Curtis Bates. He was a native of Ohio and must have come from there to Iowa at an earlier date than Mr. Finch thinks he did (1848), for he was a member of the Constitutional Convention held at Iowa City in 1846. Charles Negus, in one of his articles on the Early History of Iowa, speaking of that Convention, says: "Curtis Bates, a Democrat from Johnson County, as Chairman of the Committee on Corporations, made the following report." I also find that in the Democratic legislative caucus, held in the State, he was one of the candidates voted for, for Supreme Judge in the contest for that place, which resulted in the election of Judge Joseph Williams. The election of Mr. Grimes marked the first Republican success in Iowa, while the defeat of Judge Bates was the commencement of a series

of defeats sustained by the Democratic Party in Iowa from that period to the present, an unbroken course of fifty-eight years, with the exception of the four years covered by the administrations of Governor Horace Boies. From all the available sources of information, it is made clear that Judge Bates is deserving of all that Mr. Finch has said of him, and that he was a lawyer of great ability, and a citizen who exercised considerable influence in the formative period of the State.

Byron Rice was the second County Judge of Polk County. He succeeded F. C. Burbridge, who died before his term of office had expired. Mr. Rice was a native of Madison County, New York, where he was born in 1826. He studied law and was admitted to the bar in that State. In 1849 he came to Des Moines and entered upon the practice, in partnership with J. E. Jewett. In August, 1850, he was elected Prosecuting Attorney, and in the following year County Judge. He occupied the latter position until the spring of 1855, when he entered into an association with Judge George Green and John Weare, of Cedar Rapids, in carrying on a banking business, which was continued until 1859. Returning to the practice, he formed a partnership with D. O. Finch and continued in professional life until 1876, when he retired from active practice. In one of his letters to me, Mr. Finch of him says:

Judge Byron Rice was an exemplary man with a good classical and legal education. After retiring from the office of County Judge he went into the banking business, which he followed for several years; at the end of which he resumed the practice for a few years. He had a judicial mind and would have ornamented the bench. His name is certainly worthy of much honorable mention in making up the records of the profession. Do not hesitate to ask me any questions an answer to which may be of any use to you. You cannot be more thankful than myself that this correspondence has resulted, for I do enjoy talking with my old friends, and I have always counted you as one of the most cherished among them. So please do me the honor and give me the pleasure of an occasional communication, always believing me sincerely yours.

John H. Gray came from Fort Wayne, Indiana, where he had read law and been admitted to the bar, to Des Moines, in 1855. He was elected Prosecuting Attorney, and subsequently District Judge of the district in which Des Moines is situated. For a time, after coming to Des Moines, he and his wife taught school, but by his industry and ability, he soon acquired a good law practice. He was an excellent judge and was very popular with the people generally, which was proved by his re-election at the expiration of his first term, this being at that time the first instance in the district of a judge, being his own successor. He died during his second term, in 1865, to the great regret and sorrow of the people of the entire district. He was succeeded by Charles C. Nourse. Of him, Mr. Finch writes:

Judge John H. Gray, I would say, had been a teacher as had his wife in Indiana before coming to Des Moines. He was a young man of fair ability. He read law with Judge Bates and had but little experience in the practice before his nomination for Judge by the Republicans. Gen. M. M. Crocker was his opposing candidate. Gray was elected by a small majority. Gray was very delicate physically, but he proved an able and conscientious Judge and served creditably until his death while still a young man.

In April of 1898, and in June of 1899, I corresponded with his widow, Maria Freeman Gray, with a view to obtaining data in reference to the nativity and early life of Judge Gray. She responded, by saying, that she would be very glad to furnish me with a short biographical sketch, which she had prepared, but that she had sent it to Des Moines for publication. I think this publication was never made; at least, after diligent search, I have been unable to find it. Mrs. Gray was a woman of rare accomplishments, and the author of a number of magazine articles. The letters referred to were written by Mrs. Gray, from San Francisco, where she had become a resident, and where she was then President of the Woman's Christian Temperance Union.

Hoyt Sherman, Lampson P. Sherman, Barlow Granger, Madison Young.

I became acquainted with *Hoyt Sherman* about fifty years ago. The last time I saw him was at a reception given at his house to the members of the Pioneer Law Makers' Association, in attendance at their meeting of 1898, before which I had delivered an address on invitation of its President, coming from Kansas City for that purpose. His house was most hospitably opened to the members of the Association, and many of the Legislature which was then in session. It was a notable occasion. I then thought he had yet many years before him, but in this his family and friends were disappointed, for he died at Des Moines in 1904. He was one of the early lawyers of Des Moines where he came from Ohio in 1848, and in 1849 was admitted to the bar and entered upon the practice there. For a time he was associated with Judge P. M. Casady and R. L. Tidrick in practice. He was a man of high character, indomitable and gifted, and had he persevered in the profession, would beyond question, in my judgment, have attained superiority. He could not, however, resist his impulse for business enterprises, in some of which during his life he became prominent. He belonged to a remarkable family. His father, Charles B. Sherman, was a Judge of the United States Court for the Northern District of Ohio. His brother, John Sherman, was the distinguished United States Senator from Ohio, Secretary of the United States Treasury, and came very near the nomination for President of the United States when General Garfield received the nomination. I recollect that it was said at the time that the great power and eloquence displayed by Garfield in presenting the name of John Sherman to the convention, was so potent in his own favor that it turned the attention from Sherman to himself and resulted in his own nomination. Another brother was the illustrious General William T. Sherman, whose triumphant career shed not only a lustre upon the profession of arms, but on his own name and that of his country. Another brother was Lampson P. Sherman, one of the early settlers of Des Moines.

Hoyt Sherman was born in Lancaster, Ohio, in 1827. Before studying law, he had learned the trade of a printer with his brothers, Charles and John, in Mansfield, Ohio. After coming to Des Moines, and in 1849, he was appointed Postmaster,

by President Pierce, and held that office until he resigned, and recommended his successor who was appointed in 1853. He was one of the organizers of the State Bank of Iowa, and was its Cashier until 1861, when he was appointed a Paymaster in the United States Army with the rank of Major. After his return from the army he engaged for a short time in mercantile pursuits. He was one of the Incorporators of the Equitable Life Insurance Company, and in 1868 became its general manager. In 1854 he established the banking firm of Hoyt Sherman & Co. He was the author of several instructive papers on banking, among which are, "Early Banking in Iowa," appearing in Volume Five of the Third Series of the Annals of Iowa, and another entitled, "The State Bank of Iowa," appearing in the same volume. He took an active part in preserving and perpetuating Iowa history and may be regarded as one of its notable and most valuable sons. Like his brothers, John and General Sherman, he was tall in person, quick in perception and movement.

Lampson P. Sherman, though less conspicuous than any of the brothers mentioned, was nevertheless a man of sterling qualities and real ability. In his father's family there were eleven sons and daughters, of which he was the seventh. In a History of Polk County, published in 1880, he is classed among the early lawyers of Des Moines, but I fail to find any evidence in support of his being in the profession. When I first became acquainted with him, he was occupying a position in the State Bank of Iowa at Des Moines, or that of Hoyt Sherman & Co., and which he continued to occupy until 1886, when he was appointed United States Revenue Collector for his district, and held that office until 1883. He was the third Mayor of Des Moines, in 1854; in 1855, its Recorder, and in 1858, its Treasurer. He was for many years prominent in its public affairs and always administered the trusts committed to him with perfect fidelity. He was born in Lancaster County, Ohio, in 1821; came to Des Moines when it was then known as the frontier settlement of Fort Des Moines, in 1849, where he continuously resided for nearly fifty-two years, and until his death in 1900, at the age of seventy-nine. He had learned the trade of printing, and upon coming to Des Moines, he was induced to take up journalism, and commenced the publication of *The Fort Des Moines Weekly Gazette*. Dr. Johnson in his essay on Milton, says, if I recollect rightly, that "if he had been the first, he had been the greatest of epic poets." Homer had the precedence. So if *Barlow Granger's Star* had not been established a few months before, the *Gazette* would have been the first paper published in Des Moines. The *Gazette*, however, was doomed to an ephemeral existence; the name was changed to the *State Journal*, but after a few months of adversity its material was sold to the office of *The Star*.

Barlow Granger was an interesting figure in Iowa history. He had witnessed most of its important periods. He lived until after he had entered upon his ninetyeth year, and at the time of his death knew perhaps, more of Iowa men and events

than any man then living. He was a good listener and a good rememberer, and could recount many interesting events of a personal character, not to be found in history. He was rather tall, slim and old-fashioned in appearance. He had a bright, twinkling eye, and a rather old, rugged face which bespoke both frankness and sagacity. He was one of the early lawyers of Des Moines. His name will be found in the list of attorneys attached to Second Greene's Reports. Most of his anterior life, however, had been that of a printer in connection with journalism. He was born in Cayuga County, New York, in 1816, and at an early age was placed as an apprentice in the office of the Courtland Advocate at Rochester, and became an expert journeyman printer. In 1835 he went to New York City, and was there during the great fire of that year. At different times he was connected with newspaper offices in New York, New Haven, Albany, Hudson, Cleveland and Detroit. In 1847 he came west, and was associated with the St. Louis Republican. While at Albany he became acquainted with many of the New York politicians and statesmen. It was in the days of Martin Van Buren, William H. Seward, Horace Greeley, Thorlow Weed and men of that class. Before coming west he went south, and was for a time associated with the Charleston, South Carolina, Courier. He had studied law along the course, and became proficient enough to gain admission to the bar at Des Moines, in 1848, but before practicing much he conceived the idea of establishing a newspaper, and became the founder of the first one published in Des Moines, The Iowa Star, in 1849. He purchased his printing outfit in Iowa City, transported it by wagon to Des Moines, and issued the first number of his paper in July, 1849, using for his printing office what had been formerly one of the fort buildings, standing on the banks of the Raccoon River. In 1850 he transferred the Star to Curtis Bates and Luther D. Johnson, and continued to practice law for some years in Des Moines. He was appointed by Governor Hempstead, one of his staff, with the rank of Colonel, and served in that capacity from 1850 to 1854. In the latter year he was elected Prosecuting Attorney in 1855, County Judge, and later Mayor of Des Moines. He commenced his political life as a Democrat, and continued a faithful adherent of that party through all his various fortunes and misfortunes down to the time of his death, which occurred at his home near the city of Des Moines, in June, 1905. His funeral had a large attendance, among whom were prominent men from different parts of the State.

Madison Young was one of the early settlers and lawyers of the village of Fort Des Moines. He came there in 1849. He was a man of many eccentricities. He was a native of Cass County, New Hampshire, where he was born in 1813; he was reared on a farm in a rough and mountainous locality. His preliminary education was acquired at an academy at Lancaster, and at the academy at St. Johnsbury, Vermont. He was finally fitted for college at the Kimble Union Academy at Plainfield, New Hampshire, whence he went directly to Union College at

Schenectady, New York, whence he was graduated in 1840. He had acquired his education through great industry, perseverance and economy. After his graduation he taught for a while in Georgia. In 1842 he was licensed as an attorney and commenced the practice at Cato, Cayuga County. In 1845 he was admitted as a solicitor in the Court of Chancery by Chancellor Walworth. From Cato he came to Des Moines as before stated, and entered upon the practice there; his name will be found in the list of attorneys in Second Greene's Reports. He was twice nominated by the Whigs for Prosecuting Attorney of Polk County, and served by appointment as Special Prosecutor in the Counties of Dallas, Warren, Madison, Jasper, Boone and Marshall. He was for many years a Justice of the Peace and discharged the duties of that office with great punctuality and satisfaction.

Daniel O. Finch, writing to me of Young in December, 1897, says that Young was a very peculiar man and a miser; that he walked to the adjoining counties to pay his taxes, rather than go to the expense of a conveyance. I think that Mr. Finch greatly overdraws the matter, as the following circumstances will indicate. He had made some profitable investments in real estate, and fitted up a tract for the purpose of eventually building upon it. It consisted of ten acres of land just north of the city limits of Des Moines. This he planted with various trees and vines. While waiting for these to grow, he took a trip to Europe, visited the cities of London, Paris and other metropolises of Europe. He attended the university lectures of Heidelberg, and visited the noted grape raising places on the Rhine, with a view of perfecting himself in the knowledge of cultivating the grape and making wine. At the end of two years he returned and engaged with his own hands in pruning his trees and vines, living in a shanty on the premises in the summertime, and in the winter, in a grout house which he had in south Des Moines. In a few years he took another trip to Europe, having a desire to become better acquainted with the German and French literature. He arrived in Germany a short time before the commencement of the Franco-Prussian War. He passed most of his time in Switzerland. Before starting home he went to Southern France, and was there arrested as a German spy. He made a speech to the authorities, and though he got his French and German somewhat mixed under the excitement of the situation, managed to make himself understood, and he was discharged. Immediately upon his return he commenced other improvements on what had then become his beautiful ten-acre tract, but his health beginning to fail, he reluctantly sold the place to Conrad Youngerman. In search of health, he went into the mountains and valleys of Colorado. Before going, he executed a will bequeathing his property estimated at some thirty-five thousand dollars, to his brothers and sisters living, and to the children of those deceased, except the sum of one thousand dollars which was left to his Alma Mater, Union College, and a lot in South Des Moines, which he left to a colored man by the name of Murray. He was himself a bachelor. His health continuing to de-

cline, he went to the Cincinnati Hospital, where he died, accompanied by his friend, Taylor Pierce.

After the death of Young, Jonathan Pearson, Treasurer of Union College, wrote to Judge Casady, and in the course of his letter said:

Few young men labored under greater disadvantages for obtaining an education than Madison Young. From the day he entered until he left he supported himself by the labor of his hands and the sweat of his brow. * * * He won the respect of his professors by his indomitable perseverance under difficulties which would have discouraged ordinary minds. When he came east he always renewed his acquaintance with the professors of his alma mater.

Chester C. Cole, Stephen V. White, James M. Ellwood.

Chester C. Cole was one of the most eminent and widely known lawyers in the State. This was attributable to several causes, principal among which were his great ability as a lawyer, his high rank as a judge, and his initiatory and successful efforts in the establishment and growth of law schools in Iowa, to which he gave his best efforts for more than forty years, and which, during that period, turned out an army of young lawyers, nearly every one of whom had become a personal friend and admirer of Judge Cole, by reason of the great aid he had given them in the course of their instruction, and his pleasing and magnetic personality. When at his best, he had but few equals and no superiors as a trial lawyer in the Northwest. As a Judge of the Supreme Court, he displayed conspicuous ability. His opinions are models, terse, well phrased, pointed and strong. He was one of the brightest and clearest judges that ever graced that bench.

He was not only remarkable for his talents, but also for his unceasing industry; and this, not only in his prime, but in his old age. As a lawyer and judge, he closely followed his profession until near his ninetieth year—from 1848 to 1913, a period of sixty-five years, fifty-six of which were in Iowa. During the winter of 1912 he sojourned at San Diego, California. While there he came up to the "Annual Picnic" of Iowans in South California, held at East Lake Park, Los Angeles, on the 22d of February of that year. I had recently become a resident of Los Angeles County, and he was for the several days he was here, my guest. I gave a dinner in his honor, to which I invited two other distinguished sons of Iowa, then living in the vicinity—Ex-United States Circuit Judge Henry C. Caldwell, originally of Van Buren County, and Chas. C. Nourse, once a great lawyer, District Judge and Attorney-General of Iowa. It was a notable gathering of old men in whom was wrapped much of the history of early Iowa. At the table sat Judge Cole in his 88th year, Judge Nourse in his 84th, Judge Caldwell in his 80th, and I well into the seventies. The scene was full of merriment, anecdote and personal reminiscences. Others who were present declared that it was the most spirited and interesting exchange of conversation they had ever witnessed.

His talents brought Mr. Cole into public notice and a lucrative practice in a

very short time. He took some part in politics and was a political speaker and debater of rare excellence. I first heard him in public debate with Gen. Samuel R. Curtis in 1860, when Curtis was the Republican, and Cole the Democratic candidate for Congress in the first district. The comparative skill of these two men has already been described in the sketch of General Curtis. For a time Cole was an idol of the Democratic Party, but on the outbreak of the Rebellion he allied himself with the Republicans and made stirring war speeches throughout the State, which greatly added to the allies that the Republican Party was then gaining from the ranks of the war Democrats. This brought upon him, as it did upon other Democratic leaders who took a like course, the opprobrium and denunciation of the leaders who remained intact in the ranks of that party and they never ceased to denounce him. As already stated, I first heard him speak in the debate with Curtis. I heard him again fifty-two years afterward. It was at the Iowa picnic before alluded to. There was a large crowd present, thousands upon the ground. I took the opportunity to inform the President of the presence of Judge Cole, and he called upon him for a speech. It was entirely unexpected by Judge Cole, but he mounted the platform, and of all the speeches made, his was the most interesting and best. I do not know, nor have I heard of any other lawyer in the country who continued in the active practice and in the actual trial of causes, and was so able, vigorously and unexpectedly to respond to speech-making requests, until his 89th year. While he was my guest, he informed me that he would remain longer in California if he did not have to return in the spring to Des Moines to try some cases he had there, but that he would come back to California after he had tried the cases. He returned to Des Moines, tried the cases and came back to California, as the following letter, addressed to me at my home in Pasadena, will indicate:

Des Moines, Iowa, October 21, 1912.

My dear Friend: I am now in the second day of the trial of one of the cases which I came home last spring to try and I confidently expect to start to San Diego on Saturday of this week, the 26th inst., and will stop over one day, Sunday, in Denver. I will leave Denver on Monday afternoon at 3:30 the 28th day of October and am advised that I am due in Los Angeles at 2 p. m. on Wednesday, October 30th. I will be glad to accept your invitation to spend the day with you if you can meet me at the depot on the arrival of the train and before I am transferred to the depot of the railroad leading to San Diego.

The case he here refers to, consumed five or six days in the trial; it involved the examination of witnesses, valuations and mathematics; as leading counsel, he tried the case from beginning to end, assisted by Junior Counsel Robert Haines, and opposed by able lawyers, George Carr and C. L. Nourse. He finished his argument just in time to catch the train for California and save his return ticket. In his eighty-fifth year, he orally argued a case before the Supreme Court of the United States at Washington, with so much vigor that, together with his advanced years, it attracted the especial interest of the Court and the attending listeners. These instances certainly indicate remarkable intellectual longevity. But to me, still more remarkable

was the following incident: While he was at my house I remarked that autobiographies were far more interesting and authentic than mere biographies written by someone else, and earnestly besought him to sit down and narrate to my stenographer the general events of his life. He finally complied with my urgent request, and taking his seat near the stenographer, gave without the least hesitation, and without a skip or a halt, or a correction, the following narration which I think will be more interesting than anything I could give myself:

My name is Chester Cicero Cole. I was born in Oxford, Chenango County, New York, in 1824. My father was born in Connecticut, and my mother in Rhode Island. After their marriage about 1798, they lived in Connecticut until a year or two after the following century, 1800, and then removed to Chenango County, New York. My father was the youngest of ten children of his father, each of whom lived to raise families. They purchased and settled on a farm, which was afterwards within about a mile and a half of Oxford village. My father's family consisted of eleven children, one of whom died in infancy, and each of the ten others lived to have families. I was the youngest of the eleven, and after my father's death, lived with my mother on the farm for a time, but when thirteen years old, went with her to the village to live. About the same time, I entered a dry goods and general store as clerk at a salary of fifty dollars a year and remained with them, boarding in the family of my employer. His home was an excellent one and was adjoining the Oxford Academy. I was not discontented at all with merchandising, but possibly proximity to the academy and the acquaintance with some of the students may have inspired me with the purpose to acquire a better education than I had at thirteen, when I went in the store. I arranged with a jeweler, whose store was next to the one in which I had been employed, and worked for him, and attended the academy for some years. I graduated at the academy after several years of study there, with a certificate which entitled me to admission to Union College at Schenectady in the Junior year of the course. I went to Schenectady, but by reason of sickness did not enter the college. A year or more later, having recovered from illness, I determined to enter upon the study of the law, which I did in the office of Ranson Balcom, who was afterwards one of the Judges of the Supreme Court of New York. After reading law in the office for nearly two years, I went to Cambridge, Massachusetts, and entered the Harvard Law School, and remained there about two years, until June, 1848. A year or more before I entered Harvard, Judge Joseph Story, who had been on the bench of the Supreme Court, and had before that been a Professor in the School, had died, and at the time I entered the school, the professors were Simon Greenleaf, the author of "Greenleaf on Evidence," and of several other leading textbooks, and who had for many years been Reporter for the Supreme Court of Maine, his native State; also Judge William Kent, who was the son of the great Chancellor of New York, James Kent, than whom no greater jurist has ever lived in this country; also Professor Parker. My residence in Cambridge and my attendance upon that school were of very great advantage, not only in the knowledge of the law, but in general culture. The students of the law department were permitted without cost to attend lectures delivered in Cambridge by the leading literary authors of that day, and distinguished men—William H. Prescott, Charles Sumner, Emerson, Wendell Phillips. Among the lecturers whom I delighted to hear, was also John W. Webster, the leading professor in the Medical School and at that time a very distinguished man in his profession. John W. Webster was afterwards convicted of and executed for the murder of George Parkman. The delight with which I listened to him in prior years made me exceedingly reluctant to accept at all the rightfulness of his execution upon purely circumstantial evidence, and my non-concurrence with the verdict of the jury was hardly appeased, even by the judgment of Chief Justice Shaw, pronounced upon the motion to set aside the verdict because it was not supported by the evidence. In other words, the great eminence of Chief Justice Shaw, together with my admiration for him, could hardly secure the entire yielding of my convictions to him.

While at Law School, I arranged by correspondence with John W. Finnell, of Frankfort, Kentucky, who was the editor of the Frankfort Daily Commonwealth, to become the legislative editor for that paper, during the session of the Kentucky Legislature, and in the fulfillment of that agreement I went to Frankfort and spent a winter there. The members of the Legislature were exceedingly considerate of me and I was invited by some of the Senators and Lieutenant-Governor Archibald Dixon to go to southwest Kentucky and locate at Marion, Crittenden County. At the close of the session I went with these Senators and Representatives to Marion and determined to locate there and arranged for office and for board when I should return in August following. I then returned to my home in Oxford, New York, and consummated an arrangement theretofore made, by marrying Amanda M. Bennett, to whom I had been engaged for a considerable time, and with whom I attended the Academy, and whose parents lived near neighbors to the home of my mother and myself. I was married on the twenty-fifth of June, 1848.

Perhaps my financial condition, which was then one of but a very few dollars in money, less than twelve, on arrival at my destination, with an indebtedness exceeding five hundred dollars, incurred from my education, might today make a young man hesitate to take upon himself the responsibilities of a wife and the support of a family. On my visit to Marion at the close of the legislative session, I arranged for an office rent of eighteen dollars a year, and board for myself and wife with Dr. Gilliam, the leading physician of the county, who had been a State Senator and who lived in a brick house of two stories, with a hall in the middle, and a room twenty feet square on each side of the hall. For the board and room for myself and wife and a colored girl to care for the room, and a boy to build fires, I was to pay one hundred and fifty dollars a year. It might be added that if a living could be secured at the present day in Iowa at the price I was compelled to pay, possibly lawyers would have less hesitation in taking the responsibilities of a family.

We arrived at Marion in the afternoon of Tuesday of the second week in August and in time for me to get my office and arrange front steps for it, which I did, bringing logs about two and a half feet long, cut out of the new building being erected, which was subsequently used as a post office. Three of those logs made me very comfortable steps. But I did not get across the common with the log on my shoulder without being accosted by slaves who insisted on carrying the logs for me, but I persisted in carrying the one I had. On Wednesday noon, as I was going from my boarding house to the office I met Dr. Gilliam on the street in company with an elderly man, whom he introduced to me as Uncle Bobby Hale. The party introduced explained that he had a litigation with one of his neighbors and that they had agreed upon arbitrators to try the case, and that it was to be tried before Justice Phillips over Piney Creek on the Saturday morning then to follow. He said that he had started from home with the intent to get Lawyer Marble (who was really the leading lawyer of the county), but he had found on arriving in Marion that his adversary in the suit had gotten here first and had hired Marble; and he said he had once known a New York lawyer, who was a "mighty smart feller" and he had also learned that I was from New York. It seems to me now, as I remember Uncle Bobby's looking down on me, that he had doubts whether my appearance and bearing would continue him in his determination to get a New York lawyer. But he did persist and employed me, at an agreed fee of sixty dollars, for which he gave me his note payable six months after date, with interest. I tried the case on Saturday. It was my first case of any kind before any court anywhere, and greatly to my delight, I succeeded and the property in dispute was decided to belong to my client, and was turned over to him. A little incident not very creditable to myself occurred at the trial, which I am induced to detail with as much brevity as possible. A witness called by Mr. Marble in the progress of the trial was R. M. Tetherington, who had some months before come from Tennessee, to Crittenden County. Rumor had it that he killed certainly two men in Tennessee, and was reputed a dangerous man (this reputation had not reached me prior to the incident). He was a very strong witness against my client, and had testified touching a material matter, and I was quite aroused and was cross-examining him with a good deal of severity and rapidity, and while I do not now remember the question, I do remember from after consideration that it was one

calculated to irritate the witness; I put the question to him with determination. He was standing fully fifteen or more feet from me and near to Mr. Marble, and as I put the irritating question to him, he reached his hand over his head and pulled from his back a large bowie knife and started for me with an oath. Whereat I was so much affrighted that I was not able to move or say a word, but before he reached me, he slackened and I saw fully that he had relented his purpose, and thereupon I recovered myself, and pointing my finger at him, I said to him: "You go back. You must answer that question. You can't scare people here." While I was in point of fact so scared that I could not move a muscle or say a word, this was not known to those present, and from the entire transaction, I acquired the reputation of a very brave man.

It was about five weeks from this time that the Circuit Court was to convene, and the result of this trial and my reputation for bravery brought me, before the term convened, thirty-three cases in the Court, as well as continuous cases before justices of the peace in the county. Of course, I could not expect to try any of these cases in court with efficiency or success, but good fortune came to me again in the fact that Judge Brown, who was to preside, wrote to the Clerk to continue all the causes and adjourn the term, as he was sick and not able to attend the Court and did not want the Court held by anyone else. It was six months before the next term and this vacation gave me an opportunity, which I surely embraced, to attend other courts in the Circuit and prepare myself for the trial of the cases in which I was employed. Before and at the next term of Court, I was employed in every case on the docket, nearly, and such was the condition during my attendance there, a period of nearly nine years.

In the year 1856 there ensued the campaign for the election of President—Fremont and Dayton, Bell and Everett, Buchanan and Breckenridge, being the Presidential and Vice Presidential representatives of their respective parties. The campaign in Kentucky was confined to the two latter party candidates. The friends of Bell and Everett would have the meetings with barbecue, and the slaves, of course, had to be present to prepare the barbecue. Such meetings were frequent; while there were no meetings at all for the Fremont and Dayton ticket. At the barbecues and in hearing of the slaves, the Bell and Everett speakers would declare that the success of the Fremont and Dayton ticket meant freedom to the slaves and bloody insurrection warfare and that Kentucky would be the bloody ground. The Buchanan and Breckenridge speakers would portray in more terrible form the same consequences and the speakers of each party declared that the only hope of success and securing peace was to vote for the candidates whom the successive speakers advocated. After the election, there was insurrection, as supposed, in my county and in the counties south to Tennessee and this condition of affairs made me determine that notwithstanding my successful business, it was my duty to take my wife and my children from the consequences, which seemed to me would ultimately come. I did not then think that such conditions as followed would come for many years, and possibly not in my lifetime; but my wife and myself concluded that it was our duty to take the children away from the peril, which would be there in that locality. I set to work at once to collect debts and dispose of property, and before the first of January following, I announced publicly my purpose to leave on or before May 1st of the following year, 1857. And I did.

Upon this consultation between myself and wife, we determined that we would go either to Indianapolis, Indiana, or to Des Moines, Iowa, and I at once subscribed for the leading Des Moines paper, and later visited Indianapolis, and afterwards determined, without visiting it, to remove to Des Moines, as we did, early in May, 1857.

Upon arriving in Des Moines, I secured an office over the bank of Cook, Sargent & Cook, on Walnut Street, and after continuing there a little time, I formed a partnership with J. E. Jewett, under the firm name of Cole & Jewett, and continued the practice with Mr. Jewett for about two years, and then the partnership, which had been satisfactory and fairly successful, was on mutual consent dissolved, and I opened an office myself in the Sherman block on the corner of Third and Court Avenue; I continued in that office until I went upon the bench of the Supreme Court early in 1864. Through the partiality of friends and without any very serious

purpose on my own part, I was, in 1859, nominated as a candidate for the Supreme Court, on the Democratic ticket. As associates for the office of Judge of the Supreme Court, three of whom were to be elected that year, I had the highest types of Iowa citizens, lawyers, and judges; I refer to Charles Mason and Thomas S. Wilson; these two and myself were the candidates on the Democratic ticket. On the Republican ticket were L. D. Stockton, Ralph D. Lowe and Caleb Baldwin. Being a stranger with only about two years of residence in the State, it was thought advisable that I should visit many counties and cultivate an acquaintance with the people of the State with whom I had become so recently associated. This I did, making addresses in numerous counties in the State. The canvass was satisfactory to myself and my friends, and the results of the election, although adverse, were by so small a majority as to relieve the situation and me from any special depression by reason of the defeat. Coming from Kentucky, as I did, I brought with me my political alliance, and associated myself with the Democratic party in Iowa. My association with that party continued throughout the campaign of 1860. At the election of that year, I was a candidate for Congress on the Democratic ticket in the Southern District of Iowa. Iowa then had but two districts; in the Northern District, Hon. Ben M. Samuels was the Democratic candidate and William Vandever the Republican candidate. The results of the election in each of the districts were adverse to the Democratic party. In other words, it was the year of the Lincoln boom and the determination of the American people to blot out slavery ultimately. My opponent in the first or Southern District was Hon. Samuel R. Curtis.

The result of the election in 1860 brought upon the nation the war, and the bloody ground in Kentucky, which my wife and myself had anticipated in our discussion, but which we did not at all expect in our lifetime; and the town of Marion, Crittenden County, wherein we had a very delightful home, was overrun and re-overrun by the contending parties on four different occasions, and the town burned.

Upon the receipt of the news of the firing upon Sumter in April, 1861, I was waited upon by F. W. Palmer, S. B. White, and another, and asked, since I had been the candidate of the Democratic party for Judge of the Supreme Court and the succeeding year for Congress, and was a representative man, to sign and lead the signers in a call for a public meeting in Sherman Hall that evening, pledging the support of the people to Mr. Lincoln and the Government against the rebels; and also to appear at the meeting and make the leading speech. Without hesitation, I declared my individual support and my readiness to comply with this request, and thereupon I signed the call and attended the meeting and made the opening speech to the most enthusiastic gathering I ever attended. I found myself supported by the young Democracy of my city and the State, but opposed by Dennis Mahoney and the older and old-time Democrats, who afterwards came to be known as Southern sympathizers. Later the Democratic State Convention was called, a call which was written by Mr. Mahoney without consulting his committee or associates and was avowedly opposed to the war or to giving support to the Government. I took issue with the Democratic State Central Committee, and the call, and sought to secure through the State the election of delegates to the Convention favorable to and in support of the Government, against the rebellion. I failed to secure a majority of delegates and the course pursued by the Convention, and its platform of principles were in line with the spirit of the call. The nominees of the Convention were defeated and its principles most signally negated by the popular vote. These conditions brought about a division of the Democratic party, and the classification of the loyal and patriotic Democrats on the one hand, and the opponents of the war on the other.

President Lincoln, in September, 1862, issued a proclamation of his determination that unless the rebels should lay down their arms and cease their efforts to destroy the Government, he would on January 1, 1863, as a necessary war measure, issue his Proclamation emancipating all persons held in slavery within the Government of the United States. This proclamation of his intentions was made the occasion by many persons living in the counties of Iowa bordering on the State of Missouri and also those counties bordering the Missouri river as far north as and including Harrison County to threaten an uprising against the Government, in aid

of the rebellion. This condition of affairs led Governor Kirkwood, the state officers, and many citizens of Des Moines to ask and urge me to go into most of these counties, every one of which had given majorities for me in the two previous elections, and make patriotic addresses and to exert every influence possible to quiet and dissuade the people from giving any support whatever to those in arms against the Government. The District Court of Polk County was in session, wherein I had engagements in many causes on the docket, and I presented my obligations to my clients, as precluding me from complying with their requests. Thereupon the Judge of the Court and the patriotic members of the bar agreed and placed their agreement in writing that the causes in which I was engaged should be continued or otherwise so disposed of as not to operate prejudicially in any way to my clients. I then went into those counties and by addresses pursuant to previous appointments did the best possible work to secure the ends desired, and spent between three and four weeks in such efforts with most satisfactory results.

All these matters inevitably brought about my separation from the Democratic party, and brought to me from many of the official and leading members of the Republican party multiplied expressions of thankfulness.

The conditions of the business in the Supreme Court were such as to render an increase of its membership necessary. The Legislature convening in January, 1864, among its earliest enactments passed a law increasing the number of Judges from three to four, and required the Governor to appoint such added Judge to serve till the first of January following and provided for the election of his successor in the coming fall. Pursuant thereto, Governor Stone appointed me, and I was thereafter twice re-elected. Having served substantially twelve years, on January 19, 1876, being then for the second time Chief Justice of the Court, I resigned as Judge and Chief Justice and returned to the practice of the law.

As the salary of a Judge of the Supreme Court was inadequate to the support of a considerable family, Judge Wright, who was then living at Keosauqua in Van Buren County, proposed to me early in the year 1865, that if I would join him in the establishing of a law school at Des Moines, he could dispose of his property in Van Buren County and remove with his family to Des Moines and we could together establish a law school there. I agreed to this proposition and Judge Wright did sell his property and go to Des Moines, and together in September, 1865, we did open a law school and from the beginning had a class of approximately twenty students. We conducted this school with marked success for two years, graduating a class each year. For the third year, beginning with September, 1868, we associated with us William G. Hammond, who acted as secretary as well as one of the instructors, and the school was conducted with increased membership for the third year, and upon the graduation of that class, the school became an assured success.

At this juncture, we were approached by the regents of the State University and most urgently and persistently asked to allow our school to be transferred to Iowa City to become the Law Department of the State University. With much personal reluctance on the part of Judge Wright and myself, but each having a strong desire for the success of the University, we consented that they might have the school. But when we told them they could have the school, they replied that they wanted not only the school but particularly us to remain and conduct the school. After much discussion it was agreed that we would transfer the school to Iowa City, that it might be made the Law Department of the State University, and that I would continue to act as professor for seven years, so as to make my whole service to the school a completed period of ten years. Judge Wright agreed that so long as he continued on the bench of the Supreme Court, not exceeding seven years, he would also continue to act as professor. In 1872, the Legislature elected Judge Wright to the Senate of the United States, and he soon thereafter resigned and also terminated his service as professor in the Law School. I continued my services for the full term of ten years. The records of the State University show that its Law Department was organized in 1865, and thereby make the graduates of the school for the three years it was conducted at Des Moines, graduates of the Law Department of the State University. Upon my return to Des Moines after termi-

nating my services to the State University, I was visited by numerous leading citizens of Des Moines, and told that myself and Judge Wright had treated them very badly in removing the Law School from Des Moines to Iowa City, and that the only way Judge Wright and myself singly or associated could atone for the wrong done by that removal was to establish a law school at Des Moines; that it was the capital of the State, and the place in which the Supreme Court was always held; that the Federal Courts were also held at the capital, and that every consideration of convenience and advantage to students required that the school should be established at the capital. I think Judge Wright was fully in accord with the idea of re-establishing the school as requested, but in view of his holding the office of United States Senator, and the fact that he might possibly want a re-election, he preferred that his name should not be then and there and at the first associated with mine in the establishment of it, but that he would in every quiet and proper way aid me in the enterprise. I consented to operate in my own name and Judge Wright fully kept his promise in respect thereof.

Accordingly I proceeded and organized a school at Des Moines and was aided therein by Judge William E. Miller, who had served nearly a full term on the bench of the Supreme Court of Iowa as well as many years on the District bench in the Iowa City District, and was at the time referred to living in Des Moines.

The school was opened in September, 1875, with a very satisfactory class about equaling in number that of the first year in the original school. Among the members of this class, I would recall Leslie M. Shaw, Daniel C. McMartin, and several others who subsequently attained marked distinction. The school was continued and with gratifying success, I being greatly aided therein by Judge Miller, Judge J. B. Bissell, and others.

After my resignation in 1876, I returned to the practice of law, and was very greatly favored with a full tide of business which necessarily took so much of my time as to require more aid in the conduct of the law school than I had either purposed or supposed. This aid was fortunately for myself as well as for the school, furnished by those mentioned above as well as by others, and the school prospered continually from the first. In 1881, General Francis M. Drake together with his brother-in-law, Thomas Carpenter, and Rev. Dr. Lucas came to me and said they had determined to organize a university at Des Moines to be called the Drake University and had made considerable progress therein, and had purchased a large tract of land in the vicinity now known as Drake University and had accomplished very much in the way of securing funds for the success of the new enterprise. Each of the three persons had theretofore been individually my friends and quite intimate relations existed between General Drake and myself and also with Dr. Lucas, who had been a pastor in the Christian Church in Des Moines at that time. They urged me to consent to affiliate in my school enterprise with them and to make my school the law department of the Drake University. The result of the conference was an agreement to co-operate each with the other in the success of the University, and the law department of the University started under favorable circumstances and soon became one of the leading educational institutions of the State, and after a few years numbered approximately two thousand students in its several departments, including the Law, the Medical, and the Divinity or the Bible School. The attendants upon the Law Department have been approximately from the first about equal to the attendants of the State University and the instructors of that department have from the first ranked quite equal to those in the Law Department of the State University, and the reputation acquired by its graduates and the success attending them in their profession has been highly satisfactory. A goodly number of them have been Judges and also Chief Justices of the Supreme Court of different States. For a limited time during the period referred to, my practice required so much of my attention that another acted as dean of the faculty, although my relations to the school continued as cordial and co-operative as when I myself was dean. This time covered all but about five or six years of the period, and from 1892 down to 1907 my deanship was continuous.

In January, 1907, after I had been for a period of forty-two years continuously a teacher of law in the schools mentioned, I received from the Carnegie Foundation for the Advancement of Teaching a letter from its president advising me that my

services in connection with the teaching of the law had been considered and appreciated and in view thereof, the Foundation had decided to award to me as an individual and not by reason of my connection with the Drake University a retiring allowance of one thousand two hundred and eighty dollars a year, payable monthly beginning at the date I might determine to retire. I was profoundly impressed with and grateful for this action and the information thereof, but I was then only eighty-three years of age, and did not feel any necessity for then retiring and the work was so delightful and enjoyable to me that I surely could not retire, and I so advised the President of the University. But upon making the announcement to my wife and children of what had occurred and of my determination to continue my services, they each and all declared that I ought to now resign because I was doing too much work and that the hope of longevity would be greatly strengthened if I would then and there accept the offer, and cease what they declared to be my excess of labors. At that time, myself and wife had lived together in a most delightful and continuous harmony for nearly fifty-nine years. During that time I had found her counsels both wise and unselfish and I could not doubt either the desire or sincerity of my children, and after a few days' deliberation, I advised the Carnegie Foundation that I would gratefully accept its considerate and generous offer, and that my retirement might date from January 1, 1907. From that time down to this I have received each month with unvarying promptness and regularity the amount stated in the offer.

Since that date, I have devoted my time to the preparation of a biographical work which I named a "History of the Jurisprudence of Iowa and of Those Who Made It." After completing that work, which occupied a few months, I turned my attention to the practice of the law, confining myself to the practice in the Supreme Courts, although I have occasionally during the time tried cases in the Nisi Prius Courts. During the time covered by the services heretofore referred to, I edited the *Western Jurist*, a legal monthly periodical, for about twelve years, beginning this during my service on the bench. I also edited a new edition of Iowa Reports embracing four volumes of Greene's Reports and the eight volumes of Clark's Reports, the editorial work consisting among other things of recasting or writing anew the head notes to each case, shortening them often and stating with perspicuity and more nearly with correctness the very points decided. I also annotated each case by referring in the notes to every case in Iowa bearing upon the same or similar points and stating with great brevity the ruling in each cited case, and also referred to every subsequent case wherein the case annotated had been cited.

I have dictated the foregoing from memory and without referring to any note or memorandum in connection therewith, and have done it on the eve of my approaching eighty-eighth birthday, at the special request of my long time friend, Hon. Edward H. Stiles, whose kind hospitality I am now sharing at Long Beach, California.

Judge Cole was so universally amiable in his bearing that some people had the idea that he perhaps lacked personal courage. Far from it. He could have had no career in Kentucky without that quality. He told me that during the years he was there, he became involved in a number of personal skirmishes, in which either revolvers or bowie knives, and sometimes both were used. He was wounded in only one, for he said that the person aimed at in nearly every instance, escaped unhurt. It was the outsider that generally got hurt. Dr. W. H. Ward, a prominent physician of Des Moines, now residing in Long Beach, California, in the 85th year of his age, told me that the first time he saw Judge Cole was in a fight in court with Jefferson Polk, who had applied some offensive remark to Cole, which the latter answered with a blow, and a rough and tumble fight followed, in which Cole had the best until they were separated.

He had plenty of both courage and combativeness when the occasion demanded. In stature he was hardly up to the medium height, trimly but rather sturdily built. His hands and feet were small, his eyes black and sparkling, his face and whole bearing full of suavity; his speech, soft and deliberate; his address pleasing, his attire faultless.

Stephen V. White was born in Illinois and was educated at Knox College, Galesburg. He came to Des Moines about 1855, where in the course of his ten years' residence, he built up a successful practice and established the reputation of being an able lawyer. He was remarkably industrious, had considerable fondness for literature and was rather a wide reader. He came to be known as the possessor of a fine legal mind, and a logical thinker. He was capable of nice discriminations, but could not express himself clearly; he lacked perspicuity, but was so persistent that he never gave up until he had made his hearers thoroughly understand what he meant. He was a man of decided talents, and he had the faculty of impressing his clients with perfect confidence in him—a confidence that was not misplaced. He had a constantly growing practice when he went to New York, where he engaged in speculations with varying success; he was also somewhat active in politics, and represented his district very ably in Congress for two terms, but at the end of that time positively declined a re-election. He was not a politician, but strong by virtue of his sterling qualities. In the course of his speculations, he failed and became bankrupt for a large amount, but afterward recuperated successfully, and paid every dollar he had owed. In addition to his other accomplishments, he had a taste for scientific researches, and on his palatial house in Brooklyn Heights he had a telescope from which astronomical observations were made.

James M. Ellwood was a lawyer of fine attainments, of thorough legal learning. My attention was attracted to him by the finished briefs he prepared for his cases in the Supreme Court, some of which will be found in connection with the reports. He was a native of New York. He came to Des Moines in the early fifties from Rome, New York, where he had practiced several years, and was an associate and young lawyer with Roscoe Conklin, who resided at Utica, within a few miles of Rome. He used often to speak of Mr. Conklin, and of incidents connected with their early career. He was noted as a close, painstaking lawyer, rather than as an advocate. He was a Democratic in politics, and his capabilities soon brought him into political favor. In 1858 he was the Democratic candidate for Attorney-General; in 1861, for Judge of the Supreme Court; and in the Presidential campaign of 1872, when Horace Greeley was the Democratic or Liberal candidate, he was one of the presidential electors, or rather the candidate of his party for that position. He was an old bachelor, short, stout and a good liver. He died of acute bronchitis, at the Kirkwood House in Des Moines, more than forty years ago. Before that event, I was in Des Moines on business, and was assigned to a room in the

Kirkwood House. Some gentleman in an adjacent room, who was evidently attended by a nurse, kept up an incessant coughing. In the morning I learned it was Ellwood. He seemed hopeful of recovery, but I was satisfied he would not long survive, and he died not long afterward. He was a gracious and benevolent gentleman.

Charles C. Nourse.

Charles C. Nourse came to Keosauqua in 1851 and became one of the ablest and most distinguished lawyers of the State. In 1852 he was elected Prosecuting Attorney of the County; in 1854, Chief Clerk of the House of Representatives of the Fifth General Assembly, which convened at Iowa City; in 1856, Secretary of the Senate. Upon the dissolution of the Whig Party, he was one of the principal organizers of the Republican Party in Iowa, and was a delegate to the State Convention which met in 1856 for that purpose. In 1858 he removed to Des Moines and entered into partnership with Judge W. W. Williamson, an old-time lawyer of excellent standing and attainments. In 1860 he was a delegate to the Republican National Convention at Chicago, which resulted in the nomination of Abraham Lincoln. He was one of the original Lincoln men on the delegation and voted for him from start to finish. In 1860 he was elected Attorney-General of the State. His Democratic opponent was William McClintock, of Fayette County. In 1862 he was re-elected to the same office. His political opponent was the able and lovable Benton J. Hall, of Burlington. In 1865 he was appointed Judge of the Fifth Judicial District, a position which he afterward resigned. At the Centennial Exposition, held at Philadelphia in 1876, the different states selected a representative to deliver for each respectively, an address narrating briefly the history and growth of his State. Mr. Nourse was selected to deliver the address in behalf of Iowa, and of all those produced, I think his, taken all in all, was the best. Its historical narration was clear, graphic and correct; its style and expression, devoid of pedantry or oratorical show, but strong and exalted. He traced with a masterly hand the course of events from the time of the descent of James Marquette and Louis Joliet in their bark canoes, to explore the Great River, in 1673. Every important detail, treaty and historical event pertaining to Iowa, was presented in a manner that evoked general and hearty approbation. In speaking of the second treaty with the Sac and Fox Indians for the remaining portion of their lands in Iowa, frequently referred to as the "New Purchase," he thus graphically described the influx and rush of the settlers and the pathetic departure of the Indians from the land they loved:

The treaty provided that the Indians should retain possession of all the lands thus ceded until May 1, 1843. These tribes at this time had their principal village at Ottumwah-no, now the flourishing city called Ottumwa. As soon as it became known that the treaty had been concluded, there was a rush of immigration to Iowa, and a great number of temporary settlements were made near the Indian boundary, waiting for the first day of May. As the day approached, hundreds of families encamped along the line, and their tents and wagons gave the scene the appearance of a military expedition. The country beyond had been thoroughly

explored, but the United State military authorities had prevented any settlement, or even the marking out of claims by any monuments whatever. To aid them in marking out their claims, when the hour should arrive, the settlers had placed piles of dry wood on the rising ground at convenient distances, and a short time before twelve o'clock of the night of the 30th of April, these were lighted, and when the midnight hour arrived it was announced by the discharge of firearms. The night was dark, but this army of occupation pressed forward, torch in hand, with ax and hatchet blazing lines with all manner of corners and angles. When daylight came and revealed the confusion of these wonderful surveys, numerous disputes arose, settled generally by compromise, but sometimes by violence. Between midnight of the 30th of April and sundown of the 1st of May, over one thousand families had settled in this new purchase. While this scene was transpiring the retreating Indian was enacting one more impressive and melancholy. The winter of 1842-3 was one of unusual severity, and the Indian prophet, who had disapproved of the treaty, attributed the severity of the winter to the anger of the Great Spirit because they had sold their country. Many religious rites were performed to atone for the crime. When the time for leaving Ottumwah-no arrived, a solemn silence pervaded the Indian camp and the faces of their stoutest men were bathed in tears; and when their cavalcade was put in motion, toward the setting sun, there was a spontaneous outburst of frantic grief from the entire procession.

Within a short time after I came to the State, he had attained the reputation of being one of its most attractive speakers. There were two young men representing their parties, who were the most popular orators in the State. One was Daniel O. Finch, a Democrat; the other, Charles C. Nourse, a Republican. I first saw and heard the latter in the Lincoln and Douglas Presidential Campaign of 1860. It was at Ottumwa where I resided. We were both young men, I, several years his junior. His popularity, as well as strength, at that time was demonstrated by the fact that in the State Convention of 1860, he defeated, after a spirited contest, John A. Kasson, who sought the nomination of Attorney-General for himself. It was then predicted that Mr. Nourse had a bright political future and would attain high political honors.

There were several causes which contributed to the disappointment of this prediction. In my judgment, the principal one was the result of his own philosophy. He appreciated, I think, the fact that a good politician spoils a good lawyer, and that political applause is less substantial than professional success. He, therefore, relaxed his political activities and devoted himself closely to his profession. He had some fine elements for political achievements, while he lacked in others. On the one hand, he was earnest—earnest conviction was in him a predominant quality; he was a most interesting speaker, and interspersed his speeches with humorous allusions that were always effective. Whether on the hustings or in the forum, he was choice in language without being florid, and logical without being tedious. In short, he was persuasive, entertaining, forcible and convincing to a high degree. On the other hand, he lacked some of the qualities of good fellowship necessary to the successful politician. He was a radical and consistent prohibitionist, and would no more think of going in to take a drink with the boys than he would of stealing a horse; though he believed that a National third party on that issue was not advisable,

and that the idea of prohibition for great and cosmopolitan cities like Chicago and New York was Quixotic. He was not a good mixer and not popular with all conditions of men. He was not only a prohibitionist, but also a pronounced religionist. While always gracious and polite toward ladies, he was rather reserved with men, and so stubbornly independent that when once his views were fixed, no considerations of expediency could change them. He had an abundance of the *fortiter in re*, but lacked in the *suaviter in modo*. His dislikes were intense, and he was occasionally given to punishing his enemies. His irony was severe, and sometimes vitriolic. These qualities created the impression, which seemed to grow as the years advanced, that he was cold and impassive.

To state it succinctly, the boys, the rank and file in politics had no use for him, and he had as little use for them along that course. The result of all this was, that by close application to his profession, he attained the distinction of being one of the ablest lawyers in the State, and a professional pre-eminence that will continue to be recognized throughout its annals. In the performance of his duties as Attorney-General of the State for two terms, and in many professional efforts in his career, he left a durable impression upon its laws and institutions.

Notwithstanding his practical retirement from politics, he was chosen by the Republican State Convention of 1867, Chairman of the State Central Committee, to conduct the campaign that resulted in the election of Samuel Merrill, for Governor.

At this writing, October, 1911, he still lives, in the eighty-third year of his age at Sierra Madre, California, retired from professional life, awaiting the final summons with perfect calmness, and with that satisfaction which a useful and honorable life must give to one who is about to surrender it. His eyesight has been very indistinct for several years; he is partially blind, and as a result, displays considerable decrepitude in his movements; but his mental faculties are unclouded. I saw him only a few days ago. He lent me a book, autobiographical in character, prepared by him for the use of members of his family, at the request, and published at the expense of, a nephew and niece living in Iowa. It was privately printed and but fifty copies issued. As autobiographical fragments have always been very interesting to me, I will assume that they will likewise be to others, by quoting some of his relations concerning his early life, which give color to his being and career, and will better illustrate his character and history than any statements of my own. These relations I shall somewhat condense for the sake of space, without, I trust, destroying their substance:

In Washington County, in the State of Maryland, near the little stream of Antietam creek, where was fought one of the memorable battles of our Civil War, there is located a quaint, old-fashioned village called Sharpsburg.

On one corner of the public square, there still remains, in fairly good repair, an old-fashioned stone dwelling house. In this house on the first day of April, 1829, I was born. This house at one time belonged to my grandfather, Gabriel Nourse, who was the son of James Nourse. In the basement or first story of this stone

building my father taught school, about the time of my birth. In this building my grandfather, Gabriel, died in 1839, and was buried in the village churchyard. This stone house is still standing at the date of this writing, and the basement room where my father taught school is occupied as a store room for vending relics and curiosities gathered from the battle fields of the neighborhood. Here also were born my two older brothers, Joseph Gabriel and John Daniel.

Three miles from the village of Sharpsburg, on the Virginia side of the Potomac river, there is another quaint, old-fashioned village called Shepardstown: here my mother, Susan Cameron, was born October 25, 1803, and was married to my father, Charles Nourse June 10, 1825. In this village my mother died, October 10, 1835. My mother's father's name was Daniel Cameron, born in Scotland, October, 1753. His wife was also of Scottish descent. Her family name was Clinton, which name was bestowed upon me, and in honor of my grandmother and to please her, I have always been known in the family by the name of Clinton, my first name being Charles, after that of my father. My father, Charles Nourse, was born at Frankfort, Kentucky, April 15, 1801. Several years before my mother's death, my father had removed from Sharpsburg to Fredericks City, Maryland, where he taught school for several years.

My recollections of my mother are not very distinct, as I was only six years old at the time of her death. The last two years of our residence in Maryland, we lived at a little village at the foot of the Blue Ridge Mountains called Burkettsville, and during part of these two years my grandmother Cameron kept house for us and had charge of her four grandchildren. I remember her very distinctly, the most affectionate and patient woman it was ever my fortune to know.

In February, 1841, my father, with his four children, took the old-fashioned stage coach at Boonesboro, Maryland, crossing the Allegheny Mountains, coming on to Wheeling, crossing the Ohio river, thence via Zanesville and Somerset to the little village of East Rushville in Fairfield County, Ohio. After teaching school in East Rushville during the summer of that year, my father with myself and sister Susan, removed to Lancaster, the county seat, leaving my brothers, Joseph and John, as clerks in country stores, situated in two separate villages in said county. My father taught school in Lancaster for four years, most of the time, I think, for a compensation of \$300 a year. As this sum was hardly sufficient to support him and his two children, it became necessary for me to relieve the situation by starting out in the world for myself. My first attempt was in a country store at East Rushville with a man by the name of Coulson. After four months he failed in business and I returned to my father at Lancaster. After a few months, I hired out to another village storekeeper. At the end of sixteen months, my employer advised me as well as my father, that I would never make a merchant. I had positively refused to conform to his instructions in doing business, in the manner in which he thought was most to his interest, but which I did not regard as honorable.

While living with this man, I became thoroughly disgusted with mercantile life as I then saw and witnessed it, and cast about in my own mind seriously to know what I should do for the future. I realized that I had neglected my opportunities while attending school under my father's instruction, and I resolved as far as I could under the circumstances, to supply the omission. I got out my old Kirkham's Grammar, my Arithmetic and Algebra, and spent many of my nights, after the store closed, in study. After leaving this man, I returned again to my father who was still at Lancaster. During the last year that I lived at Lancaster, I assisted my father in his school, teaching the younger children, and to a limited extent pursuing my own studies.

In the fall of 1844, my father determined to remove to Kentucky. He first stopped at Millersburg, Bourbon County, and took up school, but only remained there a few months, when he went to Lexington to accept the position of principal of the public school there at a salary of \$600 a year. I became one of the assistant teachers at a salary of \$20 a month for the first year, and was subsequently promoted to the position of first assistant at a salary of \$30 per month, and continued to occupy that position until the fall of 1849, when I secured by courtesy of the

City Council of Lexington the favor of entering the law school of the Transylvania University, the city having a number of scholarships in that institution at its disposal. During the four years that I taught as an assistant in the city school, I pursued my own private studies at night, reciting to my father in the morning before school hours. This continued until the year 1848, when I had saved money enough from my meager salary to procure some legal textbooks and commence reading law.

In the fall of 1849, I entered the Senior class of the law department of Transylvania University, and in March, 1850, graduated and received my diploma from that school. I had conceived the idea of becoming a lawyer, during my residence in Lancaster, where I frequently spent my Saturdays in attendance upon the courts; listening with great interest to the speeches and discussions of the eminent men who constituted the bar at that place—among them Henry Stansbury, afterwards Attorney-General of the United States, Thomas Ewing, afterwards Secretary of the Treasury of the United States, and Hocking H. Hunter, afterwards one of the Judges of the Supreme Court of Ohio. While residing in Lexington, Kentucky, I had pursued the same course, visiting the courts whenever opportunity offered; hearing such men as Henry Clay, Thomas F. Marshall and other distinguished lawyers of Kentucky, arguing their cases.

In the meantime I had joined the Methodist Episcopal Church on probation and made the acquaintance of Miss Rebecca A. McMeekin, who afterwards became my wife. In the spring of 1850, I determined to visit Ohio. I had some idea of settling in that State as my two brothers, one a merchant and the other a doctor had remained there. I accordingly left Lexington, Kentucky, for Lancaster, Ohio, in 1850. When I arrived at Lancaster, I entered the office of John D. Martin, an eminent lawyer of that place, in pursuance of a previous correspondence with him. He had at one time been an assistant to my father in the public school there. After two months, I found it necessary to do something to replenish my exhausted finances. I first took a select school in Millersport, a small town a few miles from New Baltimore. At the end of three months, I took the winter school in New Baltimore. In the meantime, through the acquaintances of my brothers, I became known throughout that part of the country as an embryo lawyer. Although not admitted regularly to the practice in Courts of Record, I had the right to practice before Justices of the Peace, and during that summer I tried some seventeen cases before these inferior courts. I still continued my legal studies, using frequently a book known there as Swan's Treatise, compiled for the benefit of Justices of the Peace by Judge Swan, of Ohio. It contained many references to the Supreme Court decisions of the State, and I was accustomed after school hours to walk to Lancaster and borrow these reports from my friend, Mr. Martin, frequently taking them home and using them upon the trial of my cases, which always occurred on Saturdays, when there was no school.

During my stay in Ohio, I read carefully and with much profit to myself, the daily reports of the proceeding of the State Convention that was then forming a new Constitution for that State. Many eminent lawyers were members of the Convention.

In the spring of 1850, I determined upon moving to Iowa. I had first thought of migrating to Oregon, but gave up that idea for the reason that I feared that if I traveled that far from Miss McMeekin, to whom I had become engaged, I might never have the means to get back to Kentucky to claim her. I did not, however, make my westward move until the following year, 1851. In the spring of that year, I went to Kentucky for a short visit. My father had removed to Millersburg, Kentucky, and commenced teaching there, at a branch of what I think was known as Johnsons Military Academy, the principal school being at Blue Licks, Kentucky, in charge of James G. Blaine. The lady that he afterwards married assisted my father and received visits from Mr. Blaine on Saturdays and Sundays.

In the latter part of May, 1851, I started west "to grow up with the country." We had then no railroads reaching the Mississippi river from the east and I took the steamer at Louisville, Kentucky, for St. Louis, Missouri. At St. Louis, I took the steamer for Iowa, not yet determined as to my landing. I landed in

Burlington the last day of May and stopped at the Barrett House. I was not acquainted with a single person in the State, had no relative, kindred, or friend to whom I could apply for advice or assistance. After dinner, I retired to my room, took a chair, put my feet up on my trunk, and held a consultation with myself. The question before the house was what to do next. I had with me a general recommendation from Professor Dodd, then president of Transylvania University, a particular friend of my father, and another from Dr. T. O. Edwards, of Lancaster, Ohio, an ex-member of Congress from that State, also my letter as a member of the Methodist Episcopal Church, and my diploma signed by the law faculty and trustees of Transylvania University. After proper consideration, I inquired of the landlord where I could find a Methodist preacher. He directed me to the parsonage. I called upon the minister, the Reverend Mr. Dennis, who afterward obtained some notoriety as a pastor in Kansas at the time of the Kansas trouble. I showed him my papers and hold him my object in calling upon him was, through him, to make the acquaintance of some of the leading lawyers of the city from whom I could obtain information and determine what part of the State I would attempt to locate in. At that time the State Supreme Court was in session at Burlington. It consisted of Joseph Williams, Chief Justice, George Greene and John F. Kinney, Justices. Mr. Dennis informed me that the Judges were boarding at the same hotel, the Barrett House, and he made an appointment to go with me to their consultation room that afternoon. We made the visit and I found the Judges very cordial. At their request, I produced my diploma from the law school, told them who I was and where I was from, and that I desired some information in regard to the best possible location for a young lawyer. They requested me to call at their court room the next morning, at the opening of the court, and they would have me admitted to the practice of the law in their court and throughout the State. The next morning I went to the court and at the request of Judge Kinney, a member of the bar, made a motion for my admission, and suggested the appointment of a committee to examine me as to my qualifications. The Chief Justice announced that an examination was unnecessary; that the court had already examined the applicant and was entirely satisfied with his qualifications, and requested me to come forward and take the oath of office, which I did. I made the acquaintance of the clerk of the court, "Old Timber," his real name being James Woods. That evening Judge Kinney asked me to take a walk with him and told me he had a brother-in-law, Augustus Hall, living at Keosauqua, who was desirous of having a young lawyer associated with him in his office, and if I would go to Keosauqua, he would give me a letter of introduction. I ascertained that the stage fare to Keosauqua would be six dollars. Upon taking an inventory of my pocketbook I found I had only about eight dollars left. I had with me two trunks, one full of my law books, the other containing my clothing. I interviewed the landlord, told him my situation financially, and proposed to him that I would leave my books in his custody, as I was uncertain where I should settle, and leave my bill unpaid, if agreeable to him until such time as I could send for my books. He readily agreed to the arrangement, but proposed that I should take my books and he would risk my sending the amount of my bill. This, however, I declined to do. The next morning Judge Kinney called me aside, kindly suggesting that it was not unusual for young men to visit Iowa for the purpose of locating, who were short of funds, and that he would be glad to loan me a small amount if I would accept it. This kindness I also declined. I had no doubt that he had been advised by the landlord of my situation, and he was kind enough to offer me his assistance.*

The next morning I took the stage coach for Keosauqua, but owing to the condition of the road, and particularly of Skunk river, I was taken to Keokuk, where I had to stay all night. After paying my bill the next morning, I found that I had only twenty cents left. The next day the stage coach took me to The Divide, as we called it, as far as Utica Post Office in Van Buren County, and there left me.

* Note—This incident throws a strong light upon the innate character of Judge Kinney, and shows him to have been a generous and noble-hearted gentleman. The delicate manner in which it was done clearly indicates the kindly heart that prompted it. All honor to him for it.

The hack that should have taken me to Keosauqua had already gone before our arrival. I could not stay here all night, because I had no money to pay my bill, so I left my one trunk in charge of the post office to be sent to Keosauqua the next day on the hack, and I started to walk, then about ten miles, to reach Keosauqua. I had not walked far before I found that I had sprained my ankle slightly in jumping from the coach that morning. The walking became very painful, but I managed to reach Keosauqua about sundown that evening. The first building that looked like a hotel or public house was a frame building that stood southeast of the courthouse. The high waters of the Des Moines river had flooded the lower part of the town, and I found this house was a boarding house, at that time full of guests. I inquired for the lady of the house and took my seat on a bench on the porch near the front door. Presently the lady of the house appeared, and looking at me very inquiringly wanted to know who I was, where I was from, what was my business, and where I was going. I was a sorry looking subject, having waded through the mud for ten miles, and I presume I looked as I felt—very tired. I gave her my real name, told her I had no business, that I did not know where I was going, and that I had come from Keokuk that day. She told me her house was full and she did not believe she could accommodate me with a night's lodging. I then asked very politely for permission to remain upon the porch until I was sufficiently rested so I could go further down town and obtain lodging, and I asked her about the town, its population, and about the high waters. The lady turned out to be Mrs. Obed Stannard, the mother of Ed Stannard, afterwards Lieutenant-Governor of Missouri, and a very successful business man of St. Louis. She was a good talker, and after conversing with her about twenty minutes I got up to leave, thanking her very cordially for her kindness in permitting me to rest on the porch. She relented and told me she thought if I would stay that she could find accommodations for me. I told her no, that I could not put a lady to any inconvenience when it was unnecessary and I must go; so I left and went down to the front street in the town to the Keosauqua House, kept then by "Father Shepard," as we always called him, with whom I boarded until after I was married in 1853.*

After I had boarded with Father Shepard for a few weeks, I received from my brother Joseph a small remittance. I sent for my books that I had left at Burlington and took Father Shepard, the landlord, into my confidence, told him my situation financially, and paid my bill up to that date. Father Shepard at that time was himself a justice of the peace, and his hotel was the stopping place of most of the people who acted as guardians and administrators, and who attended once a month sessions of the county court that then had jurisdiction in probate matters. I told Father Shepard of my desire to make the acquaintance of these officials as they visited his hotel from time to time, and that his pay for board depended largely upon my success in business, and I asked him to be my friend, and at least let people know why I was there and what my proposed business was. He became my fast friend and helped me to make very many valuable acquaintances. Father Shepard was the father-in-law of Delazon Smith and a leader of the faction known as the "Young Democrats" of that county. Early in the spring of 1853 I received a letter from my intended wife, suggesting that my success in business she thought gave sufficient promise for the future, and that it was not necessary for us to wait longer. Accordingly I got together one hundred dollars in money, made a trip around the river to Louisville, Kentucky, and thence via rail to Lexington for the purpose of realizing something of the deferred hope. We were married on the 15th of April of that year and returned to Iowa the latter part of the same month. The expense of my trip and marriage left me only two dollars of the one hundred dollars I had when I started for my bride. We arrived in Keosauqua on Sunday in a slight April shower. On Monday we proceeded to the house I had purchased, which was in need of repair. We whitewashed the walls and my wife washed the windows. The next day we made a bill of about forty dollars at the store for

* Note—I knew Father Shepard very well and have a very distinct recollection of him and his hotel, where I always stopped while attending court at Keosauqua. He was a kindly gentleman and his real worth deserves a passing tribute.

additional housekeeping facilities. I bought a sack of flour and a ham, and on Tuesday evening we took tea at home. It was the first home I had had (in the proper sense of the term) since I left Maryland, and when we sat down at our own table to drink our cup of tea and eat the new-made biscuit baked by my own wife, I could not repress the tears that came to my eyes, and I thanked God for the mercy that he had bestowed upon us. In the fall of 1853 I made a trip west—through the southern tier of counties, attending the courts at Davis, Appanoose, Wayne and Decatur counties. I made the trip on horseback with a pair of saddlebags that contained my necessary baggage.

From Bloomfield, I was accompanied by several lawyers of that bar, and at Centerville two or three additional ones joined our party. The counties west of Centerville were very sparsely settled and the road consisted merely of two paths worn by the horses and wagon wheels on the prairie grass. In Wayne County we applied to the Settlers House for accommodation for the night, and received such as the place afforded. The next morning we rode on to Corydon, the county seat. The only hotel in the place was a small frame house with a half story. Our bed room was the upstairs, the beds were in two rows, with our heads under the eaves and our feet touching each other in the center of the room. We did not have separate beds and our wearing apparel furnished the pillows. The court was held in the frame schoolhouse in the public square, the boundaries of the square being denoted by wooden stakes or pegs. There was no general store in the place. An enterprising peddler with two peddling wagons came through with us from Centerville and erected a large tent in the center of the square for the display and sale of his goods. Judge Townsend, of Monroe County, was the Judge of the Court.

From Wayne County we went to Decatur, the peddler keeping us company with his itinerant dry goods establishment. During this trip I made the acquaintance of many young men who afterwards became distinguished lawyers, legislators and judges. Among them was Amos Harris, from Centerville, who got me to assist him in a slander case tried in Wayne County. When the case was about to be called for trial, he desired to counsel with me in regard to the course best to be pursued. He said that his client was a man of some property and that the slanderous words charged to have been uttered by him concerning the plaintiff, a young lady, would be clearly proved. He said that as a matter of fact the reputation of the young woman had not been injured because his client was such a notorious liar that nobody would believe him, but he did not see how we could make any defense, and as the young lady had an excellent reputation, he was afraid of a large verdict against his client. I asked him if he could prove the general bad reputation of the defendant for truth and veracity and that nobody would believe what he said on account of his bad character. He replied in the affirmative, but said he did not see how that would constitute any defense. I advised him that we might introduce it not as a defense but in mitigation of damages, if his client were willing for that course to be pursued. The client was called out accordingly, the situation explained to him, and asked if he were willing to thus save his money at the expense of his reputation. The fellow winced but finally consented. We proved on cross examination of the plaintiff's witnesses that they did not believe the slanderous words when spoken and that they had never repeated them to anyone unless accompanied by the statement of their belief that it was all false. Mr. Harris introduced several other witnesses to prove the bad reputation of his client with reference to truth and veracity. The plaintiff's attorneys objected and the Court at first hesitated to allow the witnesses to so testify, but upon the suggestion that it was the best thing for the plaintiff's reputation, and that as nearly the whole population of the county was there in attendance upon the Court, it was better to clear up her reputation by this testimony than to give her money to heal her wounded feelings, the Court finally took this view of the case and permitted the evidence to go to the jury in mitigation of damages. The jury found a verdict in favor of the plaintiff for the sum of only twenty dollars, but the young woman went home with her character thoroughly vindicated, and soothed

by the thought that she had succeeded in making the defendant out the biggest liar in the county.*

From Decatur County, I returned home, having learned much of the country and its people, and having made many interesting acquaintances among the members of the bar.

The legal proceeding was certainly an extraordinary one and stretched the law of evidence in slander cases beyond all reported precedent. The Judge must have gone on the theory of the ancient church, that the end justifies the means.

While Mr. Nourse remained in active politics, he was one of the most influential factors of his party, especially in its infancy, when it needed help. He certainly did do yoeman service for it on the stump, and, in my judgment, accomplished more for it through his political efforts as a speaker, than any other man in the State. These efforts I shall not attempt to detail.

As before intimated, my acquaintance with Judge Nourse, commenced in the autumn of 1860. For nearly thirty years following this, and until my removal to Kansas City, Missouri, we frequently met. I was a member of the Iowa Legislature, and I think, the youngest of that body, while he was the Attorney-General, and several times held conferences with him in regard to some pending measures of importance. Subsequent to that, I often saw him in the Courts and on other occasions. With all of the aids indicated, I trust that I have succeeded in portraying him with reasonable fidelity. In view of his strong individuality, it is a regret that want of space forbids more of details. These, however, may be gained by anyone fortunate enough to be favored with a perusal of the private or family autobiography referred to, wherein they are set out with a fullness that makes it one of the most interesting of books.

As before stated, he is living at Sierra Madre, some twenty miles from Los Angeles, with a son. We met on the fourth of September, 1911, at the home of Judge Henry C. Caldwell. The occasion was the eightieth anniversary of the latter's birthday. All three of us had been young lawyers together in the same section of Iowa, and it seemed not an ordinary coincidence, that after the lapse of so many years, and the passing of nearly all of our contemporaries, we should again come together on the shores of the Pacific, listening to the ebb and flow of its tides, and fanned by its life-giving and life-prolonging breezes.

Martin D. and Wm. H. McHenry.

Both of these men became judges and both were classed as Democrats, but they were as different in their makeup as two men could well be. *Judge M. D. Mc-*

* Note—Judge Nourse told me of this incident while we were at Judge Caldwell's on the occasion referred to at the close of this sketch. I told him it reminded me of this one: A fellow was fishing out of season, in a pool below a bridge. A man came along, stopped, looked over, and the following colloquy ensued: "Why, you can't catch any fish in there, can you?" "The thunder I can't! I caught thirty fine bass out of this hole yesterday." "Perhaps you don't know who I am?" "No." "Well, I am the fish commissioner." The fellow scratched his head for a moment, then looked up and said to the commissioner, "Perhaps you don't know who I am?" "No." "Well, I am the damnedest liar in Sullivan County."

Henry was a Kentuckian, and a good representative of a dignified, amiable, southern gentleman of the old school. He was placid in temperament and manner, patient and painstaking in disposition. He was rather large in frame, portly in person, and carried with him an air of thoughtful sincerity and decorum. He was one of those men whom another would know, at sight, to be a most excellent and trustworthy man. Judge W. H. McHenry was not different in this latter respect; but in temperament, modes of thought, and action, he was quite the reverse of his namesake. Judge W. H., or as he was familiarly called, "Bill" McHenry, was a man of impetuous nature, quick of temper and hasty. M. D. McHenry was the personification of thoughtful composure, and even courses of thought and action. He was a man, I may say, of well-rounded regularity, while Judge W. H. McHenry was a man of profound irregularity—not in habits, but in demonstration or action. He was this, to the point of eccentricity. He was tall, lean, nervous, irritable. In early days he had roughed it considerably, being a pioneer in western life. He had evidently had his share of its rough and tumble. He was not only one of the early lawyers, but one of the earliest settlers of old Fort Des Moines. He came there in 1848 and was coeval with the present city and knew its history and that of its citizens from the beginning. He was the first Mayor of the city of Des Moines. His natural abilities, and his strong and somewhat eccentric individuality made him for many years a well-known figure. I should say, from my observation and acquaintance with him, that his early educational advantages had not been of the highest order; but he was a keen observer, quick in perception and application. His oddities made him no enemies; combining with his plain manners and old-fashioned ways, they made him friends. This instance will, perhaps, slightly illustrate his peculiarities. Judge J. C. Cook, for some temporary reason, had been holding court for Judge McHenry, and during this period had attempted to make some reforms in the way of lessening expenses, by discharging one of the bailiffs as supernumerary. When Judge McHenry returned he was indignant at this action of Judge Cook. He ascended the bench, opened the docket, turned to a case in which certain pencil entries had been made by Judge Cook. He looked at the entries as though it were very difficult to make them out, intently turning his face to the one side and to the other for that purpose, and evidently boiling over with anger at Cook's action, and finally saying in undertone to himself, but loud enough to be heard by those near him, "I wonder what that fellow's written here. Nobody can read it. I'll just rub it out and make a clean thing of it." I happened to be present, but did not understand what had taken place until afterward informed. He was a sturdy Democrat and an important factor in political and public affairs. He was an active and successful practitioner for many years. He had a bright mind and was resourceful to a high degree. He knew everybody and everybody knew him. He was decided in character, and of perfect integrity beyond question. He had the confidence of the bar and of the people. In 1878 he was elected District Judge of

his district, and at the expiration of that term was re-elected, serving in all successfully eight years in that position. Of him Charles Aldrich said, "He was a fine specimen of the sturdy, self-reliant western pioneer."* He died at Des Moines in 1893 at the age of seventy-seven.

Judge M. D. McHenry was born in Washington County, Kentucky, in 1806. His father was a clergyman and under his supervision and instruction, the son was educated. In 1827 he was admitted to the bar and commenced the practice where he was born, and continued it there until 1835, when he removed to Shelby County. In a short time he was elected Prosecuting Attorney. In 1844 he was elected to the State Senate, and at the expiration of the term, was re-elected for another. In 1849 he was elected Judge of the Circuit Court, a position, it is said, he served with marked ability. In 1856 he came to Des Moines and established the reputation of a sound and able lawyer.

His father, a clergyman of learning and high standing, though a slave-holder, was in principle opposed to that institution. He manumitted the older slaves and provided for the freedom of the others on their arriving at a certain age. The son undoubtedly inherited the instincts of his father in this respect, for he manumitted his own slaves before coming to Iowa. He had been a Whig, and in the presidential election of 1860, supported the Constitutional Union ticket, on which John Bell was a candidate for President, and Edward Everett for Vice President. After the breaking out of the war and the dissolution of the Whig Party, he allied himself with the Democratic Party. Though continuing to act with it, he never surrendered his views on slavery nor upon the prohibition of the sale of intoxicating liquors. He was an uncompromising opponent of the whisky traffic to the end. In 1864 he was the Democratic candidate for Congressman in his district, against John A. Kasson, the Republican candidate. In 1878 he was elected Police Judge of Des Moines, and performed the duties of that office in a humane and most satisfactory manner. In 1885 he was appointed by the President, Receiver of the United States Land Office at Des Moines. From every point of view, he was a model citizen. His character was elevated, his life pure, his career useful to his fellowmen.

Wm. McKay, Thomas Baker, C. J. McFarland, W. W. Williamson.

Wm. McKay is said to have been the first licensed lawyer in Polk County, or in Central Iowa. The Fifth Judicial District was organized under a bill introduced by P. M. Casady when he represented Polk and many other counties in the State Senate. *Wm. McKay* became first Judge of the district. He was elected as the Whig candidate. His Democratic opponent was Thomas Baker who was one of the early and able Territorial lawyers. Baker was District Attorney of the Second Judicial District presided over by Judge Joseph Williams; he was also the first

* *Annals of Iowa, Third Series, Vol. 1, 238.*

President of the Senate after the State was organized. Judge McKay served for five years. It seems that was then the length of the term. He made a good record. During his term many changes were made in the district, some of the southern and western counties being taken off, and northern counties added, such as Boone, Marshall, Hardin, and others.

McKay's successor was to be elected in 1854, the elections then being placed in the spring to keep them as much as possible out of politics. Judge McKay was complimented by being nominated by the Whigs for the position and to be his own successor. The Democrats were somewhat divided as to the choice to be made. The leading candidates were Byron Rice, of Des Moines, C. J. McFarland, of Boone, and George May, of Marion. After much wrangling, P. M. Casady received the nomination against his wishes. Casady was elected, but in a short time resigned. Upon his defeat Judge McKay returned to the practice, and in 1855 was elected Commissioner of the Des Moines River Improvement. He afterward removed to Kansas, and later to Colorado.

Upon the resignation of Judge Casady, which took place in a few weeks after his election, the vacancy had to be filled by the appointment of Governor Hempstead. Judge Casady, on resigning, recommended the appointment of Daniel O. Finch, but, it was said for political reasons, the Governor appointed C. J. McFarland, of Boone. So much has already been said of this Judge, whose eccentricities and irregularities made him notorious, by James W. Woods, (Old Timber) and Theodore S. Parvin, in connection with their sketches, *infra*, that nothing further need be added here, save to briefly say that the early settlers never tired of telling stories concerning him. He lived for a number of years in Lee County, was a member of the Legislature, but early in the fifties removed to Boonesboro, where he soon became a candidate for Judge in a district, the formation of which he had loudly opposed in the Legislature. He had an excellent legal mind, plenty of good common sense, but depended mostly upon impulse and first impressions for his decisions. It may be said, however, that the decisions, taken as a whole, stood the test of review on appeal better than those of many judges more eminent and learned. The irregularity of his habits was his great weakness, and doubtless prompted him to do things which in these days would cause a removal, illustration of which will be found in the references above given.

The next spring after the appointment of Judge McFarland, it became necessary to fill the office by election, and Judge McFarland became the Democratic nominee for the position. His opponent was Judge W. W. Williamson, who was supported by the Whigs. The canvass was a heated one, and extraordinary efforts were made on either side. For weeks after the election the result was in doubt, and for a time the election of Williamson was conceded. In fact this was reported as the result of the election and a certificate was accordingly issued by the Secretary of State. The

election, however, was contested, and the contesting board consisting of two Democrats and one Whig, finally awarded it to McFarland. Williamson was a lawyer of learning and ability and would have undoubtedly made a fine presiding Judge. For many years he was a successful practitioner of the Des Moines bar and that part of Central Iowa. He was for a time a partner with Judge Charles C. Nourse and Jacob St. John. He was born in Franklin, Kentucky, in 1821. In 1834 the family removed to Indiana, where he became a clerk for some years in his father's store. In 1840 he entered Ashbury University at Greencastle, Indiana, from which he was afterward graduated. Subsequently he was for a time in charge of a Seminary in Lawrence County. At the expiration of this service he completed his law studies, and was admitted to the bar in 1846. He began the practice and successfully continued it at Bedford, Indiana, until his removal to Iowa in 1848. He located in Des Moines in 1849, and in 1851 had made such a mark in his profession that he was elected Prosecuting Attorney of Polk County, and subsequently, as we have already seen, chosen as the Whig candidate for District Judge. In 1881 he was nominated by the Greenback Party as their candidate for Judge of the Supreme Court. He was not only a lawyer of ability but a man of decided merit, active in those social and political reforms that redound to the public benefit.

Marcellus M. Crocker and James A. Williamson.

Both of these men started as young lawyers at Lancaster when it was the county seat of Keokuk County. They both removed at an early day to Des Moines. They both became distinguished Generals in the great Civil War.

General Marcellus M. Crocker was born in Indiana, in 1830. In 1844 the family removed to Jefferson County, Iowa, and not long after to Keokuk County, where the father acquired a claim which was improved into a farm, about two miles from Lancaster, and in the most beautiful part of the county. On this farm young Crocker was reared and labored. When he had reached the age of seventeen his uncommon brightness had attracted the attention of some of the public men who were in the habit of visiting the house of his hospitable father. Among these was Shepherd Leffler, Iowa's member of Congress from the First District—there were then only two districts and two Congressmen. So high an opinion did he have of the lad that he proffered and did secure, for him a cadetship at West Point.

Before the completion of his course at West Point his father died, and the necessities of the situation compelled him to return to take charge of the farm and assist in the maintenance of the family. His career at the military academy had been highly creditable, and the education and mental discipline he had received there well fitted him to readily grasp the elementary principles of law, upon the study of which he entered in 1850. He was admitted to the bar and opened an office at Lancaster, where he continued to practice until his removal to Des Moines in 1854. In a few years he took rank among the ablest lawyers in the State. He first formed

a partnership with D. O. Finch, later, in 1857 with P. M. Casady, and later still, Jefferson S. Polk became a member of the firm. It became one of the strongest in the State, and Crocker became highly distinguished for his ability and skill. Upon the breaking out of the Civil War he responded to the President's call by raising the first military company in Iowa. It was a part of the Second Iowa Infantry, and he became its first Major. He, like his father before him, had been an uncompromising Democrat, but when Fort Sumter was fired upon, the news of which he received while attending court in an adjoining county, he laid aside his law and politics and rushed to the defense of his country. The military education he had received at West Point now came in play. He was soon promoted to the Lieutenant-Colony of his regiment, in September, 1861, and in the following October he was commissioned Colonel and given command of the Thirteenth Iowa Infantry. In 1862 he was made a Brigadier-General for gallant services. His brigade was composed of the Eleventh, Thirteenth, Fifteenth and Sixteenth Iowa Regiments, which was afterward known as "Crocker's Iowa Brigade." It was one of the most famous in the Civil War. It took an active part in the battles of Shilo, Corinth, Pittsburg Landing, and other bloody fields.

Had Crocker lived he would undoubtedly have been made a Major-General on account of the extraordinary military ability and personal bravery he displayed. Whether he was in fact made such seems to be left somewhat in doubt in view of the conflicting statements I have before me. But whether he was made a Major-General by commission or not, it is quite certain that by order of his superior general he was promoted from a Brigade to a Division commander. On this point Stuart in his *Iowa Colonels and Regiments*, pages 259-261-2-3, says:

Crocker continued with his brigade till the latter part of April, 1863, when, by order of General McPherson, he succeeded General Quimby in the command of the Seventh Division, Seventeenth Army Corps, the division which fought so gallantly and lost so heavily at Jackson and Champion's Hill. He commanded it in these two engagements. Crocker's division led the advance. This post of honor was granted by McPherson at General Crocker's own request. * * * Two days after the battle of Jackson, General Crocker commanded his division at Champion's Hill. His own, with Hovey's and Logan's divisions, fought that battle.

Crocker was perhaps the most brilliant officer that Iowa had in the War. He was a favorite with Generals Grant, Sherman and McPherson. General Grant in his *Memoirs* speaks of him in the highest praise and thus wrote: "General Crocker was fit to command an independent army."* General Dodge in his address at the Camp-fire of the Crocker Brigade at Keokuk, 1900, says:

* Note—Several other mentions are made by General Grant in his book. On page 421 he gives a list of officers who, upon his recommendation for gallantry in various engagements, were promoted to be brigadier-generals. In this list is the name of M. M. Crocker, Thirteenth Iowa. On page 481 he mentions Crocker as commanding a division of the Seventeenth Corps. On page 466 he speaks of Logan and Crocker at the battle of Raymond. He ordered them into the fight, and "the order was obeyed with alacrity." Commenting upon this battle, General

Those with whom I was closely associated never failed to speak of Crocker when the State of Iowa was mentioned. Sherman and Grant were his friends, and Grant did everything in his power to prolong his life. Many and many times General Grant spoke to me of Crocker's great promise.

Of him Charles Aldrich thus wrote:

General Marcellus M. Crocker had a strong hold upon the affections of the people of Des Moines, as is evinced by the fact that one of the foremost of the city schools, a street, a public park, a post of the Grand Army, and a railroad station nearby, all bear his honored name. His old brigade, which won imperishable renown under his command, also holds a reunion every two years and publishes reports of its transactions.

Upon his monument in Woodland Cemetery, Des Moines, are inscribed the words of Grant hereinbefore quoted.

General Crocker was far from robust when he entered the army, and the hardships and exposures incident to his campaigns, served greatly to impair his health, and to such an extent that General Grant, whose tent was so near that of Crocker's that he heard his incessant coughing at night, urged him to immediately take a leave of absence. He did in June, 1863. He was at home in Des Moines at the time the Republican State convention was held in that city. He was earnestly solicited to accept the nomination for Governor. He declined with the reply, "If a soldier is worth anything, he cannot be spared from the field; if he is worthless, he will not make a good Governor." He returned to the field in the July following. He was given a division command, and made commandant of the district of Natchez, whence he made his successful expedition to Harrisburg, Louisiana. In the fall of 1863 he joined General Sherman in the expedition from Vicksburg to Meridian, and in the following Spring joined his corps in the Atlantic campaign. But on reaching Rome, Georgia, he was so prostrated with the disease that was praying upon him that he was unable to proceed farther. Under the belief that the climate would be beneficial to his health he accepted a command in New Mexico with headquarters at Fort Sumner. But it was too late; he was already stricken with that fatal disease, consumption. In June, 1865, he went to Washington where he died the following August, at the age of thirty-five.

Grant writes: "I regarded Logan and Crocker as being as competent division commanders as could be found in or out of the army, and both equal to much higher command. Crocker, however, was dying of consumption when he volunteered. His weak condition never put him on a sick report when there was a battle in prospect, as long as he could keep on his feet. He died not long after the close of the Rebellion." General Grant also pays high tribute to General Crocker's part in the battle and fall of Jackson, Mississippi. Crocker led the advance. Crocker's charge at Jackson was made the subject of a splendid engraving in Harper's Magazine. Of it General Grant says: "McPherson discovered that the enemy was leaving his front, and advanced Crocker, who was so close upon the enemy that they could not remove their guns or destroy them. Crocker captured seven guns, and moving on, hoisted the national flag over the rebel capital of Mississippi." Again, General Grant says: "Most of the brigade commanders were equal to the command of a division. Ransom would have been equal to the command of a corps itself. Logan and Crocker ended that campaign fitted to command independent armies."

In person General Crocker was about five feet ten inches in height, nervous and slender. He had very black hair, full black beard, and black, heavily browed, searching eyes. He would attract attention anywhere. In temperament he was fiery and impetuous. This is well exemplified in the following description:

Much of the celebrity which Crocker's brigade acquired was due to the discipline and esprit de corps given it by its first commander, who, although just and generous, was of a naturally irascible temper, made still more irritable by constant ill health. None knew better than Crocker himself of this defect in his character and he was ever ready to make amends for any harsh words into which momentary warmth might betray him. When a fit of passion took possession of him, in the change assumed by his features, his nose would appear pale and flattened, and the boys of the Iowa brigade, who adored him for his well-known goodness of heart, and for the many dangers and glories he had shared with them, would nevertheless joke at the expense of Crocker's nose, and call it the "brigade barometer," saying, after the manner of the almanacs, if Crocker's nose was natural in hue and shape, "fair weather" might be expected; if white and flat, "look out for storms."

He was a strenuous, large-hearted man, and that he was facetious is shown by the following dispatch, said to have been sent by him to the Secretary of War, who doubtless understood him perfectly. It was after increasing bribes had been offered Crocker to raise the blockade of the Mississippi, while he was in command of the military district of Natchez:

Secretary of War, Washington, D. C.

Please relieve me of this command at once. I am offered two hundred thousand dollars in gold to raise the blockade on cotton and that is d——d near my price.

M. M. Crocker, Major-General Commanding.

His widow survives and lives at Los Angeles, California.

One of his sisters married the eminent Lawyer and Judge, Edward L. Burton, many years my partner at Ottumwa. A daughter of this marriage, a niece of General Crocker, Mrs. Mark W. Rice, is a resident of Los Angeles, California. The last time I saw General Crocker was at Des Moines while he was on a visit to his family, and just before his departure for Washington, where he died. In the conversation we had he was very kindly and agreeable, but there was a mournful expression of the eye which indicated that he realized his life was fast drawing to a close.

James A. Williamson was a native of Kentucky, where he was born in 1829. The family removed to Marion County, Indiana, when he was but three years of age. His father died the same year, leaving his widow and two children, James and a sister. At the age of fifteen he with his mother and sister, moving westward, came to Keokuk County, Iowa, where he made a "claim" on the public lands, and commenced working it himself. He was not able to buy a team, and changed work with neighbors receiving in turn from them and their teams work on his claim. In this manner and by his own exertions he cultivated the farm and supported the family. At the end of two years he became a clerk in a neighboring store for a while. After a few years, when the farm had been brought to a state of compara-

tive productiveness, he sold it advantageously. With the proceeds he had sufficient to provide for the comfortable support of his mother and sister, and for himself a course in Knox College, Illinois. He studied law with Marcellus M. Crocker and in 1855 followed him to Des Moines. After Crocker's departure for Des Moines and before he went himself he continued his legal studies under Judge Casey. He practiced with considerable success at Des Moines until the breaking out of the rebellion. He took considerable part in public affairs, and was one of those interested in building the temporary State capitol, which in a practical sense was one of the considerations that brought about the removal of the capital from Iowa City to Des Moines. It was largely through his efforts that this removal was accomplished. In politics he was a prominent and influential Democrat, and in 1860 he was a delegate to the Democratic National Convention, which nominated Douglas for President, but the experiences of the War made him so much a Republican that he afterward affiliated with and became a prominent member of that party. His course was but that of numerous Democrats who entered the service; among whom we might mention Grant, Sheridan, Logan, *et id omne genus*.

Soon after the firing on Sumter he volunteered as a soldier. He became a lieutenant in the Fourth Iowa Infantry, later Adjutant of the Regiment, then its Colonel, and subsequently a Brigadier General. His career as a soldier was brilliant and conspicuous. He was a hero among heroes. The Fourth Iowa Infantry when he entered it, was commanded by Colonel Grenville M. Dodge, who afterward was made a Brigadier, and later a Major-General on account of gallant services. When Colonel Dodge was promoted to the rank of a Brigadier-General, Williamson was made Lieutenant-Colonel, and soon afterward, Colonel of the Regiment. From that time forward to the close of the war he commanded first his regiment, then a brigade, and then a division, of which his regiment formed a part. His regiment was one of the most distinguished of those which Iowa sent to the field, and with its intrepid leader gained a reputation that was national. By order of General Grant or rather the officers of the military division of the Mississippi, the following named battles were entitled to be inscribed on the colors of the regiment: Pea Ridge; Chickasaw Bayou; Arkansas Post; Vicksburg siege and assaults; Jackson; Chattanooga. But after this order the regiment distinguished itself in many subsequent engagements. The battle of Chickasaw Bayou was particularly severe, and the regiment behaved with surpassing heroism. It went into the fight with four hundred eighty men and officers, of whom one hundred and twelve were killed and wounded. Among the latter was General Williamson himself, who was pierced several times and had his uniform riddled with bullets. Notwithstanding, he continued in command throughout. In the siege of Vicksburg from the time of the investment to the capitulation, including the memorable assault of May 22d, and the long siege—forty-seven days under the hot sun and hotter fire from the enemy—

Colonel Williamson and his regiment were engaged in the investment. From the investment to the surrender he lost about eighty of his officers and men in killed and wounded. The regiment was also brilliantly conspicuous at the Battle of Dallas and at the great engagement of Atlanta. "At the Battle of Dallas General McPherson in execution of one of General Sherman's orders, was suddenly assailed with the greatest impetuosity by the enemy. * * * There was a gap in the Union lines which the Rebels discovered. They poured in in a stream threatening destruction. It was at this crisis of the battle that Williamson's Iowa Brigade rushed to the rescue, and by a dashing charge drove the Rebels pell-mell from the field, with terrible slaughter." The services of Williamson's Brigade at the great battle of Atlanta were similar.

General Grant after the battle of Chickasaw Bayou, when he was fully advised of all the facts connected with it, commanded by general order that the Fourth Iowa Infantry, place "First at Chickasaw Bayou" on its colors; an honor given, it is said, to but one other regiment during the war. And on the medal awarded him by Congress was inscribed:

Williamson, J. A., Col., 4th Iowa Inf., Chickasaw Bayou, Miss., Dec. 29, 1862. Led his regiment against a superior force, strongly entrenched, and held his ground when all support had been withdrawn.*

I have referred to these particular incidents for the purpose of illustrating the soldierly qualities and heroic character of General Williamson. On account of delays that were perfectly inexcusable on the part of the authorities at Washington, the commission of Williamson as Brigadier General was greatly delayed. He had richly earned it in many brilliant campaigns before it was received. When General Grant visited Des Moines he inquired particularly of J. S. (Ret) Clarkson about General Williamson, speaking of him in the highest terms as "a soldier who had received less reward for his services and the work he accomplished than any other officer of his rank in the service." The State placed his medallion bust on its monument to her soldiers. To the soldier and historical student his fame will be indissolubly connected with the history of the State and Nation.

In February, 1864, he was chosen a delegate to the National Republican Convention. He was in the field and declined the honor, though offered a leave of absence. Four years afterward he was again chosen as a delegate to the Republican National Convention which nominated Grant and Colfax. After the close of the war he resumed the practice of his profession at Des Moines, but not long afterward removed to Fort Smith, Arkansas. In the latter part of 1866 an appointment in the regular army was tendered to, but declined by him. In the fall of 1868 he was placed in command of the land and lot agency of the Union Pacific Railroad Company west of Green River, and was with his old friend and comrade, Major-

* Annals of Iowa, Vol. 7, p. 111.

General Grenville M. Dodge, until the completion of that road. In 1877 he was appointed by General Grant, Commissioner of the General Land Office at Washington, and held that office until 1881, when he became Land Commissioner of the Atlantic and Pacific Railroad Company, and afterward its General Solicitor, and finally its President. During the period that he was Commissioner of the General Land Office, he was made Chairman of the Public Land Commission, created by Act of Congress to codify and revise the laws for the disposal of public lands, and to examine and report upon the character of arable and arid lands and the mining and timber lands, in which he rendered valuable services to the Government. When his connection with the Atlantic and Pacific Railroad Company ceased, in 1892 he retired from active life. In 1902 his health began to fail and he died in September of that year. His remains rest in Rock Creek Cemetery at Washington. His funeral was largely attended by army officers, old friends, and distinguished representatives of the Government. He was not only an exceedingly generous, but an exceedingly grateful man. Our intimate friendship grew out of the fact that in the House of the 10th General Assembly, I had been, in my humble way, instrumental in passing an act releasing him and certain others from obligations to the State, growing out of the construction of the temporary capitol building. He appreciated my services in the matter more highly than they merited, and never omitted an opportunity to show his gratitude. I spent two weeks with him in Washington and came to know him more intimately than I had before. There was, to some extent, a want of appreciation on the part of some Iowa men, of Williamson as a lawyer and civilian. This is not at all strange in view of the fact that his career as a young lawyer had been very brief before the war broke out, and that his residence there after the war was brief. In my opinion, if these events had not occurred, and he had pursued his profession consecutively through the years, he would have become a profound and able jurist. He had the solid capacity for it. And, indeed, he must have been so regarded or he never would have been made the General Solicitor of the Atlantic and Pacific Railroad Company. While his early education was far from thorough, he had, nevertheless, a constant desire for further learning, and as the years increased, this desire grew. He liked to read and came to read widely. It was also thought by some who knew him superficially, that he was rather cold and wanting in social amenities. This was surely but seeming, for to those who knew him well and were congenial, he was one of the most amiable, kindly and generous of men. He had a very sensitive, as well as independent disposition. He had neither the faculty nor inclination to push himself forward. He was backward in these respects. He could not if he would "crook the pregnant hinges of the knee, that thrift might follow fawning." And this is, perhaps, the reason why his promotion as General came so slowly. He was a good liver, fond of good cheer, and a royal, good fellow. General Grenville M. Dodge, who knew him better than

did any other man, has thrown a strong and genial light on General Williamson in the following description, the sentiment of which I cordially endorse :

For seven years he had been a resident of New York City, spending his summers abroad, or at his summer home in Jamestown, Rhode Island. In 1900 it was my pleasure to accompany him to Carlsbad, Austria. We spent three delightful months together at this Spa and on the Continent, and finally separated at Paris, where he remained and I returned home. During his seven years' residence in New York we were frequently together at the club and socially, and we spent many delightful days and evenings together, discussing old experiences and campaigns. It was then I learned what a devoted student and reader my old comrade and friend was, and how much he had gathered up and stored away of what he had seen in his travels and from his extensive reading. He took great interest in all scientific works, especially in connection with the lives, character and habits of the ancients, and visited many times the places where these investigations were being made. He was also in continuous communication with the old soldiers who served under him, aiding them with advice and financially.

During his ten years of service with the Atlantic and Pacific Railroad Company, he resided at Albuquerque, New Mexico, the headquarters of the company. Passing through that country, I stopped off for a visit with him. He was unfortunately absent, but while there I was told of this incident. A heavy contractor in the construction of some part of the road had forfeited his rights under the construction contract. If the contract were to be strictly enforced, his sacrifice would be great. At this juncture General Williamson, by his influence and authority, averted the disaster and restored the man to his lost rights. Upon this man's death a few years after, it was found that in recognition of General Williamson's kindness, he had left almost his entire fortune to him, amounting, it is said, to some \$80,000. Who shall say in the face of this, that generous sentiments have become extinct?

In person, he was stout, in his later years, corpulent. His neck was short, his shoulders broad and heavy, his chest very deep. In his face intrepid bravery and kindly feeling were happily blended. In temperament, he was ordinarily docile and phlegmatic, but when aroused, alert and active, and in battle, it is said, a very fury.

Jefferson S. Pollé, F. M. Hubbell, John R. Barcroft, Seward Smith.

Jefferson S. Pollé came as a young lawyer to Des Moines about the same time I did to Ottumwa. In a few years he became widely known as a lawyer of great ability. He possessed great acumen and a natural legal mind. Before I had attained much standing myself I heard him frequently spoken of as one of the most promising young lawyers in the State, and had he remained in the profession he would doubtless have attained greater distinction at the bar. But the desire of money, which Shakespeare well says, "Has made slaves of thousands," enticed him from professional paths into those of business gains and public enterprises. In both he was eminently successful, and the public have vastly more cause for congratulation in his leaving the profession than they would have had he remained in it, for his constructive mind, coupled with his great enterprise, did much in improving the public service of Des Moines and for the accommodation of its people. He en-

tered into partnership with F. M. Hubbell under the firm name of Polk & Hubbell. Mr. Hubbell might in some respects be likened unto the late Mr. Harriman, the railroad promoter and money maker. Mr. Hubbell was naturally a money getter on safe lines, rather than a lawyer. Thus constituted, the firm of Polk & Hubbell was for years a leading factor in the financial life and public interests of Des Moines. Using the language of another:

It operated chiefly in the fields of real estate and transportation properties. At the dissolution of the firm Mr. Polk acquired the principal part of the firm's transportation properties. Of these, that of the Des Moines City Railroad Company became the most significant. This he developed from several horse car lines, under different managements and of indifferent effectiveness, into a single electric urban system with universal transfer service, thorough management and popular convenience. To this he designed to attach an interurban system and before he died had carried his plans well toward establishment. He was the first to experiment successfully in collecting mails on street cars. This plan has been imitated in many American cities. Anywhere in the city, any car stops on signal to allow a letter to be placed in the box, to be removed in a few minutes at the post office. Mr. Polk acquired great wealth. He died leaving a system providing for its administration. In the enterprises he created, several hundred men may remain employed at remunerative wages, under just conditions. It is as if he had endowed the firesides of as many families, conditioned solely upon their industry, integrity and sobriety. Attending his funeral, as a guard of honor, were a hundred street car employes in uniform.*

In politics he was a Democrat, but took no very active part. He was a Southerner, but desired the perpetuity of the Union. He was one of the number who caused to be cut upon General Crocker's monument in Woodland Cemetery the famous words General Grant wrote in his book—"General Crocker was fit to command an independent army." His associates in this noble purpose were P. M. Casady, Geo. G. Wright, Barlow Granger, Isaac Brandt, Geo. Whitaker, Jesse Cheek, E. L. Marsh, R. S. Finkbine, Hoyt Sherman, B. F. Gue, and Charles Aldrich. He was a native of Georgetown, Scott County, Kentucky, where he was born in 1831. He was a graduate of Georgetown College, studied law at Georgetown with R. R. Cable, afterward President of the Chicago, Rock Island & Pacific Railroad Company, and was admitted to the bar there in 1855. He removed to Des Moines in 1856, practiced for a few years alone, and then became a partner with General M. M. Crocker and P. M. Casady, and afterward, as we have seen, with F. M. Hubbell. The latter partnership continued until 1887. He died at Des Moines in 1907.

Concerning *Mr. Hubbell's* early life, I have but little data. He was a man of extraordinary parts, decided ability, and had he pursued his profession with a single purpose would doubtless have become notable as a lawyer. As it was, he cut no mean figure in the profession, and the firm name of Polk & Hubbell figures largely in the Reports in connection with important cases.

John R. Barcroft was born in Cadiz, Ohio, in 1824, where he was educated,

* E. R. H., in *Annals of Iowa*, Third Series, Vol. 8, 318.

studied law, and was admitted to the bar. At the age of twenty-three he commenced the practice at Millersburg, Ohio, and for a time was a law partner of Judge Josiah Given, who afterward removed to Iowa and became one of the Judges of its Supreme Court. When forty years of age, in 1864, Mr. Barcroft came to Iowa and in the following year settled at Des Moines, and entered upon the practice. For a time he was associated as a partner with J. S. Polk and F. M. Hubbell. I became acquainted with him soon after he came to Iowa. He was one of the most pleasing and amiable men at the bar. But the amenities of life were not his only accomplishments. He was a good thinker and a fine lawyer. He acquired an excellent practice, and on account of his agreeable manners, legal learning and general acquirements, had not only the respect but friendship of his associates. He died, sincerely mourned by a wide range of acquaintances, at Des Moines, in 1901.

As to Seward Smith: If nature had endowed him as well physically as she had mentally, he would have been a man of extraordinary appearance. He had a fine, penetrating and analytical mind. From that point of view nature had not been niggardly, but in physique he was slim and delicate. The lines of his face indicated that he had been a sufferer. I knew him intimately, but am not able to give any data respecting his birth, nativity or early years. I do not know definitely when he commenced the practice or came to Des Moines, but while not in the earliest, it was in the early period of the State. He was for some years a partner of Thomas F. Withrow, under the firm name of Withrow & Smith, and later was appointed one of the territorial judges of North Dakota and displayed high judicial ability in that capacity. The more one saw of Seward Smith, the more one saw to admire. He not only had a clean-cut, quickly discerning mind, but many and varied accomplishments to accompany it. He had read quite widely, had thought deeply, and was a close and discriminating judge of men. He had been a hard legal student, and had sought for the foundations and reasons upon which the rules of law were built. Thus equipped, he never failed to present his cases with conspicuous clearness. He was an able and learned lawyer. In addition to his accomplishments, he had a nature just and generous. He took a wide view of the world and comprehended the varied causes of human distress. To alleviate misfortune and assist the poor and suffering was one of his leading instincts. He never could have been a Rockefeller, a Vanderbilt or an Astor in accumulated wealth, for his generous dispensations would have rendered that culmination impossible. He was greatly respected by the members of the bar, his neighbors and friends, while his perfect integrity always insured him the confidence of the court. Upon his death there was a large and general meeting of the Polk County bar, at which the three judges of the District presided. A general feeling of sorrow pre-

vailed and general expressions of profound respect and reverence for his memory. He died at Des Moines in January, 1887.

The Clarkson.

Coker F. Clarkson, who became as generally and as favorably known as any man in Iowa, was a New Englander by birth, but had early settled in Indiana, where for many years he was a prominent journalist of great influence. When past middle life he emigrated to Iowa and engaged in farming on a large scale in Grundy County. It was my fortune to be a fellow State Senator with him during the session of 1866, and to become better acquainted with him, perhaps, than any other member of that body, for in addition to our official associations, we boarded at the same private boarding house. He had been personally acquainted not only with the leading men of Indiana, but with many of the nation. In physique he was large and commanding, and his mentality was as rugged and commanding as his physique. His convictions were deep and abiding, and his opinions based thereon held with such tenacity as to sometimes subject him to the charge of stubbornness. And it must be confessed that he did not brook opposition with a very good grace. But it was always known just where he stood. Equivocation had no part in him, and there was not a false fiber in his make-up. He could not have prevaricated if he would, and would not if he could. His morals were rigid, but he prescribed none to others that he was not willing to be governed by himself. He was seemingly stern and austere, but beneath his exterior there beat a kindly heart. His long observation of affairs and his wide acquaintance with public men made him a very interesting personage. He could tell of little events relating to the inner life of distinguished politicians, lawyers and statesmen not told in books. One now occurs to me: He, with others, had been constituted a committee to accompany Henry Clay on a speaking tour. On them devolved the duty of looking after the preliminaries at the different places, and at the request of Mr. Clay there was on each occasion placed before him on the speaker's stand a pitcher of white Catawba wine instead of water, from which the "Gallant Harry of the West" might occasionally refresh himself. Brother Clarkson said that while the efforts of Mr. Clay were generally grand, they were sometimes miserable failures. As to whether this was because too little or too much wine had been drunk, he gave no opinion, though I thought I knew what his opinion was. Doubtless the real cause was that great orators, like other mortals, experience at times a state of mental lassitude which renders them unable to reach the desired apotheosis or climax.

He was born in the State of Maine in 1810. When he was seven years of age the family removed to Indiana, going across the country in wagons. At the age of seventeen he entered the office of the Lawrenceburg Statesman to learn the printer's trade, and at the end of three years took charge of the paper. In a few years he became the owner and proprietor of the Brookville American at Brook-

ville, Indiana, which he raised to great influence and wide circulation. He disposed of his paper in 1854, and in the following year came to Iowa and located in Grundy County. His large tract of land, which he brought to a high state of cultivation, was known as Melrose Farm. His dominant character, his sterling qualities and strong presence soon brought him into general notice and inspired a general respect for his sound judgment upon all matters of public interest. This became the case before he had been in the State scarcely more than a year. In the summer of 1856 he was chosen a delegate to the Republican convention held at Eldora to nominate a candidate for delegate to the State Constitutional Convention. Cyrus C. Carpenter, afterward Governor of the State, and some of his associates concluded that Mr. Clarkson, by reason of his experience and evident ability, would make a useful member of the convention to frame a constitution for the State, and without Mr. Clarkson's knowledge, who had been appointed and was acting as the Secretary of the convention, succeeded in securing his nomination on the first ballot. On the announcement of this result he warmly thanked the convention for the favor conferred upon him, but absolutely declined to accept it for the reason that his brief residence in the State had not enabled him to gain that information regarding its institutions that a delegate to such a convention should have. It was perfectly characteristic of the man. In 1863 he was elected to the State Senate from the district comprising the Counties of Hardin, Grundy, Blackhawk and Franklin. He served with great efficiency for four years. In 1870 he and his two sons, James S. and Richard P. Clarkson, purchased the Iowa State Register. Of this he became the Agricultural Editor, and through the regular columns which he devoted to that interest elevated the standard of both agriculture and horticulture, and endeared himself to the people of the entire State. In the notable contest between the farmers of the West and the Barbed Wire Syndicate, he was the leading spirit in the inception of the fight that ensued. The syndicate, backed by millions of dollars, had formed an iron-clad combination for the absolute control of the manufacture and sale of barbed wire material. The object was to absorb all independent manufactures. For a time it looked as though the farmers were to be compelled to pay 200 per cent profit to the syndicate. Mr. Clarkson saw clearly the situation and opened his guns upon the combine. Acting in concert with others and as a leading spirit in the movement, a public meeting was called. Mr. Clarkson opened it with a vigorous speech. It was a clear statement of the controversy. He proposed the organization of a Farmers' Protective Association to resist the extortions of the syndicate; his advice was followed, the association was formed, and a factory established to supply farmers without the intervention of the syndicate. Then ensued the most stubborn legal battle in the history of the State. This contest has been referred to in the sketch of Albert B. Cummins, for in it he won a national reputation. The farmers' free factory never closed its doors until the battle was won

and the combination broken. Mr. Clarkson may be justly credited with inaugurating the plan which led to this beneficial and widespread result. He continued to reside in Grundy County until 1878, when he removed to Des Moines, continuing his editorial work to his last sickness, in which he died in 1890.

James S. Clarkson, familiarly known as "Ret," in many respects, especially with the pen, surpassed his father as much as Alexander did his parent Philip with the sword. There were two editorial writers in Iowa that in grace and felicity of expression excelled their compeers. One was Samuel M. Clark, of the Gate City, the other "Ret" Clarkson, of the Register. The story of Clarkson's public acts is neither long nor tortuous, but that of his private ones, of his good deeds and tender offices, brimming with helpfulness, there would be no end of telling. I shall make no attempt to recount them. I recollect distinctly when I was introduced to him by Frank Palmer of the State Register, more than fifty years ago. He was then about twenty-three and had just come upon the staff of the Register as a paragrapher; I was a little older and had just been elected a member of the State Senate. He was of medium height, but stockily built. He had blue eyes, light hair, a complexion bordering on floridity. He seemed to me a rather backward and quiet young man who had not much to say, but his keen and observant eyes denoted that, like the Irishman's owl, he kept up a de'il of thinking. This trait was highly characteristic of him throughout his life. He entered the Register office as a tyro; he left it one of the most brilliant and graceful editorial writers of his time. Frank Palmer was himself an able editor and newspaper man, and thereby brought his paper to a high standard in the public estimation; but when he left it and "Ret" took full rein, he eclipsed all previous efforts and advanced the Register to the highest domain of journalism and made it one of the best known and most potent organs of the Republican party. It advanced from the status of a local or state to a national journal, and such was the recognition given it. It furnished a passport to Mr. Clarkson for almost any reward he might have desired at the hands of his party. But he neither asked nor would he accept office save that of a nature purely utilitarian to it rather than advantageous to himself. In this spirit he accepted the chairmanship of the Republican State Central Committee, in which he exhibited remarkable executive ability; in the same spirit he became a member of the National Republican Committee in 1880; in 1884 one of the national managers of the Republican party; later, chairman of the Republican National Executive Committee, and in 1891, President of the Republican League of the United States. He was a warm supporter and an ardent personal friend of James G. Blaine, and it was said at the time that to his efforts as the head of the national committee, more than any other executive factor, was due the election of President Harrison. He refused to accept the portfolio of Postmaster-General under that President, but reluctantly consented to accept the place of first assistant, in order that he might have the opportunity of

benefiting the service of that department by removals and appointments of post-masters, of which it is said he made so many that he was pictured by the caricaturists as the "Headsman" of the administration. By the Republican Presidents he was repeatedly tendered prominent federal positions. By President Grant he was offered the appointment of Minister to Sweden; by President Garfield his choice of several missions; and by President Harrison not only that of Postmaster-General, but a choice of Minister to China or Russia. There are but few instances where men have been offered and refused so many high offices.

Personally considered, he was one of the noblest and most generous of men. He had few saving qualities and dispensed his bounties with an open hand. Many men now living could testify to his kindly aid, though there are a few whom I could mention who seem to have forgotten it. He was too warm hearted and liberal to ever become a rich man, or acquire the habit of much accumulation. His accomplished wife, who was Miss Anna Howell, of Pella, was as whole-souled and generous as her husband. She was a beautiful as well as gifted wife and mother. She gave to the public a highly meritorious volume, entitled "A Beautiful Life and Its Associations," published under the auspices of the Historical Department of Iowa in 1899, and some other writings. One of their sons, named for his grandfather, Coker F. Clarkson, is a promising young lawyer of New York, and was for a time and perhaps is yet the Secretary and Treasurer of the "Iowa Society" of New York. He married a granddaughter of Justice Samuel F. Miller of the Supreme Court of the United States.

In 1891 Mr. Clarkson sold his interest in the Register and took up his residence in New York City. During the administrations of Presidents McKinley and Roosevelt he accepted and filled for several years the office of Surveyor of Customs of the Port of New York. He performed the duties of this important office, as he did every other, conscientiously, and left it without the smell of smoke upon his garments. The last time I saw him was on a most enjoyable occasion; we had come to be old men; it was in April, 1911, upon the return of myself, wife and daughter from a trip in Europe. While in New York we became the guests of Judge Dillon and as such with him were invited to a family dinner by Mr. and Mrs. Clarkson. There were present Mr. and Mrs. Clarkson, their two sons, the wife of their son Coker, Miss Touzalin, another granddaughter of Judge Miller, Judge Dillon, my wife, daughter and self. Old scenes and men were gone over and altogether an evening that will always be vividly remembered.

Richard P. Clarkson I was not nearly so well acquainted with as with his brother and father whom I have mentioned, but enough to know that in some respects he was quite different from his brother. He was rather cold, unbending and reserved, though a man of worth and superior intellectual endowment. He was associated with his father and brother in the purchase of the Register in 1870, and be-

came and acted throughout as its Business Manager. He stood behind and directed the finances of the paper, and with decided success. He did not have the liberal traits of "Ret." Along with his being a man of steadfast purposes and great earnestness in everything he did, he was a rigid economist. These characteristics were prominent, and constituted the basis of his successful life. His earlier discipline and experience had been severe, and had tended, I think, not only to impair his health, but to make his disposition less cheery than his brother's. He was early placed in the printing office of his father and kept there until he had learned the craft. After the removal of the family to Grundy County in 1855, when Richard was only fifteen years of age, and their settlement upon "Melrose Farm," he was put to work and labored upon it for some years, until he came to Des Moines in 1861, where he worked for several months as a printer on the Des Moines Register. In October of that year he enlisted in Company A of the Twelfth Iowa Infantry and participated in the Battle of Shiloh, in which he was captured in April, 1862, and languished for seven months in Confederate prisons. He was finally exchanged, returned to his regiment and served until the end of the war, having fought in many battles, suffering various hardships and privations. Upon his return from the army in 1865, he resumed his labors upon the farm, where he remained until he joined in the purchase of the Register as above stated. When his brother sold his interest, it was to him, and he became sole proprietor, and so remained until he in turn sold the paper in 1902. After he became sole proprietor and editor he demonstrated that he had fine editorial as well as business qualities, and was classed as one of the leading journalists of the State. It is said that while editing the Register he brought to the attention of the farmers of Iowa from his actual experience the fact that they were losing large amounts every year by the use of poor seed corn. Despite the sneers with which this announcement was met, he persisted in its discussion and lived to see his ideas carried into practical operation. It became of great profit to the agricultural interests of the State. "As a practical printer, and later as an editor, earnestness and devotion to duty as he comprehended the situation, marked his entire career."*

He was a patriot in love of country and gave himself to die if necessary in her defense; a Puritan in character; a radical in principle; a partisan in politics; a valuable friend; a disagreeable enemy. Though charitable to the needy, and a most generous and loving husband and father, he was cautious in expenditures, and left a comfortable fortune. He was born in Brookville, Indiana, in 1840, and died in Des Moines in 1905.

Thomas S. Withrow and John S. Runnells.

These two men were at different times Reporters of the Supreme Court of Iowa. Mr. Withrow was my predecessor in that office, and Mr. Runnells my successor.

* Annals of Iowa, Third Series, Vol. 7, 315.

Mr. Withrow was one of the ablest lawyers that ever figured in the history of the State. He was large physically as well as mentally. He was about six feet in height, round-bodied, broad-shouldered, deep-chested, plethoric to the point of corpulency. His complexion was very fair, his head large, his blue eyes full and luminous; his light and glossy hair adorned a white and capacious forehead, and a full beard of like character his broad and oval face, save the upper lip, which was always cleanly shaven, and which on slight occasion was inclined to curl with apparent contempt upon persons and things he did not like. As already indicated, there was a good deal of majesty in his appearance, and his dictatorial bearing, which was a part of his very nature, had the effect of making for him enemies, especially among political and sometimes personal lines. In temperament and action he was strikingly aggressive. He was a decided martinet. For some years he was Chairman of the Republican State Central Committee and, by reason of the characteristics referred to, became unpopular and disliked by some of his political associates. The result of this was the cause, or at least one of the causes, that led to the introduction and passage of the bill taking from the Supreme Court the power of appointing the Reporter of its decisions, and vesting it in the people. J. A. Parvin, the able and influential Senator from Muscatine County, whom Withrow had probably in some manner offended, I think introduced the bill in the Senate; at all events, he was one of its most energetic advocates. I was then a member of that body and opposed with all the power I possessed the passage of the bill, on the ground that the Reporter should be a person possessing peculiar faculties fitting him for that position, and that the Judges of the Supreme Court before whom the prominent lawyers of the State from time to time came, were far better qualified to select the person who should fill that office, than a political convention.

I was deeply in earnest in the matter, for I little dreamed that I should be selected by such a convention to succeed Mr. Withrow. Notwithstanding the strenuous opposition to the bill, it passed and became a law. In the Republican State Convention which followed, that of 1866, I was pitted against Mr. Withrow, who was a candidate for the nomination. After a spirited contest and several ballots, I received the nomination over Mr. Withrow. I have always thought that this result was really a fortunate one for Mr. Withrow, for it divorced him from politics and enabled him to give his undivided forces to the practice of his profession, in which he attained such eminent distinction that in a comparatively short time afterward, in 1873, he was chosen General Counsel for the Chicago, Rock Island & Pacific Railroad Company, which took him to Chicago, where he died in 1893. He had become one of the most noted railroad lawyers in the United States. It will be readily divined that he did not possess the popular qualities that would have made him generally successful in the political field had he adhered to it, though he had great power as a political speaker, not by reason of his eloquence, but through his

splendid forces of argumentation. I heard him deliver one of the most logical and persuasive speeches I have ever listened to.

Notwithstanding the self-willed and sometimes domineering disposition of Mr. Withrow, he was in his ordinary moments and at heart a man of noble and magnanimous instincts. No other proof of this is needed than his conduct with me. He had undertaken the preparation of a new and comprehensive Digest of all the decisions of the Supreme Court from the earliest Territorial period. He had, however, done but little work upon it, and this in the way of indexing and clippings merely. His appointment to the position referred to, which took him to Chicago, rendered it difficult for him to go on with the Digest, and instead of cherishing resentment against me for his defeat, he warmly requested me to take the work off his hands and complete it—which I did in two volumes, after supplemented by volumes three and four, bringing the work down to the decisions that had been rendered up to the time of the last publication. Further than this, I had been for some time the attorney in the Ottumwa District for the Des Moines Valley Railroad Company, projected from Keokuk to Des Moines, but when the road became that of the Chicago, Rock Island & Pacific Railroad Company, of course my functions as legal representative of the old company came to an end, and left the place open to be filled by appointment of the new company. This appointment was within the power of Mr. Withrow and he magnanimously appointed me to the position, which I held for many years and until my removal to Kansas City. In short, while he strove to be dominant and was what is termed a "good fighter," he was nevertheless a broad-gauged man. I may add in proof of what I have said that during my frequent visits to Des Moines I was sometimes invited to his home, and to engage with him and his friends in a game of croquet (tennis was not yet in vogue), of which he was very fond, and which his full habit needed. His wife was always one of the party. She was one of the most cultured and lovable of women, and her presence always lent a charm to the occasion.

Mr. Withrow commenced his early business life as an editorial writer. He was born in West Virginia in 1833. While he was a boy the family removed to Ohio, where he was reared and received an excellent education. He became the editor of the Mt. Vernon Republican in that State while he was only twenty-one years of age. In 1855 he became one of the editors of the Free Press at Janesville, Wisconsin. He took occasion early in life to study law from the elementary writers, as opportunity offered. He completed his legal studies in the office of Daniel F. Miller and Joseph M. Beck at Fort Madison, Iowa. When Ralph P. Lowe was elected Governor, he appointed Withrow his private secretary. At the close of this service, and when Governor Lowe had become one of the Judges of the Supreme Court, Mr. Withrow was appointed the official Reporter of the decisions of that tribunal. In that position he published thirteen volumes of Iowa Reports, com-

mencing where his predecessor, William Penn Clark, had left off—with volume nine and ending with volume twenty-one, volume twenty-two being the first of my series of sixteen volumes. He entered upon the practice at Des Moines in 1858, and by virtue of his superior talents became prominent at the bar in a short time. For a period he and Seward Smith were partners under the name of Withrow & Smith. Later he and Thomas S. Wright were partners under the name of Withrow & Wright. Into this firm Judge C. H. Gatch was taken, when it became Withrow, Gatch & Wright. Mr. Withrow figured in some of the most important cases of that period. His reputation as a great lawyer was increasing when he died in full possession of his mental vigor.

John S. Runnells, a man whose career was signally brilliant and successful, was a native of New Hampshire, where he was born in 1844. He was a graduate of Amherst College and highly educated. He studied law at Dover, New Hampshire, was admitted to the bar and came to McGregor, Clayton County, Iowa, in 1867. When Samuel Merrill, who also emigrated from New Hampshire to McGregor, became Governor of the State, he appointed John his private secretary. The latter was then twenty-three years of age. When twenty-five he married the daughter of Nathaniel B. Baker, who was himself a native of New Hampshire, and had been Speaker of its House of Representatives and Governor of that State. It was in this position of private secretary to Governor Merrill that I first met Mr. Runnells, with whom I afterward became intimately acquainted. In 1869 he was appointed United States Consul to Tunstall, England. He served in that capacity for some two years. Upon his return he became for a short time a writer on the staff of the Iowa State Register, the principal editor of which, James S. Clarkson, proved a benefactor and rendered him an invaluable aid at an important and critical turning point in John's career. In 1872 he had become a member of the law firm of Gatch, Wright & Runnells, and in 1875 Reporter of the Supreme Court of Iowa. This was excellent discipline for a young lawyer, and he rapidly advanced in the profession. In 1877 he became a partner with Galusha Parsons, a prominent lawyer who had recently removed to Des Moines from Fort Dodge. This firm did a successful business and became widely known.

Personally, Mr. Runnells was a man of great brilliancy. With his scholarly accomplishments were combined a pleasing manner and charming personal magnetism. He had a fine figure, a remarkably fresh and handsome face, coupled with great suavity and politeness of address. His talents were versatile, his mind quick, his speech correct and elegant. As a post-prandial talker he was always in demand, a general favorite in convivial gatherings, and in political meetings frequently chosen to preside, not only on account of his eloquence of expression, but of his dignity and force as a presiding officer. He became active and influential in politics. He was elected Chairman of the Republican State Central Committee in 1879, and

re-elected to the same position. In 1880 he was a delegate to the Republican National Convention, and was chosen a member of the Republican National Committee for the ensuing four years. His advancement in political life would undoubtedly have been still more highly marked had he remained in Iowa and in politics. But accidentally he met Mr. Pullman, President of the Palace Car Company which bears his name. Pullman was charmed with him and tendered him the position of General Counsel for his company with a most attractive salary. The office was accepted and Mr. Runnells removed to Chicago. After serving most successfully for a long period in the position of General Counsel of the Pullman Company, he became its Vice President and afterwards its President, succeeding Robert T. Lincoln in that position.

Josiah Given, C. A. Dudley, Levi J. Brown.

Josiah Given was a highly gifted man who rose from an obscure station to distinguished positions in life. His father and mother were Irish people, who settled in Westmoreland County, Pennsylvania, where Josiah was born in 1828. In 1838, when he was ten years old, the family removed to Holmes County, Ohio, where they settled on a farm. Here his father and brother established a crossroads blacksmith shop, and in it and under them he learned that trade. From ten to seventeen he worked in the shop. On the outbreak of the war with Mexico, in 1846, he enlisted as a drummer boy, and served for a short time with a recruiting squad, but was finally rejected on account of his youth. In the following spring, however, he again enlisted as a private in Company G of the Fourth Ohio Infantry, was appointed Third Corporal, went with the regiment to Mexico, and served throughout the war. His brother, William Given, was a lawyer at Millersburg, in Holmes County. His partner was J. R. Barcroft, who afterward came to Des Moines. Into their office Josiah went as a student. In the fall of 1850 he was admitted to the bar and began the practice of law in Holmes County, of which he was the following year elected Prosecuting Attorney, and at the end of the first was elected for a second term. During this service he was sent to Europe to secure the arrest of an absconding County Treasurer. His experience in connection with this affair was full of interesting events and gave him a wider knowledge of the world. On his return home he formed a partnership with his former preceptor, Mr. Barcroft, which continued for several years. In 1856 he removed to Coshocton, Ohio, where he followed his profession until the outbreak of the Rebellion. He had established a successful and growing practice, and was trying a case when a telegram was brought in and read from the bench announcing the firing on Fort Sumter. At the close of the trial he took immediate steps to arrange his unfinished affairs and entered the service. He organized Company K, which became a part of the Twenty-fourth Ohio Infantry. In 1861 he was transferred to and commissioned Lieutenant-Colonel of the Eighteenth Ohio Infantry. He served with this regiment

eighteen months, participating in several battles, including those of Bowling Green, Nashville and Stone River. In the latter he was severely wounded. By reason of conspicuous bravery and gallant services, he was commissioned Colonel of the Seventy-Fourth Ohio Infantry, in 1863. He passed through the battles of the Atlanta campaign, and during a portion of it commanded the Third Brigade of the Third Division of the Fourteenth Army Corps. During the war he participated in twenty-two battles, for a part of the time commanding the Brigade referred to. He was made Brigadier-General on account of distinguished services. The end of the war found him disabled by rheumatism, resulting from the hardships and exposures he had experienced. His name was presented by James A. Garfield for election to the United States House of Representatives for Postmaster of that body. After serving two years in that capacity, he returned to Ohio, and a year subsequently removed to Des Moines, where he commenced the practice, in 1868, forming a partnership with his old law preceptor and former partner, Mr. Barcroft. In 1871 he was elected District Attorney of the Fifth Judicial District, and served three years. In 1875 he was elected to the Legislature from Polk County. In 1880 he was elected Judge of the Circuit Court in his Judicial District, and in 1886, of the District Court. In 1889 he was appointed by Governor Larrabee, a Judge of the Supreme Court of the State to fill the vacancy occasioned by the resignation of Judge Reed. On the expiration of the term he was elected by the people for that office, and at the end of that term re-elected. In these judicial capacities he served some ten years on the circuit and district bench, and about the same length of time on that of the Supreme Court. In addition to this, he was appointed by Governor Cummins, after his retirement from the Supreme bench, to fill the vacancy on the District bench, occasioned by the death of Judge Calvin P. Holmes. He died at Des Moines in 1908, at the age of seventy, leaving a fine progeny of six children: Welker, Josiah, Jr., Wm. H., and Mrs. Joseph G. Gardner, of Des Moines, and Frank and Thomas, of Spokane, Washington.

In person, he was rather slender and apparently not very robust, but the physical discipline he had received at the forge of Vulcan had given him muscular strength and those stub and twist qualities which enabled him to successfully perform the arduous duties with which his life was filled. In some respects, he reminded me of Attorney-General Henry O'Connor, of Muscatine. They both possessed in a high degree the proverbial wit and sparkling qualities of their Irish ancestry, and carried some indications of it in their faces and person. It was always enjoyable to meet Mr. Given because of the perennial sunshine and unbounded humor he carried. He was immensely popular, a capital story-teller, an excellent mimic, and on the stump a prime favorite, who, in one moment, put his audience into a roar by the aptest anecdotes told with a drollery that was inimitable, and in the next stirred it with the fervor of his eloquence. Those qualities, combined with his splendid army record, made him also a great favorite with the old soldiers, and it is said that he

was never happier than when attending Grand Army meetings. He was the first Commander of Crocker Post, and in 1886, Commander of the Iowa Department of the Grand Army of the Republic. On the bench his versatility enabled him to preside with dignity and force. He had that quality indispensable to a great judge, a strong sense of natural justice, which combining with his keen perception and wide knowledge of men, enabled him to weigh the evidence and apply the legal principles applicable to each particular case with instinctive accuracy. He has thus been well described:

He had that sweetness of disposition, that kindness of heart, and that sympathy for and thoughtfulness of others which endeared him to all. A quickness of comprehension, and an almost intuitional divination of the very right in every controversy made him an exceptionally strong trial judge; and when promoted to the Supreme bench, he brought to it years of experience both at the bar and on the bench, this making him a valuable member of that body. He never betrayed either a friend or a trust; and his ideals were of the highest. No one ever challenged either his character or his motives. Distinguished as a soldier, eminent as a jurist, and conspicuously honorable and just in his private life, Judge Given's services both to the State and the Nation were of inestimable value.*

I also refer the reader to what Judge Charles F. Granger of him says in the sketch of that gentleman.

C. A. Dudley was a native of Ohio, where he was born in 1839. He was a graduate of the Michigan State University at Ann Arbor. He came to Des Moines in 1867 and entered into partnership with Levi J. Brown. This partnership continued for many years, until the death of Mr. Brown, and was one of the leading law firms of the State. Mr. Dudley was an able, zealous and painstaking lawyer, and in every sense, a man of the highest character and integrity. He was distinguished for his rigid principles of honesty, and as a lawyer, had the complete confidence of the bar and the courts. Any interest committed to his charge was never neglected. He was obliging in disposition, kindly in manner, and had the general good will of his associates. That he was a man of profound thought and deep feeling, is evident from the graphic and elegant address he made before the memorial bar meeting held at Des Moines on the occasion of the death of his partner, Levi J. Brown, which appeared in the Des Moines Daily Register of that time, in giving a report of the proceedings.

Levi J. Brown, who has been above referred to as the longtime partner of *C. A. Dudley*, died a good many years ago. While pursuing professional investigations, he was stricken down with heart disease in the State Library at Des Moines. Following his death a meeting of the Des Moines Bar was held. A report of the proceedings appeared in the Daily Register, from which I took it at the time, and have since preserved. Judge Given presided, there was a large attendance of lawyers and citizens, and Judge John Mitchell, after the presentation of the resolu-

* H. E. D., in *Annals of Iowa*, Third Series, Vol. 8, 398.

tions that had been prepared, made an address in which he gave a brief sketch of Mr. Brown. From this I have gathered the following data: Mr. Brown was born in Portage County, Ohio, in 1838. His father was a farmer who had settled at an early date upon what was known as the Western Reserve. He was reared after the manner of farmers' sons, working the land in the summer, and attending school in the winter. He managed, however, to fit himself for an entrance to Hiram College, having then for its head, James R. Garfield, afterward President of the United States. From Hiram College he went to the University of Michigan, where he took a full collegiate course and graduated with honors. He subsequently entered and graduated from the Law department of that University. He had thus acquired solid foundations upon which to build, and he built well. He was a historical, as well as a legal student, and his general acquirements were of no ordinary character. He came to Des Moines in 1866. Of him at this period of his life Judge Mitchell says:

Having determined to locate here he found a place in my office, and began making himself familiar with the statutes, practice and decisions of the State. He had an intense love for his profession. His researches were always extensive and thorough. He made his way slowly but surely. He was strong rather than brilliant. He grew steadily in strength as a lawyer from the day he began to practice until the day of his death. * * * He was as kind and tender hearted as a woman, and his life was full of good deeds. To a client who was poor or friendless he never turned a deaf ear. He had great possibilities when he died in the full vigor of his manhood.

At the time of his death he had attained a high and honorable position at the bar, and no finer tribute could be paid to the memory of a young lawyer than those of Judge Mitchell and Mr. Dudley. I knew both Mr. Brown and Mr. Dudley well. They both had the highest appreciation of and lived up to the ethics of the profession.

Galusha Parsons, Frederick Lehman, Albert B. Cummins, John A. McCall.

Galusha Parsons was a native of East Aurora, New York, where he was born in 1828. He came to Iowa and located at Fort Dodge in 1865, where he rapidly rose to be regarded as one of the first lawyers in that part of the State. He represented Webster County in the House of the Thirteenth General Assembly. He removed to Des Moines in 1873, and formed a partnership with John S. Runnells. He was notable for his legal learning and great proficiency. He removed to Tacoma, Washington, in 1890, and became distinguished there, and continued in the practice until his death in 1906. His body was brought to Des Moines and buried in Greenwood Cemetery. He was one of the most agreeable men in the world. I knew him well. When Archie Brown, who had been for years, the colored porter at the Savery House in Des Moines, was indicted for the murder of Ella Barrett, a milliner of Des Moines, who was found brutally murdered in her room, I was employed to assist in his prosecution after the case on change of venue had been

removed to Ottumwa. The case, on account of the mystery connected with it, and the fact that it involved other persons than Brown, who was thought to be merely the hired instrument, created a good deal of public interest. Parsons was employed to defend Brown. Judge Edward L. Burton presided at the trial. It was a protracted one, and at its close, Mr. Parsons and myself had become pretty thoroughly known to each other. To show the custom of the times, I will state that during the progress of the trial, Mr. Parsons and myself were invited by the Judge to dine with him at his fine residence in the suburbs. We were the only guests. Judge Burton was not only a great lawyer, but a generous liver, and the table was bountifully supplied. He had some of the traits of his English ancestry, and his capacity for making good punch was equaled only by that of his guests in drinking it. A delightful conversation ensued, in which Mr. Parsons, who was a voluble and entertaining talker, displayed a wide range of knowledge. After a lapse of nearly forty years the recollection of that pleasant occasion is as fresh as ever. Some sixteen years ago I was in Seattle, and I thought of Mr. Parsons being at Tacoma, and resolved to stay over a day and visit him. I found him actively in the professional harness with one of his sons, I think, as partner. He was the same talkative, agreeable personage as of old. He was a learned and charming gentleman of the old school.

Frederick W. Lehman, whom I knew at his commencement in Iowa and afterward in Missouri, would, if he had remained in the former State, have taken as high rank as he achieved in the latter. He was a Democrat, and though a young man, he soon came to be regarded in Des Moines, and indeed, throughout the State, as one of the leaders of his party in council, as he was among its orators. Lehman might, in many respects, be termed a genius. His intellectual powers and inclinations were wide and varied. Though large bodied and heavily shouldered, he was active in temperament and investigation. His thirst for knowledge was insatiable; he read everything within his reach, and as he grew older, traced the lines of the choicest literature. But this omnivorous taste did not distract his attention from nor seriously interfere with his legal studies and pursuits. He became a very learned lawyer. His maximum, however, was reached after his removal from Des Moines to St. Louis, more than thirty years ago. Here he gained an exalted reputation, and was regarded as among the very greatest lawyers of Missouri. He was an ardent lover of history and ancient lore, and had a great desire to perpetuate the past; his veritable antiquarian taste made him active in the collection of valuable relics that attracted the attention of savants and scholars. He was one of the leading spirits in arranging the details of the Centennial Celebration of the Louisiana Purchase, held at St. Louis, and on every occasion took an active part in meetings of a like character. By persistent literary endeavor he became an accomplished scholar, and this joined to his great abilities as a lawyer, served in a measure to make his reputation national. During the administration of President Grant he was appointed Solicitor in Chief of the Treasury Department at Washington, which after a term of efficient service, he

resigned on account of the financial sacrifice it involved. He was one of the most accomplished men of his time. He was by birth a Prussian, coming when an infant with his people to the United States. He was a student at Taber College, in Fremont County, Iowa, was admitted to the bar in 1873, and practiced in Des Moines until his removal to St. Louis. Personally considered, he was a most agreeable and magnetic person; though dominant, he had the faculty of assimilating himself to various grades of men; among his equals entertaining and convivial. Though he started out actively in politics, desires in that line became quenched with higher purposes as time went on, and in accord with his own inclinations, he ceased altogether to be regarded as a politician.

After the foregoing sketch was written, Mr. Lehman was appointed by President Wilson, as Commissioner from the United States to the Pan-American Conference relating to the affairs in Mexico, during Huerta's regime. And before the appointment by President Wilson, of Mr. Brandeis, to fill the vacancy on the bench of the Supreme Court of the United States—an appointment which is still pending for confirmation by the Senate—Mr. Lehman was favorably mentioned for that position.

Albert B. Cummins, who became Governor of Iowa, United States Senator, who had a strong following as a candidate for the Presidency in 1898 and again in 1916, and achieved a national reputation, came as a young lawyer from Chicago to Des Moines some thirty-five years ago, in 1877 or '78, I think. His sprightly talents and fine personal appearance attracted the attention of Judge Geo. G. Wright and his son, Thomas, which resulted in Mr. Cummins becoming a member of the law firm of Wright, Cummins & Wright. His career is so well covered by the history of the present, that I shall not attempt more than a mere glimpse of him. In a few years he not only became a strong member of the strong firm mentioned, but to be regarded as one of the leading and most influential lawyers of the State. From every point of view he was exceedingly active as a citizen, lawyer, politician and high official. He took a leading part in some of the important trials of the State. One instance may be given. It was the contest between the Farmers' Protective Association and the Barbed Wire syndicate of Washburn & Moen. This syndicate had purchased many of the patents, and sought to control the manufacture and fix the price of wire fencing materials. Mr. Cummins represented the Farmers' Protective Association in this contest, which lasted several years, and had to measure swords with very able contestants. By his superior efforts in this proceeding, he became popular with the farming classes and established a splendid reputation throughout the State and Nation. His subsequent career is a matter of familiar history.

In 1887 he was elected to the State Legislature as an independent candidate over the regular Republican candidate. In 1892 he was the President of the Republican State Convention, and by it was chosen one of the presidential electors. He

was twice prominently brought forward as a candidate against Ex-Governor John H. Gear, for the United States Senate, but the necessary majority was not secured. In 1896 he was again President of the Republican State Convention. He was also chosen a member of the National Republican Committee, and in 1901 was nominated the Republican candidate for Governor after a heated contest, and was triumphantly elected. He was subsequently elected to the United States Senate in which he soon took high rank, and was regarded as a peer of the ablest men of that body. His superior talents fully justified his ascending grades.

John A. McCall came to Des Moines in the early seventies from Nevada, Story County, where he practiced for a short time after his admission to the bar. When I first saw him, nearly forty years ago, I thought he was the handsomest young man I had ever seen. Exquisite in dress and physical mould, with radiant black eyes and a complexion as fresh as a girl, he presented an attractive personality. He was fond of general literature, rather luxurious of habit; not obliged to "dig for a living," he did not at the outset apply himself as closely to his legal studies as he might have otherwise done. He was of marked ability, and had his industry been equal to his talents, he would doubtless have attained a much higher rank in his profession. As it was, he achieved one of no ordinary character. He was regarded as a lawyer of decided ability, chosen County Attorney not long after he came to Des Moines, and carried on a successful practice for many years. He was a scholarly and accomplished gentleman of unblemished character, and that he had command of elegant English in the expression of his thoughts, is well exemplified in his address at the memorial services of Charles Aldrich, to be found in volume eight of the third series of the *Annals of Iowa*, page 584.

He belonged to a good family stock. His father, Thomas C. McCall, was one of the early settlers of Des Moines, later of Story County, a valiant soldier, an early lawmaker, and otherwise highly honored citizen. His paternal grandfather was a soldier in the War of 1812, and both his paternal and maternal great grandfathers were soldiers in the Revolutionary War.

William M. Phillips, John Mitchell, B. F. Kauffman.

William Phillips, at the time of his death, was perhaps the longest in practice of any lawyer at the Des Moines Bar. He came to Des Moines and commenced the practice there in 1856, and pursued it continuously until the time of his death in 1901—a period of forty-five years. In addition to that, he had before practiced two years in Green County, the county seat of which, Jefferson, he helped to lay out. To look at him, one would not have thought him capable of enduring so long and arduous a strain, for he was small and rather delicate in appearance. He was a persistent, hard worker. He had a wide and varied practice, but his cases were always found well prepared by dint of his persevering industry, which more than supplied the want of mere brilliancy. He had strong, common sense and good judg-

ment. He was also alert, ready in resources, quick to see and act. He was not, at first view, particularly prepossessing in person, for, as indicated, he was small, his eyes were defective, though they sparkled with intelligence. He was a good lawyer, safe, careful, always to be trusted, and occupied a high position. He was one of the best natured men at the bar, always pleasant, kindly and companionable. His varied practice and long residence made him widely known, and he will be remembered with feelings akin to affection, so long as there remain any who knew him.

He came to Des Moines and formed a partnership with Curtis Bates. This firm continued until 1859, when it was succeeded by that of Phillips & Phillips, the latter being a brother. This was succeeded by Phillips, Gatch & Phillips, and later by Phillips, Goode & Phillips, the firm being composed of Wm. Phillips, his brother, Harvey Phillips, and Edmund J. Goode. Later he became associated in the practice with Judge James G. Day on the retirement of the latter from the bench of the Supreme Court. He was born in Jefferson County, Ohio, in 1827, and reared there on a farm. In 1851 he moved to Peoria, Illinois, where he was admitted to the bar in 1854. The same year he removed to Jefferson, Green County, and became the first County Judge of that County. In 1856, as before stated, he came to Des Moines. He died in Phoenix, Arizona, where he had gone to recuperate his health.

John Mitchell was a New Englander. He was born in Claremont, New Hampshire, in 1830. He was fitted for Dartmouth College, but was obliged to leave that institution before his graduation, on account of ill health. He turned his steps westward, came to Des Moines in 1856, commenced practice there, rose to be a lawyer of distinction, and finally to the Judgeship of his district, a position which he graced with such signal ability and general satisfaction that he was elected for three successive terms, and upon his voluntary retirement, took with him the hearty approbation and esteem of the people. He died in his prime and in the midst of an honorable career. In August, 1911, I had a conversation with Judge Charles C. Nourse, who was then living at Sierra Madre, California, near which I had taken up my own residence, in Pasadena. We talked of the different lawyers we had known, and his statements concerning them I took down at the time. He thus well summed up the subject of this sketch:

Judge John Mitchell was not a brilliant lawyer, but he was a safe and sound one. His acquirements, like his mind, were of a solid character. He was a good lawyer and made an excellent Judge, giving great satisfaction while on the bench.

During the northern border troubles in 1861, he was commissioned Captain of a company of cavalry in the State service, and served against the Indians for three months, on the border line between Iowa and Minnesota. In the commencement of the great Civil War he was elected to the Legislature from Polk County, serving two years during that exciting period. Subsequently he was called upon to fill

various offices of trust in the City and County, and in 1867 was appointed Register in Bankruptcy for his Congressional district. Following this he was elected Judge for his two last terms without opposition, all parties supporting him.

Benjamin F. Kauffman was one of the brightest young lawyers that ever came to Des Moines. He rose very rapidly in his profession, reached a high rank, and would have attained a still higher one, but for his untimely death. I saw him, I think, on his first appearance in the Federal Court which was then being held by Judge Love at Des Moines. He attracted my attention by his sprightly appearance, his forceful manner in making his points, and by the self-confidence he exhibited. His whole person—his sparkling black eyes, his assertive gestures, everything about him—denoted vivacity. For many years he was a partner of Judge Charles C. Nourse, under the firm name of Nourse & Kauffman. In the course of the conversation referred to in the foregoing sketch of Judge Mitchell, Judge Nourse gave me the following narration of Kauffman, which I quote as given:

Kauffman came from Keosauqua, graduated at the law school and was admitted to the bar. Soon after this he entered my office on a sort of probation or trial. I knew he was poor. I said, "Ben, have you clothes enough to last you six months?" He said he had. "Well," I said, "I will guarantee you your board for that time." "But what am I to do after that?" he said. "I don't know," said I, "further than this; if you in that time do not make yourself a necessity to me, I shall have no further use for you, but if, on the other hand, you do, you can probably dictate your own terms." He was a little nonplussed, but said he would try it and do the best he could. He proved himself so useful, that at the end of that time I took him in as a partner on a one-third basis, and at the end of two years gave him an equal partnership. He became one of the ablest and best lawyers at the Des Moines bar.

My own acquaintance and knowledge of Mr. Kauffman fully confirms the estimate of Judge Nourse. The fact that so great a lawyer and one having so lucrative a practice as Judge Nourse, offered young Kauffman a one-third and then an equal partnership on the expiration of the time stated, demonstrates in itself the high opinion Judge Nourse had of his talents, and Kauffman's subsequent career fully justified the estimate.

Kauffman was born in Pittsburg, Pennsylvania, in 1846. While he was a small child, his parents removed to St. Louis, but on account of the cholera scourge there, in 1849, they removed to Muscatine, Iowa, where his mother died the same year. In 1852, when he was six years of age, the family removed to Keosauqua, where his rearing and preliminary education were completed. He entered the State University in 1863 and graduated from its law department in 1866. He entered upon the practice at Des Moines, and in 1869 formed the partnership with Judge Nourse referred to.

Thomas S. Wright and Conduce H. Catch.

Thomas S. Wright was the son of the distinguished jurist, George G. Wright, whose sketch will be found elsewhere in this volume. His mother was Mary Dible, the daughter of one of the early settlers and leading men of Van Buren County.

Thomas was born in Van Buren County in 1844, and died suddenly in the City of New York, in 1894. I knew him from the time he was a mere lad, and through all the stages of his existence, he exhibited the stirring qualities that eventually made him one of the ablest lawyers of his time. He was reared in Keosauqua and received most of his early education there. Judge Robert Sloan, in speaking of him before the Pioneer Association of Van Buren County, not long after his death, says:

Thomas Wright's fame rests upon a foundation built by his own efforts. He began at the foot of the ladder, and at his death had reached the highest round. It had not been gained through favoritism, but by sheer force of his ability. He was talented, he had genius, he had opportunities, but it was not these that brought him success. It was his untiring industry that won for Thomas S. Wright eminence in his profession, and made him one of the most learned and able railroad lawyers of the West, as great a lawyer as his father.

I think Judge Sloan has correctly summarized the leading factors in Mr. Wright's splendid professional success, and it remains for me only to add something touching his personal side and character, and the general events of his career. Upon leaving school in 1863, he enlisted in Company G, of the Third Iowa Cavalry. In November, 1864, he was promoted to Adjutant of the regiment. During his service he was taken prisoner by the Confederates and sent to Andersonville, where he languished for several months in that horrid place of starvation and woe. Most of his fellow prisoners died from the effects of this confinement; it ruined his own health, its traces were plainly visible in his face and person, and it was doubtless, one of the principal causes of his premature and sudden death. Upon his return from the army and after he had sufficiently regained his health, he resumed his studies, entered the State University, and was graduated from its law department in 1867, and entered upon the practice at Des Moines, where his father had removed from Keosauqua. He went into partnership with Thomas F. Withrow and became one of the ablest members of the Des Moines Bar. The firm of Withrow & Wright continued until the appointment of Mr. Withrow as General Counsel of the Chicago, Rock Island & Pacific Railroad Company. Mr. Wright was subsequently appointed General Attorney of that Company for all lines east of the Missouri River. Upon the death of Mr. Withrow, he succeeded him as General Counsel of the Company, a position he continued to fill until the time of his death. His services in it were signalized with such ability and wisdom that he soon gained the entire confidence of the Directory, and established a reputation as a railroad lawyer second to none in the country. The performance of some duties connected with his position called him to New York during the heated season. He had been under a fearful strain during a strike, and after a day of oppressive heat, he collapsed and fell to the pavement while walking on Fifth Avenue. His endurance had been greatly impaired and his stomach ruined by his fearful experience in Andersonville prison, and under the onset of the terrible heat, he went down. Scarcely any death ever occurred that produced so severe a shock to the people of Iowa, and especially to those of Van Buren County and Des Moines.

As an individual, he was lovable from any point of view. He bore about him the gentleness of a cultured and gracious gentleman. He inherited the sweet-tempered and story-telling disposition of his distinguished father. One of the leading newspapers on the occasion of his death, gave this very correct description of him:

He was one of the best, most amiable, wisest men we have ever known. For several years he served on the board of regents of the State University, and his associates loved him as a brother. Always courteous, able, kind, clean, a splendid comrade, full of jest and story, how could they help loving him?

The father and son were very fond of each other, and each was proud of the other. Each was a good story-teller. The last time I saw the son was at a gathering of friends at the house of his father, where in turn, they delighted the company in the interchange of mirth provoking stories. The death of the son was a severe blow to the father. On the seventh of December following the death of this son, he wrote to me these expressive lines of his grief:

I enclose you some clippings as you requested. I thank you for your kindness and for your sympathy. O, the loss and the sorrow, none can tell!

Judge Sloan says that the influence which Rev. Daniel Lane, his instructor, had upon Mr. Wright's life was very great. The latter not only admired, but had a deep affection for his old teacher, and when the new Congregational Church superseded the old one, he took the lead and secured the funds for having placed therein a memorial window in perpetuation of his memory, and at the memorial services held upon its completion, he was selected to deliver the address, in the course of which he made the following remarks, which constitute a beautiful reflection of his nature:

As the light through our memorial window comes in, subdued and beautiful, but not lost, so let the light of his teaching and example continue to shine through the windows of our memory, subdued only by the lapse of time and the intervention of duties which it is our privilege and pleasure to perform.

After the dissolution of the firm of Withrow & Wright, and near the close of the term of his father, Judge Wright, as United States Senator, a new partnership was formed composed of the father, Col. C. H. Gatch, and the subject of this sketch, under the firm name of Wright, Gatch & Wright. In 1881 a new firm was organized composed of Judge Wright, his two sons, Thomas S. and Carroll Wright, and Albert B. Cummins, afterward Governor and United States Senator.

Conduce H. Gatch, or as he was familiarly known, Col. C. H. Gatch, was what might be termed a middle-aged man when he came to Iowa. He came from Ohio and settled in Des Moines in 1866, when he was forty-one years of age. He had been a lawyer and public man of note in his native State of Ohio, where he was born in July, 1825. He was of German or Prussian extraction. The head of the family in this country came over and settled in Maryland in 1725, but afterward removed to Virginia and became a planter and slave-holder. In 1798 his grandfather liberated his slaves, and removed to Ohio. Mr. Gatch received his preliminary education at Augusta College, Kentucky, studied law at Xenia, Ohio, was

admitted to practice in 1848, and entered upon it at Kenton, where he continued to reside until the commencement of the Civil War. He was elected and served as Prosecuting Attorney of his County, and afterward represented it in the Ohio State Senate. He was honored by being chosen a delegate to the Republican National Convention, the first one of that party, which nominated John C. Fremont for President in 1856. In 1861 he entered the service as captain of a company in the Thirty-third Ohio Infantry. He was afterward promoted to Lieutenant-Colonel of the 135th Ohio Infantry. He participated in a number of severe battles, including those of Nashville, Murfreesboro, Shelbyville and Huntsville.

Colonel Gatch became widely known in Iowa as an able lawyer, and an important factor, not only in the affairs of Des Moines, but of the State at large. He displayed many of the qualities of a real statesman. In 1885 he was elected to the State Senate from Polk County, and was the author or promoter of many measures of lasting importance. At the end of his first term in the Senate he was elected for a second, serving in all eight years in that body. He was one of its wisest, most industrious and influential members. To his efforts can be traced perhaps a greater number of beneficial laws than were ever before originated by a single legislator in the same length of time. Among them was one, giving to cities and incorporated towns the power of securing and managing libraries through trustees; one establishing the Historical Department of the State; one for reducing the number of peremptory jury challenges by defendants in criminal cases to the number allowed by the State. The bill considered by him the most meritorious of any he had introduced, was one exempting the homestead from taxation to the value of one thousand dollars. At each of the sessions he brought forward and earnestly advocated the passage of this measure, but without avail as it failed of passage. I can unqualifiedly endorse the following statement of Charles Aldrich, concerning him:

During his residence in Des Moines he attained a commanding position as a lawyer. His record in the army, at the bar, and as a legislator, was honorable and creditable in the highest degree. Stepping down and out of public life made little difference in the career of this useful citizen and eminently Christian gentleman, for as long as he lived he was daily called upon to put his hand to some good work, in the furtherance of measures of public improvement, education or charity. His noble deeds ended only with his life.*

He was a man of imperturbable temperament; nothing disturbed his equilibrium; he was always cool and self-possessed. In person he was tall, slim, full-bearded, soldierly. In disposition and bearing he was very gracious, amiable and obliging. A daughter married Judge William Connor, notice of whom will elsewhere be found.

*Annals of Iowa, Third Series, Vol. 3, 230. Colonel Gatch conferred a great service on the people interested in the subject by contributing a series of articles, giving a complete history of the Des Moines River Land Grant, and the legislation and litigation that grew out of it, which will be found in Vol. 1, of the Third Series of the Annals of Iowa.

Calvin P. Holmes, William Holmes, Hiram Y. Smith, William Connor, William F. Conrad, Marcus Kavanaugh.

Some of these men might seem to belong to the present generation, but as they are all dead, with perhaps one exception, it is within my province to write concerning them.

Calvin P. Holmes and *William H. Holmes* were brothers. The latter was a member of the State Senate from Jones County in the Ninth General Assembly. In 1862 he was elected State Treasurer and served two terms in that position. *Calvin P. Holmes* was his deputy. In the Tenth General Assembly I was, for the purpose of examining the witnesses, added to the committee appointed to investigate some alleged irregularities that had occurred in the treasury department prior to the accession of Mr. Holmes. In the course of the investigation I had frequent interviews with the Treasurer, and in this way became early acquainted with him and his brother, Calvin. They were both natives of Madison County, New York, where William H. was born in 1828, and Calvin, in 1839. William H. was an able public official and a man of much influence in the political affairs of the State. He was also a most worthy and amiable gentleman. He removed to Nebraska, where he died a good many years ago.

Calvin P. Holmes, before coming to Des Moines, as Deputy Treasurer of the State, had studied law and been admitted to the bar. At the close of his official service he commenced the practice at Des Moines and became prominent as a lawyer and judge. He was elected City Solicitor, and for many years was the Attorney of the Chicago & Great Western Railroad Company. In 1890 he was elected District Judge and was three times re-elected, serving for twelve years in that capacity with distinguished ability. His continued re-election furnish satisfactory evidence of the great esteem in which he was held. He died not long after his last re-election in 1902.

Hiram Y. Smith was born in Miami County, Ohio, in 1843. In 1850 the family removed to Rock Island, Illinois, and hence to Des Moines in 1854. Hiram was appointed a captain's clerk in the United States Navy, but subsequently resigned to accept a clerkship in the postoffice at Washington. At the close of this service he entered the Albany Law School, from which he was graduated in 1866, and commenced the practice at Des Moines, in partnership with E. J. Ingersoll, under the firm name of Ingersoll & Smith. He afterward was a member of the firm of Smith & Morris. He was a prominent Mason, a Master of Pioneer Lodge, and later Grand Master of the Grand Council of Royal and Select Masons. He was a man of ability, and so forceful in character and personality, that he early became a prominent and widely known citizen throughout the State. In 1875 he was elected District Attorney, serving in that capacity four years; and in 1881 to the State

Senate from Polk County, where he served with marked ability. In 1884 he was elected to Congress from his district. He was the founder of the City Library of Des Moines, and always its staunch friend. He gave promise of much higher usefulness and distinction, when he died at the age of fifty-one, at Des Moines, in 1894.

William Connor was a native of Ireland, where he was born in 1845. When he was three years of age his parents came to America, settling in Oneida County, New York. Here he was reared and educated. In the great Civil War he enlisted as a soldier in the Thirteenth New York Cavalry and served three years. During this period he was taken prisoner and confined for a long time in Libby prison at Richmond, Virginia. Those familiar with the history of the War will recall that of all the prison pens to which Union soldiers were assigned, those of Andersonville and Libby were the most frightful. It is said that the majority of the prisoners either died there, or from the effects of the imprisonment. From what General W. L. Alexander, who succeeded General Nathaniel P. Baker as Adjutant-General of Iowa, and who subsequently became an officer in the regular army, told me in a recent conversation, Connor's experience in Libby prison, and his condition when he emerged from it, were beyond description; that he came out of it almost a skeleton; that it was a wonder he ever lived; that it permanently undermined his health, and was one of the principal causes of his premature death. He and General Alexander became bosom friends, and the latter spoke of Judge Connor as one of the best and purest men he had ever known.

On his return from the War he studied law and was admitted to the bar at Syracuse, New York, in 1867. He came to Des Moines and entered upon the practice in 1869. He became, in course of time, one of the ablest members of the Polk County Bar. He had an accurate, logical mind, and had he lived, would have attained a much higher rank in the profession. In 1878 he was elected District Attorney, serving four years in that capacity. At the end of that time he was elected Judge of the Circuit Court and served with marked ability, but resigned before the close of his term to resume the practice, and enter into partnership with Judge C. H. Gatch and J. B. Weaver, Jr., under the firm name of Gatch, Connor & Weaver, and which after the death of Colonel C. H. Gatch, became that of Connor & Weaver. Judge Connor was a close and conscientious student, and my acquaintance with him brought me to entertain for him a profound respect. He died at the age of forty-nine, at Des Moines, in 1904.

William F. Conrad commenced the practice at Burlington, in 1855. In 1862 he enlisted as a private in Company G, of the Twenty-fifth Iowa Infantry. He soon afterward was commissioned Sergeant Major, and in 1863 was elected Captain of Company K. Like Judge Connor, he was taken prisoner during the war and confined in Libby prison for a period of eleven months. He was then taken to a prison at Macon, Georgia, where he remained for nearly three months; later, to

one at Charleston, South Carolina, where he remained about the same length of time, and later still, to one at Columbia, South Carolina, whence after an experience of two months he managed to escape, and made his way to Knoxville, Tennessee, reaching there in January, 1865. As will be appreciated, the length and hardships of his prison life were almost unequaled, and bespeak the iron constitution he must have had in order to successfully endure it all. After his escape from Columbia, he walked five hundred miles and had to use the greatest circumspection in order to evade bloodhounds and armed men before reaching the Union lines at Knoxville. There he obtained a leave of absence, but before its expiration he was ordered to Fort Snelling, Minnesota, where he remained until he was mustered out at the close of the war. He then went to Canton, Missouri, and commenced practice there, but in a few years returned to Iowa, and entered upon the practice at Des Moines. In 1878 he became a partner with William Phillips under the firm name of Phillips & Conrad. In 1886 he was elected Judge of the District Court and served with great ability and general satisfaction for the period of fifteen years. It may be said that he died in the harness, while he was serving in his last term, at Des Moines, in 1901.

Marcus Kavanaugh, I knew as a young man, and his father before him. The latter was a city street constructor, and did much of the work in putting the streets of Des Moines, as well as other cities throughout the country in the best possible condition of the times. He boarded at the Savery House in Des Moines, where I became acquainted with him during my frequent visits to that hostelry. He was a "fine old Irish gentleman, one of the real old stock"—dignified, large and portly, finely dressed, polite and gracious. Marcus may be said to have been the worthy son of a worthy father. As a young man, he was full of life, handsome and hilarious. He entered upon the practice at Des Moines where his fine talents and exuberant disposition brought him into general favor and a good practice. He formed a partnership with Gen. Andrew J. Baker, and while a member of that firm was elected Judge of the District Court of that district, a position in which he served with distinguished ability. He subsequently removed to Chicago, and was not long in making his mark among the bar of that great city. After several years of highly successful practice, he was elected Judge of the Cook County Superior Court of Chicago. He attained signal prominence, both as a skilful lawyer and an able Judge of that City.

I recently made a visit to Judge Charles C. Nourse, who in his eighty-eighth year, is spending his last days at Sierra Madre, California. He called my attention to an incident which I will let him relate in his own language, and which well illustrates the versatility of Judge Kavanaugh:

A young woman in the last stages of consumption had left by her will a valuable tract of land to Father Brazil for the benefit of the Catholic Church of Des Moines. Judge Kavanaugh, a young bachelor then about thirty years of age,

who afterward removed to Chicago and became a Judge there, had been employed by Father Brazil to defend the suit, and he subsequently came to me and retained me to assist him in the trial of the cause. During the sickness of the deceased she had employed a professional nurse, a young woman about thirty years of age. We were informed before the trial that the contesting relatives had been very courteous toward this nurse, and during the holidays had made her valuable presents in consideration of her kindness to the deceased. At the opening of the term I noticed this young woman as she came into court, receiving the courtesies and attentions of Judge C. C. Cole, who was counsel for the relatives contesting the will. She was rather a handsome woman, evidently intelligent and quick-witted, rather fond of admiration, and I at once made up my mind that the whole case must turn upon her testimony. As the deceased had been frequently under the influence of opiates administered for the purpose of relieving her suffering from time to time, it would be a very easy matter for a young woman gifted as this nurse was with the facility of speech, to make the most of the incoherent utterances of the patient while under the influence of the opiates. I saw that something must be done or we were sure to lose our case. I took my bachelor friend Judge Kavanaugh to one side and told him wherein we were in danger, and that as he was a member of the same church, and was himself an Irishman, and had doubtless "kissed the Blarney stone," it was absolutely necessary for him to cultivate the acquaintance of this witness, even to the verge of proposing matrimony. He readily agreed to undertake the part in the case that I assigned to him. He accompanied the lady to and from her hotel at every adjournment of the court, and she was evidently much pleased with his attentions. * * * He performed his part so admirably that when Judge Cole called upon his star witness she proved a flat failure on his hands.

A few years ago, in returning with my wife and daughter from Europe, we sailed from Glasgow to New York on one of the Scottish steamers of the Anchor line. It so happened that we were favored with a seat at the table of the captain and near to him. He proved to be one of the most interesting and witty men I had ever known, full of Scottish history, incident and anecdote. Dr. Johnson, Boswell says, had an aversion for the Scotch because he said they had no wit; that they had an article they called "wut," but that it was too heavy to be serviceable. This captain of ours was a refutation of that statement. He asked me during the voyage if I was acquainted with Judge Marcus Kavanaugh, of Chicago. I told him I was and when and where I had known him. He immediately launched into the highest encomiums of Judge Kavanaugh. He said that he had accompanied him on several voyages and that, among all the men he had ever met, Judge Kavanaugh was the most delightful and entertaining. He also said that on one or two trips Kavanaugh had been accompanied by his wife whom he had gone over to Ireland to marry; that she was almost as entertaining as her husband, and that one of the happiest periods of his life had been spent in their company while passengers on his ship.

William H. Fleming, Tacitus Hussey, Isaac Brandt, L. F. Andrews, John M. Davis.

William H. Fleming has had a long and eventful career. He was born in 1833, and in his eighty-fourth year, is now and for a number of years has been the active and efficient Secretary of the Pioneer Law Makers' Association of Iowa. His services in that capacity have been invaluable, for he has not only published the proceedings of each annual reunion, but in connection therewith, has given al-

most innumerable biographical sketches of its different members, thus furnishing valuable material for the future biographical history of the Commonwealth. He has been a prominent journalist, a wide contributor to newspapers and periodicals, and what is most extraordinary, was the Private Secretary of Adjutant-General Nathaniel B. Baker and of seven different governors of the State. I have known him from the time we were both young, and I can say from my personal knowledge, that he has graced each and all of his varied services with both fidelity and efficiency. Some of those services, as well as the general incidents of his life, may be briefly summarized:

He was born of Irish parentage, in New York City, April 14, 1833. He was educated partly in a private school, but mostly in Public School, No. 7, of that City. At the age of fourteen he became an apprentice to John A. Gray, one of the most distinguished printers and publishers of the last generation. He also worked for John F. Trow, who, for many years, published the Directory of New York City. After spending several years with Mr. Trow, he came to Iowa, settling in Scott County. He was one year, City Editor of "The Davenport Gazette." During three of the eleven years he was in Scott County, he published a paper at Le Claire. Mr. Fleming superintended the printing of the voluminous Reports of Adjutant-General N. B. Baker (1865-67), relating to the Iowa Regiments in the Civil War, and edited most of them. He also planned the General Index of Iowa Soldiers, now in the Adjutant-General's office, much of which was executed under his supervision. In January, 1867, he became Deputy Secretary of State under General Ed Wright. He held this position two and a half years, when Governor Samuel Merrill appointed Mr. Fleming his private secretary. In this useful and honorable capacity he served through the administration of Governors Merrill, Carpenter, Kirkwood, Newbold, Gear, Drake and Shaw. In 1882-83 he compiled the well-known "Historical and Comparative Census of 1836-80;" a publication of permanent interest and great value. He was one of the proprietors of "The Daily Capital" in 1883, and Acting Deputy Auditor of State in 1885. He has read the proofs and prepared indexes for a score or more of Iowa official publications. He is probably the best-informed man in the State, in regard to its administrative history, as well as of the records of political parties. He is often referred to as a "walking encyclopaedia" of Iowa history. In December, 1902, he was tendered and accepted a position under Secretary Shaw, in the Treasury Department at Washington, D. C.

At the close of this service he returned to Des Moines, and as we have seen, has been closely identified with the Pioneer Law Makers' Association. To him I am indebted for the different printed reports of its proceedings, and for other valuable data. It is hardly necessary to say that he has contributed largely to the historical literature of the State. Among these efforts may be mentioned his sketches

of and tributes to Governor John H. Gear (Annals of Iowa, Volume V, Third Series, page 583), Governor Samuel Merrill (Volume V, page 335), General Nathaniel B. Baker (Volume IV, page 229), and Charles Aldrich (Volume VIII, page 606.)

Tacitus Hussey may be properly regarded as one of the remarkable old men of Iowa, and one who has contributed much to the preservation of its early history. He is now in his eighty-fifth year. I have had some correspondence with him during the last two or three years, and he still writes with a firm hand and clear mind. To him I am indebted for valuable data.

He was born in Terre Haute, Ind., in 1832. He attended six terms of district school in a log schoolhouse in Vigo County, Indiana. The school sessions were of three winter months each, in charge of male teachers, generally selected because of their ability to manage "the big boys," and where "lickin' and larnin'" walked hand in hand. The rest of his education was received in a newspaper office as an apprentice, graduating in a book and job printing office a few months later. At the date he was born, his father, who was accounted a "scholar" in those days, was industriously reading the History of Rome, by Cornelius Tacitus, and for that reason, perhaps, received the quite unusual name he bears. His father, Lieutenant George Hussey, helped to successfully defend Fort McHenry, near Baltimore, on the night of August 14, 1814, which gave Francis Scott Key the inspiration for the "Star Spangled Banner," and with which author he had a personal acquaintance. He moved to Indiana, bought a farm in the "Wild Beech Woods," married and brought up a family of seven children, four of whom are still living. The subject of this sketch began writing newspaper articles in 1860, and since that date has written much in prose and verse, which includes quite a number of songs and historical sketches which have been considered worthy of preservation by some of our historians. He has contributed many early incidents to that invaluable periodical of the State Historical Department, which everyone interested in the history of Iowa should read, the Annals of Iowa. Among these are: Flood of 1851 (Annals of Iowa, Third Series, Vol. V, p. 401), History of Steamboating on the Des Moines (Vol. IV, pp. 323, 393), How the Des Moines Valley Railroad Came to Des Moines (Vol. VIII, p. 125), and Story of the Bonaparte Dam (Vol. VII, p. 608.)

In 1865 he entered into partnership with James S. Carter and Edmund N. Curl, printers, bookbinders and book publishers, at Des Moines, Iowa, serving two terms as state binders, turning over their business to successors some years ago, since which time Mr. Hussey has devoted a portion of his time to writing. He has seven or eight "scrap books" now safely stored in the Historical Building, which will be of great value to delvers in early Iowa history in the coming years. His Steamboat History from 1843 to 1862, has often been quoted by those interested in the part

the Des Moines River has played in early transportation ere railroads formed a part of our commercial industry.

Tacitus Hussey came to "Fort Des Moines" in 1855. He was married to Miss Jennie Clement, August 18, 1859, and they celebrated their Golden Wedding at the Country Club on August 18, 1909.

Isaac Brandt was, in many respects, one of the most notable men in the history of Iowa. He had wonderful activities and fine executive forces. His contributions and his efforts for the preservation of important events and interesting incidents were widely known. I became acquainted with him on his appointment as Assistant State Treasurer, in 1867. He was one of the most irrepressible men I have ever known; alert, quick and active in every enterprise calculated to benefit the State and its people.

He was a native of Lancaster, Ohio, where he was born in 1827. He learned the trade of shoemaker and followed it for several years. The simplicity of his character is well evidenced by the fact that he kept and cherished some of the lasts that he had used in that calling. After attaining his majority, he removed to Indiana and was elected and served one term as Sheriff of Noble County. In 1856 he came to Des Moines and thence traveled on foot for the purpose of observing the country to Council Bluffs, where he made some small investments in land. Returning to Indiana, he came with his family and settled in Des Moines in 1858, and there continued to reside until his death in 1909. After coming to Des Moines he engaged in mercantile business, and in 1867 he was made Deputy State Treasurer, occupying that position for six years. In 1873 he was elected to the House of Representatives, and was made Chairman of the Ways and Means Committee, and that of cities and towns. Through his untiring efforts, was secured the first appropriation for a new capitol building. By President Arthur, he was appointed one of the commissioners to inspect the last section of the Northern Pacific Railroad. By President Harrison, he was appointed Postmaster of Des Moines. He was a prominent factor in permanently locating the State Fair at Des Moines. He was a prime mover in the organization of the Pioneer Law Makers' Association, and for several years, and up to the time of his death, was its Secretary. He kept an annual list of members of the Association who died, and largely contributed to their biographical sketches published in connection with the proceedings. He was an ardent friend of education, a member of the school board, and through his unwearied efforts, purchase the site, and subsequently to erect the first large schoolhouse in Des Moines, more than those of any other individual, a fund was secured through taxation to the Bryant School. His remarkable faculty for collecting and preserving political data and statistics is shown from the following extract from the Des Moines Register of May 17, 1904:

Among the notables who will be in attendance at the Iowa Republican Convention tomorrow will be Hon. Isaac Brandt, of Des Moines. He is probably one

of the best versed men on political affairs of the past half century in the West. Mr. Brandt has attended every state convention in Iowa since the early sixties. He can quote political history galore and has a remarkable memory of dates of various events. Mr. Brandt has a copy of every ballot voted at a Republican State Convention since 1859. He has a copy of the abstract of the vote of every election ever held in Polk County. He has clippings of every matter of importance passed on by political bodies in Iowa. In addition to his wonderful collection of data concerning Iowa politics, he has copies of every ballot voted by him.

He was an original abolitionist, and agent and conductor on the underground railroad for escaping slaves. He was a personal friend of John Brown, and corresponded with the family long after that hero's death. At the 1911 reunion of the Pioneer Law Makers' Association, Tacitus Hussey, the well-known writer, who knew Mr. Brandt intimately, thus spoke of him:

He was a most active anti-slavery man, and gave the first twenty-five cents he ever earned, for himself, to a fugitive slave. He helped these all he could on their way to freedom. While some of our Union generals were sending back fugitive slaves to their masters, even such as brought important information from the Rebel camp, Isaac Brandt was welcoming such with food and shelter and assistance to the North. Isaac Brandt was a school man and worked with his own hands upon one or more of our new school buildings to keep the expenses within the appropriation. He was always overloaded with work, but never too busy to stop and assist anyone in distress. I cannot tell of the honorable offices he filled, nor of his family; nor can I tell of the work he did further than to say that if you would blot out all the records of his useful life you must level this capitol, for he helped secure the appropriation to lay its cornerstone; you must obliterate the state fair park, for he raised half the money for its purchase; you must level some of our fine schoolhouses which he helped secure; you must blot out our system of parks, of which we are so proud; you must destroy many of our roads, notably Grand Avenue, for which he was responsible. Mr. Brandt retained the spirit and good cheer of youth until the last. No trials or business reverses could break that spirit; he never complained. Mr. Brandt did his own thinking, had no superstition, no fear of death. When he breathed his last, flags dropped to half-staff upon our capitol, and in all our parks. Edward H. Harriman, of New York, died at nearly the same time that Mr. Brandt passed away. Mr. Harriman was buried in a chiseled vault upon his own estate of 43,000 acres in Orange County, New York. Mr. Brandt could boast of no such boundless domain, but he died richer by far than Harriman, for he had pre-empted homesteads in the hearts of the people.

Among his surviving children are two sons, Amos W., of Des Moines, and George, of Prairie City.

Among early compeers along these lines whose names now occur to me were: L. F. Andrews and John M. Davis. Mr. Andrews was an efficient newspaper reporter and journalist. Among other articles contributed by him to the Historical Department are: First Things in Iowa (Annals of Iowa, Vol. II, Third Series, p. 393) and The Word, Iowa—What It Means (Vol. II, p. 465).

John M. Davis was Assistant Secretary of State under, and a life-long friend of Elijah Sells, and wrote a fitting tribute to his memory (Vol. II, p. 518).

CHAPTER XIV

LOUISA COUNTY.

Frances Springer and Edward H. Thomas—Autobiography and Recollections of the Early Bar.

Francis Springer was one of the most important factors, both in laying the foundations and building the framework of Iowa. He and *Edward H. Thomas* were the first lawyers in Louisa County, where they located at Wapello in 1838. In 1840 he was elected to the Territorial Council of the Legislative Assembly; in 1846, to the Senate of the First General Assembly in the State organization; in 1854, Prosecuting Attorney; in 1855, District Judge; in 1856, a delegate to the first Republican National Convention; in 1857, to the Constitutional Convention of which he was made the President; in 1858, re-elected District Judge and served in that position for eleven years. To go back, in 1851, he was appointed Register of the United States Land Office at Fairfield, and after the termination of his Judgeship, in 1869, Collector of Internal Revenue. He was, I think, one of the most striking historical characters in Iowa history.

This is another case in which, happily, the subject is seen telling much of his own story, rather than the biographer. The following autobiographical sketch was furnished me by Judge Springer for the simple purpose of giving memoranda from which to prepare a sketch. But it is so compact, clean, and I may add, so historically interesting in itself that I have concluded to present it nearly in its entirety:

I am a native of the State of Maine, born in 1811. My father, Nathaniel Springer, was of Swedish descent and of patriotic stock. His father, Captain Nathaniel Springer, of Bath, Maine, was captain of an artillery company in the Revolution and was killed while in the service. My father was a shipwright by occupation, and for some years in the early part of this century was engaged in a prosperous business, constructing sea-going vessels at the seaport town of Bath.

Circumstances separated me when a lad of eleven years from my relatives. When leaving home I went to live with father's family in Strafford County, New Hampshire. They had no children, so I became a sort of adopted son, and was treated by them with affectionate kindness during the ten years that I made my home with them. During these years the facilities I had for education were limited chiefly to the winter district school, where were taught the regulation branches of "reading, writing and ciphering," with a class in geography and grammar. In the intervals of school and of work I received some instruction occasionally from friends. In my eighteenth year I attended a fall term of the Rochester Academy, at the close of which I received from the preceptor a certificate of qualification for

teaching school. That winter I taught a country school at \$10 a month, boarding round among the families of the pupils. Among the scholars were some girls and boys older, and the boys larger, than I. The next year I attended another term of the Academy, and taught another country school the winter following. Afterwards, in the succeeding two years, I taught village schools, pursuing my studies by myself, in the interval reciting to learned friends, one of whom was a physician, Doctor Jeremiah Dow; another was Preceptor Ingersoll, late of Rochester Academy, and then student-at-law in the law office of Daniel Goodenow, of Alfred, Maine.

In the year 1833, I had returned to Maine, and the next year commenced to read law in the office of William Goodenow in Portland. During the course of my law studies I served at odd times as assistant editor on *The Portland Courier*, whose editor and proprietor was Seba Smith, author of the celebrated "Jack Downing" Letters. I was admitted to the bar at Portland in the year 1838. I then had a desire to adopt in advance the advice of Mr. Greeley, "Go west, young man, and grow up with the country."

For some years a warm friendship had subsisted between Edward H. Thomas and myself. In age I was his senior by nearly two years. He was a graduate of Bowdoin College; he read law at Portland in the law office of Stephen Longfellow, father of H. W. Longfellow, America's gifted poet. My friend Thomas had been admitted to the bar a year or two in advance of me. He, too, had a touch of the western fever. We had arranged to go together to try our fortunes in the far West, whose western limit appeared then to be the State of Illinois. We started together on our pilgrimage from Portland in October, 1838, traveling by steamboat to Boston; thence by rail and steamboat to New York; thence by rail to Harrisburg; thence by canal boat to Pittsburg—except our transit over the Allegheny Mountains, which was by rail, a stationary engine taking us up on one side and letting us down on the other—from Pittsburg by steamer to Saint Louis; thence by stage to Jacksonville; thence by open wagon to Burlington, Iowa. We were some seven weeks on our journey, including a day or two stops at several towns and the sand-bar delays on the Ohio river. Our steamer was three weeks making the trip from Pittsburg to Saint Louis. We spent a pleasant week at the college in Jacksonville with some student friends. We met while there a brother of Henry Clay, residing at Jacksonville, who quite naturally felt proud of his brother "Harry," as the foremost statesman of the South, if not of the country. We were equipped with letters of introduction, among others to Daniel Webster, of Boston, Ogden Hoffman and James Brooks, of New York, Judge Bellamy Storer and Gen. W. H. Harrison, of Cincinnati, and George D. Prentice, the gifted journalist of Louisville. Mr. Webster had not long before visited Illinois, where he had acquired some interest in connection with a friend resident in that State. Mr. Webster was kind enough to give us a letter to him. Our objective point when we started from Portland was Illinois. Iowa had hardly been heard of so far east at that early day. At Cincinnati by the advice of Judge Storer we changed our destination from Illinois to Iowa. We reached Burlington on Sunday, the 21st day of December, 1838. The Territory of Iowa had been organized in July of that year, having previously been a part of the jurisdiction of Michigan, and afterward of Wisconsin. These changes of jurisdiction are curiously illustrated by an anecdote told of James W. Woods. He is reported to have said that he had one child born in Michigan, another in Wisconsin and another in Iowa, and yet all three were born in the same house in Burlington! At Burlington we were guests of a hotel kept by Mrs. Parrott, whose beautiful black-eyed daughter afterwards became the wife of Shepherd Leffler. The first Legislature of the Territory of Iowa was then in session in the building known as the Old Zion Church. Our advent was followed on the night of our arrival by an extemporaneous reception held in a new unfinished frame building, where were gathered a jolly crowd of members of the bar and others; where music, song and wit abounded, and where my friend Thomas's musical and social talents were welcomed as an acquisition. We stopped in Burlington about one week, making the acquaintance of many prominent men, members of the bar and of the legislative and executive departments of the Territorial Government, and others from the different counties. From the County of Louisa, we met James M. Clark, member of the Legislative Council, William L. Toole, member of the House, Daniel Brewer, one of the Clerks, and Samuel M.

Kirkpatrick, an intelligent "high private." We were several times in Judge Charles Mason's court, and in each branch of the legislative department, and of course paid our respects to the executive department, at the head of which was Governor Robert Lucas.

The first legislative assembly of Iowa was a fine looking body of men. They would compare favorably with any legislative assembly Iowa has since had. Gen. Jesse Brown, of the County of Lee, tall—six feet six—dignified, graceful and courteous, was President of the Council. Colonel William H. Wallace, of Henry County, was Speaker of the House; impressive in person, manner and voice, he was a model presiding officer. When I first entered the House, James W. Grimes, one of the members from Des Moines County, had the floor addressing the House on some question of interest. Though probably the youngest member, he was listened to with marked attention, giving promise then of the eminence as a lawyer and statesman which awaited him later.

In December, 1838, Burlington had a population of some 400 or 500 (Chicago at that time had about 5,000—St. Louis 12,000); only two brick buildings were then to be seen in the town, one a small one-story building built by David Rorer for his law office, the other a two-story structure on Front Street occupied by Bridgman & Partridge, the principal merchants at that time.

As a result of the information we gathered in a week's sojourn in Burlington, we concluded to locate in Louisa County; so in the afternoon of Saturday, the 27th day of December, we left Burlington for Wapello, kindly escorted by Mr. Kirkpatrick, who was on horseback, while Hr. Thomas and I for private reasons took it afoot. That evening we made Burkhardt's Point, about twelve miles from Burlington, where we slept soundly in one of the rooms of a double log cabin, so well ventilated that we could see the stars, as we lay in the bed, through the unplastered or unmudded spaces between the logs. In the afternoon of the next day, Sunday, we reached Wapello and met a settlers' welcome. But few families were then there, and some three or four unfinished frame houses. Wapello at that time consisted of three towns, on paper at least, named Upper, Middle, and Lower Wapello. The location of the county seat in March, 1839, and the subsequent entry of the S. E. quarter of Section 27 by the county as the site of the county seat, had the effect of consolidating the three embryo towns into one. There were several other towns laid out in the county with more or less hopeful future prospects. The county had a population of about 1,200.

Our early courts in the county were held in log cabins. The sessions of the grand jury were held at first in an adjacent ravine. Mr. Thomas and I were the first resident lawyers in the county. At our first term of court, held in 1839, we were engaged in some forty cases. Of lawyers from other counties attending our early court, I recall the names of Alfred Rich, Hugh T. Reid and Philip Viele, of Lee, David Rorer, M. D. Browning, W. W. Chapman, James W. Woods, James W. Grimes, and Henry Starr, of Des Moines, Stephen Whicher, Ralph P. Lowe, William G. Woodward and Jacob Butler, of Muscatine—all able lawyers and prominent men. One would have to go far indeed to find an abler bar.

Louisa County was then in the Second Judicial District, presided over by Judge Joseph Williams, of Muscatine. He and my friend, Edward H. Thomas, were the life and center of attraction of the social circles of evenings when on court circuits, both being adepts in vocal and instrumental music. The Judge was at home on almost any instrument, banjo, drum, fife, as well as on instruments of a higher grade. Mr. Thomas' speciality, though he was good on other instruments, was the flute, on which he had few equals anywhere. The Judge's gift as a comedian would keep a crowd in a roar—as a ventriloquist he would sometimes "astonish the natives." He was withal a consistent member of the Methodist Church, and a warm friend of temperance. His kindness and respect shown to the younger members of the bar of his court were notable and appreciated.

Perhaps I may allude to a catastrophe that befell a party of bachelors at Wapello in 1839 at their first and last experience at bach-keeping. In the spring of that year the party, consisting of John W. Brookbank, a talented young doctor

from the Hoosier State, Edward H. Thomas and I, in order to improve, if might be, our board accommodations, undertook a bach-keeping experiment. Our house was a log cabin of the reguar pattern, with a large fireplace in one end opening into a chimney of like dimensions constructed of sticks and clay or mud, the sticks laid crosswise, a bar of iron for a crane, with hooks for suspending our pots and kettles. Our pantry and larder being furnished as well as might be, we launched our bachelor craft, and sailed along quite independent and happy in our success, until a melancholy day in November, "the saddest of the year," overtook us with a violent rain storm; the wind blew and the rain poured all night. In the morning the storm still continuing, we had got our breakfast on to cook, when all of a sudden down came our chimney, pots, kettles, breakfast and all into one common ruin; and thus ended our bachelor experience.

In the Legislative Council District composed of the counties of Louisa and Washington and the country west, at a mass meeting of Whigs held at Wapello in the summer of 1840, I was nominated as a candidate without opposition and at the election chosen. The seat of government having been transferred to Iowa City, the Fourth Legislative Assembly convened there, December 2, 1841. At the general election of 1842, I was re-elected from the same district a member of the Fifth and Sixth Legislative Assemblies, in both of which I served. The Sixth adjourned February 16, 1844. Governor John Chambers, of Kentucky, had been appointed by General Harrison in 1841. Our social and official relations during his term of service were pleasant and agreeable to me. I was shown by him much personal consideration. As an instance, I may state that during a session of the Legislative Council in February, 1844, I had recommended my friend Thomas for appointment to the office of District Attorney for the middle judicial district of the Territory. William G. Woodward, of Muscatine, was an applicant for the appointment, strongly endorsed and highly thought of by the Governor and by all who knew him. Another office to be filled by the appointment was that of commissioner to superintend the erection of the new Capitol. The name of my father-in-law, Judge Colman, among others, had been spoken of for the place. I had not recommended him. At a morning session of the Council one day, without a previous word to me, Governor Chambers came into the council chamber, and coming to my seat laid on my desk a paper containing the appointment of both, as a compliment to me, which I of course greatly appreciated.

The first state election was held October 26, 1846, at which I was elected a member of the Senate of the First General Assembly of the State, for a term of two or four years as the drawing in the classification of members at the beginning of the session should determine. I drew the term for four years. The first session convened at Iowa City, November 30, 1846, adjourned February 25, 1847, convened again in extra session January 3, 1848, and adjourned the 25th of the same month. The Second General Assembly convened December 4, 1848, and adjourned January 15, 1849. No other extra session was held in the remainder of my term of service.

In the summer of 1849, and again in that of 1850, I was appointed special agent of the Post Office Department, charged with the duty of visiting the post offices of Wisconsin, collecting the government money in those offices and transferring it to St. Louis, which occupied me several weeks in each of those years.

In May, 1851, I was appointed by President Fillmore Register of the United States Land Office at Fairfield, Iowa, and served until May, 1853, after which in November following I removed with my family back to Wapello, remaining in Wapello a year or two. I thence removed to Columbus City township for the two-fold purpose of improving my health (which had become somewhat impaired by confinement to official duty) by more outdoor exercise, and of indulging a partiality I had for farming by opening farms on some lands I owned near the town of Columbus City.

In 1854 I was elected to the office of Prosecuting Attorney for the county, and on the death of Wright Williams become ex-officio County Judge, to which office I was elected in 1855. In 1856 I was appointed one of the delegates of Iowa to the first National Convention of the Republican party held at Philadelphia, in June of that year. That Convention was a notable gathering of earnest, patriotic men. The keynote of the Convention was struck by Henry S. Lane in a specimen of

western eloquence with which on taking the chair he electrified and thrilled it. General Fitz Henry Warren was a member, and of course chairman of our delegation. I was one of the vice presidents. An event connected with the Convention of, as I think, great significance to the country, though but little perhaps thought of and less spoken of since, occurred in its proceedings. The nomination of Freement was a foregone conclusion. But who was to be the candidate for Vice President? The Illinois delegation, headed by Washburne, of Galena, proposed and earnestly advocated the name of Abraham Lincoln. How fortunate for the country that the friends of Mr. Lincoln failed to nominate him for second place on a ticket destined to defeat, the effect of which might not have been afterwards overcome.

Curiously enough an episode at the hotel where we stopped occurred personal to Henry Wilson and me. When we were introduced and he had learned my name, "Are you," he asked, "the Francis Springer who once taught a school in the town of Farmington, New Hampshire, which I attended as a pupil about the year 1831?" "Yes," I said, "and I have some recollection of a pupil by your name."

In the autumn of the same year, at a general rally of the Republicans of the county near Columbus City, I was proposed as a candidate to represent the county in the Constitutional Convention to be held at Iowa City in January, 1857, and was elected at the November election, 1856. The Convention, composed of thirty-six members, convened at Iowa City January 25th, and adjourned March 5, 1857. The caucus of Republican members for nominating officers was held the night preceding the day of meeting of the Convention. Circumstances made me late in reaching the city, as I think, not until after the caucus had been held. I do not know that I knew of its action until the next morning, when I was informed of my nomination for President of the Convention. It was a position unsought and unsolicited by me. My impression is that the vote of the caucus was a unit in favor of my nomination, no other member having been proposed. The election of the nominees for the several official positions occurred on the second day, the Republican members voting for me, the Democratic for Judge J. C. Hall.

In 1858, I was elected to the office of Judge of the District Court of the First Judicial District for a term of four years, and took my seat on the bench at Burlington at the January term, 1859. To this office I was re-elected in 1862, and again in 1866, and served in it until November, 1869, when I resigned to take the office of collector of internal revenue for the first collection district of Iowa, made vacant by the resignation of General Belknap to become Secretary of War in President Grant's Cabinet. In this office I served until the autumn of 1876, when I was most willingly relegated to the rank of "high private."

In December, 1842, I was married to Miss Nancy R. Colman, daughter of Hon. John M. Colman, of Iowa City, a native of Kentucky, her mother a native of Ireland. She was born at Terre Haute, Indiana, January 8, 1825, and died of pneumonia at Cimarron, New Mexico, November 12, 1874, while on a visit to her son Frank. By our union eight children were born, six sons and two daughters. Two of the sons first born died in infancy, and a little daughter at the age of two years. The fourth son, Warren C. Springer, was drowned in the Iowa river, March 28, 1872, at the age of nineteen. Of the remaining children, Frank and Charles are lawyers residing in New Mexico; Arthur is a lawyer at Fort Worth, Texas; and the daughter, Nellie, is the wife of Hilton M. Letts, and resides at the family homestead near Columbus Junction, Iowa.

Before the receipt of the foregoing autobiographical matter, desiring to obtain from Judge Springer some data for the present work, I wrote to him for that purpose and from him received the following response:

Columbus Junction, Iowa, July 2, 1885.

Hon. Edward H. Stiles, Ottumwa, Iowa.

My dear Sir: Thanks for a copy of the circular with your note on the back of it. I beg to send you herewith for "what they are worth" some notes for a response to a sentiment concerning the early bar of this county, from which you possibly may glean an item for your book. I send you also a copy of the State

Register, Des Moines. On the first page are some pleasant (to my friends) words said of me on the occasion of the reunion, at that city, of the surviving members of the Constitutional Convention of 1857, in January, 1882. On the third page is a brief biographical sketch of several members including me. At your convenience, when through with the use of them, I would like to have them returned, the paper and the notes.

With true regard and wishing you the abundant success which I doubt not you will deserve and have, I am,

Very truly yours,

Francis Springer.

P. S. The address of Edward H. Thomas is 145 Danforth Street, Portland, Maine. He has had the misfortune to be blind for some years past. He has a good memory, and if applied to, I dare say, could give you some perhaps interesting reminiscences of early times. I expect to visit him in a few weeks, but too late for your purpose. A copy of your circular with a brief note would do as well.

The following is a condensation of the manuscript referred to in his letter:

The resident members of the pioneer bar of this county were not many, and so, I take it, the words "pioneer members of the bar of Louisa County" may be allowed to include members of the bar not residents of the county but who were in the habit of practicing in our courts.

The courts of Iowa had been established when I came to the country in 1838. Besides justices of the peace and probate courts, our judiciary was limited to three Judges, each assigned to a district composed of about one-third of the Territory, and the three composing the Supreme Court. As the country was sparsely populated in those days, members of the bar traveled the circuit more than now, going round with the Judges and practicing in the different counties.

Of those practicing in the courts of this county and not residing in it, the names of Hastings, Woodward, Whicher, Lowe and Burler, of Muscatine; Grimes, the two Starrs, Rorer, Browning, Chapman and Woods, of Burlington, occur to me; and less frequently attending our courts, were Carleton and Bates, of Iowa City; Learned, Mills and Hall, of Burlington; and Viele, Reid and Rich, of Fort Madison. These were all men of note and some of them of much distinction.

(Here follow brief notices of the men just referred to, but inasmuch as sketches of most of them will be found elsewhere in this volume, the notices referred to are omitted:)

Of the pioneer resident members of the bar of this county, Edward H. Thomas and I may be said to have been the first settlers. Mr. Thomas and I came here in December, 1838, as stated. After a residence and practice of some twelve years here, Mr. Thomas was attracted to Burlington, where he engaged in the business of banking, as a member of the banking house of Green, Thomas & Co. Though he had no great taste for the law, he yet succeeded well in his practice here. Generous, genial, full of kindness and charity towards everybody, I may say that few of his contemporaries knew him but to love him, or will now hear his name mentioned without a desire to praise it. He had considerable taste for literature, and was no mean poet, upon occasion.

The next accession to the resident bar, I believe, were our well-known fellow citizens, John Bird and B. F. Wright—not so well known here now—Noffsinger, Amos Harris, and later our distinguished friend, D. N. Sprague. Harris did not stay long, but he has since become eminent as a lawyer and prominent citizen in the County of Appanoose. He was a member from that county of the Constitutional Convention of 1857. As a whole the pioneer bar of our county was a pleasant one, possessing much of the true esprit de corps, harmonious, high-minded, honorable in its relations with each other and with the court, true to its obligations to clients, and yet loyal and true also to the principles of justice and right, "ever ready to

defend the poor or oppressed, and always awake to the public interest." In the courts of this county, I do not remember an instance of personal quarrel or altercation among members of the bar.

Although Judge Springer had not received a classical or collegiate education, it is quite apparent from references in some of his writings, that he had decided literary inclinations and that he had read extensively.

Of John Bird, mentioned by Judge Springer, "Old Timber," James W. Woods, says:

I think he came from Ohio. He was a fair lawyer who made up for brilliancy by hard study and close application. His education had been only ordinary, but people reposed great confidence in his honesty and his opinions were much sought after. He was at one time a partner of Francis Springer. He represented his district in the legislature and beat his opponent Fitz Henry Warren as the floating representative from Louisa and Des Moines counties.

Judge Springer's son, Frank, became a distinguished lawyer at Las Vegas, New Mexico. He was the legal representative of the Maxwell Land Grant Company, and afterward for many years of the Atchison, Topeka & Santa Fe Railroad Company, in New Mexico. His son, Charles, also became a lawyer of note there, and his son, Arthur, at Fort Worth, Texas.

James S. Hurley, John Hale, Lewis A. Reiley, D. N. Sprague.

James S. Hurley, I knew well. It was my good fortune to serve with him in the Eleventh General Assembly. He was a sound lawyer, an able legislator, and in all respects, a clean and conscientious man. He was a native of Champaign County, Ohio, where he was born in 1829. He was of Quaker origin and exhibited in his personality and manners marked traits of that lovely sect. He came with his father and family to Louisa County when he was eleven years of age. He received an Academic education, read law with prominent early lawyers, supplemented his legal studies at a law school, and was admitted to the Bar and entered upon the practice at Wapello in 1854. The following year he was elected Prosecuting Attorney of Louisa County, and at the end of that term was re-elected for another. In 1861 he was elected to the State Senate, where he served for four years in the Tenth and Eleventh General Assemblies. He served on important committees and was conspicuous for his useful services. He was Chairman of the Committee on the State Library and had charge of the bill which placed it on a progressive and enduring basis. He took an interest in agriculture and in the breeding of fine cattle. In 1866 he was elected President of the Agriculture Society of his County, and by his wise administration, contributed largely to its success. He took a prominent part in organizing the railroad from Burlington to Cedar Rapids to connect with the road running north from the latter place. He drew the articles of incorporation, became a director of the Company and a member of the Executive Committee, in which capacities he served until the completion of the road.

In 1869 he was again elected to the State Senate and served in the Thirteenth and Fourteenth General Assemblies. That his legal abilities were considered of a high order was shown by his appointment as Chairman of the Judiciary Committee. He introduced the bill which became a law regulating the taxation of railroad property. In his eight years of service in the Senate, he contributed largely in shaping the legislation of the State and the future of her institutions.

Mr. Hurley died in the prime of life, in 1884. He had attained a high standing at the bar and became favorably known to the lawyers throughout the State. He and John Hale were for a number of years partners, built up a large practice and the firm was considered one of the strongest in the district.

John Hale, who has been referred to as a partner of Mr. Hurley, was a native of Greene County, Ohio. He came with his father's family when a lad, to Louisa County, in 1839. His education was not liberal, but by reading and observation, he greatly made up for what he lacked in that direction. While a young man, he was elected Clerk of the District Court, and was re-elected several times to the same office. This delayed his entering upon the practice of his profession until comparatively late in life, but he soon attained the rank of being one of the best lawyers in the County. He is said to have had a large amount of common sense and a naturally legal mind. His long experience as Clerk of the Court was advantageous, he had formed a wide acquaintance with the people, and they had perfect confidence in both his ability and integrity.

Lewis A. Reiley became a member of the Louisa County Bar and entered upon the practice at Wapello about 1870. He had received a liberal education in eastern institutions. He was a graduate of Troy College, New York, and afterward pursued a classical course of two years at Knox College. Before his admission to the bar, he had been a teacher, and was for two years County Superintendent of schools. He gained the reputation of being a good lawyer and built up a respectable practice. He was a man of varied accomplishments and learning.

Damon N. Sprague, I knew personally. He was a most agreeable gentleman. He was very companionable and very pleasing. He was, in fact, a general favorite among his acquaintances. He was also a lawyer of high repute in that part of the State. He died in 1902. He had been a widely practicing lawyer in southeastern Iowa for forty-five years. He represented Des Moines and Louisa County in the Seventh General Assembly. In 1870 he was elected District Attorney of the Burlington District and ably served in that capacity for four years. He removed from Wapello to Burlington, but at what date, I am unable to say. He was born at Cooperstown, New York, in 1832, and died at Richland Springs in that State. His remains were brought to Wapello for interment.

CHAPTER XV.

WASHINGTON.

Norman Everson, Samuel A. Russell, Hiram Scofield, John F. McJunkin, G. G. Bennett, A. R. Dewey.

Norman Everson was the first lawyer who achieved eminence in Washington County, and I think the first that located there. He came there early in the territorial period, in 1841, and entered upon the practice of his profession. I became acquainted with him in the latter fifties. He was well known as an "old-timer" and a safe and efficient lawyer. He was born in Oneida County, New York, in 1815, and died at his home in Washington, Iowa, in 1896, at the age of eighty-one. On the occasion of his death the Washington Press devoted a considerable space in summing up his career, to which I am greatly indebted for some of the data contained in this sketch.

With his father's consent, at the age of fourteen he started out to make his way in the world. He was a lad of high aspirations and great industry. As a result, he succeeded in entering Hamilton College, New York, whence he was graduated in 1837. He subsequently went to Kentucky, where he taught school for a time and until he came to Washington as before stated, and where he resided until his death. He was not only highly successful as a lawyer, but as a business man. He acquired a handsome fortune through honest, persistent effort, and became one of the leading men of the Territory and State. He filled all sorts of positions because people trusted him. In 1850, 1851, 1852 and 1853 he was elected to the State Senate as a Whig. His district embraced the Counties of Louisa and Washington. This service, in which he played a conspicuous part, made him well known to the people of the State. Time and again he was Alderman and Mayor, an early Postmaster, carrying the mail in his capacious hat—a habit he kept up ever afterwards—letters, papers, notes, bills, law papers, and all that queer miscellany went into his hat. He seemed to distrust pockets. It was the queerest mail delivery! The 'Squire would slowly walk around the park with a bushel of mail—more or less, in his hat, unloading at each door, and sometimes a girl or youth would meet him and ask if there was a letter for her or him—love letters, of course—and he'd salaam to uncover without spilling, and fish out the missive with a comical grimace,

and go his way, a sort of combination of Uncle Sam and Santa Claus. In his later years he'd laugh and chuckle as memories of that amusing service came back to him. He was a genuine man, hating injustice and shams and cruelty, indignant of wrong, disloyalty and treason.

In his old age he was highly reminiscent, and loved to dwell upon the occurrences of the past. In 1878 he made a tour of Europe, which furnished numerous sources of great interest to him. He was one of the most useful men of the early period in the shaping of its laws and institutions.

Samuel A. Russell, or as he was familiarly known, "Sam" Russell, was a figure that no one who ever knew him well will forget. I first met him when we were fellow members of the House of the Tenth General Assembly, which convened at Des Moines, in January, 1864. We had been elected to that body in the fall of 1863. He was the most eccentric, and at the same time, the most gifted in some respects of any member of the House. He was then getting along in years, but his mind had lost none of its sprightliness. He was seldom heard, but when these occasions did occur and we saw arise from his chair that somewhat weather-beaten and homely dressed form, we knew that something worth listening to was coming and that "fur would fly." With his head set off with some thin locks of sandy hair that seemed to have faded rather than grayed from its original color, his face still retaining a little vestige of its youthful floridity; his eyes near-sighted, but which, when aroused, seemed to pierce the very spectacles which shaded them, he was the personification of a satirist of the most merciless order. He could take the skin off and hang it up to dry in a manner that would have made most artists of that kind envious of his skill. And he did it so exquisitely that the victim felt worse after the operation that he did during its process. Not with a meat axe and coarse words did he do it, but with a scimitar, and in language enriched with learning and graced with a polished oratory. I have often wondered how it was that he was content to hide his light under a bushel at the obscure little village of Crawfordsville, where he then lived.

He was a Marylander by birth and was born in Baltimore in 1816. When a young man he removed to Ohio, read law with the celebrated Edwin M. Stanton, was admitted to the bar and commenced practice in Ohio. He was a Whig in politics and in 1846 was elected to the Ohio Legislature. At the end of the term he was re-elected for another, and at the end of that he came West and settled in Washington County, Iowa, in 1850. His brilliant parts, his strong individuality, his decided talents and his conspicuous ability as a lawyer soon brought him into public favor. He established a good practice, and in 1853 was elected to the House of the Fifth General Assembly, which convened at Iowa City on December 4, 1854. In the Buchanan-Fremont presidential campaign of 1856, he was chosen one of the presidential electors of the Republican Party. On the outbreak of the

Rebellion he entered the service as captain of a company in the Twenty-fifth Iowa Infantry. He was subsequently compelled to resign on account of failing eyesight. Soon after returning from the War he was elected to the House of the Tenth General Assembly, in 1863, where I first met him, as before stated. He died at the home of his son in Nebraska, in the fall of 1893. In noticing this event, the "Washington Press" said of him:

Though a man of most violent passions, irascible, abrupt, severe, he yet had a kind heart and lots of good streaks and traits. He was loyal to his friends, a good lover and an equally good hater. One has to pity with a sore heart the sad life of the lonely old man. In his prime, he was a holy terror in debate. His wit had rattlesnake fangs, and when he struck an adversary in discussion, not even whisky could save him from the effects of Russell's awful bite.

Hiram Schofield was eminent both as a lawyer and a soldier. He was of English and New England ancestry. His first ancestor in this country settled in Stamford, Connecticut, in 1730. From this ancestor sprang General J. M. Schofield and Hiram Schofield.

Hiram Schofield was dowered with the blood of the Revolution. His grandfather, Neazer Schofield, was a soldier of extensive service in the Revolutionary Army and his name appears upon the pension roles of the government. After our independence was obtained he removed with his family, including his son, William Schofield, the father of Hiram, from Stamford, Connecticut, to Saratoga County, New York. Here Hiram was born in 1830. He was highly educated and graduated from Union College, Schenectady, with honors, in 1853. He subsequently taught school for two or three years at Little Rock, Arkansas, studying law in the meantime under the well-known Albert Pike, after which he entered the Albany, New York, Law School, from which he was graduated in 1856. In 1857 he removed to Washington, Iowa, and soon acquired an excellent practice, and when the Civil War commenced, had become distinguished as one of the ablest lawyers in that part of the State. His professional course had thus been cut short by his enlistment as a soldier in the second regiment of Iowa Infantry which was mustered into the service of the Union in May, 1861. After serving a month as a private, he was promoted to the rank of Second Lieutenant, and soon after that to First Lieutenant of his company. At the bloody battle of Ft. Donelson he commanded his company and was commended for his gallant conduct by Colonel, afterward General J. M. Tuttle, who was in command of the regiment. In a short time after this battle he was promoted to the rank of Assistant Adjutant-General on the staff of General Lauman. He participated in many engagements, including the battle of Ft. Donelson already mentioned, that of Shiloh where he was severely wounded, the siege of Corinth, and the battle of the Hatchie. For his conspicuous gallantry in this engagement he received the commendation of the Commanding General. He was then promoted to the colonelency of the Eighth Louisiana Colored Infantry and subsequently commanded a brigade of colored troops in the siege of Blakesley

and in the attack and capture of Mobile, where he and his brigade were conspicuous for their bravery. He was subsequently breveted Brigadier-General. He served with distinction until the very end of the War.

Returning from the army, he resumed the practice at Washington in connection with his brother, William Schofield, who was also one of the early and able lawyers of Washington County. Their names frequently appear in connection with cases contained in the Reports of the Supreme Court of that period.

Mr. Schofield was originally a Democrat, but on the outbreak of the Rebellion, allied himself with the Republican Party, though he favored the election of Horace Greeley in the presidential campaign of 1872. In 1868 he was a presidential elector on the Republican ticket and voted for General Grant. He was not what might be called an active politician, and in the latter part of his life his political garments hung loosely upon his shoulders. He had a decided literary taste, was a wide reader, a collector of old and curious books and had one of the best private libraries in the State. He died at Seattle, Washington, in 1906.

John F. McJunkin was stricken with death in the prime of life, and in the midst of a useful career. He had attained prominence as a lawyer and noted man throughout the State. His death occurred near the close of his second term as Attorney-General of the State. I became acquainted with him when we were both young men, in January, 1864, while we were members of the Tenth General Assembly—he of the Senate, and I of the House. We again met as fellow members of the Senate in January, 1866. We became intimately acquainted, and for him I cherished a great respect and affection. While in the Senate of the Tenth General Assembly, he prepared and was the author of the joint resolution, adopted by both Houses, instructing our senators and representatives in Congress to report an amendment to the Federal Constitution for the complete abolition of slavery. It was the first action taken by any state in that behalf.

In 1876 he was elected Attorney-General of the State, and at the end of that term was re-elected for another. He served through both periods with marked ability and general satisfaction. He gained a high reputation in that office as a sound lawyer and prudent adviser. It was a source of long sustained sorrow that his earthly career was brought so soon to an end. He was far from being rugged physically, and the arduous duties of his office, combined with his other professional labors, completely wore him out. He died in the hard-worked harness. Nothing will better exemplify this than the following remarks of Smith McPherson, who succeeded him as Attorney-General:*

When his term of office here expired and my own began, I went to his office to receive from him certain effects. But he was not there. I found him in an armchair

* Memorial Proceedings in the Supreme Court of Iowa, on the death of Attorney-General McJunkin.

at his home physically unable to support himself, and as it seemed to me already with more than one foot in the grave. But he did not complain. He was cheerful, smiling, and as courageous and possessed of as much will power as any member of the bar now within my hearing. In that interview, lasting several hours, he gave me much information as to the details of the office and much advice as to the important trusts committed to my care. I will do well to heed and follow that advice.

Upon the occasion of his death feeling memorial proceedings were held not only by the Washington County Bar, but by that of Polk County. The latter presented appropriate resolutions to the court, which were seconded by Ex-Attorney-General Nourse, with a tribute from him and other lawyers. The following excerpt from the remarks of Chief Justice James G. Day, in response indicates the high esteem in which Mr. McJunkin was held:

The court heartily concurs in the sentiments so feelingly expressed respecting our departed brother. For four years Mr. McJunkin was associated with us in the estimable relation of Attorney-General. During that time we learned to admire him for his qualities of mind and heart. He was during all that time a great invalid, and at many times a great sufferer. We never parted with him at the close of a term of court without grave apprehensions that we might never meet him again. And yet, notwithstanding his infirmities he discharged the duties of his position with an ability and a fidelity that never gave us occasion for complaint. He was a lawyer of ability and an advocate of rare power. In his forensic efforts he employed the closed fist of logic, rather than the open palm of rhetoric, and he plied his arguments in a manner that never failed to instruct.

He was born in Washington County, Pennsylvania, in 1820, and received there his education. He was admitted to the Pennsylvania Bar in 1858, and the following year came West, locating at Washington, Washington County, Iowa, where he immediately entered upon the practice, and as has been indicated, pursued it with marked success. He was a Republican in politics, and as such elected to the offices before referred to. I have several letters I received from him in the course of our friendly correspondence, but none the publication of which would add any particular interest to this sketch.

Granville G. Bennett was one of the brilliant young lawyers of Washington County, and of the State, when I became acquainted with him. It was while we were members of the Eleventh General Assembly. As I recollect him then, he was a tall, well and strongly proportioned young man with large, black eyes, abundance of hair of the same color adorning a well-shaped head and expressive countenance. He was active in movements and execution and was an influential member of the legislature. After the expiration of his term in the House of the Eleventh General Assembly, he was in the fall of 1867, elected to the State Senate from Washington County, and served in the Thirteenth and Fourteenth General Assemblies. He was subsequently appointed United States Judge of Dakota Territory, and after the close of that service, was elected a delegate from that Territory to Congress. After this he practiced with eminent success in Deadwood, South Dakota. As already indicated, he was a man of talents, and had already made an excellent mark in his

profession when he left Iowa. Of his career in Dakota subsequent to that above referred to, I have no information.

Judge Almon R. Dewey was a native of Ohio, and a graduate of Hiram College in that State. He came to Washington, Iowa, in the latter sixties. He had been a soldier in the Civil War, serving in the 103d and later in the 150th Regiment of Ohio Infantry.

I became acquainted with him when we were both comparatively young men, though I had not seen him for a good many years before his death. I recollect him as a man of sprightly intellect and quick perception. He had the elements of good fellowship, was bright, vivacious, full of life, and very companionable—traits that bring friends and patronage. He may have changed in his advanced years, but I should judge not.

His attractive qualities gave him a wide range of acquaintance. His legal attainments, skill and resourcefulness, coupled with perfect integrity, had drawn to him a respectable clientage before I left the State, and after I left he was, in 1890, elected Judge of the District Court, and was twice re-elected to that position, serving in all twelve consecutive years on the bench. He is said to have made an excellent judge, and his repeated elevations to that position sufficiently evince the approbation of both the people and the bar. On leaving the bench he resumed the practice, in which he continued until his death, which occurred at his home in Washington, in 1905. His combined professional and judicial service covered a period of thirty-six years.

CHAPTER XVI.

ALBIA.

*Daniel Anderson, Judge John S. Townsend, Theodore B. Perry, Josiah T. Young,
Lafayette Young, John W. H. Griffin, William A. Allison, William P.
Hammond, George Yocum, B. F. Yocum, James Coen.*

Daniel Anderson was the first lawyer of distinction in Monroe County. He was born in Monroe County, Indiana, in 1821. His ancestors were of Scottish extraction. He carried the blood of the Revolution in his veins. His grandfather, George Anderson, was a soldier under General Washington. He was reared on the farm of his father in Indiana, received his education in the common schools and a course at Bloomington College in that State. Judge George G. Wright and Senator James Harlan were students there at that time and with them he formed a life-long friendship. Encouraged by the eminent lawyer, Richard Thompson, of Indiana, he commenced the study of law in 1846, was admitted to the bar of Indiana in 1847, came to Keokuk the following year, and in the spring of 1849 located permanently at Albia, in Monroe County. His county and mine were adjacent, in the same judicial district, and for thirty years we were associated as members of its bar. I knew him intimately and respected him greatly. He frequently attended our court at Ottumwa, and I his, at Albia. My last professional association with him was in the trial of Pleasant Anderson for the murder of Chris McAllister. The murder was committed near Blakesburg, in Wapello County, but the trial took place at Oskaloosa, in December, 1885, the venue having been changed to Mahaska County. I was employed by our county to assist the District Attorney, John A. Donnell, in the prosecution. Col. Dan Anderson, as he was familiarly known, for he had well earned that title, Judge H. B. Hendershott and John F. Lacey were for the defendant. It was a mysterious case and attracted wide public attention. Judge J. Kelly Johnson presided. The trial lasted for more than a week—adjourning one day for Christmas—with night sessions, and was very wearing upon all the counsel, each one of whom took an active part in it. Colonel Anderson made

the opening argument for the defense, the character of which is indicated in the telegram to the "State Register," contained in the attached foot note.*

He early identified himself with the Whig Party. He was one of the organizers of the Republican Party and a delegate to its first State Convention, and by that Convention, was selected as one of the delegates to the first Republican National Convention, which met at Philadelphia, in 1856. In 1854 he was the nominee of the Whig Party and was elected State Senator for the Counties of Monroe, Lucas and Clarke, and served in the regular session of the Fifth General Assembly, which convened at Iowa City in December, 1854, and in the extra session which convened in July, 1856. In the fall of 1856 he was re-elected to the State Senate, representing the same counties and served in the Sixth General Assembly which convened at Iowa City in December, 1856. In the fall of 1857 he was again re-elected for the same counties and served in the Seventh General Assembly, which convened for the first time at Des Moines, in January, 1858, and also in the regular session of the Eighth General Assembly which convened at Des Moines in January, 1860, and in the extra session of May, 1861. The Civil War had commenced, and returning to his home at the close of this special session, he immediately commenced raising a company of cavalry, of which he was elected captain, and it became Company "H" of the First Iowa Cavalry, commanded by the gifted General Fitz Henry Warren. In July, 1862, he was promoted to Major of the Third Battalion of his Regiment; in the following August he was made its Lieutenant-Colonel, and in August of the next year, 1863, he was promoted to the colonelcy of the Regiment. At the end of his three years' term of service he resigned his commission, in 1864, and returned to his home in Albia, greatly broken in health from the hardships he had endured, and from which he never fully recovered. His valor and services as a soldier are attested by his successive promotions and by the unanimous testimony of the soldiers under his command.

During his lengthy services as a legislator he was noted for his efficiency. Col. Warren S. Dungan said of him:

Colonel Anderson took high rank in the Senate, and on account of his parliamentary skill and knowledge was frequently called to preside over that body. He was an American citizen of the truest type. He was the personification of

* Note—Special Dispatch to the State Register, Oskaloosa, December 28.—Judge Johnson charged the jury this morning in the Pleasant Anderson murder case, and the jury, after being out seven hours, returned a verdict of "not guilty." Anderson was freed to go to the bedside of a sister now dying in this city. Hon. E. H. Stiles made the closing argument for the State, and he is given the credit of making the ablest argument ever delivered here. District Attorney Donnell and Major Lacey of the defense, also made efforts that won many compliments. The quiet presentation of the case by Colonel Daniel Anderson, of Albia, is voted one of the most convincing and one of the best in many ways. Fourteen days and nights were consumed in the trial, and nearly two hundred witnesses were examined. Judge Johnson won fresh laurels in the conduct of the case, and the charge is deemed markedly able. The verdict meets with popular approval.

honesty and integrity throughout his entire life. He had no sordid ambition to accumulate wealth, and was as ready to spend his money for the good of his family, his friends, and his fellow-men as he was to earn it. He stood high in his profession and was universally esteemed by his fellow members of the bar.

To these testimonials of his character I can heartily add my own. He was a very pleasant man to be with; his simplicity and generous traits were conspicuous throughout his life. He had a good clientage, but caring nothing for money save to minister to the comfort of others, he accumulated but little and died comparatively poor at his home in Albia in the eightieth year of his age, in 1901.

I have omitted to mention that in the second election of President Lincoln, in 1864, he was one of the presidential electors on the Republican ticket; in 1867 he was appointed Register in Bankruptcy and filled this position until the Bankrupt Law was repealed.

He was a good specimen of the old-time gentleman; resolute, sometimes arbitrary, in character; dignified in manners, but simple and unaffected in his intercourse with his fellow men; in figure, very tall and erect.

For a period he was associated with a young lawyer, D. W. O'Bryan, who was killed many years ago in a runaway accident. Though our acquaintance had been short, I was attracted to O'Bryan by his engaging manners, his brilliant temperament and the great promise, as it seemed to me, that he gave of becoming a notable man. Colonel Anderson took great interest in him and appeared to think as much of him as he did of his own sons. After the death of Mr. O'Bryan, Colonel Anderson took into partnership with him his son, D. M. Anderson, who became a lawyer of note, and is now the able Judge of the District Court of that district.

Judge John S. Townsend came to the bench of the Second Judicial District in 1858 or 1859, succeeding Judge Henry B. Hendershott. He had been on the bench immediately previous to that since 1853 in a district differently composed. The constitution of 1857 made a change, and Monroe County became a part of the Second Judicial District. Judge Hendershott was the regular Democratic candidate for re-election. Samuel W. Summers was the Republican candidate. Through some arrangement, Summers withdrew and Townsend was induced to become an Independent candidate and was elected after a heated and somewhat bitter contest. Judge Hendershott, by his uniform amiable bearing, and especially by his helpful kindness to young men, had greatly endeared himself to them, and the means through which he had been defeated as the regular candidate, had a strong tendency to prejudice them against his successor. But this wore away, and in time we became perfectly reconciled to Judge Townsend. He served the full term of four years, making his entire judicial service in both districts, ten years.

While, as already indicated, he was without that outward kindness, and that felicity of speech and action that characterized Judge Hendershott, he made a good

judge, for he had been a hard-working student, was a well-grounded lawyer, and his character was above reproach. A long acquaintance convinced me, that at heart he was a very kindly man, and such he had the credit of being by those who knew him intimately. His old townsman, Josiah T. Young, once Secretary of State, writes that "he made no display of his good actions, and that in giving to the poor and needy, his liberality was well marked." Another distinguished townsman, and for many years his partner, T. B. Perry, writes: "He was entirely free from hypocrisy and deception. Though unassuming and retiring in his nature, no man was more tender of heart for those in trouble or distress."

As a lawyer, his course was marked by great industry, and all his transactions were of the most systematic and methodical kind. Before he was elected judge, he was the Prosecuting Attorney of Monroe County, to which he was elected in 1851, and its representative in the House of the Fourth General Assembly, to which he was elected in 1852, and rendered services that were markedly creditable.

Upon his retirement from the bench, he formed a law partnership with T. B. Perry, which continued for many years, and until he retired from the practice along in 1883, I think. The remainder of his life was quietly spent, intermingled with travel, in enjoying the fruits of his labor.

Judge Townsend was a native of Morganfield, Kentucky, where he was born in 1824. When he was six years of age the family removed to Putnam County, Indiana, where John was reared and received his primary education, afterward entering and graduating from Asbury University. His father, James Townsend, had been a planter and slaveholder, manumitting his slaves on account of conscientious scruples before his removal to Indiana. John's brother, it is said, was Clerk of the Courts in Putnam County, and that John, in assisting him, acquired his love for the legal profession. In 1850 he came to Iowa, stopping for a short time in Lucas County, and later in the year locating permanently at Albia. His subsequent rise in the profession has already been noted. His name became widely known.

His first wife, Mary Brooks, died in 1852, leaving one son, Rufus B. Townsend, who became a lawyer and was one term District Attorney. He died in the year 1900 in Arkansas. For his second wife, Judge Townsend married Annie Catherine Elbert, a daughter of Dr. John D. Elbert, an early settler and well-known man of Van Buren County. Judge Townsend died at Albia in 1892, leaving beside the son already mentioned, Judge James Elbert Townsend, of El Paso, Texas, Dr. Wilber Townsend, of Los Angeles, California, and Fred Townsend, a lawyer and public man of note in Monroe County.

Theodore B. Perry was a young lawyer of the Albia Bar when I came to Ottumwa in 1856. He studied law with Judge John S. Townsend, was admitted to the bar in 1854, and the same year elected Prosecuting Attorney for Monroe

County. Our counties adjoined, and we frequently met in their courts and elsewhere through the period of thirty years and until my removal to Kansas City. I knew him well. He was strongly marked. He possessed stubborn characteristics, great forcefulness and tenacity of purpose, quick perception, a practical mind, self-confidence, and courage to the point of audacity. These qualities combining with a good legal groundwork, brought him rapidly to the front and early gave him rank as one of the best trial lawyers in the State; and this reputation he has sustained for more than half a century.

For part of this period, the law was his most absorbing pursuit, but later he devoted considerable attention to accumulating, and amassed a comfortable fortune.

Upon the retirement of Judge Townsend from the bench early in the sixties, he and T. B. Perry entered into partnership, and there was scarcely a case of great importance in Monroe County during their more than twenty years of partnership in which they were not engaged. The same may be said of Mr. Perry after the retirement of Judge Townsend, and the name of one or both will be frequently found running through the series of the Supreme Court reports of their periods.

Mr. Perry took great interest in collecting and preserving authentic material relating to the early history of the State. He was an active member of the Pioneer Law Makers' Association; prepared and read several interesting historical papers before it, and at one time was its President.

He never paid much attention to or wasted much time on politics. He could see no adequate compensation in that field. It was not, however, entirely neglected, for as we have seen, he was elected Prosecuting Attorney in 1854, and in 1858 he was elected a member of the First State Board of Education, and in 1891 to the State Senate, and served in the Twenty-Fourth and Twenty-Fifth General Assemblies with marked efficiency as the author of several important measures that passed into the laws of the State.

He took a great interest in education. He had been a teacher before he was a lawyer, and was well-fitted to be a member of the first Board of Education under the constitution of 1857. I was present at the Reunion of the Pioneer Law Makers' Association in 1898, before which he read a paper he had prepared, entitled "The Iowa Board of Education." It covered the period of his service and was historically and graphically interesting, and from it I cannot refrain from making the following extract, because of the fine light it throws upon his associates on the board, and Mr. Perry's aptness of description:

As to the membership of the first board, a large per cent were teachers, which peculiarly fitted them and qualified them as useful legislators on the subject of education and schools. Lieutenant-Governor Oran Faville was an intellectual and finely educated man, a successful teacher, a good parliamentarian, a superior presiding officer, and was highly esteemed by all. Dan Mills was the father of the Mills brothers, so well known in Des Moines as enterprising publishers and

prominent business men. D. E. Brainard was the oldest member and I the youngest. Mr. Brainard was the humorist of the body, and could tell a good story. S. F. Cooper was a useful member. He had a good education and considerable experience in teaching, and was active and efficient in all that pertained to his duties as a member of the board. T. H. Canfield was a Congregational clergyman, strong in his political convictions, but of good intentions and kind impulses. Still he was always satisfied to keep in line with his party in all its movements. F. M. Connelly was a young man who had just entered upon the practice of law. He was regarded by all as honorable and upright in every way, and one whose desire was to do right, fearlessly at all times. O. H. P. Roszelle had been a teacher and, as I now recollect, county superintendent of Buchanan County. He was an honest, earnest, unassuming man, and made a useful member. He was one of the most zealous advocates of the township system. A. B. F. Hildreth, then and still a resident of Charles City, was a thoroughbred Massachusetts Yankee and never afraid to express himself in advocacy of what he believed to be right. He was a newspaper editor, but, from his manner and conversation, I always suspected that he had had a large experience as a teacher. He was not subject to any embarrassment while occupying the floor in advocating the township system. In fact, I do not call to mind now that I ever saw him laboring under what might be called embarrassment. But he was one of the most active and useful members of the board. I. J. Mitchell, of Boone, was an excellent young man. There was no more conscientious, fair minded or worthy member of the board. He had a red head, and, when occupying the floor, seemed to be terribly in earnest and no man ever doubted his sincerity. Governor Lowe was so well known in Iowa for his high character and useful life as not to require special mention at my hands, further than to say that he gave the subject of education his heartiest support and was an ex-officio and active member of the board. George P. Kimball was a teacher and was very much in earnest in all his undertakings, which rendered him a useful member. He was a warm friend of the township system, and gave it his hearty support. In conclusion of what I have to say of my personal recollections of the membership of the board of the first session, I shall speak of Judge Mason. He was clearly the ablest member. Besides his great intellect, he had the benefit of superior opportunities and advantages over most men.

Mr. Perry was born in Cincinnati, Ohio, in 1832, where he was reared and educated. In his eighty-third year and in the full possession of his intellectual powers, he is still on deck, though leaning somewhat, like myself, on the ship's fore-castle for support.

Josiah T. Young and his brother, *Lafayette Young*, both became prominent in the State's affairs. Josiah was born in Johnson County, Indiana, in 1831, and died at Albia in 1907. Lafayette is still living. Josiah, I became early acquainted with; he was then Clerk of the District Court of Monroe County, to which he was elected in 1866, and was twice re-elected, holding that office for six years. In the fall of 1872 he was elected on the Republican ticket, Secretary of State, re-elected in 1874, and again in 1876. Before the war he had been a Democrat, and in 1860 he was instrumental in establishing the "Monroe County Sentinel," which advocated the election of Stephen A. Douglas to the Presidency.

In 1862 he became a soldier in Company "K," of the Thirty-Sixth Regiment of Iowa Infantry. His army experience was a trying one, including a number of severe battles, in the last of which, the bloody one of Mark's Mills, he was taken prisoner and endured a most loathsome and horrifying captivity for eight or nine months in a southern prison. A full account of his military experience will be found

in the United States Biographical Dictionary for Iowa, 1878. In addition to the other offices mentioned to which he was elected, was that of Representative in the House of the Twenty-Third General Assembly.

For many years he was an influential citizen of Monroe County and the State. His educational advantages had been very meagre, but by dint of his characteristic perseverance and his determination, he made amends for this deficiency and became an honor to the commonwealth. He was plain in manners and address and there was not a false fibre in his character. He was utterly devoid of hypocrisy and well verified the saying, that an honest man is the noblest work of God.

Lafayette Young was born in Monroe County in 1848. He became noted as a man of extraordinary talents. He learned the printer's trade and mastered its every detail. He engaged in newspaper work and in that field as editor and writer, attained great prominence. He was regarded as one of the most graceful and pungent writers of his time, and his editorials were frequently reproduced in other newspapers. He early went to Atlantic in Cass County, where he established a newspaper called the "Telegraph." In 1873 he was elected State Senator, representing the Counties of Adair, Cass, Adams and Union. In 1877 he was re-elected, and again in 1885, serving in all twelve years in the Senate.

In 1890 he became proprietor of the "Iowa Capital," published at Des Moines, and under his editorial management it became one of the most widely known newspapers in the country, and one of the most powerful organs of the Republican Party. He was not only an editor of ability, but an eloquent orator, and may be properly termed a highly gifted man. General W. L. Alexander told me, in a conversation I had with him the other day in reference to Lafayette Young, that he was one of the most finished and eloquent speakers he ever heard. A specimen of Mr. Young in that behalf will be found in connection with the sketch of Charles Aldrich. In 1893 he was a prominent candidate before the Republican State Convention for Governor, and from 1894 to 1900 he held the office of State Binder. During the Spanish-American War he went with our army to the field as War Correspondent, and furnished strikingly graphic reports of the military operations.

Speaking of Josiah Young as having been Clerk of the District Court of Monroe County, reminds me of John W. H. Griffin, who was his Deputy, afterward Clerk himself, and is still a fixture in that office. The following Associated Press dispatch, which I clipped from a newspaper at the time, will throw sufficient light on the subject:

Albia, June 30, 1913.—John W. H. Griffin was given a letter shower June 27th, by the members of the Monroe County bar and by his numerous friends. The occasion was the forty-fourth anniversary of his clerkship in the county clerk's office, both as county clerk and deputy. He is eighty years old and celebrated his golden wedding five years ago. He is still active and vigorous, rides a bicycle, and his mind still gives him power to take an active part in business life.

One who has served the public so long and faithfully, deserves the notice I have thus given of him.

There were two or three other early lawyers of considerable note that located in Albia, and with whom I became acquainted. They were William A. Allison, William P. Hammond, George Yocum, B. F. Yocum and James Coen, but concerning them I have no data save a little I obtained from Col. Dan Anderson some thirty-five years ago, and of which I made a memoranda at the time, and my own recollection.

Allison, Colonel Anderson informed me, came from Ohio and located in Albia soon after he did. They were both associated with Cyrus Walker in the defense of Cap Ross for killing Doctor Wright at a land sale in Ottumwa. The trial was in the old log courthouse at Albia. Allison subsequently went to Texas for his health, returning to Eddyville in Wapello County in a year or two afterward, where he died of consumption. I became acquainted with him while he was in Eddyville. He was a learned and excellent lawyer, but on account of his health, did but little practice after I knew him. Henry N. Clements, of Eddyville, studied law with him, and afterward went to California.

William P. Hammond, according to Colonel Anderson, came to Albia in 1855 or 1856. I recollect him distinctly. He was an exceedingly bright and ingenious lawyer, with black hair, fine black eyes, and a pale face upon which consumption had set its mark, and of which he died some forty years ago.

George Yocum came soon after Hammond. Both he and Hammond used frequently to attend our courts at Ottumwa. He was slight of figure, wore spectacles and looked like a young professor. He was exceedingly vivacious, made quite a lively figure in court, and had talents of no mean order. He was associated with his brother, B. F. Yocum. He moved away or died very many years ago.

James Coen came a few years later. He was crippled in his feet and legs, which made it difficult for him to get about. He was a very industrious lawyer and made his way quite successfully in the profession. He, too, died many years ago.

CHAPTER XVII.

NEWTON.

Harvey J. Skiff, Stephen N. Lindley, Horace S. Winslow, Sherman G. Smith, John C. Cook, Frank T. Campbell.

Harvey J. Skiff was one of the early lawyers of Jasper County. He was born in Alleghany County, New York, in 1821, and died at Newton, Iowa, in 1904, in the eighty-fourth year of his age. He was a member of the Constitutional Convention of 1857, and took a prominent part in its proceedings, and was the last surviving member of that body, with the exception of Aylette R. Cotton, formerly a prominent lawyer of Clinton County, who afterward removed to California, where he lived to a great age, and died only a year or two ago.

Mr. Skiff was highly educated, a graduate of Amhurst College, and studied law with Millard Fillmore, afterwards President of the United States. He came West in 1849, stopping at Oskaloosa until 1851, when he removed to and engaged in the practice at Newton. He was a lawyer of marked ability and established a successful practice, in which he continued until the commencement of the Civil War, when he enlisted and was made Captain of Company "B," in Col. M. M. Crocker's Regiment, the 13th Iowa Infantry. During the more than three years' military service he had the misfortune to partially lose his hearing, which prevented his resumption of the practice after his return from the army. He had a decided literary taste, was a wide reader and may be properly said to have been an accomplished scholar, as well as an able lawyer. His latter years were spent in study and quiet retirement. I can personally testify that he was a noble and most interesting man. He was for a time a partner of J. G. Meek, who subsequently removed to Ottumwa, leaving the practice to engage in mercantile business.

Stephen N. Lindley came to Newton three or four years after Harvey J. Skiff did—in 1854. He was one of the early and prominent lawyers of Jasper County, and for a number of years presided with dignity and ability on the bench of that district. He was born in Fayette County, Pennsylvania. His maternal grandfather, George Chandler, was a soldier in the Revolutionary War. His father, Josephus Lindley, was a soldier in the War of 1812.

Stephen N. Lindley was markedly a self-made man. His opportunities of early education were very scant, but he had an insatiable desire for the attainment of knowledge and read whatever books came in his way. He was, by nature, an antiquarian, and fond of archeology. He made himself acquainted with the fundamental principles of geology and his studious reading had made him well versed in history. He came to Iowa in 1851, first locating in Lee County, where he taught school and fitted himself for the bar, removing afterwards to Jasper County, and entering on the practice at Newton in 1855.

Upon the resignation of Judge Horace Winslow, in 1870, Mr. Lindley was appointed Judge of the Circuit Court of that District, and upon the expiration of that term, was elected for a full term. He has been dead for many years.

Horace S. Winslow, I knew intimately up to the time of my removal to Kansas City, and in my mind's eye, I can see him before me as plainly as if it were but yesterday, with his determined face ornamented by rather long side whiskers, his no less determined and sometimes brusque expression and bearing. He was a man of strong character and decided ability both as a lawyer and a jurist. The lawyers in his court had to be on their good behavior, or else they were sure to receive a rebuke. He was keen, perceptive, ready and resourceful as a lawyer, and as a judge, prompt and decisive in his rulings, which were generally correct.

He was a native of Pittsfield, Vermont, where he was born in 1837. He received his education in the common schools, afterward taught for a while, and then entered upon the study of the law. After reading law for a while under an able lawyer, he entered and was graduated from the Poughkeepsie Law School. He came West and located at Newton, and entered upon the practice there in 1856. In 1862 he was elected District Attorney of the Second Circuit of the Sixth District. In 1868 he was elected by the Republican Party, of which he was a member, Circuit Judge of the Second Circuit of the Sixth District, but resigned in 1870, when Judge Stephen N. Lindley was appointed to fill the vacancy, as stated in the preceding sketch. Upon this resignation, he returned to the active practice, which he conducted in a highly successful manner until 1874, when he was elected Judge of the Sixth Judicial District, in which he served for several years. In 1894 he was appointed by the Supreme Court, one of the commissioners to revise the Code of Iowa. He was made chairman of the commission and his services were of great value to the State. He was for a number of years the Local Attorney of the Chicago, Rock Island & Pacific Railroad Company.

In his practice, before and after his experience as a judge, he was known as one of the foremost lawyers in the State, and as a trial judge, he had few, if any superiors. He died at his home in Newton in 1899.

His resolution and character have already been indicated. Personally he was an agreeable companion, sometimes sarcastic, but witty and highly interesting.

Sherman G. Smith located as a lawyer in Newton the next year after *Horace S. Winslow*, in 1857. He was a native of Green County, New York, where he was born in 1831. When he was nearly of age, the family removed to Oberlin, Ohio, where he was entered as a student in the college of that place. He studied law at Urbana, and was admitted to the Bar of Ohio in 1857, and came to Iowa in the fall of the same year. He practiced law with success, and was for a time a partner with *Horace S. Winslow*. He early took a prominent part in public affairs, and in the fall of 1861 was elected to the State Senate of the Ninth General Assembly, which convened at Des Moines in January, 1862, but before the close of his term, he resigned his seat in the Senate to enter the military service of his country, and was commissioned Major of the Fortieth Iowa Infantry. He served valiantly in that capacity through all the sieges and battles in which his regiment was engaged until he was compelled to resign on account of failing health, in 1864.

Upon his return from the war, and the renewal of his health which had been greatly impaired, he resumed the practice with eminent success. He was a sound and able lawyer, notable for his high character and strict integrity. He attained to the front rank in the profession. In 1870 he was elected District Attorney of his district and served with marked efficiency in that capacity. He refused to again be a candidate, devoting his entire energies to his profession, and enjoyed for many years a large and lucrative practice. He was a Republican in politics and, though he had but little desire for office, he exercised a potent influence in party councils. He was a delegate to the Republican National Convention in 1870 and consented to serve in other public capacities. He took great interest in the public schools, served on the city school board, as a trustee of the State Normal School, and as Mayor of the City of Newton.

In figure, he was solidly built, inclined to be corpulent. He was light haired, light complexioned, ordinarily mild and phlegmatic, but when aroused, displayed ample force and efficiency.

Judge John C. Cook, I have cause to remember, for he was my opponent and defeated me by a few votes in the Congressional race in 1883, in the Sixth Congressional District, the fusion majority of which, composed of Democrats and Greenbackers, had been controlled by General *James B. Weaver* for a number of years. In 1880 *Judge Cook* had been the Democratic candidate for Congress, with *M. E. Cutts* opposed to him as the Republican candidate. The returns were disputed, but the certificate was awarded to *Mr. Cutts*. *Mr. Cook* entered a contest for the seat before Congress, and it was finally awarded to him by that body. At the end of that term both he and *Mr. Cutts* were re-nominated as opposing candidates, but *Mr. Cutts* dying, I was nominated in his place, and *Judge Cook* and I made a single canvass of the district. *Judge Cook* was elected.

Judge Cook was a man of decided talents and was early classed as one of the ablest members of the bar in that part of the State. He had almost a profusion of the *suaviter in modo*, but had, nevertheless, a plentiful stock of the *fortiter in re*.

He was a native of Ohio, where he was educated and studied law. After his admission to the bar there, he came to Iowa, locating at Newton, where he entered upon the practice, and in a comparatively short time established a successful and lucrative one. His reputation as a lawyer became so firmly advanced, that in 1878 he was nominated and elected, in the face of an opposing political majority, District Judge of the Sixth Judicial District. In this position he served with conspicuous ability until his entrance into the political field.

His fine personal appearance and pleasing address, his active vital forces, his tact and diplomacy, combining with his fine legal attainments and the rapid progress he had made in the profession, strongly drew public attention to him and he was honored in being appointed soon after the close of his Congressional career, General Solicitor of the Chicago, Milwaukee & St. Paul Railroad Company for the State of Iowa, and served in that capacity with great efficiency for many years. He had a sanguine temperament, a robust figure, light sandy hair and side whiskers. He possessed a good deal of what is called personal magnetism, and his genial manner and disposition drew to him many personal friends. He was naturally amiable and incapable of cherishing lasting resentment. The sharp friction which was a natural incident of our Congressional campaign, left no sting behind it, either on his part or mine. In proof of this, I may refer to a single instance. In after years, while he was solicitor of the railroad company before mentioned, desiring to go a long distance on his road, and remembering our past associations, I wrote in a light and kindly vein, to him for a pass, to which he made the following kindly response in return:

Legal Department Chicago, Milwaukee & St. Paul Railroad Company,

Cedar Rapids, May 30, 1899.

Yours of the 26th came during my absence, and I have forwarded it to Mr. Burton Hanson, the General Solicitor of this Company at Chicago, asking him to send the pass as requested, and I hope the favor will be granted, although it is so much out of the usual line of the Company's methods that I hardly think it will be. I believe that I have thought of you as often as you have of me; and I should certainly be very glad to see you. The political fight that you and I were in never abated in any degree the friendship which existed on my part for you, and which was simply cut off by reason of your removal from Ottumwa. I have frequently inquired after you when meeting attorneys from Kansas City and am glad always to get a good report. If Mr. Hanson sends this pass and you fail to call on me here on your way through, both going and coming, I shall never forgive you. There are lots of things that I want to talk with you about.

Yours truly,

J. C. Cook.

I may say that I received the pass, and his kindness in the premises will serve to confirm what I have said of his personal traits.

Frank T. Campbell became one of the best known and most active men of his time. He was the embodiment of energy and striking activities, and impressed

himself durably on the legislation and public affairs of the State. He was a good example of a self-made man. He had the difficulties of a poor boy to struggle with. He was put to the printer's trade, learned it thoroughly and usefully applied it in connection with the newspapers which his enterprise established and conducted. He came from his native State of Ohio, where he was born in 1836, to Newton, Iowa, when he was twenty-two years of age. He found the "Jasper County Express" in a languishing condition. He and his brother managed to buy a half interest in it, and they christened it "The Free Press." He subsequently purchased the Montezuma Republican in Poweshiek County, and continued to edit it until the fall of 1862. He had been appointed Postmaster of Montezuma. He resigned the office and sold his paper to enter the Union army. He was commissioned Captain of Company "B," Fortieth Regiment of Iowa Infantry in 1862. He participated in the Vicksburg campaign; in that against Little Rock, under General Steele, in 1863; and in the Camden Expedition the following year, under the same general, and distinguished himself at the sanguinary Battle of Sabine Cross Roads in the latter expedition.

After the close of the war he returned to Newton and became sole proprietor and editor of the "Free Press;" this connection continued until 1867. In 1869 he was elected to the State Senate on the Republican ticket, and served in the Thirteenth and Fourteenth General Assemblies. In 1874 he became editor and half owner of the "Jasper County Headlight." The paper was new and rapidly gained public favor. In 1873 he was again elected to the State Senate and served in the Fifteenth and Sixteenth General Assemblies. In his eight years of service as a member of the Senate, he was instrumental in the enactment of much useful legislation, and was one of the most prominent members of that body. To his efforts the State was largely indebted for the enactment of the law regulating the freight tariffs of railroads. To this measure he devoted his best energies and was a most influential factor in securing its passage. He also took an active and prominent part in the passage of what was known as the Granger Law. In 1877 he was elected Lieutenant-Governor, with General John H. Gear as Governor. Two years later he was re-elected to the same position. He became an efficient and decidedly popular officer. In 1888 he was appointed by Governor Larrabee, Railroad Commissioner for a term of three years, at the end of which he retired to private life, removing later to Lima, Ohio, to assist his son in the publication of a daily newspaper there. But his health began to fail, and he died in the place last mentioned, in 1907.

In each of the varied positions he had occupied Mr. Campbell had shown not only that he possessed marked ability and high courage, but that he was thoroughly

devoted to what he deemed the best interests of the people and the State. The Senate has not had a better presiding officer. No situation arose in that body during the period of his service to which he was not equal. He was well versed in the laws and rules which govern deliberative bodies, cool and collected, clear in his decisions and actuated by a spirit of candor and honesty. Those who had won his confidence ever found him an abiding friend.*

* Annals of Iowa, Third Series, Vol. 8, page 78.

CHAPTER XVIII.

GENERAL SKETCHES.

Theodore S. Parvin, Henry Clay Dean, Charles Aldrich, Benjamin Gue, James Gamble Day, John Scott, John F. Duncombe, George W. Clark, James S. Clark, William L. Alexander, Daniel Kerr, S. H. M. Byers.

Theodore S. Parvin and the men of whom he speaks:*

Of all the enterprising young men who came to Iowa in territorial days, few, if any, have left so permanent an impress upon our history as the subject of this article. He had graduated from Cincinnati and Woodward Colleges and completed his legal studies. At an opportune moment (early in 1838) he met Gen. Robert Lucas, who had retired from the Governorship of Ohio, receiving from President Martin Van Buren the appointment of first Governor of the new Territory of Iowa. Governor Lucas was at once most favorably impressed with the young man whom he invited to accompany him to Iowa as his Private Secretary. An Iowa newspaper of that day paid a high compliment to "two cultured and accomplished young men who came with the Governor." I know that one of these gifted young men was

* Note—In 1882 Mr. Parvin desiring to assist me in the present work was kind enough to come to Ottumwa and give me some information regarding the early period and the men connected therewith. He remained two or three days, during which time I had several interviews with him, which were taken down by the stenographer in questions and answers. These I have condensed into narrative form found at the end of the biographical part of this sketch, which was written by Charles Aldrich at the time of Mr. Parvin's death, and which I have, with his permission, concluded to substitute for my own, because it is better, on account of the intimate and more superior knowledge Mr. Aldrich had of Mr. Parvin in respect to his contributions along antiquarian and historical lines to Museum and Library collections and to those of the Historical Department, and in respect to his eminent services in connection with the Masonic order—with all of which Mr. Aldrich was especially familiar. I have, however, eliminated from the sketch some of its portion relating to the western boundary line which Congress had curtailed in the first Constitution sent to the people for ratification, and the efforts of the particular individuals who figured as important factors in defeating the measure, for the reason that the statement as to who these factors were, was erroneous in failing to include James W. Woods, Shepherd Leffler and Edward Johnstone, as pointed out in my sketch of Mr. Woods, in which is contained the statement of Mr. Parvin himself—taken from the narrative above referred to—as to who the individuals were that were entitled to credit.

Theodore S. Parvin—the name of the other I am unable to state. A governor's private secretary should be as good a man as the governor himself—his equal in mental culture and capacity for intellectual labor. Such a helper Mr. Parvin proved himself to be. This was the commencement of an active friendship which ended only with the death of the Governor, at Iowa City, in 1853. How useful young Parvin became to the Governor, and how implicitly he was trusted, we shall see.

Theodore Sutton Parvin was born in Cedarville, Cumberland County, New Jersey, on the 15th day of January, 1817. His death occurred at Cedar Rapids, Iowa, on the 28th day of June, 1901. Of his boyhood and youth, I am unable to speak, though we may confidently believe that his early life was characterized by sobriety, industry and thorough devotion to the studies which fitted him so admirably for his future career of usefulness and honor. He and Governor Lucas settled in the future city of Burlington, then a small village. In August of that year he appeared before the Hon. Thomas S. Wilson, of Dubuque, then an Associate Judge of the Supreme Court of the Territory, as an applicant for admission to practice at the bar. When he left the House he carried with him a certificate of admission "to practice in all courts of record in the Territory aforesaid." This certificate was written out and signed by "T. S. Wilson, one of the associate judges of the Supreme Court in and for the Territory of Iowa." There were no printed blanks for that purpose in those days. This was the first admission of an attorney in the Territory, and the original certificate several years ago found a permanent lodgment in The Aldrich Collection of autograph letters, manuscripts and portraits, now in the State Historical Building.

During this same year Governor Lucas, whose Andrew Jackson face used to appear on the bills of the old State Bank of Iowa, appointed Mr. Parvin Territorial Librarian. About this time he sent him East to purchase books for the foundation of the territorial library—the basis of the present State Library—to the amount of \$5,000. On his return, Governor Lucas receipted to him for the books, and the receipt, with Mr. Parvin's commission as librarian, are also in the collection above mentioned.

Right here it may be well to repeat what I have written elsewhere, and more than once: Mr. Parvin should have been kept in the position of Territorial and State Librarian from that time forward during his active life, for he has had few equals in the Middle West as a collector of literary wares, books, antiquities, materials for history, etc. Wisconsin had such a worker, Lyman C. Draper, who retained his position until 1887, when he was forced to retire by reason of the infirmities of age. Draper was just such an active, energetic, earnest collector, and the consequence is, that Wisconsin possesses collections surpassing all others in the West, and scarcely paralleled in the Union. Mr. Parvin was not retained and

our State drifted into the senseless policy of appointing librarians—with few exceptions—for political reasons and for short terms. As a natural consequence, the libraries of both states have been most conspicuous—one for its extent and value, and the other for its moderate proportions aside from the department of law. I have always believed that had Mr. Parvin been retained in that office, Iowa would have been fully abreast of Wisconsin. The State would now possess invaluable collections, and best of all, they would have cost the State comparatively little beyond the expense of housing and taking care of them. In making such collections, the great point of difficulty is in getting the proper quarters for their arrangement and display. Gifts naturally flow into libraries and museums as if by gravitation—if the collector is wide awake and alert, like Parvin and Draper. Had Mr. Parvin been retained, the great collection would long ago have become precious beyond any estimate. It is strange that the men who made our laws, failed to realize and comprehend facts so simple and palpable.

The next position to which Mr. Parvin was appointed, was that of District Attorney for the Middle District of Iowa, in the year 1839. In 1840 he was elected Secretary of the Territorial Council. From 1847 to 1857 he was Clerk of the United States District Court. In 1840-50 he was County Judge. This was a position in those days of much power and responsibility, as these so-called judges not only exercised all the duties of surrogates or probate judges, but also (with more of real power) discharged most of the functions now exercised by the boards of county supervisors. They could lay out roads, build bridges or court-houses, and run their counties into almost any depth of indebtedness. Some north-western counties were more than twenty years paying the debts incurred in the reign of the county judges. The eastern counties happily had little or no difficulty in that direction. Mr. Parvin's administration was both clean and successful. He was for one term Register of the State Land Office, 1857-8. From 1860 to 1870 he was Professor of the Natural Sciences in the Iowa State University, acting also as Secretary of the Iowa Historical Society during the years 1864, 1865 and 1866. He was one of the founders of *The Annals of Iowa* which he edited many years. He was a valued contributor to its pages from the beginning. Those old volumes have become so precious that librarians and historical students are now asking for their republication.

Doubtless the most important service rendered by Mr. Parvin to the State of Iowa—far-reaching in its consequences—was his aid in defeating the Constitution of 1844. The Constitutional Convention of that year named the Missouri River as the western boundary of the proposed State, but Congress curtailed these fair dimensions by cutting off from north to south about one-third of the proposed area bordering on the Missouri River and sent the Constitution back to be ratified by a vote of the people. Mr. Parvin and his associates vigorously stumped the territory

in opposition to the adoption of this constitution, and at each of two elections the following year it was rejected. If the reader will take any map of Iowa and rule off one-third of its territory from north to south on the western side, he will appreciate what the State would have been deprived of by the adoption of that Constitution. It required stalwart courage on the part of these eloquent young men to oppose it, for the adoption of that Constitution was demanded by the leading political influences of the territory, sustained and supported by the administration at Washington. There were United States Senatorships to be filled and other choice plums to be distributed, and men who were looking for promotion, were in a hurry to see the territory blossom into a state! The credit of preventing the adoption of the Constitution of 1844 is due to Theodore S. Parvin and his associates on the stump.*

Since the introduction of Freemasonry into Iowa in 1840, Judge Parvin has been its foremost representative. He served as Grand Master in 1852. For some time before that year he had been Grand Secretary. At the end of his Grand Mastership he was again chosen Grand Secretary, a position he held until his death. Through his timely and persistent efforts, the headquarters of the fraternity were established at Cedar Rapids in 1885. A fund of some \$20,000 had been accumulated, and this was wisely devoted to the erection of a large, fireproof Grand Lodge museum and library building. For many years, probably as far back as 1840, he had been a collector of the publications of various secret orders, especially those relating to Masonry. These, with rare generosity, he presented to the Grand Lodge of Iowa, continuing his collections with a zeal which knew no abatement and only ceased with his life. That library now contains more Masonic books than any other in the world, aside from those relating to all other secret orders. But it is, by no means, narrowed down to these specialties. It contains many early books and documents relating to Iowa, with considerable collections in history and general literature, making up a library at once varied and comprehensive, aside from its leading feature. There is also a large collection of miscellaneous books published in this State. The new and commodious edifice gave Mr. Parvin ample room and scope to indulge his born proclivity for collecting. It would be a difficult task to attempt to set forth the contents of the building. The museum has grown so rapidly that more space is necessary for the adequate display of the constantly accumulating materials. These include geological and natural history specimens, prehistoric stone implements, arms, coins, autograph letters, manuscripts, works of art and hundreds of objects which may be set down as curios or bric-a-brac. One new and very interesting item had just been received at the time of one of my visits. It was an especially fine collection of stalactites and stalagmites from the Dubuque mineral caves, sufficient to fill a large case. These were searched for and brought out of

* Note—These associates were James W. Woods, Shepherd Leffler, Enoch W. Eastman, Frederic D. Mills and Edward Johnstone. See sketch of James W. Woods.

the underground darkness by Mr. N. R. Parvin, the son, many years a most worthy and efficient coadjutor of the Grand Secretary. These formations were known to be very beautiful and most desirable additions to the museum, and there seemed no other way to get them than by personal effort. The best thought connected with these interesting objects is that they grew into forms of beauty beneath our own soil. Such is the spirit with which the Parvins have always labored in building up their Masonic Museum and Library, which years ago became one of the most remarkable enterprises in our State.

Mr. Parvin, as I have sufficiently set forth, was a most intelligent, as well as an omnivorous and almost universal collector. A great many of these collectors are a stingy sort of folk. That would seem to be the most natural thing in the world, for a collector, like Oliver Twist, is "always wanting more." Things must be kept or there can be no collection. Mr. Parvin, although so earnest and devoted a collector himself, was always liberal and helpful to other Iowans in the same work. I have personally known him to hand over rare and cherished objects to a brother collector, who seemed to be looking upon them with longing eyes. He was anxious that other state collections should be kept growing. Neither selfishness nor envy entered into his mental constitution.

To the library of the Davenport Academy of Sciences, the library of the State University, the State Library, the State Historical Society, the State Historical Department and the Aldrich Collection, he has been an open-handed, liberal contributor—and to all but the two last named, for a longer period than the lifetime of a generation. To the first he has given large collections of scientific books, and many specimens of great interest to the students of natural history, ethnology and archaeology; and the library of the State Historical Society at Iowa City owes to him a large portion of its most precious contents. His gift of early Iowa documents is valuable beyond estimate—for it is now quite impossible to duplicate it. And to these he added bound files of early and later Iowa newspapers, and a large case filled with geological specimens, prehistoric stone implements, with many out-of-the-way objects and curios of greater or less value.

His gifts to the Iowa State Library of early statute laws and public documents were valuable beyond estimate. Printed at first in small editions, they had gone entirely out of print and could be had nowhere else. This rare generosity entitles him to the lasting gratitude of every intelligent Iowan, for, without these precious documents, many important points of our history would forever remain undetermined.

His memory will be perpetuated in all the directions named. The memories of men stand little chance of preservation unless they are embalmed in printed books which are gathered into public libraries. If memories are not so perpetuated, they speedily perish. Of the Iowa men who filled the public eye twenty-five years ago, how few are remembered today? They have come and gone like the ephemera

of a soft night in June! But in the libraries I have named the reader in distant future years will find multiplied and most precious gifts from the free and ever-generous hand of Theodore S. Parvin. They will also preserve the names and records of other men, and not at all unlikely, of many who looked upon his own work with coldness and distrust, doing their best to thwart or embarrass him in his earnest and patriotic efforts. No other Iowa man has built for himself so many, or such permanent and abiding monuments; and if, as Daniel Webster said, speaking of himself, "the mold shall gather upon his memory," there will be plenty of students of Iowa history, who will scrape the moss from the inscriptions.

All honor, then, to the memory of him, the pioneer in this patriotic work—the preservation of the materials of early and later Iowa history. His will be one of the few names of Iowa men which will be imperishable.

My personal acquaintance with Mr. Parvin was but slight—though I had known him well since 1857 by reputation, and had met him occasionally at the Capitol of the State—up to the organization of the Pioneer Lawmakers' Association in 1886. From that time forward, our relations grew into a cordial and friendly intimacy. He soon learned what I had in view in relation to founding and building up an Iowa Historical Department and Museum, and no man or enterprise ever had a more truly devoted friend than he became to me and my effort. He had long been recognized as the pioneer collector and museum builder in our State—anxious to extend his own work—but he gave me every possible aid and encouragement. His generosity lay not altogether in words, but he made the Department generous gifts, and pointed the way to secure others. He many years ago secured a fine oil portrait of himself by George H. Yewell, N. A. That had been hanging in the State Library, but he recently expressed a strong preference that it should be placed permanently in the Historical Art Room under my charge. I could always ask, and always received his hearty co-operation and judicious advice. He was as generous as he was uniformly just. If an article reached his collection which the general judgment would say should belong to the Historical Department of the State, he was ready to turn it over at once. Ours was an instance where two of a trade agreed.

At one period, about the years 1891-3, he and his work had many enemies in the Masonic order, and at one of the elections his majority for Grand Secretary was but a single vote. This was due to two causes—First, a feud in the order arising out of some question of rites or discipline, not known to the outside world, and second, from opposition to the founding and development of the Masonic Library and Museum. The Library and Museum at that time passed through the most critical period of their existence. Many doubted the utility of such a work—having no appreciation of its necessity or uses. Some openly favored largely using the yearly accumulating funds in banqueting and junketing. In this respect, the Masonic

fraternity did not vary from many other secret or public organizations extant then and afterwards. This social work, the ambition to have "a good time," absorbs many great energies and prevents more than one association from achieving any high and permanent purpose. I would not decry the social feature, but why not also have in view the accomplishment of permanent purposes, looking to noble and patriotic ends? That idea was evidently Parvin's inspiration at that most critical period, as it had been for more than half a century. I visited him on one of his gloomiest days in that time of doubt and uncertainty. His determination to struggle on was not in the least shaken, but his opposition was so bitter, and his election had been achieved with such effort and won by so small a margin that the outlook was a gloomy one. I know that he had fears that his tenure of Grand Secretary and Librarian might be very brief. He was certainly setting his house in order preparatory to leaving it. Possibilities in that direction could not be ignored, nor did they inspire cheerfulness. The statements in this paragraph I believe to be absolutely correct, though I depend wholly upon my recollection of conversations with Mr. Parvin and others.

But what splendid results came from that majority of a single vote? The Masonic Library and Museum were saved to the order and the people of Iowa, and Parvin was retained to carry forward and develop his wise plans which reach out into the long future. "One majority" had turned the tide, and his opposition faded out and was heard of no more. From that time his great undertaking steadily grew in appreciation and popularity. As his plans and purposes became more distinctly understood, so his own hold upon the confidence of the great fraternity yearly increased. He was re-elected year after year as the unanimous choice of the Grand Lodge. His last election took place when it was known that he had but a few days to live, and a committee was sent to carry the news to him on his death bed. Such positions of implicit trust and confidence, continued for half a century, seldom come to anyone. To no other Iowa man has been vouchsafed a career so unique, or in a larger measure, useful to the State and the people. Never an office-seeker, he was in public life from the time he crossed the Mississippi until he breathed his last. His life was filled with good works and they live after him.

The following is the narrative resulting from the interview I had with Mr. Parvin, referred to in the note at the commencement of this sketch.*

The lawyers present and admitted at the first term of the Supreme Court which was held at Burlington on the 28th of November, 1838, were as follows and from the following places: From Burlington, David Rorer, James W. Grimes, Henry W. Starr, Wm. H. Starr, James W. Woods (Old Timber), Milton D. Browning and Isaac Van Allen. From Fort Madison, Philip Viele and Alfred Rich. From Mount Pleas-

* Note—I am frank to say that all of the statements made in this interview are not embraced in this narrative, for the reason that some of them were of such a purely private and personal nature that I did not feel justified in giving them publication.

ant, George W. Teas and Joseph R. Teas. From Bloomington (Muscatine), S. C. Hastings, T. S. Parvin, Stephen Whicher, Ralph P. Lowe, and Irad C. Day. From Davenport, Wm. B. Conway (Secretary of the Territory), and Charles Weston. From Dubuque, Stephen Hempstead and B. Rush Petrikin. The Judges were all present. The legislature was in session at the same time, and the first land sales were in progress. This brought together nearly all the people of the Territory. I was present when the Court was opened and of course was among those who were admitted. Robert Lucas was the Governor, W. B. Conway was the Secretary of the Territory. Mr. Conway had been an editor in Pittsburg, and he and Governor Lucas were appointed at the same time by President Van Buren; he died during that same winter. There were lawyers in the Territory, others than those admitted, among whom I remember William W. Chapman, Cyrus S. Jacobs, and Shepherd Leffler, of Burlington; Isaac N. Lewis, of Keosauqua; Edward Johnstone, of Fort Madison; William H. Wallace, of Mount Pleasant; Jonathan W. Parker, W. J. Bradford, G. C. R. Mitchell and James Grant, of Davenport. There were others whose names I do not now recollect.

Milton D. Browning was from Kentucky. He came within a vote of being elected United States Senator at the session that Mr. Harlan was elected; and Ebenezer Cook also came within a vote of being elected at the same session. Mr. Browning was a tall man with a fine figure, good looking, deep set eyes, large brow and fine forehead. James W. Grimes was from New Hampshire. He was a partner of Henry W. Starr for a great many years.—I think until Mr. Grimes was elected United States Senator. Then the firm was reorganized by the admission of Charles Phelps and Geo. H. Robertson and was known as Starr, Phelps & Robertson. I knew but little of Mr. Robertson. I went to Bloomington (Muscatine). Going back to Mr. Browning again: He was an able man and a fine speaker; not as eloquent or vehement in style as his brother, O. H. Browning, of Quincy, but he was a speaker of great force in argument. Mr. Grimes did not change very much in his appearance. I saw him during the impeachment trial of President Johnson in Washington and I did not think he had changed much. I need hardly say that he was, as everybody knows, a very strong man. Henry W. Starr was at one time regarded as the ablest lawyer in the State. He was very brilliant, quick and ready. He had, however, an occasional weakness to which some of the ablest men of that time were sometimes subjected, but he was always ready for any emergency. He and I were classmates in college together and I knew him intimately. He was well versed in the early legal writers and was well acquainted with Coke on Littleton, Bacon's Abridgement and other old authorities, and he was well read on literature, general matters and history. In build he was rather below medium, and slight, not weighing, I should say, over one hundred and thirty pounds. He had a fresh complexion, dark hair, and beautiful dark eyes. I think he was nearly seventy when he died. The habits of the bar at that time were convivial, a large majority of its members drank.

They used to tell this story on Mr. Grimes. As was well known he was quite an economical man. When he first went to Washington he had the colic one evening and went into the bar room of the hotel and told the bar-keeper that he wanted some of the best French brandy; he got it and drank it, and threw down a half dollar to pay for it, and upon the fellow not giving him back any change, Mr. Grimes said to him, "That is a half dollar I gave you." "I know that," said the bar keeper, "and it is the price of the best French brandy I gave you." And Mr. Grimes did not get the colic again all the time he was in Washington. There were a few men who never drank in public, but who, as it turned out, drank heavily in private, but in comparison there was less drunkenness then than now. The liquor was of a better quality.

Stephen Whicher was a tall, middle-aged man who came from Dayton, Ohio. He was appointed United States Attorney by President Taylor. Stephen Shelladay was appointed United States Marshal at the same time. Judge J. C. Knapp succeeded Whicher; he was appointed by Pierce. Mr. Whicher resided in Muscatine. He came there in February or March, 1839—at the opening of the river. He was a spare man with a rather long, slender face. He was a very grave man, quite

reserved. He was, however, very eccentric and many stories have been told about him. Court was held at Dubuque twice a year, and Whicher and I went up there together for twelve years. We were carried in a kind of hack from Muscatine to Davenport. We went by way of Muscatine, Iowa City and Anamosa to Dubuque. Muscatine was then called Bloomington. It was called for the Indian name of the Island. Judge Whicher, James Grant and myself were in the court room together and we planned for changing the name. Whicher drew up a petition, presented it to the Court, had it signed and the name was changed. Whicher had a peculiarity of spelling "k" with a "q," and he spelled it "Musquitine," and it was spelled that way on the maps for quite a while. I remember an instance showing his kindness. He was the attorney in a case against a man whom he abused very much during the trial, and who in his exasperation jumped up and knocked Whicher down in open court. The offender was the plaintiff in the case, and I was his attorney conducting his side of it; Whicher was for the defendant. My client was fined five dollars for contempt of court and the case went on. A while after that my client wanted some brick, and the only man in town who had any was Whicher. My client said, "I want some brick and I believe I will just go up to Whicher and ask him if he will not let me have some." I said, "You better not, he will knock you down this time." He said, "No, sir, he is a d—d good fellow if I did knock him down, and although he said some mean things about me, I believe he will let me have what brick I want." Against my remonstrance he went to Whicher's house, and Whicher invited him in. He asked Whicher for the brick, and Whicher said he could have all the brick he wanted, and they were ever the best of friends after that. Yes, I recollect the stage-coach incident, for I was with him and know all about it. He was a very able man and probably the best read lawyer we had. He was United States District Attorney four years. I will relate an instance illustrative of both Mr. Whicher and Judge Knapp, of Van Buren County. Knapp was from Vermont and so was Whicher, but the latter did not know that Knapp was. They opposed each other in the trial of a case. Judge Knapp in that vein of comic irony, for which he was distinguished, in the course of his argument referred to Whicher as a Yankee from Vermont and said, "I would not come from a State where the farmers have to make holes in the rocky hill sides for the sheep to put their feet in to keep them from sliding down while they eat the short grass growing up between the stones." It made Whicher so angry that he invoked the Court to silence Knapp. Judge Dyer was on the bench, and he suggested to Knapp that counsels should not make such personal remarks. Whereupon Knapp smiled and said, "Perhaps the gentleman does not know that I was born in and came from the same State and the same town that he was." He died in Muscatine a number of years ago. He left several children, two of whom I think still live in Muscatine. His son Patterson became a resident at Lake Providence, Louisiana, and was a surgeon in the Confederate army. I was down there afterwards and visited him and his brother Frank, and they were fine, genteel people. He had a daughter who married George Brown, one of the leading and wealthy merchants of Cincinnati. Mr. Whicher was a New School Presbyterian and very strict. Judge Mason was an Episcopalian, Judge Williams a Methodist and Judge Wilson a Presbyterian, I think, but I am not sure.

I knew George W. and John B. Teas. They settled in Mount Pleasant. They had both been Methodist preachers. George was in the legislature while we were a part of Wisconsin, the first session of which was held at Belmont, the second one at Burlington. Both died some years ago, one of them, I think George, at Albia, in Monroe County.

Ben. M. Samuels was really the best orator at the bar. He was a very handsome man, noble looking, tall and well built, commanding in appearance. He was a brother-in-law of Judge Dyer.

Isaac Van Allen, who was appointed United States District Attorney after the Territory was organized, died the following winter. He was succeeded by Charles Weston.

Philip Veile lived and died at Fort Madison. He was from Rochester, New York. He was very emotional and had great influence with juries. He sometimes

would be so wrought up in his argument that he could not restrain his tears. He was a great home man, of a literary turn of mind; he had a very fine library, a great many works of art. He was a good deal of an antiquarian and had a collection of rare coins. He seldom went out, and was not often seen except at court or some other public occasion. He was a candidate at the time Alfred Rich was nominated for Congress against A. C. Dodge. I was a member of the Convention, and Veile was sorely disappointed by his defeat. He was regarded as a very able lawyer.

Ralph P. Lowe lived at Muscatine. He was President of our second Constitutional Convention, afterwards Governor of the State and a Judge of its Supreme Court. He was a very kindly and benevolent man, though he would fight at the drop of a hat. In the trial of a case at Muscatine, which was then called Bloomington, the attorney on the other side in some manner insulted him. As soon as the adjournment was announced Lowe sprang to his feet and said, "Your Honor, is court adjourned?" "Yes, certainly," was the reply, and as quick as thought Lowe knocked his opponent down. Judge Joseph Williams was on the bench. I saw him at Iowa City in another case. He was sitting during the trial on the opposite side of the table at which the opposing client was sitting. The latter made an insulting remark, and Lowe sprang absolutely over the table and vigorously assaulted the offender. He was a Presbyterian elder and a giant in the church militant. But he was the most tender-hearted and sympathetic of men.

Alfred Rich was from Kentucky and died young. He lived at Fort Madison. He was a Whig and ran for Congress against Dodge. He was somewhat eccentric, especially in his personal appearance, which I think was in part attributable to his poverty. In his canvass for Congress he was poorly dressed and presented at the first a very awkward appearance. He was tall, thin and gaunt. His legs and arms were long and his pants and coat sleeves were too short, but when he got up to talk you would forget everything about his appearance. The first lawsuit he had after he came to Fort Madison came about in this way. He had no money, and to help out he took the teachership of a school that was offered him. A suit had been brought by a land company to eject a squatter settler, and the plaintiff had employed all the Fort Madison lawyers and had engaged David Rorer, of Burlington. Colonel J. C. Parrott, who had been an officer in the First Regiment of United States Dragoons, was postmaster there. He was a very kind-hearted man and his sympathies were with the squatter. He had received the notion in some way that Rich was a lawyer, and he with others went to the schoolhouse, called the teacher out and asked him if he was a lawyer. He said he did not know whether he was or not; that he had read law, but times had not prospered with him. They told him the case, he dismissed the school and went into the trial of the case that afternoon and made a most magnificent argument at the close. He dismissed the school, hung out a shingle and got into a good practice. He was elected to the Territorial Legislature and served in the third session. He did not seem to know how to handle his arms and legs. While there was nothing especially brilliant about his looks he had rather a pleasant and classic countenance.

B. Rush Petrikin was from Pennsylvania. His father was a member of Congress from one of the interior districts of that State for a great many years—an old-fashioned Democrat his father was and so was B. Rush. He lived first at Muscatine, but removed in a year or two afterwards to Dubuque, where he was made either Register or Receiver of the Land Office. He held the office four years and then went back to Pennsylvania and remained there.

Irad C. Day died at Muscatine with the cholera in 1850. I think he has descendants in Muscatine. He was a man of no brilliancy but of good ability.

James W. Woods was the senior member of the bar. He is now [1882] past eighty years old. He had the only case before the first Supreme Court—an appeal case from the Des Moines District Court. I was the youngest of the twenty admitted at that first session, and the case was called immediately after our admission, and because I was the youngest Woods came up and tendered me the honor, as was customary for many years, of making the argument. I made the

argument and won the case—the first speech made in the Supreme Court of Iowa. After announcing its decision, the Court adjourned, and the Judges came down and congratulated me on my maiden effort. Woods was always good company everywhere and under all circumstances. He was always popular. He could tell a good story, put on a long face while doing it, and I never knew anyone to get angry with him. I knew him intimately; his habits were convivial; he was always a favorite. I never knew him to be guilty of any immoral act in his conduct in society, and he was reliable and true to his friends. He was not brilliant or learned, but shrewd and of good judgment. He was faithful to his clients, and on one occasion rendered very valuable services to the State. [There follows the story of the western boundary line and the defeat of the Constitution limiting it, of which sufficient has already been said, both in this sketch and that of James W. Woods.]

I was from New Jersey. I was educated in Cincinnati. I came to Iowa to remain in 1838. My father came out in 1837. I came as a private secretary of Governor Lucas. In the spring of 1839 I was appointed District Attorney of the Second District. After about one year I resigned and Ralph P. Lowe was appointed in my place. I was the first Librarian of Iowa and made the purchase of the books for the Territorial Library. I made the purchases in Baltimore and got McLain, afterwards Judge of the Supreme Court of the United States, to assist me. He selected the law books and the miscellaneous ones. I once heard Edward H. Stiles say that it was the best selected library of miscellaneous books that he had ever seen of its size. I have been a great reader all my life; being crippled from youth up I could not participate in the sports of other boys. In 1857 I was elected Register of the State Land Office, and have not been in active practice since. For eleven years before that I had been Clerk of the United States District Court, under Judges Dyer and Love—from the organization of the Court in 1846 to 1857. I resided twenty-five years in Iowa City and twenty-one years in Muscatine. I spent some time at Burlington. I was twelve years Professor of Natural Science in the State University. We organized and opened it with seven professors and nine students, and cataloged for that year thirty-four or thirty-five students. Now we have over forty professors and seven hundred students. I was twelve years in the faculty. J. C. Hall and Daniel Miller came in not long after the first term of the Supreme Court.

Frederic D. Mills was a man rather above medium height and trimly built. He was able to cope successfully with Hall, Rorer and the ablest lawyers of the State. He went into the Mexican War and was killed. The following incident will show his kindness of heart: At the second session of the legislature a citizen of Burlington who had collected a note of \$150 entrusted to him by another man, was enticed into a gambling den and lost the money. Mills said he was a good man and to prevent shame being brought upon him by its being made public, we must collect the amount among ourselves, which we did, and the man never sinned afterwards. This illustrates the character of Mills for goodness.

There was good fellowship among the lawyers of the early day. We rode the circuit from our homes at the river towns. There was not sufficient business to justify the location of attorneys out in the new counties. There were no attorneys in Johnson, Cedar and Linn counties for several years, and we went there.

In the winter of 1838-39 the Indian chief, Keokuk, came down to make a call on the Governor, who entertained him at the hotel where we boarded. The next spring we returned the visit in state.

Francis Springer came a little later. Charles Phelps came afterwards. Hugh T. Reid came from the Miami University, Ohio, with a letter of introduction from President McVey to me; Springer brought a letter of introduction to me from Belamy Storer, a member of Congress from the Fifth Ohio District. Springer said he wanted a location, and I recommended him to go to Wapello in Louisa County, where he went and formed a partnership with E. H. Thomas, and established a successful practice. He was a good lawyer and a man of the greatest personal fidelity in his friendships.

Gilman Fulsom came to Iowa about 1842 from New Hampshire to Iowa City. I was there when the stage came in that brought him. He was a bold fellow in appearance and gave everybody to understand right away that he was going to locate there. He afterwards became Register of the Land Office at Iowa City. In build Mr. Fulsom was heavy-set and deep-chested. He had a peculiar and penetrating tone of voice. He was in active practice for quite a good many years and made a good deal of money. He was a good financier, a rabid Democrat and a good, kind-hearted man. The only weakness of his later life was one prevalent among the bar of that day. After he had retired from practice and not long before his death we had a very important lawsuit. The Chicago, Rock Island & Pacific Railroad Company was defendant. Edmunds & Ransom were engaged in the case and wanted Fulsom's aid. They sent for him, but he was not in condition to attend the proceedings. They supplied him with minutes of the testimony and kept him thoroughly posted in regard to the evidence and instilled into his mind all the facts. At the end, he made an argument in the case and the Judge told me that it was the finest argument he had ever heard in his life. I think he was as able as any lawyer we had. He was a graduate of Dartmouth College.

Judge Thomas S. Wilson, of the Territorial Supreme Court, was a small man, very young and very boyish in appearance, as the following instance will illustrate. In the early day there lived in Dubuque a very prominent man by the name of McHenry. He was a large man, a big six-footer. He and Judge Wilson became engaged in a heated controversy on the street, which threatened to end in personal conflict, for Wilson was too plucky to be deterred by his opponent's size. At this juncture an Irishman came along and seeing the situation ran on to the street and picked Wilson up in his arms as he would a boy and set him down on the sidewalk, saying, "My little man, you had better let a big fellow alone."

As to the United States District Attorney: Isaac Van Allen was the first one appointed. No, Cyrus S. Jacobs was appointed before he was, but he was killed in a street rencontre before serving, or perhaps even qualifying. After Van Allen came Charles Weston, appointed under Harrison. I have told you about Weston. Then came John G. Deshler, appointed under Harrison in 1842. Allen, Weston, and Deshler were United States District Attorneys under the Territorial organization. Then came Stephen Whicher, J. C. Knapp and Isaac M. Preston as United States District Attorneys under the State organization.

I have been identified with public schools all my life; I have been president of the school board in Iowa City a great many years. I read law in the office of Wright & Walker in Cincinnati. Wright was at one time Judge of the Supreme Court of Ohio, and Walker of the Superior Court of Cincinnati. The latter was the author of "Walker's American Law." I prepared the index to that work and read the proof of every page. I also took shorthand notes of his lectures before the book was published.

The District Court of Johnson County was first held at the trading post, three miles below where Iowa City now is and before there was such a place. It was held in the trading house of the Indian Agent. Poweshiek's Indian village was in plain sight. Joseph Williams was the presiding Judge. I was the District Attorney for the district. The house had no windows; the only light came through the door. That was in 1839. The male population of the county was about forty and it took nearly all of them for the grand and petit juries. The Judge took his seat behind a counter they sold goods from to the Indians. He ordered the bailiff to keep the door clear, else we could not get light. The grand jury was empaneled and placed in charge of a bailiff, and I was directed to accompany them and instruct them as to their duties regarding matters that might come before them, or which they should inquire into. There being no house, we went with the jury to a large fallen tree. I got on the tree and made my talk to the jury as to their general duties while they stood around on the ground. They found one indictment that day for passing counterfeit money. Counterfeiting and horse stealing were the principal offenses in those days. Court was adjourned until next morning and that night someone brought out a fiddle. We all know about Judge Williams' accomplishment as a musician. The Judge could not resist the temptation of picking up the violin and

beginning to play, and presently the lawyers, the Indian Agent, his wife and another woman present, got up and commenced to dance. But as soon as the dance commenced, the Judge surrendered the fiddle to the man who owned it and he played for the dance, in which the jury, the prisoner and the constable who had him in charge joined. As just stated, the Judge did not play for the dance, but a young lawyer from Pennsylvania who was present wrote an article descriptive of this first court, in which he made the Judge play the fiddle while the prisoner and the jury danced. Court adjourned the following day. This place was called Napoleon, on paper. The only buildings there were the Agent's store and a log cabin in which his family lived, but it had been designated by the last legislature of Wisconsin as the county seat of Johnson County. Iowa City was laid out that fall and made the county seat, and that was the end of Napoleon, which never advanced beyond the two buildings mentioned. This was in May, 1839 and was the first court held in Johnson County after the organization of Iowa Territory. The first court in Muscatine was held in the same, or following, month. It was then called Bloomington and contained just seventy-five people. I took the census myself and made a close one. There was a large number of floating criminals—horse thieves and counterfeiters—traveling from Michigan through Iowa to Missouri. I prosecuted a number, but it was hard to obtain a conviction. In one case the defendant was accused of gambling. There was never a plainer case; the instructions were clear, and a verdict of guilty seemed to be certain. But the jury in a few minutes returned with a verdict of not guilty. There seemed to be a turbulent element prevailing and it was impossible to maintain good order in the court room. One of the greatest ruffians in the community came to me and said, "Young man, I will tell you how to keep order; you just get the Judge to appoint me bailiff and I will keep order." I told the Judge, and he said, "Good Heavens, that won't do. It would never do to appoint such a fellow." I told him I was in favor of it, and I believed that he would be able to master the disturbing element. The Judge did appoint him. His name was Joe Leveric, and when the appointment was announced Joe got up and said, "Men and boys, I am appointed bailiff of this Court, and by the gods if anyone fails to keep quiet in this Court I will kill him." And I tell you we did have order after that. Whenever that fellow ordered silence, you may be sure that silence prevailed. This instance will serve to illustrate somewhat the rough element that was mixed in the society of that day. Leveric had a most excellent wife. They raised a good family, some of his sons became honored and useful men, and he himself was at one time elected Assistant Secretary of the State Senate.

Judge McFarland I knew very well. The last time I saw him was at Oskaloosa. There were no railroads then. The stage drove up and we saluted each other as the passengers dismounted. One of the passengers, a Boston man, came up to me and asked who that man was they called Judge. I told him he was the Judge of one of our District Courts. He said he was the strangest Judge he had ever seen. He said the Judge and the stage driver drank together several times on the way, and that he had kept the passengers laughing the whole time with his funny stories. He was very tall and wore a long, flowing and most luxuriant beard. He attracted attention by his appearance, which was physically fine, and by his eccentricities. He was more conspicuously lacking in judicial dignity than any man that ever sat upon the bench, I think. He and W. F. Coolbaugh were delegates to the Democratic National Convention in 1856. Coolbaugh was elected chairman and spokesman of the Iowa delegation, but they could not keep Mac down. He arose to address the chair and the chairman said, "Will the gentleman tell me who he is?" The reply was, "I am C. J. McFarland, Judge of the Second Judicial District of Iowa." He was a kind-hearted man and if he had been properly balanced and educated would have made his mark.

Judge J. C. Knapp, of Van Buren County, sometimes had cases before him. Knapp had not much patience with him. Speaking of Knapp, I saw him once nonplussed. It was at a meeting we had in Van Buren County to induce subscriptions to stock for a railroad to Des Moines. Knapp made a very fine and convincing speech, but when he had finished, an old farmer got up and said, "I want to have a word in this matter. We have got as much stock as there is pasture now, and I don't see any use for more stock."

I became acquainted with David Rorer when I first came to Iowa. He was a man of fine ability and, in some respects, a genius. He was egotistic and combative, but a rare man. He had the best collection of old law books, old works of Spanish and French origin, in the State.

John H. Craig was not only a good lawyer, but, in my judgment, the finest speaker in the State today [1882], though he is too deliberate to be magnetic.

Henry Clay Dean.

Henry Clay Dean was easily the finest natural orator I have ever heard; nor was his oratory pyrotechnic or vapid. He was deeply learned, and drew his inspiration from the richest sources of history and the classics. I had an excellent opportunity to know, for as a youthful orator, I stumped the State with him for Douglas, in 1860; and though I changed my politics when the war broke out, our intimate friendship remained to the end. A more delightful companion there could not well be. He had been both a preacher and a lawyer. He had been highly celebrated for his eloquence in both fields. He was once Chaplain of the United States Senate, and Henry Clay pronounced his opening prayer the most eloquent that had ever been uttered there. He was eccentric in the extreme, and by sheer force of his eloquence and extraordinary personality, carried everything before him. For these reasons, he was frequently employed, after his retirement from the ministry, in capital cases of great importance, throughout the West and Southwest. He reminded me always, of an advocate noted in the life of Lord Chief Justice Denman. Before ascending to that position, Denman had been a *nisi prius* judge on the circuit embracing Yorkshire. In one of the towns thereof dwelt an advocate famous for his eloquence and the way he carried the juries. His name was Jones. In a certain case, called by Denman for trial, Jones was for the plaintiff. The jury were empaneled, the evidence introduced and the closing speech made by Mr. Jones in his best manner. The jury retired in charge of the bailiff to consider their verdict. Soon they rapped to announce that a verdict had been reached. In trailed the jury with its Yorkshire foreman at the head, and halted on approaching the bench. Judge Denman, following the prevailing practice, asked the foreman, "Have the jury agreed upon a verdict?" "We has, your Honor," was the reply. "Is it for the plaintiff or the defendant?" inquired the Judge. "We knows naught of plaintiffs or defendants, but we's for Mr. Jones." So it was with Henry's juries. They were generally for Mr. Dean.

Henry Clay Dean was a genius in the fullest sense of the term and in his temperament had the irregularities of genius. He was pronounced in his views, indeed so pronounced that he was inclined to be extreme in their expression. When indignant and wrought up, he sometimes said unwise and inconsiderate things that he afterwards regretted. He was full of courage, undismayed by danger, unappalled by threats. He was made of the stuff of which martyrs are made. He had a great contempt for men who bent their opinions to popular clamor. He was opposed

to slavery, but recognized the fact that slavery was the heritage of our fathers, that slavery existed in many of the states, that a large portion of the property of their people consisted of slaves, that their owners were entitled to the full protection guaranteed by the constitution, and he was violently opposed to any and every set of men or doctrines that were in favor of weakening or breaking down the barriers of that protection. He hoped for the ultimate extinction of slavery through measures that would lead to emancipation rather than by a revolution of force. In this view and hope he stood for compromise until even after it was plain to the great majority of the people that there was no longer any possible hope for compromise. Entertaining these views and endowed with the strong, fiery and fearless temperament that he had, he became the subject of detraction and abuse during the early period of the Civil War. He was denounced as an advocate of slavery, a sympathizer with traitors, a friend of the rebels, as disloyal to the Union. The dogs of war were turned loose upon him while living and some of them ceased not to bark after his death. His memory has been darkened by obloquy, from which his friend, J. R. Rippey has recently done much to relieve it through an article appearing in Volume 8, Third Series of the Annals of Iowa, and this rescuing effort I shall endeavor, if possible, to aid, as well as to portray more specifically some elements of his character which should be more generally known.

Anyone who lived in the time of the Civil War will appreciate how fierce and sometimes unjust a part of the public feeling was against nearly every leading Democrat who dared to open his mouth, so to speak, in favor of any effort looking toward a compromise of the difficulties between the North and the South; and this denunciation was not directed alone against Democrats, but against anyone who advocated views in the direction mentioned. Horace Greeley, himself, did not escape. It is not to be wondered at then, that a man of the intense and undismayable qualities of Dean should be reprobated and denounced for the views, which in spite of everything he boldly proclaimed. Thomas W. Clagett was at heart a patriot, as was also Henry Clay Dean, but the former in his paper, and the latter through his speech, had cast some ridicule upon and belittled the bloodless battle of Croton and the conduct of the Home Guards. For this, Clagett's paper, the "Keokuk Constitution," printing office, type, presses and furniture were seized by the Union troops and dumped into the Mississippi, while Mr. Dean was dragged from his house to a lamp post by an infuriated mob of soldiers and citizens, where he was told that unless he would renounce his political principles, he would be hanged. This he stoutly refused to do. Thereupon he was placed upon a dry-goods box beneath the lamp post preparatory to being swung off, when J. B. Howell, Editor of the Gate City, a Republican paper, mounted a wagon and appealed to the mob to listen to him. This had the desired effect and Mr. Dean was released. "During all the proceedings Dean uttered not a single word, nor did his nerve desert him for a second, and when he was told he could go, he departed as slowly and

coolly as though nothing had happened." As the above quotation is from the "Des Moines State Register," of October 10, 1887, a leading Republican paper of the State, it may be taken as true. It well illustrates the man and the indomitable courage of his convictions. So far from being a friend of Jefferson Davis, Breckenridge and their coadjutors, he disliked them, and when they demanded that slavery should be extended into the territories against the will of the people, by force, as they claimed of the constitution, he opposed their views and espoused the cause of Douglas, and made the most forceful of the speeches in the campaign before alluded to. He was never a secessionist, or a believer in the theory; he merely hoped to avert it, through measures of compromise as did others.

It was not so much what he actually said, as what he was from time to time on hearsay reported to have said on certain occasions. In some instances of this kind, I know of my own knowledge, that he was grossly misrepresented; and it was these misrepresentations that, to a great extent, produced the unfriendly feeling referred to. And I know, too, as do many who lived during that period, that nearly every leading Democrat who adhered to his party, was suspected of disloyalty to the Union cause and often denounced as a traitor. But Dean was not only misrepresented as to what he said and meant, but even in the matter of his dress and appearance. Some person or paper with not very refined ideas had given him the appellation of "Dirty Shirt Dean," and this went the rounds and became the coarse food of those whose inclinations ran in that direction. That he was careless in dress, sometimes to the point of being slovenly, and that his expressions were sometimes more forceful than elegant, cannot be denied, but after all, he was not more so than Dr. Johnson is described on all hands as having been in both these respects; and while the latter for this was denounced by the more fastidious of his time, it has availed but little with the succeeding generations who have given him honor. Innately Mr. Dean was a gentle and tender-hearted man, whose sympathies, when touched, glowed with the warmest fervor. In conversation, his voice was soft and flexible, his manners easy, and it took but little good cheer or welcome to overspread his face with kindly expression.

He belonged to a good stock and carried strong blood in his veins. He was born in Fayette County, Pennsylvania, in 1822. His father, Caleb Dean, was a native of Mifflin County in the same State. His grandfather, William Dean, was a soldier of valor in the War of the Revolution. Among his ancestors was Henry Dean, Archbishop of Canterbury, during the reign of Henry the Eighth. His father was a descendant of a Maryland family who came to America with Lord Baltimore and was related to the Rutledges, of South Carolina. Henry was married in 1847, to Christiana Margaret Haigler, of Randolph County, Virginia. Her father was a soldier in the War of 1812, her grandfather one of General Washington's bodyguards in the War of the Revolution.

He was a graduate of Madison College, Pennsylvania, taught school, studied law, and was admitted to the bar. He had such an overpowering desire for knowledge, that he generally studied and read over hours and sometimes, as he told me, far into the night. Books were not then as plentiful as now, but he had no great difficulty in obtaining those of history and general literature. Many people conceived the idea that he was not a cultivated man. Nothing could be farther from the mark, as an examination of some of his productions will conclusively show: such, for instance, as his address on the Louisiana Purchase before the State Historical Society, delivered at their Seventeenth Annual Reunion in Iowa City, on June 29, 1874, and appearing in the July number of the *Annals of Iowa* for that year; his address at the Second Reunion of the Tri-State Old Settlers' Association, held at Keokuk in 1885, in response to the toast, "The Pioneer Preachers;" and among his arguments, that in the case of the State vs. Whitman, tried in Union County, in 1871. In his best efforts, he drew from the highest sources; they fairly teemed with historic learning and classic illustration.

He early concluded to lay aside legal studies for those pertaining to the church, studied theology and was ordained to the Ministry of the Methodist Church of Virginia, where he was assigned an itinerant circuit. He became noted for his eloquence and great power throughout the circuit and drew crowded houses wherever he went. He soon gained a statewide reputation, not only as a pulpit orator, but as a political orator in the gubernatorial canvass of Henry A. Wise, and formed an acquaintance with many of the notable men of Virginia. While on an itinerary to the eastern part of Virginia, he visited Washington City and asked permission of the Minister in Charge of a Methodist Church there, to occupy his pulpit on the following Sabbath. I have already noted Mr. Dean's carelessness in dress; this natural carelessness was doubtless contributed to by the freegoing manners and rough conditions of the people through the mountainous districts which lay in his circuit, and probably because of his unkempt appearance, the use of the church was refused him by its pastor. But another building was secured for him, and his reputation had so gone before him, that when the hour came, the house was filled to overflowing.

After some four years as a preacher in Virginia, he removed in 1850, to Iowa. Having lived comparatively short periods successively at Pittsburg, Van Buren County, Keosauqua, Muscatine and West Point, he finally settled at Mount Pleasant, where he remained until 1871. That year he removed, with his family, to a large tract of land which he had purchased in Putnam County, Missouri. This home he named Rebel Cove. Here he placed his library of four thousand volumes, probably the largest private collection of rare books ever owned in Iowa, together with valuable material and manuscripts, which he had prepared for publication, among them that of the second volume of his work, entitled "Crimes of the Civil War." These were all destroyed by fire in 1876, thereby occasioning a loss which

must have nearly broken his heart, and from the effects of which he never recovered. He died in 1887.

I think I can better occupy a part of the remaining space of this article by quoting what others have said of him, rather than filling it with my own estimates. Before doing this, however, I desire to present a brief correspondence between him, his son, J. W. Dean, and myself. In the very commencement of my endeavor to collect material for this work, I wrote to Mr. Dean, stating my purpose, and asking him to kindly furnish me with such thoughts as might occur to him concerning some of the early lawyers whom he met after coming to Iowa. To this communication, he made the following answer:

Rebel Cove, Putnam County, Missouri, October 29, 1881.

My dear Sir: Please write to me what you desire in the way of sketches; I can give you men thirty years back. I defended the first murder case in Iowa in Muscatine thirty years ago, and knew John P. Cook, Stephen Whicher, Judge Woodward, "Gil" Folsom, Charles Negus, Gus Hall, Delazon Smith and all of the old and ancient members of the bar at that time. I can give you a list of men to write to privately which will be your best way to gather sketches. Tell me what to write about and I will obey.

Your friend,

Henry Clay Dean.

Not hearing from him in relation to the matter, I wrote him again in 1885, and received from him the following response:

Hon. Edward Stiles.

My dear Sir: I received your very kind letter on yesterday and now hasten to reply. I have just concluded the most exciting murder trial in which I have ever been engaged. It was a second trial. On the first trial the defendant was convicted and sentenced for forty years. The jury fixed the term in Missouri. On the last trial we reduced the sentence to ten years—being thirty years thrown off—which was certainly a triumph, but we have applied for a new trial on these grounds:

First, That witnesses were allowed to give testimony who only heard part of a conversation with the prisoner; the whole conversation would have been all right for defense. What they heard was against us.

Second, That the defense were limited in time and that fact was not communicated until time was called, when the evidence had not been examined or reviewed by the counsel for defense.

Third, The jury separated and talked to strangers during the trial.

Fourth, One of the jurors was insane.

Upon these exceptions we hope to get a new trial before the Supreme Court. I ask you as a personal favor to give me such authorities as may assist me to establish error in the first and second grounds for a new trial. I am sorry to annoy you with a matter of this kind but I am sure the favor will be appreciated.

In regard to your forthcoming work, in which I take great interest, I have gathered a great many facts. I have written to Hon. Amos Harris, of Wichita, formerly prosecuting attorney for your judicial district for some facts. I will give you a sketch of Delazon Smith, Judge Augustus Hall, Shepherd Leffler, Hastings, Scott Richman and Colonel William Thompson and others which I have in mind. I will have the whole ready by October and send it to you in the form you have requested.

Will you please to send me the authorities I have requested above. God help you.

Henry Clay Dean.

July 12, 1885.

A little later in the same month I received from his son the following brief epistle:

Chariton, Putnam County, Missouri, July 21, 1885.

Hon. E. H. Stiles, Ottumwa, Iowa.

Dear Sir: My father requests me to write to you and say that he will by September 1st prepare the matter to which you refer in your letter. In it he will give a brief account of all the early lawyers of thirty years ago in Iowa.

Yours with respect,

J. W. Dean.

Not very long after this, I learned that he was ill, and still later that he had died. A few years after his death I wrote to his son, J. W. Dean, calling his attention to the correspondence that had taken place before his father's death and asking him if his father had prepared for me any of the material referred to. To this he thus replied:

The only thing in the way of sketches of the early lawyers of Iowa which my father left was a few pages of manuscript concerning the early lawyers of Muscatine, a copy of which I enclose as I am satisfied it was prepared for your use. I recognize it as having been written when he was in rapidly failing health. My father died February 6, 1887, leaving his widow, Mrs. Christiana M. Dean, and the following named children: J. W. Dean, Charles C. Dean, Henry Clay Dean, George James Dean, Mrs. Mary J. Walter and Virginia R. Dean, since deceased. I feel greatly interested in your book. * * * These three newspaper clippings which I enclose were found by me among an old collection. One of these is a sketch of my father's early life prepared at my request by a lifelong and intimate friend of my father's, who was by several years my father's senior, and survived him several years. Having known my father from infancy, he was better qualified than any person of whom I had any knowledge to prepare such a sketch, and as he did not long survive I was fortunate in securing it. The third scrap was, I am convinced, written by the late Eugene Field, who was a personal friend of my father. I have about twenty scrap-books through which are scattered a great many articles and sketches concerning my father. These would be of little service, I believe, in the preparation of your sketch.

I was several times solicited by the editor of a Western magazine to prepare a sketch of my father's life but always felt unequal to the task. I have been several times solicited for material by others for the preparation of such a sketch, but this is the first time I have ever furnished anything except a few facts, data, etc.

If there should be any other facts or circumstances concerning which you think I should be able to furnish information, command me freely.

Most respectfully yours,

J. W. Dean.

The manuscript referred to in the foregoing letter might perhaps have been of some service in my sketches of Muscatine lawyers, but I had forgotten that I had it. As the persons he mentions are fully covered by what I have said of them, it becomes wholly unnecessary to give any portion of the manuscript, which at best is but short and fragmentary, and, as stated by his son, written while he was in rapidly failing health. But I should be ungrateful did I fail to express the deep feeling with which I was touched by his personal kindness and the struggling desire of his last days to do something for the effort to perpetuate the memory of his early associates.

Of the three newspaper clippings, to which the letter above refers, one was written by Eugene Field. Mr. Field's article appeared in the "Chicago News,"

with whom he was then associated, and as the opinions of such a man are worthy of esteem, I give them as written:

Henry Clay Dean, who has recently died in Missouri, was in some respects a remarkable man. We doubt very much whether his notorious indifference to the care of his person and the appearance of his attire stood in the way of his advancement. He was wholly without ambition. * * * That is to say, he cared nothing for fame, reputation, or riches, and he seemed to take no delight in any employment except reading. He was so great a reader as to have become a great scholar; he sought and found in the classics the keenest pleasure, and so extensive were his researches in the field of literature that for many years before his death he was regarded as a veritable encyclopedia in this department of learning. He had an unusually vigorous memory and the most charming conversational powers. He talked so fascinatingly that ladies who at first revolted against his unkempt personal appearance were attracted to him by the brilliancy of his wit and the prodigality of his erudition; once under the spell of his remarkable conversational powers, it became easy to grow blind to the man's grotesque personal appearance and repelling raiment. Singularly enough, although Mr. Dean was exceedingly sensitive to criticism of his garb, he would never take pains to improve his appearance. Although he was ever a man of extreme opinions and vigorous expression, there never was a heartier friend, a more amiable companion, or a more generous antagonist than he. We know of no man of whom dead so little ill could be remembered as of Henry Clay Dean.

The sketch referred to in said letter, as having been written by a lifelong acquaintance, I shall closely condense, as the substance of much of it has already been stated. The name of the person writing it is not disclosed. It must be remembered that it was addressed to the son, J. W. Dean. It surely shows that Henry was a youthful prodigy and verifies my statement that he was a genius.

Your father commenced preaching at four years of age. He learned from memory a negro sermon of considerable length which he delivered to crowds of people. He would be placed on a stand or a stump where people would be gathered. He created amusement as well as astonishment no less by his memory than by his power of delivery. This he continued to do at intervals until he was six or seven years of age, when he was sent to school. He was then able to write. Mathematics appeared to come to him by instinct and after the age of twelve, he found no teacher whom he was not able to lead in that branch, with the single exception of John G. Hertig, the best mathematician of Fayette County, after Albert Gallatin. Caleb Dean, the father of Henry, was a stonemason by trade. He had three sons, and while his children were young he was confined to his bed and room for four years by sickness. This accounts for young Dean's early struggles. He assisted his father and at an unusual age became an expert with the hammer and trowel. His habit was to take his book in his hat and to spend his spare time in study. It may be truthfully said that he carried a small library in his hat and pockets during this period of his life. When Henry was some thirteen years of age, his father built a stone house in German Township, assisted by his three sons, William, John, and Henry Clay, each of whom took up his own corner. When Henry Clay finished his corner, he threw down his hammer, square, and trowel, and jumped off the scaffold, declaring that he would now try some other way of making his living. The corner of the house referred to stands today as a masterpiece of finished masonry, admired by all who see it. He then went to a common school and at an early age taught. He afterwards made arrangements with Andrew Stuart, of Union Township, who carried on extensive iron works, to keep his books, for his lodging and the privilege of using his library and receiving his counsel. Here young Dean made the greatest effort of his life to acquire knowledge. His great industry in acquiring knowledge attracted the attention and gained for him the friendship of some highly educated people, among whom was Judge N. Ewing, who loaned him a book to read, which he returned in so short a time that the Judge took it for

granted that he had not read it. Dean assured him that he had carefully done so, whereupon the Judge questioned him, and finding that he was familiar with its contents, offered him free access to his library. Here it may be said, he laid the foundations of his future greatness. After he left the office of Mr. Stuart, he again taught school, studied law, then theology, was ordained a minister and assigned a circuit in the Virginia Conference. His great eloquence and ability soon made him a noted man and did much to build up his church in that country. I should here state that Dean did not take much pride in dress and while in Washington once made no change of clothing from his ordinary traveling suit. On account of this he was denied the use of a church but was given another. A Washington paper announced the time and place of the delivery of his sermon and it is said that the crowd that gathered to hear him comprised more Senators, Congressmen, and leading public men than had ever assembled in any church there, and it is said that Dean preached perhaps the greatest sermon of his life. Henry A. Wise afterwards acknowledged and reciprocated the aid Dean had rendered him in his election, by joining Dean's friends in his successful candidacy as Chaplain to the United States Senate, to which he was almost unanimously elected. The recollection of the great sermon which he had preached in Washington several years before and the reputation he had subsequently gained contributed materially to this result. I can here say that Dean was never in favor of slavery. He was in favor of freeing the negroes by purchase. He held that for the stain of slavery the North was equally guilty with the South, and that to abolish slavery by purchase was the true method of getting rid of it. Many of Dean's old friends and the relations of his wife in Virginia, although they opposed secession, were killed and their property destroyed without just provocation, as he believed, early in the war. As they could not leave their property, they were compelled to sustain the Confederacy. Many causes have been given for Dean's leaving the pulpit. When the division of the Methodist Church took place, Dean opposed it and said that it was the first step towards the dissolution of the Union and civil war, and that he would relieve himself of all responsibility by retiring from the ministry. He would not tolerate the idea of the "Methodist Church North" and the "Methodist Church South." Among the last and greatest efforts of his life were his lectures on the immortality of the soul. His eloquence was never more powerfully exalted than in the National Democratic Convention in New York in 1868, when a desperate effort was made to secure the nomination of Judge Chase, of Ohio, for the first place on the ticket. Mr. Dean had a work on political economy ready for the press at the time of his death. He was a great advocate of the election of United States Senators by the people, believing that in such a method of choosing money would not enter so largely as a factor. I do not remember the date of his admission to the Uniontown bar. It was only an act of courtesy as he did not design to practice at that time.

On the occasion of his death, Samuel M. Clark, the accomplished Republican editor of the "Keokuk Gate City," and later Congressman, in a letter to the "St. Louis Globe Democrat," republished with approval by the "Iowa State Register," said of him:

In the year 1850, when he came to Iowa, Henry Clay Dean was a Methodist minister. He was rated as a phenomenally eloquent speaker. Van Buren County and Southern Iowa are full of incidents and traditions of his eloquence and keen wit. * * * General George Jones and James Harlan, then the Senators from Iowa, were instrumental in securing him the place of Chaplain of the United States Senate. During the war he always kept silent as to his feelings, or if he spoke told just what he thought and felt, and often spoke most unwisely. He recognized this in the latter years of his life, and often said so, frankly granting that he had been wrong, and saying that if he had never been mistaken in his life he would have been set up for a pope. Despite his habit of breaking out into fierce invective, like Dr. Johnson, Mr. Dean was one of the kindest and most tender-hearted of men. An act of sentiment, of kindness, toward him disarmed him of all temper and made him as gentle as a child.

In Iowa especially, but wherever he was known, Henry Clay Dean was recognized as an orator without a peer. His chief eccentricity was in the matter of dress, and primitive manners. He always wore a full beard and mustache, a soft slouch hat, and attire that sometimes bordered on the slovenly. At the Iowa State University he once appeared with a new suit of clothes. He was to deliver an address to the class, and when he appeared on the stage a titter ran through the audience. Dean wore a pair of pantaloons similar to the traditional sailor's trousers, a blue flannel shirt, a flowing brown linen duster, and a pair of brogan shoes. He paid no attention to his reception, but commenced to talk as soon as he appeared and in less than five minutes his hearers had forgotten the attire and were enrapt with as brilliant oratory as ever dropped from the lips of man. He was a power on the stump, and during the famous campaign in which Iowa was carried by the Republicans by scarcely 6,000 majority, Dean traveled by day and talked at night from the Half Breed Tract to the Western Reserve of the State, carrying greater weight for the Democratic party than all its other leaders combined. He never forgot a man after being introduced to him, and his popularity was largely due to this fact. Among all Iowans, Republicans and Democrats alike, Henry Clay Dean was regarded as one of the most remarkable and brilliant, as well as the most eccentric man within their ken.

But I think the most correct description of his personality is from the hands of that superb Republican editorial writer, J. S. (Ret) Clarkson, of the "Iowa State Register," appearing in the February 13th issue, 1887, of that paper, entitled, "A Man of Contradictions." It is as charming as anything Dean himself could have said, and makes Clarkson worthy of being ranked as a literary and graphic genius with him. From it the following excerpts are given:

We are getting old enough as a State to have a great deal of history. In the personal incidents connected with such men as this, this history is best preserved. Mr. Dean was not only a great man in the intellectual sense of the term, but he was a man whose activities and radicalism made him a figure in every contest occurring during his time. He came to Iowa from Virginia when a young man nearly forty years ago, with a reputation as a prodigy in preaching. He was the wonder of camp meetings and the great power of the pioneer Methodist Church west of the Mississippi river. In some way he grew disenchanted with his church, and it is a doubtful question yet whether his grievance was not founded on justice. One of the peculiarities of the man was his slovenliness in dress. We heard him asked once why he affected this manner and custom when he was a man of so much refinement and delicacy at heart. He gave his answer, but we doubted the candor of it when we heard it: "I have adopted this dress so as to put myself near the common people. I seek for knowledge at the fountain, and when I ask a working man a question dressed as I am, I always get an answer. In my line of research and thought I would rather talk with working men than statesmen." But there was always that about him which certified him to a close observer as being possessed of an intellectual nobility that neither unkempt clothes nor slovenly manners nor careless habits could conceal. It was always plain that he had an ancestry of renown, that he had had forebears with white hands, high foreheads, and courtly manners. He had a hand so delicate and white that a lady might envy it, and he used it during flights of impassioned oratory fluttering high above his head with the infinite grace of a white wing. Other things about him marked his original high breeding and intellectual lineage. There was an abundance of good fellowship about him and he found genial friends in unexpected places, winning them by a something which rarely failed him if he cared to exert it. The most intolerant of Democrats who ever lived in Iowa, his companionships were mainly with men of that party, but not wholly so. Indeed, it is probable that his strongest friendships were with a few Republicans. He had the peculiar quality also, which very few men have, of gaining warm friends in his old age. He was so broad in human fellowship and so confident of his own powers that he was apt to find grateful friendship among those who fought him politically as with his own party men.

Among his Republican attachments was Senator Harlan, which ranked not second with any of his friendships in Iowa.

It fell to the lot of the writer of this, in entering upon politics twenty-one years ago, to find among his first editorial tasks a great deal to do in writing about Mr. Dean and in dealing sharply with his utterances about the war for the Union. He came to Des Moines several times to make speeches for the Democrats and to arrange for selling his book entitled, "The Crimes of the Civil War." The attacks of the newspaper were sharp and constant, and in every speech he made in Des Moines, he devoted a portion of it to paying his compliments to the paper and the writer of the assaults upon him. But evidently he did not consider a political opponent a personal foe, for one day there came a shuffling step and a vigorous rap at the editorial door, and when it was opened a heavy stocky man in drover's clothes, a grizzled beard, capped with a slouch hat, and smoking a strong pipe, appeared, and asked for the editorial writer with whom he had dealt in his speeches, saying in a peculiarly genial but quiet way, "I am Henry Clay Dean." It need not be said that such an overture was kindly received. He took a seat and talked for several hours. His knowledge of men, his memory of political events, his power of analysis of human emotions, his facility in drawing contrasts from history, his tenderness about the gentle things of life, his wonderful delicacy and tenderness in speaking of women, and with them all his wizard power of eloquence in human speech, made him so fascinating a man that in five minutes he could easily conquer, socially at least, any political enemy of sensibility and intelligence. After that he came to Des Moines often to make speeches or on political or legal errands, and rarely if ever failed to renew his calls, and often he spent three or four hours talking as only he could talk. After making a speech that had made all the Democrats in Des Moines howl with delight over his denunciations of *The Register* and its editor, he would come to *The Register* sanctum and spend hours, first telling of what he had said in his speech and laughing over the necessities of politics, and then turning to the better things of life to dwell upon them. In these hours of frankness and informality we learned to know his estimate of nearly every public man in life in the United States and especially in Iowa. He had a marvelous knowledge of the details of the lives of nearly every one. As soon as a man came under his notice it was his rule to learn about him everything that could be learned, and by the time he had met him he was ready to form his opinion of him. He spoke several times of the system with which he collected and preserved these things, and if they were not destroyed together with his fine library some ten years ago, there must be among his possessions notebooks with a marvelous amount of memoranda about public men and public events. It was one of his peculiarities to have decided aversions as well as decided friendships. In all of his first visits he never failed to call up for discussion one of the noted public men of Iowa whom he had known ever since he had been in the State, and whom he delighted to discuss with the merciless satire of which he was master. It seems that he had an unsatisfied grudge growing out of an early enmity toward this gentleman which time had not appeased. Indeed, he had done his really generous heart an injustice by perpetuating it. Finally I said to him one day, "Mr. Dean, whenever you talk to me of that gentleman you deal only in unmeasured abuse and unkind judgment. When I talk to him of you, he talks only of the good things about you, and has told me many stories of the kind heart under your brusque manner, and of many kind deeds that he personally knows of your having done. When I last saw him, in speaking of you, he took out his pocketbook, and from one of its inner pockets drew forth an extract from a paper yellow with age and handed it to me. I read it over. It was one of the most brilliant and tender tributes to human worth that I ever read. He said, 'That was written of my mother when she died, and it was written by Henry Clay Dean.' He added, 'No difference what Mr. Dean may do in politics nor what he may say of me, I shall always preserve an affection for him and keep a sense of personal gratitude for the manner in which he wrote of my dead mother.'" Mr. Dean listened intently, and large tears stole down from his eyes, and there came upon his face the light of the memory of the early days when he had written the tribute. But he had not a word to say, yet in all after conversations he never spoke of the gentleman except with kindness. The knowledge that the man against whom he had had a bitter feeling did not return it, but instead

felt kindly toward him, completely disarmed the old man, and left friendship in place of hatred.

Like many strong and aggressive men, he had a breadth of courage and a tenderness of heart that never could reject an overture of good feeling. Such men are always disarmed by kindness and captured by a gentle word. Some ten or twelve years ago Mr. Dean came to Des Moines to lecture on "American Oratory." It was in Moore's old hall, on a bitter cold night in winter; a savage blizzard in the weather kept nearly everyone from going. He had not more than seventy-five or a hundred people in the audience. The night, the small audience and the weather seemed to depress him. It was a fine subject for the master who had taken it up, but the inspiration was not present. He labored along saying many strong but not brilliant things; reciting his lecture much as a college junior would a committed speech. Finally he incidentally referred to the atrocious theory of Walpole, "that every man has his price." As he said this, it seemed to illuminate him and start him in a new path. Raising his forefinger he crossed the stage diagonally, coming down to the footlights, and said, "I had not thought of it before, but I want to give here an answer to that insidious challenge of human integrity that is everywhere being accepted without protest." His face shone with a kindled light such as falls only on the face of inspired orators. He turned and began to draw a picture of a morning and a sunrise in the Mohawk valley. With his wonderful grace of portraiture he set the landscape before his hearers so faithfully that they could see it. He then pictured the three revolutionary soldiers standing on the picket line and the approach of a fourth party, a courtly man, whom they hailed under their orders and stopped. It was Major Andre, the British spy. Something in him aroused their suspicions and they searched him, finding on him some papers. They were not able to read them, and he assured them, with an ease and skill which would have deceived the most of men, that there was nothing wrong in them. But the sturdy men of loyal faith would not accept the explanation. Then he sought the persuasive power of bright gold. All that he had he would give and much more he would obtain and give. "But," said Mr. Dean, "these unlettered and ignorant men, not able to read and unversed in the affairs of men, had a love of country in their hearts that gold piled on gold could neither buy nor deceive." Then with a stream of oratory such as could only come from lips touched by a live coal of divine inspiration, he set the fidelity of these ignorant men against the challenge of Walpole, and with a sweep of power that carried every hearer with it, led his audience to other instances in support of his position in favor of the honesty of the human heart. He was asked after the lecture and again the next day if he would not write down this speech. He said, "It would be impossible. It came to me on the instant, crossed my path like a rift of sunshine, and left me as suddenly. I am not able to recall a word of it." There was no doubt of the truth of this, as we understand he never attempted to repeat it in his lecture afterwards. One noble thing about Mr. Dean whatever else was ignoble, was the interest he always took and the encouragement he always gave to young men and young people. Nearly all young people who knew him were his fast friends. At Mount Pleasant, when the Iowa Wesleyan University was in its strong and prosperous days, Mr. Dean was living there and had then cast off much of the preacher and put on much of the aggressive politician. The church people had become shy of him. But he soon made friends with the young students, helped them in their studies, stimulated them in their ambition, called them into his great library, and showed them in every way the kindness always so grateful to young hearts. Finally things came to a climax in the commencement one year, in 1860 we think it was, when the Hamlin Society of the College invited Mr. Dean to deliver the annual address. This horrified the older heads and they sought to dissuade the young people from it, saying that Mr. Dean would make a violent political harangue, that he had left religion behind and would deal in impiety, and that he would come in such slouchy dress as to be unworthy of appearance on the occasion. But young blood stood by its old friend, and Mr. Dean accepted the invitation. On the appointed day in June, the exercises being held outdoor, an immense crowd gathered with curiosity whetted with a prevailing anxiety to see Mr. Dean, and especially to see what he would say at that time. When he came, behold he was dressed in faultless attire, with a shirt bosom of frills as white as snow, and with that bearing of dignity

which he could so easily assume. He chose for his theme the noble one, "God is Love," and he swept everybody before it with his eloquence, enemies and friends alike. There was not a word in it which did not shine with the fire of reverent affection, and every sentence was classical in beauty and magical in eloquence.

He has gone to his grave and there remains to all who knew him, or at least to all people of good hearts, only the memory of that which was probably in truth his real nature. This paper, perhaps, had as sharp and heated rounds with him in politics as any publication; yet, when it came to know the man personally, it was compelled very largely to change its opinion of him. We recount now with pleasure which is genuine, the many visits we had from him, and shall treasure a large number of letters, the result of correspondence with him. He wrote a beautiful hand, artistic as a well-bred woman's, small, and nearly as plain as script, and letter writing seemed to be a pleasure with him. Nature equipped him for the greatest man intellectually on the prairies, but it so mingled the elements in him in contradiction that he was never able to reach the permanent renown and exalted position of mental eminence to which he was entitled. His life is an interesting and valuable study to those who would look into the human heart and measure the possibilities of human intellect. Those who were very near to him and those who knew him a long time will miss him very much more than we shall, for our acquaintance was incidental and irregular. But we shall always remember with a keen sense of enjoyment the visits that brought him to our doors. When he was here he always left the mask of politics at the entrance and was simply a brother man. He seemed to delight in putting off everything that kept him away from men because of politics. He was one of the only two men who could come to The Register office and smoke cheap tobacco in an old, strong pipe and be welcome. The regret is unaffected that the ungainly form, so like the casket of the pale dull lead that furnished out jewels peerless and resplendent, and the old pipe, and the hours of brilliant and fascinating conversation, are never to come again.

When it is remembered that the foregoing expressions were from political enemies with whom Dean had waged fiery warfare, their significance becomes greatly emphasized; especially as they were able men themselves, capable of making proper estimates. That Dean's tirades against Mr. Lincoln and the war were indefensible, is beyond question. All that can be said is, that in this respect he was false to his real nature, and like a goaded bull, went this course because embittered by being once cruelly dragged to the foot of the scaffold, once imprisoned for a time without judge or jury for alleged disloyal sentiments, and by being maligned in blackest colors through press and speech from one end of the State to the other. He lived long enough to regret some of his passionate utterances. Had he lived to complete the second volume of the "Crimes of the Civil War," the manuscript of which was consumed in the burning of his house, there would doubtless have been found in it a tone softened by reflection, tempered by a more correct and dispassionate judgment.

Though first educated as a lawyer, he did not engage in that profession until after his retirement from the ministry in 1860. I heard him deliver, I think, his last sermon; it was on the Immortality of the Soul; it was at once the most powerful and persuasive address I have ever listened to on that subject. In the legal profession his practice was for the most part limited to cases involving capital punishment, and in this line it was thought by the profession as well as the public that he had no equal. His argument in the noted case of the State vs. Whitman, tried in

the District Court of Union County, which was taken down and afterwards appeared in print, a copy of which he was kind enough to send to me, and which I now have before me, is, I believe, the most powerful summary of facts, individual instances, and mental philosophy bearing upon the question of insanity or mental unsoundness that I have ever seen developed in a single effort. It deserves to be printed anew and possessed by every lawyer who is likely to have either criminal or civil cases involving the question of sanity. Among the most elegant discourses extant is that contained in his address on the Louisiana Purchase before alluded to. It has a wealth of illustrative beauty and eloquence rivaled but by few human productions in the world. I had hoped to make some extracts from these addresses, but I have already given so much space to this sketch that I must forego execution of the purpose and bring this article to a close, with the hope that some competent author of the future will collect and publish his works in connection with a more elaborate biography. I feel a sincere personal pleasure in the belief that I have contributed something to perpetuate the memory and vindicate the character of this extraordinary man.

Charles Aldrich, Benjamin F. Gue.

Charles Aldrich was not a lawyer, but he was a public man in the highest and most useful sense of that term, and as such I am glad to pay my humble tribute in perpetuating his name. The death of no Iowa man during my time has occasioned a more spontaneous and general manifestation of profound veneration than his. Not because it was premature or unexpected, for he had lived to a great age, but because of the deep founded realization that he had done a great thing for the State in preserving for generations to come, and for all time, the materials of its early history, and because this great work had been accomplished in the face of discouragements that seemed insurmountable, and that would have deterred a less heroic spirit. He died at his home in Boone, where he had spent the last seventeen years of his life, on the eighth of March, 1908. Brief funeral services were there held, attended by many pioneers and notable persons. From there the body was brought to Des Moines, where it lay in state in the main corridor of the Historical Building during the forenoon of March, the eleventh. In the afternoon public services were held in the building, attended by prominent men from different parts of the State, and characterized by many rare tributes to his memory. On the following day the remains were taken to Webster City, his old home, where a full military funeral was held under the charge of Col. George W. Crosby. The services at Des Moines, by request of Governor Cummins, were under the charge of Mr. E. R. Harlan, then Acting, and afterward Sole Curator of the Historical Department, succeeding Mr. Aldrich in that position.

My acquaintance with Mr. Aldrich had been long and intimate—commencing in 1864, and continuing to the period of his death. At his request, I contributed

along the years to the *Annals of Iowa*, the success of which was dear to his heart as part of the Historical Department, a number of sketches. We had much correspondence and occasional interviews, and at the end of all, I can say with both sincerity and fervor that he was one of the loveliest and wisest of men. But of his particular characteristics and the principal events of his life, I am going to let others mostly speak, instead of myself. One instance in our correspondence, which causes me to smile in thinking of, I cannot forbear mentioning. In the sketch of Judge Hall, I relate as given to me by Daniel F. Miller, the incidents of a trip taken by Judge Hall, Lyman Johnson, Judge Kinney and Mr. Miller, of 250 miles across the mostly uninhabited country, from Burlington to Kanesville (Council Bluffs) for the purpose of taking testimony in the contested congressional election case between Miller and Thompson. After sending the manuscript to Mr. Aldrich, he wrote, asking if, on account of the dignity of the personages involved, I had not better soften one of the incidents of the narration. I responded by saying that he made me smile, not so much at the request he made, but at the recalling of an anecdote I had just seen: Bernard Shaw sent some of his plays to his New York manager for production there. In one of them Shaw made a high lady at a high function smoking, not a cigarette, but a cigar. Thereupon his manager wrote Mr. Shaw, calling his attention to the fact that he had made this titled lady smoking a cigar, and asked him if he had not better make it something else. In response, when this letter was received by Shaw, he immediately telegraphed back: "Yes, make it a pipe." I told Mr. Aldrich that I would do better than that, that I would make it a cigarette, and accordingly softened the point suggested. We had some amusement over this correspondence, in the course of which I called his attention to the following sage remarks of Oliver Wendell Holmes:

There must be a weak spot or two in any character before we can love it much. People who do not laugh or cry or take more of anything than is altogether good for them or use any but dictionary words, may be admirable subjects for biographies, but we don't always care most for those flat-pattern flowers that press best in the herbarium.

As I have said, it is my purpose to let others who will likely be less partial than myself, speak of him; and this I must do in a brief and epitomized form. In 1892 John M. Brainard, the veteran and distinguished editor; founder of the *Clear Lake Independent*, editor and proprietor of the *Boone Standard*, and a journalist for more than forty-two years, who knew Mr. Aldrich and the events of his life thoroughly, contributed a sketch of him to the *Biographical Record of Boone County, Iowa*, published by the S. J. Clarke Publishing Company, Chicago, which was reproduced and formed a part of the memorial services published in and forming the entire January, 1909, number of the *Annals of Iowa*. I shall content myself with embracing substantially the concise relation of Mr. Brainard, (the data on which it is founded having been received personally by him from Mr. Aldrich, a fact which

gives the narrative authenticity) and follow it with extracts from some of the other speakers on the occasion referred to.

Charles Aldrich, the founder and curator of the Iowa State Historical Department, was born in 1828, in the town of Ellington, New York. The father was a blacksmith in early life, afterwards a merchant, lumberman, and farmer. Charles' elementary education was such as the common schools afforded, and at sixteen he attended Jamestown Academy for a year, but his real education began in 1846, when he entered the printing office of the Western Literary Messenger, published by Clement & Faxon, in Buffalo, New York. In this office he served an apprenticeship to the printers' art, and after working in the villages of Attica and Warsaw, New York, and Warren, Pennsylvania, he established in 1850, the Cattaraugus Sachem, a weekly newspaper, at Randolph, New York, which he conducted one year. A file of the Sachem is in the Iowa Historical Department. Removing to Olean, in the same county, he established the Olean Journal, which he conducted five years, and then returned to the home farm in Little Valley, where he remained until he removed west in 1857. It was in June of this latter year that he set up in modest office the Hamilton Freeman, at Webster City, Iowa. The press, type and office fixtures had been hauled across the country from Dubuque, over the prairie roads and through sloughs "without bottom." The prospect, a Republican paper in a village of two hundred inhabitants, the county all told having but fifteen hundred and the official patronage in the hands of the Democrats—would not have been the most encouraging to one with less vigor and confident hopefulness. He came naturally to be a Republican, for he was a freesoiler long before his majority. At the age of nineteen he was chosen secretary of the first freesoil anti-slavery convention held in Cattaraugus County, New York. It was in the midst of the discussion of the slavery question, and words were not minced on the frontier in political contests. This result, to the Freeman and its patrons, justified the venture, and party lines were soon readjusted on a more satisfactory basis. Subsequently Mr. Aldrich was connected with the publication and editing of the Dubuque Times, Marshall County Times, and as a writer for the Chicago Inter-Ocean, and other papers. He served the state in five of its legislatures. He was chosen chief clerk of the House of Representatives in 1860, 1862, 1866, and 1870, and was elected a member of that body by Hamilton County in 1881, serving in the session which began the following January. It was during this session that he introduced a bill to prohibit the issuing by the railroads of free passes to public officers. This bill was favored by two or three of the leading companies and opposed by others. It became the exciting topic of the session and was hotly debated on the floor of the House and in the newspapers. Mr. Aldrich's remarks in its defense were copied by the leading journals throughout the country, from New York to San Francisco. No speech of any Iowa man has ever had so wide a circulation. But the bill failed to become a law. This topic was discussed by Mr. Aldrich and the late Judge N. M. Hubbard, of Cedar Rapids, in the North American Review for January, 1884. In 1869, doubtless through the good offices of his abiding friend, the late Hon. J. B. Grinnell, Iowa College conferred upon him the degree of A. M. In 1883 he was one of the founders and continued a member of the American Ornithologists' Union. He was also a member of several state historical societies. In 1883 Mr. Aldrich started for the Holy Land with his friend, Jacob M. Funk, of Webster City. They traveled in England, Ireland, Belgium, Germany, Italy and France, but went no farther east than the city of Naples on account of the cholera, which had begun its march across Europe. Mr. Funk came home two weeks in advance of Mr. Aldrich, who then visited the Channel Islands, Winchester, Selbourne, Canterbury, Stratford-On-Avon, Oxford, Cambridge and Birmingham. He had the good fortune to hear sermons on Martin Luther, by Spurgeon, Cannon Farrar and the Archbishop of York. He also heard an eloquent sermon by Cardinal Manning and was kindly received by Cardinal Newman. He crossed the Atlantic twice later but did not go beyond England.

Mr. Aldrich devoted much time to the work of securing just and necessary legislation for his State. We will enumerate briefly a few of these measures:

In 1858 he secured the passage of a law for the publication of the session laws in two newspapers in each county. In this work he had the hearty support of Cyrus C. Carpenter, afterwards Governor; of James F. Wilson, one of our United States Senators, and of Captain Thomas Drummond, the brilliant Iowa journalist, who was killed at the battle of Five Forks, Virginia. This law was repealed some time in the seventies, but it had served a good purpose while it was on the statute book. The change in county government (1860) from the old county judge-autocratic, and often corrupt or inefficient system, to boards of supervisors, was due to the advocacy started and continued by him. The publication of the proceedings of the boards of supervisors, the lists of county expenditures and the sheriff's sales of real property was secured by laws drafted by Mr. Aldrich. He drafted and secured the passage of the Iowa law of 1870, which protects from wanton destruction the harmless and useful birds. Of this pioneer measure he had always been proud. It still remains in the Code of Iowa, though slightly amended. In the session of 1882 he introduced and secured the passage of the bill which gave to Judge James W. McKenzie's widow a continuance of his salary for some months. McKenzie was a soldier who "waved the answer back to Sherman" from Allatoona to Kenesaw. He had died in office from the effect of his army service. He also introduced a bill providing for a State Board of Pardons, which passed the House but was not reached in the Senate. Up to this session neither House had ever had a legislative calendar. Mr. Aldrich introduced a resolution directing the adoption of this sensible and altogether indispensable custom, but it was pounced upon and fought by sundry economists with more than ordinary bitterness. He secured its reference to the committee on rules, and taking a roll call explained the measure to members individually, promising to pay the expense of printing if, after a week's trial, the House should discontinue the morning calendar. As members promised to stand by this experiment he checked their names. When a majority was secured he got the resolution reported back, but "without recommendation," so cautious and "conservative" was the committee. When it came up it was passed and the appearance of the first morning calendar made the custom a permanent one in Iowa legislatures. The Senate provided for a morning calendar two or three days later, and that excellent measure of true economy continues as a fixed custom of today. In old times Iowa official publications were bound only in sleazy paper covers. In 1862 Mr. Aldrich secured the adoption of a measure which, after some experiments, resulted in the permanent binding of our public documents. He drew up the program for securing the repeal of the old "Granger law" of 1874, and the substitution of the commissioner or Massachusetts system. This law passed in 1878, and is yet on the statute book. Upon the publication of Poole's Index to Periodical Literature he urged upon the board of State Library Trustees, and advocated the idea through the press, of beginning at once a collection of the magazines of this country and England. This work proceeded slowly at first, but he persisted in his efforts until it became the settled policy of the State Library, and the collection is now one of the largest in the United States. It is one of those acquisitions of which every Iowan may justly feel proud.

In 1862 Mr. Aldrich locked up his newspaper office and entered the Union Army. He was made Adjutant of the Thirty-second Iowa Infantry and served as such for eighteen months, when he resigned and returned to Iowa. Soon afterward he was preparing to re-enter the service as Major of the Tenth Iowa Cavalry when orders came discontinuing the organization of that regiment. Subsequently General M. M. Crocker tendered him a position on his staff, as he was about to proceed to his command in the department of Arizona, but he was obliged to decline because of private business.

As indicating his natural bent in the direction of historical affairs, it may be recalled that while a resident of Webster City he aroused public interest and secured the placing of a beautiful brass tablet in the new courthouse, commemorating the names and deeds of the Company C contributed by Hamilton County to the Spirit Lake Expedition of 1857. In 1894 the legislature appropriated the funds to erect a monument to mark the spot of the massacre, and Governor Jackson appointed Mr. Aldrich a member of commission which had charge of the work.

Another legislature provided for the erection of a monument near Sioux City to mark the grave of Sergeant Floyd, a member of the Lewis and Clark Expedition, who died there in 1804, and was the first American soldier buried on Iowa soil. Mr. Aldrich was a member of the Floyd Memorial Association, which brought the subject to public attention. In 1872 he was appointed by Governor Cyrus C. Carpenter a member of the commission to investigate and report upon the titles of settlers in the Des Moines Valley who had lost their homes by adverse decisions of the United States Supreme Court. They continued in office until the early part of 1875, their labors resulting in the passage of an act by Congress for a new commission and a report to the general government. Mr. Aldrich was appointed by President Grant as the Iowa member of this commission, whose recommendation for relief passed the House, but failed in the Senate. In the year 1875 he was a member of the United States Geological Survey under Dr. F. V. Hayden, which was engaged that year in Colorado, Utah, Arizona, and New Mexico. His letters to the Chicago Inter-Ocean were widely read, copied and very interesting. Father Boren, the pioneer miner in the La Plata Valley, Colorado, and the discoverer of Boren's Gulch, named a mountain for Mr. Aldrich. The name "Mount Aldrich" is recognized in the United States Geological reports.

For nearly a quarter of a century the Historical Department of Iowa has engaged the chief attention of Mr. Aldrich. It was his development and will remain his most enduring monument. It had its origin in a taste acquired in early youth for the collection of autograph letters, portraits and other personal mementos of distinguished persons, living and dead. In 1884, when this had grown to considerable magnitude, he tendered it to the State. It was accepted by the trustees of the State Library, with the condition that it should have suitable cases, to be kept separate from other collections and that he should be permitted to make additions to it from time to time. He had devoted much time and means to increasing and caring for this "Aldrich Collection," and devised the cases in which the material is kept. These cases have been adopted for like purposes in libraries and other collections. They are superior to those containing the great collections in the British museum. In 1892, upon Mr. Aldrich's showing to the legislature, that body established the Historical Department, and gave it room in the Capitol building. Its development was of slow growth at first, it is seldom that the public's appreciation of the higher things of life keeps pace with the wider views of their promoters; but in 1897 the legislature made an appropriation of \$25,000 with which to erect a building and purchase the grounds therefor. After a site was bought the executive council deemed the amount too small to erect a suitable building and decided to await the action of the next legislature. During this period the campaign of popular education went on and the legislature of 1898 appropriated \$30,000 more for this purpose. New and much larger grounds were secured and one wing of the building, which, when completed, will cost \$300,000, was commenced in 1898 and is now completed and occupied by the Historical Department. The educational value of this great work is fully recognized. It is collecting and saving from destruction the material from which the history of the State will be written sooner or later, its walls are adorned with portraits, and marble busts of many of its distinguished citizens are to be placed in the art room. A museum of articles mainly illustrating the pioneer conditions of the State is a very interesting feature and is viewed by thousands of people every year. The department is collecting and preserving early and current files of State newspapers and periodicals, so useful for purposes of reference. In connection with the department there is published a quarterly, the *Annals of Iowa*, through which the public is brought in touch with the work of the institution. Mr. Aldrich labored successfully to develop a sentiment in favor of republishing such of the early laws of the territory and State as have been long out of print. In 1851, Mr. Aldrich was married at Knowlesville, New York, to Miss Matilda Olivia Williams. She was in full sympathy with all her husband's ambitions, was well and widely known throughout the State and sincerely mourned at her death. She was a member of the American Society for the Prevention of Cruelty to Animals and a lover of the birds. Mr. Aldrich was married a second time November 12, 1898, to Miss Thirza Louisa Briggs, of Webster City, a lifelong friend of his first

wife. Their home in Boone was an ideal one, a center of rest and pleasure to their old friends.

Mr. Aldrich's mental equipment was most versatile, with the faculty of immediate concentration upon the subject in hand, and untiring persistence to its end. His style of writing was concise, lucid with a dash of quaint, applicable humor and excellent powers of description. There was no straining for high-flown expressions. He had always too much to say thus to waste time. In disposition he was a maker of friends and loyal to them when secured. His enemies, if he had them, were managed by letting them alone, though in his newspaper days the editorial belt may at times have been ornamented with distinguished scalps. He was fond of the society of younger people, to whom he had long been helpful in many ways. In religion he was a liberal, believing the best expression of faith is in deeds of charity and in sympathy with suffering humanity, rather than in creeds and dogmas. His life was an illustration of this thought, for most of his work was done without pecuniary reward.

The accomplishments of his life subsequent to those above detailed will, in the main, be found in connection with the Annals of Iowa and other publications of the Historical Department under his charge. It is appropriate, however, to add here a prominent personal characteristic. It was his unvarying tenderness to all animate beings. Those who knew him only as editor, soldier, or administrator of public duties, might not suspect its existence. But at home, at leisure, in the forest or on the prairies, in walks and drives, no one of the Creator's children looked into his face for sympathy and turned away disappointed. The dog and the cat, the horse and chickens, the four-footed denizens of the forest, and field, almost the birds of the air, knew him by the name of Friend. School children, those unerring judges of our inner life, wrinkled their faces in smiles when this, their friend, passed them upon the highway. So it was that the trees, the barn, and like places within his grounds, carried small boxes for the birds, an opening for the cats and a shelter for the dog.

The afternoon memorial services before alluded to were presided over by Chief Justice Scott M. Ladd, of the Supreme Court, who introduced the different speakers. The following are brief extracts from the very graphic remarks of Lafayette Young, of the Des Moines Capital, in speaking of him as a journalist and as a man:

He delighted in newspaper work. The atmosphere of a newspaper office was enjoyable to him. He never lost interest in journalism. Up to the last year of his life he was a frequent contributor to the newspapers, whose editors he knew intimately. Like all writers who have advanced to the editorial work from the printer's case, he was a man of few words. He disliked surplusage. He had no patience with long-drawn statements. He wanted it boiled down. He had contempt for shams and no mercy upon hypocrisy. He wanted a man to say what he meant and mean what he said. * * * His desire to reach the ultimate facts as quickly as possible gave him an air of impatience. And as years passed his manner became that of a critic, in some measure. Yet he had seasons of the most enjoyable serenity. He never lost his love for nature. In the early spring he felt the old mood coming over him, and at such times he would write editorials on the oncoming grass, the budding trees and the birds. He never forgot the birds. He felt that he was a committee of one every spring to give them a written welcome. He used to give me editorials on his favorite topics, pertaining to nature, the seasons and the changes that come with them. In giving me one of his productions he would invariably say, "Here is something I have written; if it is not good enough to appear as an editorial do not use it at all; I do not want it to appear as a communication." During a period of ten years he was thus a frequent contributor to the editorial columns of the Capital. Some of his writings were widely copied and credited to the newspaper in which they appeared. I called his attention to that, and told him that the people were giving me credit for writing the good things produced by his pen. He said he did not object to that! "Sometime," said he, "you may do the same thing for somebody else, and thus the situation will be evened up." * * *

His descriptive powers were excellent; his manner intense. By the use of words he could place a landscape right in your view. He could describe the fields of growing corn in a way that would cause the reader in his imagination to see the rich, green spectacle. He was as careful with every inconsequential paragraph as with a larger production. He was critical, his ear was trained, he could detect an improper use of words readily and could suggest a better one, one to bring out the meaning more emphatically. He grew away from the drudgery and routine of journalism into the work of the pamphleteer and historian. He felt that every good Iowa man at his best ought to have something good said about him, and he appeared oblivious to criticism that might be offered relative to the life of a man who had done many good things and a few wrong ones. * * * Through long years of intense study and investigation he became a learned man, fit to associate with scientists and those informed on technical lines. He met the best informed men of colleges and universities, even scientific men, on their own level and could add something to the discussion. His mental growth was constant. His fund of knowledge widespread, covering every field. While interested in facts, he was not unmindful of the delights of imagination and fancy. He loved good poetry and had no more patience with poor books than with poor poetry. Every event, every human being, interested him. He took the world for his field. Wide travel and discourse with the leaders of thought had made him a cosmopolitan. He had the indefinable quality which we call comradeship. With kindred spirits, he was a delight. He had hatred for every wrong, love for every good. His sympathies for the distressed were sincere and led him to do many noble deeds of which there is no record.

The following from the address of John A. McCall in referring to him as a man of culture:

He was by nature a student possessed of an avidity for knowledge that knew no satiety, and in this devotion to learning he continued to the close of his life. "living wisdom with each studious year." He was not a mere student of books. He was a close and intelligent observer of men and things, and in a long and interesting career, engaged in different spheres of activity, he became rich in the practical wisdom of experience. He came to this State when it was a new land, and the vast expanse of its sparsely settled and untilled prairies seemed to the human vision as wide as the sea, and in actual contact with its hardships and vicissitudes he acquired an intimate knowledge of pioneer life. * * * For his great work culminating here in this magnificent edifice, with these labors of surpassing value to the public, the pecuniary reward to Mr. Aldrich was small—only a very modest living. But of this he did not complain. He was content with the reward that came to his altruistic nature, the privilege conferred upon him of rendering a service of enduring importance to the State and her people. In Mr. Aldrich's nature there was an innate refinement, a rare susceptibility to the beauties of nature and of art, and a discerning taste that enabled him to discriminate in the estimation of historic, literary, and artistic values, and it was because of these qualities that the work of his later years possessed for him so great a fascination. He sought that enlargement of the intellectual horizon afforded by travel. Our own country with its scenery of varied and entrancing beauty, he knew well; he visited our great West and traversed its vast regions of mountain and plains, amid scenes of rugged grandeur and wild and savage sublimity. He crossed the sea, and traversed historic lands, whose stately monuments and imposing ruins impress and stimulate the mind, till the imagination, reaching back across the centuries resurrects and re-peoples the mighty past and revives the glory of ancient days. He visited the great museums filled with the relics and treasures garnered from all lands and all times. He wandered through splendid galleries, and saw the masterpieces of art, collected and preserved through the centuries. He lingered in libraries, old and vast, in which are stored the accumulated wisdom of the ages. In the course of his public services and his travels he became personally acquainted with many illustrious men both in the Old World and the New; with prelates and dignitaries of the church, politicians and statesmen of renown, men eminent in the domain of science, and the most famous contributors to the literature of the last half of the nineteenth century.

My limited space will not permit me to much further present extracts from the remarks of the numerous speakers who honored the occasion of the memorial services referred to, nor from the numerous and statewide press notices that were given of Mr. Aldrich. They will all be found in the Memorial number of the *Annals* before referred to. I cannot, however, refrain from presenting the following excerpts from the remarks of Horace E. Deemer, the distinguished Judge of the Supreme Court of the State, whose acquaintance with Mr. Aldrich was very intimate, and who thus strongly presents his leading qualities:

With a journalist's quick intuition for the pictorial and suggestive qualities in the conditions and events of the day; a keen apprehension of the economic and sociological problems of his time, which made him a progressive and efficient legislator; an ardent lover of State and of country, which prompted him to courageous and patriotic sacrifice and service; a natural refinement and a ripe culture, which were sources of strength and solace in his declining years, and the highest ideals of duty and of virtue in private life, Charles Aldrich, the founder and Curator of the Historical Department of Iowa, will nevertheless be remembered chiefly because of his work in collecting, collating and preserving Iowa historical data, materials and incidents. For more than twenty years he devoted his time, his thought and his energies to this work; and beginning with a single case filled largely with an autographic collection, occupying but a few square feet in the Library proper, he lived to see the practical completion of this magnificent building with its priceless wealth of material—a most fitting and lasting monument to his memory. This institution is his creature, his child, and being childless he cherished it with something akin to parental affection. And like the child of the body this building sustained and supported him during the latter years of his life. With mingled feelings of apprehension and of pride, he watched the builders as they progressed, seemingly unwilling to trust his offspring until secure from storm and strife; but with the building practically complete and his desk removed to its permanent office, feeling that his plans were secure, his policies approved, and his labors appreciated, he for the first time in a long, eventful and useful life seemed ready to answer the summons which had been so long deferred. Mr. Aldrich was by nature and training pre-eminently fitted for gathering these legends, traditions, fragmentary histories and biographies, and for collating, arranging and fitting them for future use. He had the true historical instinct, and a correct knowledge of historical values. He thoroughly appreciated the importance and significance of his work, was entirely impartial, cherished no partisan or political bias, always recognized worth wherever found, was fair to his opponents, charitable in his estimate of men and of measures, and consistently and persistently accurate in all his statements. And as a result every man or woman who has had anything more than the ordinary to do with the building of our State, or its institutions, has received just recognition at the hands of this department, and in most instances their biographies may be found among the archives here preserved for future times and generations.

What I have said of Mr. Aldrich as a public man will also apply to *Benjamin F. Guc*. He has written his own epitaph in the crowning effort of his life, his "History of Iowa, from the Earliest Times to the Beginning of the Twentieth Century," contained in four volumes. But independent of this great work, upon which he spent years of painstaking labor, he is entitled to be classed with Charles Aldrich in his long and useful efforts covering a period of more than forty years in collecting and preserving historical materials pertaining to the State and to the men who figured in making history during that time. His efforts in that cause have been conspicuous. On the creation of the Historical Department, he was at the instance of Mr. Aldrich,

made Assistant Curator and Secretary. He took a leading part in founding the Pioneer Law Makers' Association, and became its Secretary, and to his efforts in this position the State is indebted for getting into shape and having published the proceedings of the Association. In its published proceedings of 1898 will be found an interesting article on the Seventh General Assembly, and in the same volume or pamphlet will be found a number of biographies of Iowa public men procured by him from different persons. And this work he continued during his connection with the Association. His contributions to that Association were numerous and will be found in its published proceedings. To the Annals of Iowa he was a frequent and most valuable contributor, especially in respect to sketches of public men. In Volume I of the Annals will be found one of General Nathaniel B. Baker; in Volume IV, one of Judge Geo. G. Wright; in Vol. I, one of Theodore Guelick; in the same volume, one of Hiram Price. Of his History of Iowa, no word is necessary at my hands. Its rare value is ably portrayed in a review of the work to be found in Volume VI of the Annals of Iowa, 395. On his father's side, he was of French origin, and on his mother's, English. His paternal grandfather, David Gue, was a French refugee during the French Revolution. His father was John Gue, and his mother, Catherine Gurney. It is stated in the United States Biographical Dictionary for Iowa, published in 1878, that his parents were both Quakers in their religious belief, and pronounced abolitionists. He used to say that the first paper he saw in his father's house was William Lloyd Garrison's "Liberator." He was born in Green County, New York, in 1828. In 1834 the family removed to Farmington, Ontario County, and settled on a farm a short distance from a Quaker meeting house. Here the family lived until 1851. When Benjamin was but ten years of age, his father died, leaving his widow and six children, all but one of whom were younger than he. With habits of close economy in the family, the children all managed to secure a good common school education. Benjamin also had the benefit of a term at Canandagua Academy. In 1852 he came to Scott County, Iowa. He was a delegate to the First Republican State Convention, held at Iowa City, in 1856. In 1857 he was elected a member of the Legislature from Scott County, and was one of the youngest members of the Seventh General Assembly, of which he has given us the account before alluded to. He took a prominent part and was a leader in some important measures that came before that body. In 1859 he was re-elected to the House by an increased majority, and was made Chairman of the Committee on Agriculture. His years of experience on the farm came in good play. In 1861 he was elected to the Senate from Scott County, serving in that body one extra and two regular sessions. Here he was also prominent in the advocacy of important measures. At the close of his term in the Senate he purchased the Fort Dodge Republican and accordingly moved to Fort Dodge. Under his administration the paper was enlarged and its name changed to the Northwestern. It acquired a large circulation and for many years

was the leading advocate of Republicanism, Temperance and Woman's Suffrage for Northwestern Iowa. In 1864 he was appointed by President Lincoln, Postmaster at Fort Dodge. In 1865 he was elected Lieutenant-Governor on the Republican ticket and presided over the Senate during its session of 1866. It was my fortune to be a member of that body. It was no ordinary one. In it were men grown gray in the service of the State, and young men who hoped to follow in their course. There were lawyers, doctors and preachers of note; and there were soldiers that had led the surging lines of battle on bloody fields, displaying "a courage which, in its contempt of death, is a presage of immortality." The war had ended in the preceding April, and a few days later Abraham Lincoln had been assassinated. Andrew Johnson had become President of the United States. The absorbing theme of the nation was the work of reconstruction.

There could not well have been an abler or more satisfactory presiding officer than Mr. Gue. He was the personification of fairness and discernment. I am perfectly certain that this would be the sentiment and unhesitating expression of every member of that body, were they all living and could speak today. But these events occurred nearly half a century ago—forty-seven years—and the names of scarcely any of them are written among the living. Indeed, I believe I am the only surviving member of that body. This was the commencement of my acquaintance with Governor Gue. I became attached to him, as did every other member of that body, and the long years of acquaintance that followed only served to strengthen that attachment. If I should attempt to express my admiration and reverence for his pure and exalted character, my remarks might be deemed extravagant. I will only say that he was, by nature, a gentleman, possessing mental qualities of a high order and an integrity of purpose that was unswerving. Of him, his old associate, Charles Aldrich, thus fittingly wrote, following his death:

Governor Gue stood for what he thought was right. This characteristic, this principle, was the thing that distinguished him above all else. His influence was always on the side of right, in politics, in business, in morals, in society.

Going back to the time when he was a member of the Senate from Scott County, in the Ninth General Assembly, I shall avail myself of some data contained in an obituary notice under the initials J. B., appearing in Volume VI of the Annals of Iowa, page 476:

Among the measures introduced by him and carried to a successful conclusion were: An act prohibiting the circulation of foreign bank bills in Iowa, which was a measure of protection against "wild-cat" currency; an act requiring jury fees to be taxed with costs in suits in the District Court, which resulted in saving to the State more than one hundred thousand dollars annually. But the law to which this pioneer legislator was wont to refer with most satisfaction was that advocated by him in conjunction with Senator C. F. Clarkson and Samuel J. Kirkwood, a law by which the Agricultural College land grant of 240,000 acres was reserved from sale at the low prices then prevailing and instead was leased for a long term of years at a rental sufficient of itself to maintain the College. By this act the lands were held until good prices were obtained and thus our State Agricultural College secured an endowment fund far larger than that received by any other similar

institution. * * * In 1886 he was elected President of the Board of Trustees of the State Agricultural College, which he had done so much to place upon a permanent basis. In the face of strong opposition he advocated and secured the admission of girls as students of that institution, and the success of what was then a new departure is evidence of his far-sighted vision. It was on his recommendation that the progressive educator, A. S. Welch, was selected as the first President of the State College. In 1872 Governor Gue removed from Fort Dodge to Des Moines and took editorial charge of *The Iowa Homestead*. Under his editorship *The Homestead* gained a wide reputation as a leader of practical thought on public questions. In December of that year General Grant appointed him Pension Agent for Iowa and Nebraska, and in that capacity he served eight years. In 1880 he and his son purchased *The Homestead*, and for years afterward his editorial page was a powerful factor in the discussion of social, educational and economic questions. * * * In religion he was a Unitarian, at a time when to be a Unitarian was to be almost alone in Iowa. He was one of the founders of the First Unitarian Churches of Des Moines and of the Iowa Unitarian Association. The crowning work of Mr. Gue's life is the four-volume *History of Iowa* on which he labored, at first intermittently and afterward daily, for more than seventeen years. The gathering and preparing of the material for this history was a work calling for rare patience, industry and good wisdom and a personal knowledge of the subject such as few have. It is not too much to say, borrowing the thought from Virgil, that he himself was part of the history of Iowa and had himself witnessed nearly all the public events which make up that history.

I have coupled Charles Aldrich and Benjamin F. Gue in this chapter because I thought it was eminently fitting. In most respects their lives were strikingly parallel. They were both natives of New York, of the same age, born the same year. They were both poor, and both were obliged to strive for an ordinary education. They were both printers, and both eventually became noted journalists, biographical writers and historians. The earlier portion of both their lives was a series of struggles which furnished the alembic through which were filtered the heroic forces of that patience and fortitude which served to successfully carry them to their great accomplishments.

James Gamble Day.

The last time I saw *Judge Day* was at the reunion of the Pioneer Law Makers at Des Moines, in February, 1898, before which I had been invited to deliver an address entitled "A Glimpse of the Personnel of the House of 1864, and Senate of 1866." *Judge Day* delivered the address of welcome. His sudden death in the following May was a shock to his host of friends and the entire community, for on the occasion referred to, though somewhat advanced in years, he seemed still in his prime, still robust and vigorous, both in body and mind. I knew him well. He was one of the judges of the Supreme Court of Iowa during the time I was the Reporter of its decisions. He was, in my opinion, one of the very best judges that ever sat upon that bench. His learning was mature, his judicial temperament perfect, his opinions models of good reasoning, clearness and force. The purity of his character was without a single stain, and his independence of thought and action was well exemplified in his opinion in the cause celebre, in which was declared the invalidity of what was known as the prohibitory amendment to the constitution, for

the reason that it had not been legally ratified. For this decision, which simply declared the law in spite of partisan feeling, he might have foreseen, and doubtless did foresee, that he, as well as the three concurring judges, would be retired from the bench which, for thirteen years he had adorned. But a thousand times would he have suffered this, and death itself, rather than have declared the law contrary to what, as a judge, he conceived it to be. The opinion was masterly and received the approval of great lawyers throughout the land and of the Supreme Court of the United States. He concluded the opinion with these words which should be written in letters of gold:

The cause of temperance can sustain no injury from the loss of this amendment, which would be at all comparable to the injury to republican institutions which a violation of the Constitution would inflict. That large and respectable class of moral reformers which so justly demands the observance and the enforcement of law, cannot afford to take its first reformatory step by a violation of the Constitution. * * * In the matter of a great moral reform, the loss of a few years is nothing. The Constitution is the palladium of republican freedom. * * * Whatever interests may be advanced or may suffer, whoever or whatever may be voted up or voted down, no sacrilegious hand must be laid on the Constitution.

It is pleasant to know that subsequently, though after his pulse had ceased to beat, the most powerful newspaper that had assailed him for this opinion, made graceful amends for its action, and venerated with exalted praise and sincerity the character of this fearless judge who was not willing to deviate from the path of duty, as he saw it, in order to please a particular class or assuage the public clamor that prevailed upon the subject.

Viewed in a personal light, he was a natural born gentleman. In physique, he approached the Herculean; broad shouldered, heavy chested, tall and noble in mien. In disposition and temperament, always the same, and always gracious, forgiving, kind and lovable.

He was born in Jefferson County, Ohio, in 1832. He was of a strong and vigorous extraction; of English on the paternal, and Irish on the maternal side. His grandfather, George Day, came from England and settled in Maryland. His mother was a Gamble, a sister of John A. Gamble, a prominent public man of Lycoming County, Pennsylvania, and of James Gamble, who was a distinguished member of Congress from Pennsylvania, and subsequently a Judge of the Court of Common Pleas. Judge Day was thoughtful and profound. He was a graduate of Richmond College, Ohio, and of the Cincinnati Law School, from which he was graduated in 1857. Soon after this he came to Iowa, settling at Afton, in Union County, where he opened an office and entered upon the practice. He subsequently removed to Sidney and continued the practice there until the fall of 1861, when he enlisted in Company F, of the Fifteenth Iowa Infantry. He was elected Lieutenant and participated in some of the severe battles of the great Civil War. I once heard General Belknap and General John M. Hedrick, who were at different times Colonels of that regiment, speak in the highest terms of him as a soldier and a man.

For meritorious services he was promoted to the rank of Captain. At the Battle of Shiloh he was so severely wounded as to compel his resignation in September, 1862. Before entering the service he had made such an excellent professional record, that while still in the army, he was nominated by the Republicans, for District Judge of his district. He was elected and served in that capacity with such signal ability that he was re-nominated and re-elected. He continued on the district bench until 1870, when he resigned to accept the appointment of Judge of the Supreme Court to fill the vacancy caused by the resignation of Judge George G. Wright, who had been elected to the United States Senate. Before this, however, he had been nominated for the position to which he was appointed by the Republican Convention, and in the fall of 1870, was elected by the people and by recurring elections, continued in that office until January, 1884. He had been a candidate for re-election the fall before, but he was defeated on account of the opinion which he had delivered in the case before referred to. The three concurring judges with him in that opinion met the same fate.

To his other fine qualities may be added that of grateful remembrance. This is exemplified by a friendly letter which he wrote me in February, 1889, in which he took occasion to say:

I remember with gratitude your hearty support when I was so bitterly assailed for what I then believed to be and now believe to have been a decision in entire harmony with legal principles and which I could not have refused to make without a surrender of manhood.

He was on the Supreme Bench thirteen years and was thrice its Chief Justice. His clear and tersely written opinions will stand as guiding landmarks throughout all the future. After his retirement from the bench he removed to Des Moines, resuming practice there and prominently continuing in it to the time of his death, which occurred suddenly from heart failure in 1898. His wife, who was Miss Minerva Manley, of Jefferson County, Ohio, died a few weeks before his death, and doubtless the sorrow of this bereavement hastened his own death. He left surviving him, six sons and one daughter: Curtis L. and George, who became prominent lawyers in Omaha; Charles M., a man of fine literary accomplishments, who became editor of the Sioux Falls Argus-Leader, Dakota; Harry B., who became an eminent electrical engineer; Edwin M., who became eminent as a physician; James G., Jr., who was a lawyer, engaging in the practice with his father, and attaining a fine standing at the bar. The only daughter, Mary, became the wife of Edmond B. Edgar, a prominent lawyer of Minneapolis. All of them received a collegiate education.

John Scott.

The last time I met *Colonel John Scott* was at the Reunion of the Pioneer Law Makers' Association at Des Moines, in 1898, of which he was then President.

He had been a striking figure in the State for forty-five years. He was a strongly marked individual, but marked well; marked with a profusion of both stable and shining qualities. For a period of twenty-five years prior to 1886, I rarely missed, though never much of a politician, attending the Annual Republican State Conventions, and after his return from the army I rarely missed seeing him there. He was a person of fine presence, though not above the ordinary height and somewhat inclined to be corpulent. Rather distinguished in appearance. He had served with honor in the Civil War. As Lieutenant-Colonel of the Third Iowa, he led our forces in the bloody fight of Blue Mills Landing, and as Colonel of the Thirty-second Iowa, in many other engagements. Among these was that of the Battle of Pleasant Hill, Louisiana, one of the most sanguinary battles of the Civil War. Three vivid and vigorous descriptions of this battle have been given; the first by A. J. Barkley, who was a soldier in Colonel Scott's regiment, and which will be found in the April, 1897, number of the *Annals of Iowa*, page 23; the second by Colonel Wm. T. Shaw, who commanded the Second Brigade, Third Division of the Sixteenth Army Corps, in that battle, appearing in Volume Three, Third Series of the *Annals of Iowa*, page 401; the third by S. F. Benson, who served two years in Colonel Scott's regiment, losing an arm in the battle referred to, appearing in Volume Seven, Third Series of the *Annals of Iowa*, page 481. As will appear from those sketches, Colonel Scott displayed military qualities and personal heroism of the highest order. He was born in Jefferson County, Ohio, in 1811, and died in the City of Des Moines in 1903.

He seemed to have preserved somewhat of the military air, the erect form and measured step of the soldier. But combined with this, he also carried the air of a cultured gentleman and a scholar. And, indeed, he was both of these. His intellectual, spectacled face would have easily passed him for a college professor. He was always a leading and influential person in these conventions. It was there that I knew and more particularly became acquainted with him. He was naturally a leader of men and conspicuously demonstrated it on these occasions. While he was a man of exceedingly active temperament, he always kept good control of himself, and never arose to speak unless there was something to be said. And whenever he did arise for that purpose, the convention became a mass of respectful listeners, because the members were fully conscious of his high character and superior powers, his keen discrimination, his sound judgment, his ability to clearly present and logically enforce pertinent propositions. He was an able and accomplished gentleman and an unflinching one in the courage of his convictions. Though he was a member of the Senate in 1860, and again in 1885, and Lieutenant-Governor in 1868, I do not think that he was ever a very active aspirant for public honors, but I feel sure he would have filled any office within the gift of the people with both fidelity and distinction. With all due deference to the younger generation, it is hard to fill the places of such men. At least they do not seem, according to my vision, to

flow as plentifully as we could wish from the grindings of the political machines now so much in vogue.

Colonel Scott was a descendant of Hugh Scott and expended much labor and pains in compiling the material for a book containing 350 pages, entitled "Hugh Scott, an Immigrant of 1670, and His Descendants, by John Scott," printed by his grandson, John Manor Scott, at Nevada, Iowa, a more extended notice of which will be found in Volume Two, Third Series of the Annals of Iowa, page 248. He was a graduate of Franklin College, Ohio; studied law and was admitted to the bar in that State in 1845. The following year, in 1846, he enlisted as a soldier in the Mexican War and served under the command of Cassius M. Clay. He was captured and made prisoner of war for several months. He came to Nevada, Iowa, in 1856, and was afterwards elected to the several public offices before mentioned. While he was serving his first term in the State Senate, in 1861, he resigned his seat to accept the Lieutenant-Colonelcy of the Third Iowa Infantry, and in 1863 was made Colonel of the Thirty-Second Iowa Infantry. Some of the battles in which he was engaged while leading these commands have already been referred to. In 1864 he resigned his command and returned to his home in Nevada. The period for which he was Lieutenant-Governor was during the administration of Governor Merrill. Among other positions which he held and honored were that of President of the State Agricultural Society; of the State Improvement Stock Breeders' Association, and of the State Road Improvement Association. He was a trenchant and graphic writer, and contributed largely to the journals of his time. In addition to the genealogical history of John Scott and his descendants before referred to, he was the author of the History of the Thirty-Second Iowa Infantry. In Masonic circles he was prominent and was twice elected General Master of the Grand Lodge of Iowa—in 1869, and again in 1870.

John F. Duncombe.

Concerning *John F. Duncombe*, I should like to say much. At the reunion of the Pioneer Law Makers' Association, in 1898, he read a paper which will prove a fine contribution to history; on the Spirit Lake Relief Expedition, of which he was a heroic member, and which will be found in the printed proceedings of that reunion. He was an extraordinary man from almost any point of view. There are some princely looking men whose majesty extends no farther than their good looks. But here was one in whom were combined both personal and intellectual majesty. Unusually tall, but well proportioned, full chested, erect, with his finely poised head thrown back, his fine face beaming with intelligent power, his manly voice able to make itself clearly heard above the ordinary din of assemblages, he at once attracted attention and fixed the eye of the beholder. As I recollect it, his hair was a trifle inclined to curl, and I never saw him in one of the attitudes just indicated, without these familiar lines running through my mind:

See, what a grace is seated on this brow;
Hyperion curls; the front of Jove himself;
An eye like Mars, to threaten and command;
A combination and a form, indeed,
Where every god did seem to set his seal
To give the world assurance of a man.

He was a fine lawyer, and had he possessed ample opportunities, would have proved himself a statesman; but he belonged to a political party which had been in control of the State but once, and then but partially, for fifty years. But for the success of this party and for the advancement of its principles which he believed to be just, he struggled with Spartan bravery through the entire period. The course of events was strongly against the conquest for which he labored. Year after year, with the exception mentioned, it seemed to sink into a more hopeless minority. And yet, he, with many a splendid compeer, continued to battle against certain defeat, as splendidly as ever, and as though they were fairly inspired with the sentiment that

Truth crushed to earth will rise again.
The eternal years of God are hers.

It is an easy thing for men buoyed up with the prospect of political preferment to contend for the success of a popular party with every prestige in its favor and with almost the certainty of success. No great amount of moral courage is necessary to be invoked in a contest like that. But it is different when men discarding the hope of political preferment lead year after year and decade after decade a forlorn hope. It is certainly a voucher of the sincerity of their purpose, and their belief in the justice of their cause. Of such men John F. Duncombe was an illustrious compeer and leader. In his profession, and as a leader of public affairs, he worked intensely, and doubtless sought a fair measure of fame, which he would have more fully achieved and made conspicuous had his lot been cast in a large city rather than in a provincial town.

He was born in Erie County, Pennsylvania, in 1831; he died at Fort Dodge in 1902. He was the son of a farmer, and during his youth, worked on the farm in the summer, going to school in the winter. He became highly educated. For a time he was a student in Center College, Danville, Kentucky. Subsequently he entered Alleghany College at Meadville, Pennsylvania, from which he was graduated after four years of study. He then entered upon his legal studies and was admitted to the bar at Erie at the age of 22, where he commenced and continued the practice until his removal to Fort Dodge in 1855. In a comparatively short time he was recognized as a leader of his profession in Northwestern Iowa. He acquired a large and lucrative practice. He was the Attorney of the Illinois Central Railroad, in a district embracing seventeen counties, for a period of over thirty years. He may be said to have been the pioneer lawyer of Fort Dodge, and beyond question was the most widely distinguished one. In a short time after going there, he became the editor of the Fort Dodge Sentinel, the first newspaper established in the

County. As Captain of Company B, he was a heroic leader in the Spirit Lake Expedition, the Chief Commander being Major William Williams, whose daughter afterwards became his wife. He early took an active part in politics and became one of the trusted leaders of his party. In its political campaigns it had no orator more persuasive. His ready wit and rare good humor, as well as his powerful arguments, never failed to draw a crowd.

He was elected to the State Senate in 1859 and served in the sessions of 1860 and 1862. In 1871 he was elected to the House, and again in 1879. The Legislature of Iowa has never had a more effective and influential member. He took a great interest in public affairs, in educational interests, and for eighteen years was one of the regents of the State University. He was one of the leading spirits in the Pioneer Law Makers' Association, and was chosen President at its organization in 1886. He delivered before it a number of highly interesting historical addresses which will be found in its different proceedings, and which have become, as it were, an important part of the State's early history. He was an efficient member of the Iowa Columbian Commission in 1892-3, and of the commission which erected at Lake Okoboji the monument in memory of the early settlers who perished in the Indian massacre there. In addition to his other accomplishments, he was a man of affairs in many directions, a railroad builder, a large operator in coal mines, a successful manufacturer of stucco and other products from the gypsum beds adjacent to Fort Dodge. He was a descendant of an old and distinguished English family, and of a heroic ancestry. His great-grandfather was a soldier of the Revolution, and his grandfather in the War of 1812.

George W. Clark, James S. Clark.

General *George W. Clark*, I knew well. We became acquainted soon after his appointment as United States Marshal, by General Grant, in 1868. After his return from the war, in which he made a splendid record, he removed his residence from Indianola to Des Moines, where he continued to reside for a number of years. He was then a bachelor and boarded at the Savery House. I was much in Des Moines during that period and stopped at the same hotel. We became the warmest of friends. He was a fine looking man, slightly over six feet in height, well rounded, rather fleshy; his head was large and well shaped, his face oval, his whole bearing dignified and pleasing. He was fond of amusement, highly social and had a host of friends.

He was a native of Indiana, born in 1833, graduated from Wabash College, studied law, was admitted to the bar and came to Indianola, Iowa, in 1856. He soon attained rank as one of the first lawyers of Warren County and established a successful practice. He had a most promising professional future which was interrupted by the breaking out of the Civil War. He was the first to enlist from

Warren County. He assisted in raising Company G, of the Third Iowa Infantry, the first that went out from that County. He was commissioned its First Lieutenant, and in the organization of his regiment, was appointed Regimental Quartermaster. In 1862 he was commissioned Colonel of the Thirty-Fourth Iowa Infantry, and for meritorious service, was in the spring of 1863, made Brevet Brigadier-General, and during the latter part of the war, commanded a brigade. He was engaged with his forces in many severe battles of the war. His bravery and soldierly qualities combined to give him an elevated position in the army. For the particulars of his military service, and the battles in which he was engaged, the reader is referred to Stuart's Iowa Colonels and Regiments, published by Mills & Company, Des Moines, in 1866.

General Clark was a man of marked ability, and had his professional career been uninterrupted, I think he would have attained a high rank. After the expiration of his term as United States Marshal, instead of returning to his profession, he engaged in some business enterprises which I think were not highly successful. He removed to Washington, D. C., having been appointed the principal examiner of claims and contests in the General Land Office. At the time he accepted this position, William M. Stone, formerly Governor of Iowa, was the Commissioner of the General Land Office. During this time I had a delightful and last visit with both General Clark and Governor Stone. Both of these men died in a few years thereafter.

General Clark married, I think, after going to Washington, and has a daughter surviving him, who I am told, is a woman of remarkable talents.

James S. Clark was a brother of General George W. Clark, above mentioned. He was also a native of Indiana and came with the family to Warren County, Iowa, when he was a youth. He was educated in the common schools and at the Wesleyan University at Mount Pleasant. At the breaking out of the Civil War, he was among the first to enlist as a private in Company E, of the First Iowa Infantry, and participated in the battle of Wilson's Creek. He was promoted to Captain of Company C, of the Thirty-Fifth Iowa Infantry. During his army experiences, he participated in seventeen different battles and displayed a bravery so pronounced that it attracted general attention and made him a favorite in the army. After the close of the war he entered the law department of the State University, and was graduated therefrom. He located in Des Moines, entered upon the practice there and soon gained marked standing in the profession. He entered into partnership with William Connor, afterwards District Judge, under the firm name of Clark & Connor. After the dissolution of this partnership he became a partner with Judges Cole and McVey, with which firm he was connected for many years. In 1891 he retired from active practice on account of failing health. He subsequently engaged in important business enterprises, became the President of the Anchor Fire Insurance Company, was

appointed United States Commissioner at Des Moines, by President Grant, and was for several years Secretary of the Iowa Bar Association. He was a man of decided ability, high character, and exercised a potent influence in public affairs. In the latter part of his life he went to live in Southern California. Whether he is still living or not, I do not know.

He contributed in a valuable manner to the history of Iowa soldiery, and especially to that of his regiment, the Thirty-Fifth Infantry, by writing its history. He also published a sketch of General Lyon in connection with his pamphlet entitled, "The Fight for Missouri."

William L. Alexander.

General William L. Alexander was born at West Point, in Lee County, Iowa; educated in its public schools and subsequently in the Wesleyan University at Mt. Pleasant, Iowa. In September, 1862, he enlisted and was mustered in as First Lieutenant of Company I, in the Thirtieth Iowa Infantry. In December, 1862, he was made Captain of the Company and commanded it until the close of the war. He participated in many severe battles, as is attested by the following extract from the records of the War Department:

General Alexander was in all the battles in which his regiment was engaged in General Grant's campaign against Vicksburg, and in General Sherman's campaign against Atlanta, to the sea and through the Carolinas. Was severely wounded in the left arm in the assault on Arkansas Post, January 11, 1863.

In 1866 he removed to and made his home in Chariton, Iowa, for many years. In 1878 he was appointed by Governor Gear, Adjutant-General of Iowa, and was reappointed successively by Governors Sherman and Larrabee. After serving in this position nearly twelve years, he resigned to accept a captaincy in the regular army, and was advanced through all the intermediate grades to the rank of Brigadier-General. He served in the regular army until 1905, when, at his own request, he was placed on the retired list with the rank of Brigadier-General. Upon his retirement, he came with his wife, to make their home in Pasadena, Calif., where he suddenly died on December 1, 1915. His death was a shock to the community, for while he had been ailing for some months, he bore an outwardly robust appearance. For several years we lived not far from each other in Pasadena. I visited him only four or five days before his death. He was hopeful and cheerful, and said he expected to be out in a few days. He died as he would have wished. As he lay himself to rest on the night of the day mentioned, his last words to his solicitous wife were, "You go to sleep; I am going to have a good, sweet sleep." That sleep proved to be his last one, for it ended in that of peaceful death. He had not stirred from his position, and left no sign of struggle.

His life had been a serviceable one to his country, and to that service it had been mostly devoted from his youth—rising from the rank of Lieutenant in the volunteer

service to that of a Brigadier-General in the regular army. His character was one of sterling integrity from every point of view. He was a man to be depended upon in emergencies or under any circumstances that might arise. As a soldier and officer he made a splendid record, and exhibited a heroism that drew to him the honors he received. He married Miss Elsie Browne, a first cousin of the wife of J. S. Clarkson, the former distinguished and widely known editor of the Des Moines State Register. They had both lived a very quiet and peaceful life in their beautiful, but not ostentatious Pasadena home. The General was well known in army circles, and a regular attendant on meetings of the Loyal Legion. To all solicitations to become the recipient of public favors and public notice, he turned a deaf ear.

In appearance, General Alexander was noble and commanding, tall, stoutly built, well proportioned, his complexion fair, his facial expression kindly, his disposition amiable and obliging. The qualities of a natural-born gentleman were in him, happily combined with those of a heroic soldier and efficient commander.

Daniel Kerr.

Daniel Kerr was one of the early lawyers of Grundy County, and became a notable public man. He was born in Ayershire, Scotland, in 1836. His grandfather was an educated Scotch farmer, and the possessor of quite extensive landed interests. His father, Hugh Kerr, who was also a farmer, received a portion of this patrimony, and came to America with his wife and children when his son, Daniel, was five years of age, in 1841, locating at Alton, Illinois, early in the year of 1842. In 1844 the father purchased a farm in Madison County, Illinois, of which Edwardsville was and is now the county seat. On this farm Daniel was reared and educated. As will have been seen, he sprang from the soil, from the honest yeomanry which has been the bone and sinew of every nation on the face of the earth.

But Daniel was not content to remain an obscure tiller of the soil. He had the instincts of a scholar, a desire to become educated. His desire was accomplished, though not without breaks or obstacles. The school facilities of the neighborhood were poor, and in order to better conditions in this respect, his father rented the farm and moved to Upper Alton, where Daniel attended Shurtiff College, in 1847 and 1848. During the latter year the family returned to the farm, and Daniel did not have the advantage of any schooling for several years thereafter. He devoted this interim, however, to reading and reflection. In 1855 he entered McKendree College, from which he was graduated in 1858. The three following years he was engaged in teaching school. He had determined to make the law his permanent profession, and during his college course, and while teaching, had pursued its study, and completed it under and in the office of Governor Augustus C. French. He was admitted to the bar in 1862. The same year he enlisted as a private in Company G, of the 117 Illinois Infantry. In 1863 he was promoted

to Second Lieutenant, and in 1864 to First Lieutenant of his Company. He served with distinguished bravery until the end of the war, participating in several severe engagements, among which were the Battles of Pleasant Hill, Nashville and Fort Blakely. After the close of the war he entered the practice of his profession at Edwardsville. In 1868 he was nominated and elected over his Democratic opponent to the Illinois Legislature. In 1869 he came West, settling in Grundy County, and purchasing a farm adjacent to Grundy Center. Here he resided for many years. He established a successful practice, and a character that won him the confidence and esteem of his fellowmen. He was a sound and able lawyer, and was employed in many important cases. Political honors were conferred upon him, but they always came unsought. In the fall of 1883 he was nominated and elected to the House of the Twentieth General Assembly of the Iowa Legislature. Here he was recognized as a man of marked ability. He was an influential member of several committees, including that of the Constitutional Amendment, the Judiciary, and that relating to the sale of intoxicating liquors. In 1884 he was chosen as one of the presidential electors on the Blaine and Logan ticket. In 1886 he was nominated and elected to represent his district (the Fifth) in Congress. At the end of that term he was renominated and elected for another. He served with signal ability in the Fiftieth and Fifty-First Congresses. At the end of the second term he was not a candidate for re-election. He was a strong advocate of Prohibition of the sale of intoxicating liquors, and when his party enacted what is known as the mulct law, he lost much of his interest in it, which culminated when the party, through the inducement of eastern leaders, suddenly shifted in its National Convention at St. Louis from the time-honored double standard to the single gold one. He had always been in favor of the free coinage of silver at its commercial value, and could not bring himself to the support of the single gold standard. He accordingly favored the election of Mr. Bryan as President in 1896 and in 1900. Had he desired office, he could have foreseen that this was his political doom as a Republican in Iowa. He doubtless did see it, but kept his way just the same. He was, however, persuaded to accept the nomination for Congress on the Democratic ticket in 1900. In the canvass he was opposed by the German element on account of his record as a Prohibitionist, and their favoring the gold standard in harmony with the policy of the fatherland. He subsequently retired from public life and came, with his wife, to spend their declining years in California. We live not far from each other in South Pasadena. I visit him frequently, and from him obtained the data relating to his ancestry and early life. He is in his eightieth year, and in full possession of his mental faculties. His principal solace now is in his books. He is a constant reader, and I have never visited him without finding him with a book in his hand. He has lately suffered an irremediable loss. I recently attended the funeral of his wife, a lovely character, devoted wife and mother. She died in December, 1915. They had passed the fiftieth anniversary of their marriage. He

has a tall and well-rounded figure which, despite his great age, is still remarkably erect; his manner is pleasing and gracious, and his regular features lighted by the kindly fires of his nature.

S. H. M. Byers.

(The following sketch was written by one more intimately acquainted with Major Byers, and more conversant with his works than myself:)

S. H. M. Byers, soldier, diplomat, poet, first became publicly known for his many adventures and escapes in the Civil War. He ended his military career as an aid-de-camp on General Sherman's staff, and was offered a commission in the regular army, which he declined. While a prisoner at Columbia, South Carolina, he wrote the song of "Sherman's March to the Sea," the poem that gave its name to the picturesque campaign. It also gave the author a national reputation. A million copies were sold.

General Grant appointed him Consul to Zurich, Switzerland. He remained in the service nearly twenty years and earned important promotions, later serving as Consul General both to Italy and to Switzerland. While at Zurich he published his volume of poems, "The Happy Isles." Also a history of Switzerland and the Swiss. His poems received high commendation from reviewers and the warm praises of the poets, Oliver Wendell Holmes, Whittier and Story. Shortly afterward he wrote "Iowa in War Times." During his service abroad he wrote many articles for the leading magazines, including the North American Review and Harper's Monthly, the Atlantic, etc. After leaving the service he wrote his epic poem called "The March to the Sea," a volume of lyrics and tales telling of the wonderful campaign. The book received great praise everywhere. The Buffalo Courier said, "Nothing finer had been inspired by the Civil War." "Parts of this volume," said the "Arena Magazine," "are as thrilling as anything of their kind in the English language. It will become a classic in American literature." Johnson Brigham, himself a careful writer and critic, calls this epic "a great poem of exalted narrative and thrilling episodes." "I did not close the book till I had read every word of it twice," declared President Andrews.

Major Byers' next book was "Twenty Years in Europe," a prose tale of his interesting life abroad. It, too, met with the warmest approbation of competent reviewers. Besides its graphic word pictures of life in Switzerland, the book contained fifty personal letters from General Sherman to the author.

Three more editions of "The Happy Isles" were now printed, and were soon followed by "The Honeymoon." At times Major Byers has been on the platform telling in thrilling words the story of his life in the army. He has also moved many an audience by his readings from his own poems for, unlike most poets, he not only writes verse, but knows how to read it. In 1911 he published "With Fire and

Sword," being an account of his own life in the Civil War. In 1912 he published his "Layman's Life of Jesus." This volume also was well received by the reviewers, though its sales were small.

Robert J. Burdette, the famous humorist and lecturer, pronounced this "a most thrilling and human story, the best work that Major Byers ever did in prose."

Soon he gave the public his book of collected verse called "Poems." The volume contained the greater number of the Major's poems collected in one book. It also includes most of the verse belonging to his former volumes, "The Honey-moon" and "The March to the Sea."

In 1914, while in California, he wrote "The Bells of Capistrano," a love story in blank verse; a romance of the days of the California Missions. It was well received.

Mr. Welker Given, a Shakespeare scholar, compares this verse-romance most favorably with the English poet, Rogers.' "Only," says Mr. Given, "it is better than Rogers.' It is also the best piece of imaginative literature Iowa ever produced."

Major Byers was married June 14, 1869, to Miss Margaret Gilmour, of Pontiac, Michigan. They had two children, both born in Switzerland. Helen died in Zurich, at the age of eight years. Laurence Marshall, the son, after being educated abroad, graduated in Law at Yale College, and became a distinguished Professor of Law at the Iowa State University. He died suddenly in a London hospital, while abroad on a vacation. A memorial tablet is erected to his memory at the University in Iowa City.

As a boy, Major Byers received his education in the public school of Oskaloosa, and was the schoolmate of John F. Lacey. He worked summers at his father's trade of bricklaying.

In recognition of his literary services, different Iowa colleges, notably Penn College, Iowa College and the State University conferred degrees upon him.

His home is at "St. Helens," a beautiful villa and park overlooking one of the rivers at Des Moines, Iowa. The home is filled with oil paintings and art treasures collected in Europe, all of which are being donated by Major and Mrs. Byers as an art gift to the Women's Club of Des Moines.

CHAPTER XIX.

OTTUMWA.

LAWYERS WHO CAME DURING THE TERRITORIAL PERIOD.

Henry B. Hendershott, William L. Galbraith, George May, Homer D. Ives, Samuel W. Summers, John D. Devin, W. H. Brumfield.

Henry B. Hendershott was at the time of his death, in 1900, the only surviving District Judge of the period during which he presided over the Second Judicial District. In his eighty-fifth year, with a personal history glorified by pure living and useful services to the Territory and State, he calmly watched the lengthening shadows.

His career adds another instance to the strong and self-made men who braved the hardships of pioneer life to make Iowa what she is. It is well worthy of study as an inspiring example to young men without means who are emulous of honors and success. It is also worthy of permanent preservation in order that perpetual honor may be done to the memory of one who served it so faithfully and well. He was decidedly a child of the frontier, and in essential respects, may be said to have been a resident of four different Territories during his earlier years. For, though born in Ohio after it became a State, it was only a short period after its emergence from a territorial condition, and while it was yet for the most part a wilderness. It was admitted in 1802, and had then a population, including whites and negroes, of only some forty thousand people. He was born in the wilds of Miami County in 1816. In the fall of the same year the family moved to the Territory of Illinois, the subject of this sketch being carried in his mother's lap on horseback, while the other members of the family traveled, and carried their personal effects, in wagons.

Those who have had some experience in making their way with wagons through primeval regions will readily appreciate the great difficulties and hardships which must have been incident to such a journey through the western part of the new Ohio, through the forests and across the streams and gullies of the Indiana Territory, and until the destination in the Illinois Territory was reached. Twenty years afterward, in 1836, the family again moved, this time to the Territory of Wisconsin, settling in Burlington. In 1838 Iowa Territory was organized out of that portion of Wis-

consin Territory, Burlington became its capital, and the Hendershott family residents of a new Territory.

In the third session of the Territorial Assembly, convened at Burlington, November 2, 1841, his father, David Hendershott, was a member.

The early years of our subject—from 1816 when, as we have seen, the family moved to Illinois Territory, to 1836, when they moved to Wisconsin Territory—were passed in Illinois, amid the scenes and privations of frontier life. Educational opportunities were extremely limited. Schools were few and far between; the nearest one some three miles distant from the Hendershotts, and open only for a few months during the winter. To attend it punctually at that distance through the snows and storms of an inclement season required no ordinary amount of resolution. But young Hendershott, inspired by a thirst for knowledge and a determination to reach worthy accomplishments, so studiously availed himself of the humble means offered, that at the age of nineteen he felt himself competent to enter Illinois College, located at Jacksonville. To this point he accordingly bent his steps, on foot, alone, and with only a few dollars in his pocket. In this plight he presented himself before the University, told his humble story to the faculty, and desired to be given an opportunity to pay his way through the institution by the results of his own labor. The faculty, of which Edward Beecher was President, were so struck by the heroism of the lad that they resolved to lend him all the aid and encouragement in their power. Here he remained for two years, alternating between labor and study, never, I am told, falling behind his classes, and proving himself a close student. In the meantime, the family had made the removal already stated, to Burlington, where at the end of his college term, the son entered upon the course of his legal studies under the supervision of David Rorer and M. D. Browning, both of whom were distinguished lawyers. Charles Mason, in my judgment, one of the greatest men who have figured in Iowa history, was one of the Judges and Chief Justice of the Territorial Supreme Court, and ex-officio Judge of the District Court of the First District. His attention was attracted to young Hendershott, and he appointed him Deputy Clerk of the latter Court, a position he retained for two years, pursuing his legal studies in the meantime. In 1841 he was admitted to the bar. In 1844 he came to Ottumwa where he continuously resided for a period of more than fifty-five years. It had but recently been the seat of an Indian village, the Indians having departed the preceding May under the terms of the treaty. It is now a flourishing city of some thirty thousand inhabitants. Judge Hendershott took a prominent part in laying its foundations, as he did those of the county. He was always an honor to the city he helped to build, and its people, irrespective of politics, religion or race, held him in affectionate esteem. For a short time prior to his coming to Ottumwa, Hendershott had resided in the same County at Agency City, so called because it had been the seat of the Sac and Fox Indian Agency prior to the

departure of the Indians. Recognizing Hendershott's superior fitness for the position, Judge Mason had, in the February previous to his removal to Ottumwa, appointed him Chief Clerk of the United States District Court of Wapello County, of which Mason was the Judge, as well as that of Des Moines County, of which Hendershott, as we have seen, had, while living at Burlington, been Deputy Clerk. The functions of the Court were dual. It acted on behalf of Iowa, in administering the laws of the Territory, and on behalf of the United States, in administering the laws of Congress. At the time of Hendershott's appointment as Chief Clerk (February, 1844) the County of Wapello had not been organized, and under the act it became his duty as Clerk, aided by the Sheriff, James M. Peck, to organize it, and it was done on the first of March, 1844. The first term of the Court was held at Ottumwa the following September. Hendershott was its first Clerk, and its first judicial entries are embalmed in his familiar handwriting. In 1845 he was appointed by the Governor of the Territory, James Clarke, Prosecuting Attorney for the Seventh District. In 1847 he was appointed by the late Gen. George W. Jones, the Surveyor-General of Wisconsin and Iowa, Deputy Surveyor, and as such subsequently surveyed and subdivided six townships of government land into sections. In 1848 he was appointed by the Supreme Court of the United States, the Commissioner on the part of Iowa, to act with a like commissioner appointed on the part of Missouri to ascertain, fix and settle the vexed question of the boundary line between Iowa and Missouri, which had been fruitful of disputes, bad blood between the States, and finally of what is known as the "Missouri War." The decision and report of Judge Hendershott and his co-commissioner on the part of Missouri, W. G. Minor, were accepted as a final settlement of the controversy.

In 1850 he was elected State Senator from the District comprising the Counties of Wapello, Monroe, Lucas and Clarke. He was a conspicuous member of the Judiciary Committee, and many of the provisions of the Code of 1851, I am credibly informed, emanated from his highly judicial and painstaking mind.

In 1857 he was elected District Judge of the Second Judicial District, and so conspicuous were his services and ability in that position, that he was regarded as one of the very best judges the State ever had. He had before him as practitioners highly qualified to judge of his merits, such distinguished lawyers as Jonathan C. Hall, Joseph C. Knapp, George G. Wright, Christian W. Slagle, David Rorer, Henry C. Caldwell and James F. Wilson. He was on the bench when I was admitted to the bar, now nearly sixty years ago. It has since been my fortune to appear before many courts, both in Iowa and Missouri, and my observation has but confirmed my high estimate of Judge Hendershott as a trial judge, possessing in an extraordinary degree those peculiar qualifications that go to make up a model in that respect. I believe every lawyer of discernment and experience will concur with me in the opinion that the most common weakness in such a judge is an inclination

to talk too much, to display his own astuteness, and not be what is termed a good listener. From these causes I have known many lawyers highly successful at the bar prove sorely disappointing on the bench. Such was the case with Lord Brougham, as shown by the following remarks of Greville in his memoirs or "Journals" of that period: "Brougham," says he, "is a bad presiding judge, for he will talk so much to the counsel and say pungent things which elicit rejoinders and heat. The extreme gravity and patient attention of old Eldon struck me forcibly as contrasted with the flippant and sarcastic interruptions of Brougham." (Greville's Journal of the Reigns of George IV and William IV, volume 2, page 239.) On the same subject Lord Bacon tersely says:

Gravity of hearing is an essential part of justice; and an over-speaking judge is no well-tuned cymbal. It is no grace for him to question first to find out that which he might have heard in due time from the bar; or to show quickness of conceit in cutting off evidence or counsel too short, or to prevent information by questions, though pertinent.

Judge Hendershott was as free from these faults as any man I have ever seen on the bench, with the possible exception of Judge George W. McCrary, whose memory is dear to every Iowa lawyer. He was a good listener, patient of investigation, and his integrity as spotless as the snow. In addition, he was always dignified, calm, urbane and courteous; as fine a specimen of the old-fashioned, courtly gentleman as Iowa ever had or ever will have. With young men he was especially patient and encouraging. He doubtless remembered with gratitude, how much he himself owed to the kindness of the college faculty at Jacksonville. The recollection of his own early struggles, the memories of that rugged pathway that had led him through the unbroken wilderness, had not failed to make him gentle.

It would have been a public benefit to have kept him on the bench as long as he was willing to serve. But politics and the almost constant minority of the party to which he belonged, prevented it. In 1876 he was the Democratic nominee for Congress in his district, and in 1881, for Judge of the Supreme Court of the State.

Viewed purely as a lawyer and in the light of a successful practice of nearly fifty years, he deserves to be ranked high amongst those justly entitled to the name. He was well grounded in all the fundamentals of the law. His preparatory course had been thorough, and throughout his entire professional career he remained a close and conscientious student. He kept well abreast with legal reforms and legal literature. His law library was among the largest in the State. No decision made by the Supreme Court nor statute passed by the Legislature, escaped his observation. In his practice, which was large, he displayed the most indefatigable industry, and always appeared in the professional arena fully equipped to meet all the emergencies likely to arise in the case. Naturally intuitive and alert, it was difficult to mislead him. He was not fanciful or brilliant, but strong in facts and preparation; energetic and forcible as an advocate, but not eloquent; unable to sway

by the mere force of oratory, but formidable as an adversary on all occasions by reason of his methods, his learning, and skill.

In a visit to Iowa in 1900, I saw him for the last time, and was touched by the helplessness of his condition. To the infirmities of age were added those resulting from an accident occurring several years before, which shattered one of his legs and confined him to a bed of pain. There he serenely awaited the final summons, attended upon by a son as faithful as Aeneas was to old Anchises.*

In his passing, there was removed one of the most historic personages of the early time.

William L. Galbraith, George May, Homer D. Ives, Samuel Summers, John D. Devin and W. H. Brumfield, like *Hendershott*, came to Ottumwa before the County was organized, and on the very heels of the Sac and Fox Indians, who had their wigwams there until their departure in 1843. The young Henry B. Hendershott as Clerk of the United States Territorial Court of Wapello County, in conjunction with the Sheriff, organized the County on the first day of March, 1844, and the first term of court presided over by Judge Mason, was held the following September in a log house situated on a lot where the First National Bank now stands. Before the County was organized, however, some lawyers had located at the settlement. The first of these, as I was informed by Judge Hendershott, were William H. Galbraith, George May and a Mr. Burkhalter. Burkhalter died in Ottumwa early in the forties. Galbraith is said to have been an excellent lawyer and a fine looking man. He remained in Ottumwa two or three years, then returned to Cincinnati, Ohio, where he died.

George May was distinguished for his brilliancy. He was an erratic genius, a fine natural orator, and had he been well balanced and regular in his habits, would doubtless have gained great prominence. He had left Ottumwa when I went there, in 1856, but came back to make a Republican speech in the presidential campaign of 1860. It was a most eloquent and stirring speech. His father was at one time a prominent member of Congress in Mr. Lincoln's District in Illinois, and his warm friend. As a result, Mr. Lincoln felt very kindly towards George, whom he had known from the time he was a boy, and was instrumental in having him appointed a paymaster in the army during the Civil War. I quote from an article written by Charles Aldrich, concerning his observations at Mr. Lincoln's first inauguration as President. A party of Iowa men paid a visit to Mr. Lincoln on that occasion:

We were all introduced to the President by Hon. Josiah B. Grinnell, who seemed to know everybody from our State and was well acquainted with the

* Note—This son was Lewis Cass Hendershott, a reputable lawyer of the Wapello County bar, and for many years the Judge of the Police Court of the City of Ottumwa—a clean and honorable gentleman, one of the most entertaining of companions, and, it is universally said there, the best Judge the city has ever had. He died in 1916.

President also. This presentation went off with rapidity; in fact, it was very formal. The President pronounced our names as he took each by the hand and we speedily passed on with those who had gone before. Just ahead of me was a gentleman by the name of George May. In his boyhood he had known Mr. Lincoln, but he did not expect any recognition on that account. Mr. Lincoln, however, shook his hand and allowed him to pass along, when he turned around, and taking one of his long strides, put his hand upon Mr. May's shoulder and turned him about. "Are you George May, the son of my old friend?" George merely nodded an assent to this inquiry, but Mr. Lincoln detained him a few seconds, during which time he showered him with questions. "When did you come down, George? How long do you expect to remain? Come around again before you leave. I want to have a visit with you." George blushed like a modest girl and passed on. The politicians who were present and witnessed this little episode were in accord upon the proposition that George May would get whatever he asked for.

As already stated, he did receive a favor of Mr. Lincoln, by being appointed paymaster in the army. He died not very long after the close of the war.

Homer D. Ives came to Ottumwa in the latter part of the Territorial period, and soon thereafter settled in Eddyville. To him and his efforts Eddyville is perhaps more indebted for its early development and continued growth than to any other of its early settlers.

He was not only a useful man in public affairs, but one of the best lawyers of the State during his time. I became acquainted with him upon my first admission to the bar at Ottumwa in 1857, where he regularly attended court and enjoyed a large practice. We were both natives of Connecticut, a fact which greatly contributed to the intimacy of our personal acquaintance. He was slightly built, though of fair height, agile, of very highly wrought and active temperament. He carried much of New England manner and expression. He was a man of talents and intense, sometimes, dramatic action. I recollect as distinctly as of yesterday, his appearance, attitudes, and some portions of his speech to the jury in a case brought against the City by a pedestrian who had stepped in a hole in the sidewalk and thereby received a severe injury. Mr. Ives represented the plaintiff. The defendant was represented by the City Solicitor who was at that time A. A. Stuart (1857), and the defense he interposed was that the hole in the sidewalk was plain to be seen and should have been seen by the plaintiff had he been in the exercise of ordinary diligence. Mr. Ives' voice, when raised was rather shrill, and when he came to this point in the defense, he graphically analyzed the requirements which the City Solicitor would have a pedestrian invested with while walking along the sidewalk. "The learned solicitor," he said, gradually raising his voice, "would have the person traversing your city sidewalks to go along, not in the ordinary way, but with sight and senses all alive, constantly looking for holes! holes! holes! in the sidewalk." When the climax was reached, his voice had reached such an altitude, and his action was so highly dramatic that the jury and everybody else in the room burst into laughter. He won his case. He practiced in the courts of all the adjoining counties and sometimes in remote parts of the State.

He was born in North Haven, Connecticut, in 1814, in an old and notable New England family. He was highly educated, a graduate of Yale College, and a frequent contributor to eastern newspapers before coming west. The maiden name of his wife was Miss Mary Eastman, the daughter of a new England clergyman.

Mr. Ives was a man of some eccentricities, though he always exhibited the characteristics of a well-bred gentleman. He was public spirited in a high degree, and took a leading part in all improvements that tended to the growth and development of Eddyville. He was kindly of heart, though sometimes sarcastic, a fine conversationalist and possessed a really interesting personality. He was adored by his family and had a host of warm, personal friends, who deeply lamented his untimely death, which occurred suddenly in the height of his usefulness, in 1867. He had been, with his wife and two of his children, making a visit in St. Louis. While they were returning on the steamboat he was taken sick suddenly at night and died the following morning just as the boat landed at the pier in Keokuk. He left surviving him his widow and several children, among the latter of whom, one became the wife of W. A. Hunter; another of Dr. Todd, of Los Angeles, California; another of R. N. Bowden, of Brookfield, Missouri, and another, Jennie W., of J. W. Calhoun, of Ottumwa.

Colonel Samuel W. Summers was one of the earliest and best known lawyers of the Territory and State. When I came to Iowa, he and Judge Hendershott had been the leaders of the Ottumwa Bar, and the elevation of the former as District Judge, left Summers a clear field in that respect, which he well maintained.

I knew him, perhaps, more intimately than any of his contemporaries, and will endeavor to give as correct a portrayal of him as I can, and as he deserves. After coming to Ottumwa in December, 1856, and after teaching the school in the Comstock-Bell District, during that winter, I entered the office of Colonel Summers at Ottumwa early in the following spring, on April 7, 1857, to complete my legal studies, which I had commenced in New England. I was admitted to the bar in the fall of that year, in November, 1857, and thereupon entered into a partnership with Colonel Summers, which continued for several years, and naturally gave me ample opportunities of knowing him, though he was not a man easily to be learned.

He was a Virginian by birth and rearing, and belonged to one of its first families, though he was characterized by none of that lethargy which sometimes belonged to the Southern, for he was highly active in temperament, and when only eighteen years of age, broke away from home ties, and on horseback, went to seek his fortune on the extreme western frontier. He came to Keosauqua just as Iowa was emerging from Wisconsin Territory to be formed into one of its own, in 1838. There he was admitted to the bar and soon became so well and favorably known that in the following winter, that of 1838 and 1839, he was chosen Sergeant-at-

Arms of the Legislature, then in session at Burlington. Returning to Keosauqua in the spring, he entered upon the practice and continued there until 1846, when he came to Ottumwa, then a sparse settlement, bearing the name of Louisville, which was changed about that time to Ottumwa, a name that it had borne in the outset. Here he arose to the professional eminence already indicated, and here he lived until his death. His first wife was a Norris, a sister of the able James W. Norris, founder of the Chicago Journal, and later one of the early editors and proprietors of the Ottumwa Courier, and also sister of the wife of the Rev. B. A. Spaulding, founder and long the pastor of the Congregational Church of Ottumwa, and one of the historic Andover Band, who came from New England to spread the lovely doctrine of Christ among the frontiersmen of the western wilderness. Mrs. Summers died while I was a student in Colonel Summer's office. His second wife was Miss Marian Sheffield, by whom he had several children.

As I have already indicated, Colonel Summers was not an easy study. He was a man of complex and rather subtle traits, and though highly charged with energy, his composure never really forsook him, though at times, it seemed to. He was naturally refined, even punctilious, and in all of our intercourse, I scarcely ever heard him use an expression that could not have been uttered in a drawing room. He was extremely well-bred, always a gentleman, carrying the polite manners of the South in his demeanor, and especially to ladies. But underneath there was somewhat lacking—that taking warmth and spontaneous generosity that makes ardent friends and partisans. He was not what is termed a good mixer, a good fellow with “the boys” at the festive bar. Though not strictly a teetotaler, he was decidedly abstemious for the times, and squandered not his means in making friends through his hospitality in liquid refreshments. While not what is called stingy, he was economically close, and had a desire to accumulate. He had but little itching for office or political honors, though highly competent for any that might have been bestowed upon him, and it was well for him that he did not, for some of the traits I have mentioned would in that time have stood in his way. He was once a candidate for District Judge, but failed of an election. He was also, with like result, a candidate for State Senator near the close of the war; nominated on what was called the Union or Soldier's ticket, and derisively by its opponents, the Possum ticket, and supported by the Democrats and dissatisfied Republicans—the Democrats making no nomination. It was my fate to be pitted against him as the Republican candidate. I had been reared an ardent Democrat and continued such until the outbreak of the Rebellion. He had been an old line Whig, and afterward a Republican. This political contest, which took place in the summer and fall of 1865, was hot, passionate, vivid, long to be remembered, and there were some things said during its pendency that both of us afterward regretted; and the personal victory that followed was not sufficient on my part to compensate for that regret, for I could not fail to remember the kindly treatment he had shown me both as a student and associate. But

each of us recognized enough of good in the other to not long cherish resentment, and it is one of the consolations of my old age, that when he bade adieu to the world, we were friends as of old. The last time I saw him was when he paid me a visit at my office in Kansas City many years ago. I introduced him to my law partner, Gov. Thomas T. Crittenden, and being both southern born and mutually acquainted with many men of former days, they soon became engaged in a most interesting conversation, which was continued at the luncheon, to which we insisted Colonel Summers should accompany us. The Governor was much pleased with him, and he with the Governor. The Colonel was not what would be called a story teller, but he was an excellent narrator of amusing incidents. He had a good stock of lively humor, and a keen sense of the ridiculous, and would laugh as heartily and enjoyably as could be wished at a good story or witticism. We spent a full hour at the table, and I thought the conversation in which he and the Governor, who was a lovely and gifted man, played the principal parts, was one of the most entertaining that I had ever listened to. The voices of both are hushed here, but they are doubtless entertaining each other in the Elysian Fields. When I bade Colonel Summers good-bye on that occasion, I promised I would surely see him when I should next visit Ottumwa, but that handshake was to be the last on earth, for not long after he lost his life in an accident.

To resume the chronological events of his life: While in the full tide of his practice, the War of the Rebellion ensued, and he entered the military service in defense of the Nation. In January, 1863, he was commissioned Colonel of the Seventh Iowa Cavalry, and was sent with his regiment to protect the western frontier from the ravages of the Indians. I shall not attempt to give the events of his military career, more than to say that it was creditable and well sustained. In the character and place of the services that were assigned to him, there was but little opportunity for military display or to test the military genius of a commander. In fighting and repelling the marauding savages, there was little opportunity for a soldier to distinguish himself. The field of operations lacked the concomitancy necessary to that end giving the opposing forces of disciplined armies the excitement of great battles, the blare of trumpets and the blasts of war, that arouse the spirits and call for splendid feats of bravery and sacrifice. None such were found in the fields assigned to the Seventh and other regiments of the western frontier service. Had he and his regiment served at the front, he would beyond doubt, have made a record for it equal to that of any other Iowa cavalry regiment, for it was composed of gallant men and splendid officers, including Major John S. Wood, of Ottumwa, Major John Wilcox, of Eddyville, Captains Edward B. Murphy, Thomas J. Potter (afterward the noted railroad manager) Captain Fouts, Lieutenants George E. Butin, Francis J. Comstock, George S. Nye and many other heroic officers and soldiers of Wapello County.

Colonel Summers was rather aristocratic in bearing, of good figure and height, but slim and spare; dark visaged, with very deep-set, twinkling, black eyes, shaded by heavy, black brows; his movements, like his mind, were active and alert.

As a lawyer, he was well grounded in the elementary books, with which his office was supplied, notably shrewd, ingenious and resourceful. His legal documents were models of neatness, without scratch or blot, and as a rule, successfully withstood attacks. Though he loved to accumulate, he lived well, dressed well, liberally reared and educated his children, and was an upright man whose word was as good as his bond. Among the children he left surviving him, were two sons, William T. and Clement Summers, and two daughters, Georgia and Ada.

John D. Devin belonged to what might well be called for that time and place, a powerful family. The father, Thomas Devin, came early to Pittsburg, in Van Buren County, and afterward to Ottumwa. He was a native of Maryland and of French-Huguenot descent. He had a number of sons, all of whom were enterprising and prominent citizens. One of them, Thomas J. Devin, married a sister of President Benjamin Harrison. Two of the sons were lawyers, John D. and James Devin; the latter, however, did not adhere to the profession, but engaged in merchandising. John practiced for a number of years and was a member of the bar and in practice when I went to Ottumwa. He subsequently removed to the State of Washington. He had been a close student, could draw legal documents with skill, but was not very apt or highly successful as a practicing lawyer in the conduct of trials.

W. H. Brumfield was a good lawyer and established a highly successful practice. His name appears frequently in the early reports in connection with cases and will be found for instance in those reported in Second Greene, 418-465; Third Greene, 161-179-189-195-207-234-545. James Hawley, Sr., an early and prominent citizen of Ottumwa, who knew Brumfield intimately, spoke of his talents in high terms, and said that if he had remained in Iowa, he would undoubtedly have become a conspicuous jurist. Brumfield had left Ottumwa before my arrival there, going, as I was informed, to California. His subsequent history I have been unable to learn, but that he was a lawyer of decided ability and wide practice for that time, is beyond question.

W. H. BRUMFIELD

LAWYERS WHO CAME TO OTTUMWA AFTER THE ADMISSION OF IOWA AS A STATE AND BEFORE 1856.

Morris J. Williams, Augustus H. Hamilton, Jacob W. Dixon, Homer Thrall, John A. Johnson, Duane F. Gaylord, Thomas Bigham, A. W. Gaston, R. W.

Boyd, William McPherrin, Cyrus Franklin, Alfred Lotspeich.

Morris J. Williams was born at Brookville, Franklin County, Indiana, and died at Ottumwa many years ago. He was admitted to the bar of his native County

and commenced practice there, but in 1850 moved to Greenburg, where he was engaged in the practice until 1854, being for two years of that time Prosecuting Attorney of the County. In November, 1854, he came to Ottumwa, entering into a legal partnership with Augustus H. Hamilton, under the firm name of Williams & Hamilton, which continued until Major Hamilton entered the military service during the Civil War. He was married before he came to Ottumwa. His wife was Miss Mary E. Stoops, of Brookville, Indiana, to whom he was united in 1851, and a splendid wife and mother she was.

I remember Judge Williams with mingled veneration and esteem. We do not properly weigh men until after they are dead. We are fain to magnify their faults and overlook their virtues while living, and it is only when they have departed that we can calmly review both. With Judge Williams and myself, there was not so very much in common, outside of our professional lines. He was neither vivacious nor sprightly, and at times reserved, inert, seemingly cold and sombre. He was neither a wide reader nor entertaining as a raconteur or story teller, and seemed to be without those little weaknesses that appeal to our own, and quickly form the bonds of social union. But he was eminently true, genuine, so untainted with varnish not his own, so perfectly himself—as God had made him—under all conditions, and that *self* combined so many excellent qualities, that it left upon me the impression stated, which has brightened rather than faded in the lapse of years.

Judge Williams was purely a lawyer, and a very able lawyer in either civil or criminal cases. He was not only thoroughly versed in the principles of the law from long and conscientious study, but highly skilful in its practice. He was never happier than when in the trial of a cause. His ordinary mood was rather phlegmatic, but this all disappeared when once he was entered upon the trial; all his senses became alert, and it behooved his opponent to beware. If there ever was a man who made the cause of his client his own, it was he. His clients were always veritable paragons of justice and right, their witnesses the personal embodiments of truth. Those belonging to the other side were very emphatically placed on a lower seat. That was one of his leading characteristics. Another was his caustic treatment of cases and his severity in cross-examinations. He put a damaging witness on the rack and turned the thumb-screw with skilfulness; and in his summing-up to the jury, indulged in an irritating sarcasm that had a dissolving effect on the evidence and argument of his adversary.

He was a forceful speaker, and when aroused, a powerful one. But these oratorical displays were before the jury, and not at political gatherings, for he had little taste for, and was a poor hand at politics. Though he was elected and served for four years as Judge of his Judicial District, this was a compliment to his ability, rather than due to any political craft he possessed. He was abstemious to a fault. The choicest wines of the gods could not tempt him. He was plain in taste, dress

and manners. He bore to some extent the native air of his Indiana woods. But the atmosphere of those woods must have been infused with that of the adjacent State of Kentucky, for he not only loved fine horses, but he bred them and put their mettle to the test in the races. This taste for horses and horse breeding led him in later life to purchase on the outskirts of South Ottumwa, a suburban home, comprising a number of acres. Here, assisted by his older boys, he successfully indulged the taste alluded to, and reared many fine horses that were placed on the market, some of them making enviable speed records.

He married a second time, a beautiful and accomplished woman, with whom he lived happily until his death. He was a man of deep religious convictions, which, like many other of his private reflections, were pretty closely locked in his own breast.

Judge Williams had a manly appearance. He was of good height and size, round bodied and broadly shouldered. His features were regular, though the curl of his lip sometimes gave an expression of contempt for things he did not like. His eyes, hair and luxuriant beard (which he always wore full) were dark. If he had worn a Prince Albert coat and a silk hat, in short, put on some style, he would have presented quite a striking appearance. But he always wore a short coat and a soft hat, and was otherwise simple in dress and manners, and had a contempt for frivolous things.

He left surviving him, several children, among whom was A. B. Williams, who became an honored member of the Ottumwa Bar, and Keota W., who became the wife of the well-known Doctor Bannister. A sister of Judge Williams became the wife of a very able lawyer, W. H. C. Jaques, and the mother of another, Joseph R. Jaques.

Major Augustus H. Hamilton was born at Cleveland, Ohio, in January, 1827, where he was reared, educated and admitted to the bar and lived until he came to Ottumwa in the spring of 1854, where he entered upon the practice and became associated with Morris J. Williams. The firm grew into one of the strongest in the State, and both its members ranked among its ablest lawyers. This partnership continued for eight years, and until it was dissolved by the entrance of Hamilton into the Civil War. He left behind him a large and lucrative practice for that time. He was first commissioned Adjutant of the Thirty-Sixth Regiment of Iowa Infantry, one year after he was commissioned its Major, and still later its Lieutenant-Colonel, but was not mustered in as such, on account of the regiment's insufficiency in numbers. He served in all its engagements until it was mustered out of service at the close of the war.

Major Hamilton was a man of decided talents, and had he adhered steadily to the profession, would undoubtedly have attained still higher rank in it. But, as

stated, he left it while comparatively young to take up arms for his country. He was a heroic officer, participated in several bloody engagements, was captured at the battle of Mark's Mills, and suffered for several months a loathsome captivity in a southern prison, followed by an escape fraught with incidents of the most distressing character. Fleeing with his two companions (Captain Allen W. Miller, of Company C, and Captain John Lambert, of Company K, of his Regiment) from their pursuers; avoiding the highways and settlements; seeking the woods and thickets to hide themselves in during the day, and at night wandering, with bleeding feet, through forest and field, without any compass save the North Star to guide them to our lines; without any food but such as the herbs and the ears of uncooked green corn afforded, they suffered a series of hardships so severe that both of his companions subsequently died from the effects thereof.

At the close of the war he returned to Ottumwa and resumed the practice of his profession. Not long afterward he entered the field of journalism and became associated with General John M. Hedrick, in the proprietorship and publication of the *Ottumwa Courier*, and later became the sole proprietor and editor-in-chief of that paper, then and now one of the leading journals of the State. He was universally regarded as an able and facile writer.

Hamilton was the second Mayor of Ottumwa, in 1858, and several times one of its Aldermen. In 1866 he was elected to the State Senate to fill a vacancy caused by my resignation in accepting the position of Reporter of the Supreme Court. In 1868 he was re-elected to the Senate, and in 1870 was appointed Postmaster of Ottumwa, a position which he held for several years. In the course of his career he exercised a strong influence in shaping the affairs of the State, and especially those of the City of Ottumwa.

He is still living at Ottumwa, the only survivor of my earliest period there, in his ninetieth year, active in movement, and with his intellectual forces unabated. I noticed at the time, in an Ottumwa paper that he was the Marshal-in-Chief of the recent, as well as the largest Fourth of July celebration and procession in the history of that place—July 4, 1913.

Though, aside from his army career, his life had been an even one, it had not been free from profound sorrows. In the early part of his married life, one of his sons, a bright and promising youth, was drowned while bathing in a canal or sluice leading from one bend in the Des Moines River to another, not far from the home. The news spread like wild fire and quickly came to him. He rushed to and plunged into the stream in search of his lost boy. When I, with some others, got there, he was just coming out, after having dived through and explored the waters with an agony of exertion that melted the hearts of the beholders. The effort was fruitless. The other and only remaining son died some years ago. Of six children, only two daughters, Mary and Emma, survive. His wife, to whom he was married

in 1856, was Miss Elma Coffin, a daughter of Thomas C. Coffin, one of the early settlers and builders of Ottumwa, a native of Ohio, and a scion of the famous whalers and sea voyagers of Nantucket, Massachusetts. She and the daughters are the faithful comforters of the Major's declining years.

Hamilton was, in many respects, different from his legal partner, for Williams was ordinarily mild and undemonstrative, while Hamilton was very demonstrative and emphatic in both speech and action, and carried a good deal of vim, sometimes mingled with vinegar, into what he did and said. He was very positive in character, a little dictatorial and somewhat irascible. I thought the Major had some faults, and he had the same opinion of me. We differed materially along certain lines not now necessary to mention. The sometimes spirited interchange of our mutual opinions bred mutual asperities. But I can do him justice all the same, and have endeavored to in this brief portrayal. Besides, the assuaging hand of time has long since effaced and blotted out those asperities, and all the unkind words that were spoken, as effectually as was the blasphemous oath of Uncle Toby (as related by Sterne in the story of *Le Fevre*) which the accusing spirit bore up to Heaven's chancery, and handed in, and upon which, the Recording Angel, as he wrote it down, dropped a tear and blotted it out forever.

Jacob W. Dixon was born in New Castle County, Delaware, in 1832. His father was James Dixon, a prominent man of affairs. His mother was a Heald, a prominent Quaker family of Chester County, Pennsylvania, whose ancestors came with and belonged to the colony of William Penn. He received his preliminary education at the public schools, and at the Academy of the noted Milton Durnal at Unionville, Pennsylvania. He taught school one season and then entered the National Law School of Poughkeepsie, New York, where he remained two years and from which he was graduated with honors. He came to Ottumwa in 1855. In 1856 he married Miss Sarah Ann Vernon, whose ancestors were also Quakers, belonging to the Penn colony. For a period Mr. Dixon and myself were law partners in Ottumwa.

J. W. Dixon was, in many respects, one of the ablest men I have ever known. He had a highly philosophical mind, quick of discernment and inclined to abstruse investigation. He was fond of the natural sciences, took great interest in geology and had a good deal of astronomical knowledge. He was a cogent reasoner, and a clear, concise speaker. He was powerful in denunciation and convincing in argument. He was stubborn in his opinion when once formed, combative, and always a formidable antagonist in any dialectic struggle. Notwithstanding his determined character, he was, nevertheless, a natural diplomat of the first order, and had the opportunity been given, he would have distinguished himself by his diplomatic skill in any court of Europe, and been able to successfully untangle, if the subject were capable of it, the most difficult problems of international affairs.

But with all these gifts, he did not become a great lawyer, nor even aspire to; for the simple reason that while he liked some of its lines, as a whole he did not like the pursuit, and did not apply himself to it with that continuity necessary to exalted success.

In the outset he had been a Republican and an ardent advocate of John C. Fremont, for whose wife his first daughter, Jessie Benton, was named. He was no less ardent for Abraham Lincoln. In the first year of the war he was elected State Senator on the Republican ticket. Wapello had been one of the banner Democratic counties of the State, and he was the first Republican elected to the Legislature from that County. Both of the House members elected, Joseph H. Flint and Thomas D. McGlothlin, were Democrats. He served as Senator in the Ninth and Tenth General Assemblies, and was a leader in both of those bodies.

In 1873, from various causes, he had become dissatisfied with the management and some of the policies of the Republican Party in the State, and was nominated and elected on the Independent ticket as the Representative of Wapello County in the House of the Fifteenth General Assembly, which convened on the Twelfth of January, 1874. The fact that he was elected by the Independents and Democrats as a candidate for Speaker of the House against John H. Gear, indicates the high estimate placed upon his abilities; and the length of that memorable contest, and the strength which Dixon developed, justified the selection, for he commanded strength enough against his Republican opponent to withhold the result, which it was thought at first would be soon and easily gained, on the tie vote of fifty against fifty, for a long period. The House stood, fifty straight Republicans; forty-six Independents; four straight Democrats, the contest finally ending in the election of Mr. Gear. In the fall of 1875 he was again nominated and elected to the House of the Sixteenth General Assembly, which convened on January 10, 1876. In both of these Legislatures he had a prominent place on the most important committees, and was a foremost and influential member.

By thus suffering himself to be the candidate of the Independents and fusionists, opposed to the regular nominees of the Republican Party, his political hold on it became loosened, and he lost that caste necessary to an aspirant within its folds. But he maintained from beginning to end, and with that unconquerable will for which he was distinguished, the correctness of the position he had taken.

He continued to be an independent Republican, but the political mantle was so loosened and public policies and men became so changed that he took thenceforth but little active interest in politics, and in a little more than a decade suddenly died at his home in Ottumwa. Thus passed in his prime one of the strongest characters and one of the ablest men Iowa has produced.

His life had been a fitful one. He had suffered sorrows and disappointments on the way. In the early years he and his wife were left childless by the sudden

death of their two oldest children, and not many years after, he received an injury to his knee, followed by blood poisoning, and for months lingered between life and death, attended by the highest surgeons that could be obtained in that part of the State, suffering such intense agony that the administration of opiates was almost constantly required. At the end of a year he was able to leave his room on crutches, but the final result was a stiff knee, which seriously interfered with his locomotion and ability to exercise, and made him a partial cripple for the remainder of his days. Politically, he failed to reach the highest points his early career presaged, and which he undoubtedly would have reached if he had not faltered in party allegiance. But he bore all these with calm philosophy; and I have often heard him repeat the lines of Pope:

All nature is but art, unknown to thee;
 All chance, direction, which thou canst not see;
 All discord, harmony, not understood;
 All partial evil, universal good;
 And spite of pride, in erring reason's spite,
 One truth is clear, Whatever is, is right.

He was an incessant reader, and this was the solace of his later years. He was fond of history and books of travel; and of novelists who graphically describe human traits and social conditions as they really are. Of these, Dickens was his especial favorite, and on the wall by the side of his bed, hung a framed portrait of that author. He was kind hearted, indulgent, forgiving, and while intense in contest, cherished no malice, and took real pleasure in doing a favor. A fine sense of humor, a glow of animal spirits, coupled with natural refinement, were a part of his being. He was a free thinker in religion, broad in his views respecting public policies, and had but little faith in severe sumptuary laws that are more honored in the breach than in the observance.

In personal appearance, Mr. Dixon was somewhat striking. He had regular features, a resolute expression, a noble and expansive brow, a well-rounded figure.

Homer Thrall and *John A. Johnson* must have come to Ottumwa about the same time, in 1855. They were both there when I came. Mr. Thrall was a brother of Dr. Seneca B. Thrall, who is lovingly remembered by all those living during his time. Homer Thrall was a partner of J. W. Dixon, under the firm name of Dixon & Thrall. He remained in Ottumwa but a short time, returning to Ohio in 1858.

John A. Johnson was a Kentuckian and came to Ottumwa in 1854. He was a large, fine looking man, rather pompous in manner, and as I thought, rather brow-beating. This last impression I received at the very outset of my career as a young lawyer, for in one of my first cases before a Justice of the Peace, Johnson was on the other side, and as I conceived, endeavored to intimidate me by the superiority of his learning and his aggressive bearing. But I later came to know that, not-

withstanding all this, he was a very generous and kind-hearted man. He was a radical Democrat of the southern school. He was regarded one of the leaders of the bar when I went there. In 1858 he was elected to the State Senate from Wapello County, and served in the Seventh and Eighth General Assemblies, where he made himself conspicuous by the advocacy of his southern views. Soon after the expiration of his official period he removed to Helena, Montana, where he became prominent as a lawyer and politician. I saw him about twenty-five years afterward, when he called upon me at Kansas City, Missouri. I was glad to see him. Years of discipline and varying fortune had greatly toned down the lofty attitudes of his earlier days and brought his finer qualities to the surface. He was really a man of force and ability. He died in Montana some years ago.

Duane F. Gaylord came to Ottumwa the same year that the State was admitted into the Union, 1846. He at once took an active part in public affairs. In 1849 he was elected Sheriff of the County, succeeding Joseph Hayne in that office. Upon the organization of the City of Ottumwa, under its special charter in 1857, he became its first Mayor. The following official role of the officers then elected will carry some historic interest:

Duane F. Gaylord, Mayor; James D. Devin, Recorder; S. W. Summers, solicitor; Erastus Washburn, Treasurer; Hosea B. Jones, Assessor; John A. Newman, Marshal; S. W. Hartwell, Engineer.

Mr. Gaylord did not enter upon the study of law until in middle life. He was admitted to the bar of Wapello County, and in 1857 or 1858 entered into legal partnership with John A. Johnson under the firm name of Johnson & Gaylord. In the early sixties he removed to Cass County, where he remained until his death. He was a Democrat in politics and effective, as well as active. He was an excellent man of unquestioned integrity, and a valuable factor in the early history of Ottumwa and Wapello County. He was a native of Connecticut, and the first emigrant from that State to Ottumwa; George Dresser, who lived out beyond where the Judge Burton residence now stands, was the second, and myself the third. We three were, I think, the only Connecticut men in the County for several years.

Thomas Bigham and *A. W. Gaston* were active members of the bar when I came to Ottumwa. *A. W. Gaston* was then Prosecuting Attorney for the County. In the term preceding that, in 1854-1856, *Thomas Bigham* had been the County Prosecutor. Mr. Bigham was a character that will be remembered as long as anyone lives who knew him. He was from Indiana or Ohio, and came to Ottumwa in 1840 or 1850, I should say. He told me he had been a schoolmaster before and while studying law. He was middle-aged when I first met him. He was old-fashioned in both character and manner—plain, but kindly and sincere. He had been a student and was well-versed in legal principles and the elementary books. He naturally belonged to the common people and was well patronized by them. He

was emphatically the poor man's lawyer and took pride in representing him. By nature, he was one of the most amiable of men, and knowing him as well as I did, I can but remember him with the most kindly feelings. He was ingenious and conducted his cases with shrewdness. He was well versed in the old law of pleadings and was fruitful of motions and demurrers. To a jury he would talk in a familiar way, but with emphasis and effect. He was an honest man in both thought and action. Peace to his ashes!

A. W. Gaston, as already indicated, was the Prosecuting Attorney when I came to Ottumwa. I know nothing more of either him or Thomas Bigham than is reserved in my memory of them, for in the different county histories I can find no biographical sketch of either. Mr. Gaston came from Ohio. He had received a good education, and was a well-read lawyer, but was never highly successful as a practitioner. He took an interest in public affairs and in the schools of Ottumwa. In the early history of the City he was its Recorder, in 1859, and filled other city offices.

He had a good figure, but being red-headed and freckle-faced, could not well be called a handsome man; he was, however, an exceedingly humorous and a good-natured one, and an honorable, useful citizen. He died some years ago. Thomas Bigham, I forgot to say, died on the seventeenth of May, 1894, the day on which the new courthouse at Ottumwa was dedicated, and the news of his decease was brought to me in the course of my address on that occasion.

R. W. Boyd was a contemporary with Homer D. Ives. He was born in Washington County, Pennsylvania, in 1823, and when an infant, came with his parents, on their removal to Virginia. When he was sixteen years of age they went to Des Moines County, Iowa. In 1848, when he was twenty-five years of age, he came to Eddyville; in 1850 commenced the study of law and was later admitted to the bar. In 1858 he was elected Justice of the Peace in Eddyville, and continued to be elected for eight years. At the end of that period he devoted his entire attention to the practice and became one of the most highly respected members of the Wapello County Bar, and continued so for a great many years, and until he became a very aged man. He had a florid complexion, sandy hair and an agreeable address. He was faithful and highly useful to his clients, and held firmly the respect of everybody who knew him. He was frequently honored by the citizens of Eddyville, and was at one time Mayor of that City, and at another time, City Solicitor.

He was one of the best men I have ever known and one of the most appreciative of any kindness extended to him. In 1884 the well-known firm of John V. Farwell & Company, of Chicago, having some business with Eddyville, wrote me a letter of inquiry concerning Mr. Boyd, to which I made a reply, that through some

means came to the knowledge of Mr. Boyd; thereupon he wrote me under date of July 2, 1884, as follows:

I am under many renewed obligations to you for your kindness in the matter respecting which John V. Farwell & Company wrote you. Pecuniarily, there is but little if anything in this matter, but in the expression of the sentiments of your letter to them, there is to me what is of vastly more value than can be estimated in dollars and cents.

Nothing could better exemplify what I have said, than this grateful letter. I suppose he must have died some years ago.

William McPherrin was a lawyer in Eddyville when I came to Ottumwa. I am not in the possession of any data concerning him. I became well acquainted with him, for he was a highly genial and companionable gentleman. He used to attend and have business at every term of the court. I remember him as a very tall and angular person, stooped and thin chested, on whom that dreaded disease, consumption, was making its insidious way, and from the effects of which he died while yet a young man. He was highly respected, and exerted a powerful political influence in the district.

Cyrus Franklin was one of the early lawyers of the County and located at Agency City in about 1847. He came there directly after the close of the Mexican War, in which he was a soldier. Some years after I went to Ottumwa he removed there, and remained until after the outbreak of the Rebellion, when, strange to say, for he was a northern man, he went south to join the Rebel army. He was tall, angular, restless, furtive and peculiar. He had been a soldier of the Mexican War, as already stated, under Colonel Samuel R. Curtis, commanding the Third Ohio Volunteers in that conflict. Franklin, and William H. Clifton, one of the first Marshals of Ottumwa, had been privates in a company from Hillsboro, Highland County, Ohio; Franklin received promotion during the service. General John M. Hedrick, in speaking of him (in 1885) says:

The first time I saw Franklin was at a Fourth of July celebration held near Ottumwa in 1847 or 1848. He was dressed in a coarse cotton shirt, tow breeches, coarse shoes, without sox, and a rye-straw, homemade hat. This garb was evidently assumed for effect. He directly got into politics, and after Dr. Joseph H. Flint, was the ablest and best stumper and politician the Democrats ever had in Wapello County. After he came to Ottumwa and opened a law office, he never seemed to succeed much at his practice. He had but few friends with whom he was confidential, and to them he probably did not divulge entirely his plans about the approaching conflict. His conduct became marked by suspicion. It was noticed that about once a month he mounted his sorrel horse in the gray dawn and silently stole away on his mission to stir up the north Missourians to the point of revolt. He always timed his return so as to arrive in the night, and he always had his eye over his shoulder.

When the clash came he had so well fortified himself with his Missouri friends, that he at once was made a Colonel in Mart Green's Rebel Brigade, and engaged in Guerrilla warfare along the border. He took with him, I regret to say, a young West Pointer, George Laswell, who, with his father, had come to Ottumwa and

opened a small bank at the corner of Green and Second Street, as I recollect it. Laswell did not live to come back, but Franklin did—a dissipated, prematurely aged, broken-down, sorrowful man.

Scarcely any man had less excuse for pursuing the course he did. He was northern born and bred. He had no slaves or other chattels at stake. But he was intensely pro-slavery, and believed in that "Divine Institution." He did not come back to Wapello County. The revival of old remembrances and the sight of old faces would doubtless not have been pleasant to him. He died somewhere in the West.

A short time before the outbreak of the war, J. W. Dixon and myself were engaged in a case before Justice Alfred Lotspiech, in which Franklin and a young southerner by the name of Pierce, who had recently become his partner, were employed on the other side. Both Mr. Dixon and myself noted something mysterious and extraordinary in the conduct of both the gentlemen named. They both carried a revolver in the hip pocket, and both exhibited a good deal of strange irritability during the progress of the trial. I did not understand it then, but I did in a few days or weeks afterward, when they both left to take up arms against the national unity.

Alfred Lotspiech, I have already sketched in connection with Henry County, to which the reader is referred. I may, however, say here, that he was among the earliest lawyers of the Territory and State, and the first Prosecuting Attorney for Henry County. He might well have been placed in Wapello County, where he came in 1854 and filled with general approbation, through a long career, many public offices.

LAWYERS WHO CAME TO OTTUMWA IN AND AFTER 1856.

Edward H. Stiles, Addison A. Stuart, Edmond L. Joy, Edward L. Burton, James T. Hackworth, Joseph G. Hutchison, Joseph C. Mitchell, Isaac N. Mast, Charles E. Fulton, W. W. Cory, W. H. C. Jaques, William McNett, Eugene Fawcett, William E. Chambers, E. E. McElroy, D. H. Emery, William A. Work, A. C. Steck, J. J. Smith, Calvin Manning, W. S. Coen, David T. Miller, A. J. Bryant.

Edward H. Stiles, being the author of this work, deems it preferable to make no mention of himself, further than has been incidentally done in the progress of this work, for the purpose of showing his familiarity with the subjects, concerning which he writes.

He may, however, be pardoned for reproducing the footnote, which the Curator of the Historical Department of Iowa, was kind enough to attach as such to Stiles'

sketch of Judge John F. Dillon, appearing in volume nine of the *Annals of Iowa*, April, 1909, number.*

Addison A. Stuart came to Ottumwa in 1857. He was a New Englander by birth, and a graduate of Brown University, in which one of his brothers was a foremost professor. Stuart, as may be inferred, was a highly educated and accomplished gentleman. He was well versed in law, as well as literature, but failed to become a highly successful practitioner. To account for this, there were several reasons. He was pugnacious, irascible and altogether too prone to indulge in sarcasm for one desiring to be popular. In addition to this, he seemed to cherish something of malicious resentment against those who had given him offense, and was too free in expressing himself against those he disliked. This was a great drawback, a constant stumbling block in his way, that, with all his accomplishments, made his life a partial failure. It so marred one of the most valuable contributions to the military history of Iowa—"Iowa Colonels and Regiments of 1865"—that the lapse of years has not been able to give it the place to which its historical value entitles it. Some of its subjects whom he had doubtless interviewed in person, and by correspondence for information or patronage, and whose responses had lacked in courtesy, he took occasion to visit in his book, with remarks that were not calculated to exalt, and some of which were scathingly sarcastic.

Another event that seriously interrupted, and well nigh destroyed his professional career, was his entrance into the Civil War. He was a captain in the Seventeenth Iowa Infantry Regiment, served with gallantry, and was so severely wounded in one of the engagements that it resulted in his discharge. His service had been somewhat lengthy, and instead of immediately taking up his profession on his return, he devoted

* Edward H. Stiles commenced the practice of his profession at the city of Ottumwa, where he resided for a period of nearly thirty years and was during that time a leading member of the Iowa bar. In 1859 he was chosen City Counselor. In 1861, County Attorney. He was elected to the Iowa House of Representatives for the session of 1864, and to the State Senate in the autumn of 1865. He served in the regular session of 1866, but in the autumn of that year he resigned the Senatorship, to accept the position of Reporter of the Supreme Court of the State. He served in this position until 1875. His Reports fill sixteen octavo volumes. He also prepared and published in four volumes a Digest of the Decisions of the Supreme Court of Iowa from the earliest territorial period. He was the Republican candidate for Congress in General Weaver's district, the Sixth Iowa, then a Democratic stronghold, in 1883, and came within a few votes of election. He was the attorney of the Chicago, Burlington & Quincy Railroad Company, and of the Chicago, Rock Island & Pacific Railroad Company, for twenty years in the Ottumwa district. In 1886 he removed to Kansas City, Missouri, where he has since practiced his profession, and is a leading member of that bar. He was the Republican candidate for Circuit Judge in 1892, and since November of that year has been Master in Chancery of the United States Circuit Court for the Western Division of the Western District of Missouri. In 1881 at the request of the Judges of the Supreme Court, he commenced to gather material for biographical sketches of lawyers and leading public men of early Iowa. He is now engaged in utilizing the material thus compiled, the result of which we are authorized to say he expects in the near future to place before the public in book form.

his time and energies to collecting material for the work alluded to. This, indeed, virtually took him out of the profession, and I do not think he ever seriously attempted to regain his position at the bar.

Not long after the publication of his book, he removed from Ottumwa, resided for a while in Cedar Rapids, and later still, in Chicago, where he died some years ago.

With his friends he was one of the most agreeable persons, abounding in wit, vivacity and humor. He was fond of anecdotes and excellent in the relation of them. That he was a gifted writer, graphic and strong, his book abundantly shows. Had he adhered closely and uninterruptedly to the profession, he would, without doubt, eventually have attained the standing of a learned and able lawyer. It was a source of deep regret to his friends, that one so highly endowed did not more successfully utilize his accomplishments; but it must not be forgotten that he gave to the military history of Iowa a work of inestimable value, that will carry the deeds of its soldiery along with his own name through all its future annals.

In 1858 he was married to Miss Fannie Aspinwall, a beautiful girl, who charmed everybody by her innate graces and her exquisite performances on the violin. I was present at the wedding; it took place in the morning at Ottumwa, and a little party of us accompanied them in livery teams to Oskaloosa (there were then no railroads there) twenty-five miles distant, for their wedding tour.

Before retiring at night, two mischievous ones of the party surreptitiously removed the slats from the bed of the newly married couple, and upon their getting into it, down they went to the floor. Stuart could not see where the fun came in, and for the time, was desperate.

Several children were born to them, among whom were: Nellie, named after a sister of her mother, married to a lumber dealer, whose name I have forgotten, in northwestern Iowa; and Wesley, who became a lawyer of note, located in Sturgis, South Dakota, was Attorney for the N. W. R. R. Co., in the Black Hills, had a fine practice, and was nominated upon the Democratic ticket for Congress, in 1904, from the Second Congressional District of South Dakota.

I have said that Mr. Stuart was of New England origin. That he was a native of Massachusetts, I judge from a letter from him, from which the following are extracts:

Leominster, Massachusetts, August 25, 1904.

My dear Ed: I am back among the hills where I was born and reared. I came on to the Encampment at Boston, and thought this might be my last chance to visit the scenes of my boyhood. There are four living who played toy with me in those early days. Dear Stiles, from your delay in answering me I began to think you had gone back on me. You don't know how much your letter cheered me. I thank you for remembering me so kindly in your address before the Iowa State Bar Association. The past all seems like a dream to me now. * * * I won't write more,

further than to request you to send me your photo to my address in Chicago, 452 West Adams Street. God bless you. How I would like to shake your hand.

This letter throws some light on his character, and portions which I have omitted, indicated that his closing years were shadowed by somewhat gloomy reflections, not unmixed with profound regrets.*

Edmund L. Joy came to Ottumwa in the latter part of 1857. He had been a college friend of Henry Strong, then of Keokuk, and when he came West he naturally sought Mr. Strong at Keokuk. Strong advised him to go up to Ottumwa and look it over with a view to a location there. He accordingly did so. I remember distinctly the day he arrived and came into the office of Col. S. W. Summers, where I was then completing my studies, to make inquiries regarding the place and its desirability as a location, and as distinctly how he looked and bore himself. He was decidedly a New Yorker in his bearing—self-confident, resolute in speech and manner. He was of good height, had a well-rounded person, regular features, fine forehead, a full, closely-trimmed, lightish beard, compressed lips and altogether, a determined expression of countenance. Both of us being from the East, and among the very few in Ottumwa at that period from that quarter, and being otherwise congenial, we became intimates, and used to roam the hills together, speculating on our destiny.

The characteristics I have described, at once served to draw attention to him, and notwithstanding his eastern ways and instincts, he began, without delay, to assimilate himself with western conditions as they then were in Ottumwa and the County; and in this he succeeded so well, that in two or three years he had impressed the public so favorably that he was chosen for two terms, City Solicitor. In the fall of 1861 he was nominated by the Republicans, as their candidate for the House of the Ninth General Assembly of the State Legislature. His opponent was, perhaps, the most formidable adversary the Democrats could have selected, Judge Joseph H. Flint, who was a combination of doctor, preacher and politician. As a politician, I do not believe there was a more sagacious or influential one in Wapello County than Judge Flint. The canvass between these opposing candidates was a lively one. Following the prevailing custom, they "stumped" together every township of the County, each one occupying a certain portion of the time. Mr. Joy made a splendid canvass, but the County was then strongly Democratic and he was defeated.

Had Mr. Joy's professional career in Iowa been continuous, he would undoubtedly have attained a high standing as a lawyer, for he had all the elements necessary

* After I had written the foregoing sketch I sent a copy of it to the son mentioned therein, Wesley A. Stuart, of Sturgis, South Dakota. In his letter acknowledging the receipt of the sketch, he says: "Your sketch of father, whom I buried in March, 1910, at Chicago, is true to the letter, too bad he would thrust his lance so often and so deep. I know he would have taken a different course could he have but started anew."

to that end. He was highly educated, deeply learned, logical, graceful in speech, forceful in argument. But momentous events interrupted this career, and soon after the breaking out of the Civil War, he entered the military service in defense of his country. He was made a captain in the Thirty-Sixth Regiment of Iowa Infantry, in 1862. For two years, he served with great activity in the field, enduring many hardships and participating in several engagements. During the Vicksburg campaign he was with the Yazoo Pass Expedition. In 1864 he was appointed by President Lincoln, Major and Judge Advocate, and assigned to duty in the Seventh Army Corps, commanded by Major-General Steele. Subsequently, he was made Judge Advocate of the Department of the Arkansas, with headquarters at Little Rock. He gave valuable aid in the organization of the State Government, under the New Constitution for that State. He served to the end of the war, and when he returned, he was so broken in health as to be obliged to give up the idea of resuming his practice at Ottumwa, and repaired to the home of his father in Newark, New Jersey. His father was a large wholesale merchant of that place, and Major Joy concluded to accept a partnership in his father's business. This partnership existed until the father's death in 1873, after which the business was continued by Major Joy, on his own account during the remainder of his life.

His career after going to New Jersey on his return from the war, is indicative of what he would have accomplished as a lawyer had he resumed the practice, for he became prominent as a man of affairs and in public life. He was twice elected a member of the Legislature of New Jersey, and during his second term, was made Chairman of the Judiciary Committee, which was a high compliment to his legal attainments and effectiveness. In 1877 he was elected a member of the Board of Education of the City of Newark, and held this position for twelve years, serving as President of the body for three years. He was a prominent member of the Board of Trade, its presiding officer in 1875 and 1876, and its Treasurer from 1879 to the time of his death, which occurred at Newark in 1892. In 1880 he was a delegate to the Republican National Convention, which nominated Mr. Garfield for the Presidency. In 1884 and 1885 he served, by appointment of President Arthur, as a government director of the Union Pacific Railroad Company. His extensive business operations, and his well-known abilities as a business man made him prominent in all matters pertaining to the financial interests of his city. He married a sister of my old friend, Dr. S. B. Thrall, of Ottumwa, and daughter of Dr. Homer L. Thrall, one of the most eminent physicians and professors of Ohio in his time.

Edward L. Burton was a lawyer and judge of such pre-eminent talents that his name became as familiar as a household word in that part of the State. For many years we were partners and our mutual affection to the end of his life was strong and unbroken. We were, indeed, like very brothers. For the most part, our habits of thought, our estimate of men, our sympathies, our tastes and inclinations

were in full accord. He was just, kind-hearted, generous to a fault, and his private, as well as public character, unsullied by a single stain. His legal talents were of an order, so unusual, that in a comparatively short time after entering the profession, they drew the attention of the general public to him as a lawyer of profound ability and superior skill. It is my fortune to have witnessed in the State and Federal Courts of Iowa and Missouri the forensic efforts of most of their leading lawyers of the time, and I can say without hesitation, that for readiness and legal accuracy, strength and perspicuity of argument, I have never heard his superior. So conspicuous were these gifts that I hazard nothing in saying that he came to be regarded as one of the greatest judges of this or any other state. He was deeply learned and so painstaking, that in highly important cases he frequently rendered his decision in writing, and these written opinions never failed to redound to his great reputation. His distinction as a trial judge became unrivaled. He was stricken with paralysis in the height of his usefulness and fame while on the bench, and after some months of lingering, died in the latter part of 1894. The last time I saw him was in May of that year, at his suburban home which he always loved so well, and to which he was always so true, with his human frame paralyzed and emaciated, but with a mind as radiant as a star. I had come up from my home in Kansas City to participate in the dedication of the new courthouse, and went out to visit him. He was rejoiced to see me. His once resolute voice had lapsed to a feeble tone, but he talked cheerfully of past events, and without the least hope of recovery, calmly awaited the final summons.

Judge Burton was born at Waterloo, Seneca County, New York, in 1831. He was of English extraction. His paternal grandfather was a clergyman of the Church of England. His father, John Burton, settled in Seneca County in 1812, and was a soldier in our war with England of that period. John Burton became a prominent lawyer in that part of the State. He was also a careful and accurate surveyor and it is said, surveyed nearly every farm in that County. His mother was Elizabeth Hooper, a granddaughter of General Clark of Revolutionary fame. Edward's preliminary education was acquired in the schools of Waterloo, and the academy of that place. After his graduation he engaged in school teaching for awhile, and also devoted considerable of his time to the practice of land surveying, of which he acquired a thorough knowledge. He studied law with his brother, William H. Burton, a prominent lawyer in that part of New York, and afterward entered and graduated from the Balston Springs Law School, which afterward became the Albany Law School. He turned his steps westward and settled in Lancaster, the County Seat of Keokuk County, Iowa, in 1858, where he entered upon the practice of his chosen profession. Judge H. B. Hendershott was then on the bench of that district, and was so attracted by Mr. Burton's talents, that he invited him to come to Ottumwa and enter into a legal partnership with him, as he was about to retire from the bench. This offer Mr. Burton accepted and removed to Ottumwa

in 1859. This partnership, under the firm name of Hendershott & Burton, continued for a number of years, enjoying a large and lucrative practice. Upon its dissolution, a partnership was formed between himself and the writer, under the firm name of Stiles & Burton, which continued for a number of years, and until Mr. Burton was elected Judge of the District Court of the Second Judicial District, comprising the counties of Van Buren, Davis, Appanoose, Wayne, Lucas, Monroe and Wapello. In politics, he was a Democrat of the old school, and notwithstanding the strong Republican majority prevailing in the district, he was for term after term, with scarcely a break, elected Judge of his district on the Democratic ticket. His first election to the bench was in the fall of 1878. This election was overwhelming in his favor. He had entered upon his last term when he died, in 1894. Had his party in the State not been in a hopeless minority throughout his entire period, he would have been placed upon the Supreme Bench, for which he was twice the candidate of his party.

To confirm my estimate of Judge Burton's abilities, and the light in which he was generally held, I may mention that under the Act of Congress, in 1886, making it necessary for the appointment of another United States Circuit Judge, Judge Burton was virtually the choice of Iowa for the position. In this behalf, the "Iowa City Press" had the following paragraph which I clipped from the paper at the time:

The action of Congress in making a new district of the United States Circuit Court, comprising the states of Iowa, Missouri, and Minnesota, makes necessary the appointment of another Circuit Judge. For this position the Iowa press and bar is heartily supporting Judge Burton, of Ottumwa. He is a man of great and marked ability, for eight years has been Judge of the Second Judicial District Court, and has once or twice been the choice of the party for Supreme Judge. His fitness and ability for the Circuit Judgeship is marked by his long practice at the bar, his experience on the bench, his thorough knowledge and grasp of the law, and his wide acquirements. His home is in the geographical center of the district. The State of Iowa furnishes much of the business of the Court and deserves this recognition of one of her most talented men, whose appointment would be to the State a special mark of distinction. We hope the bar of this city will give its influence toward securing the appointment of this pure and pre-eminently capable man to the new Circuit Judgeship.

To this the Des Moines Register added the following comment:

The unanimity with which Judge Burton's name has been suggested for Judge of the proposed Federal Circuit indicates his appointment. There is practically but one sentiment in Iowa, and that is expressed for Judge Burton.

While in Keokuk County he married Mary J. Crocker, a daughter of James G. Crocker, of that County, and a sister of General M. M. Crocker, whose sketch will be elsewhere found in this book. At this writing there still survive, his aged widow, two sons and a daughter, Mrs. Mark W. Rice, one of the leading intellectual women of Los Angeles, California, where she and her husband reside.

Notwithstanding his continued professional success, he retained to the last, his simple, retiring and unaffected manners. No success, however exalted, could have

changed him in this respect. He showed his English descent in his love of good living and open hospitality. Both fees and salaries were low in those days, and under these conditions, his natural bounty and great generosity kept him in limited circumstances. If he had been abundantly rich, he would have dispensed a hospitality on a par with his fortune. As it was, he liked a fine house. He built one in the immediate City of Ottumwa, at the corner of Second and Jefferson, if I remember rightly, where he lived for some time, and later, a fine residence on some seven or eight acres of land in the suburbs, familiarly known as the Burton residence. He delighted in gardening and in raising fine vegetables for his table, which was always bounteously spread for his many visitors.

If anything, he was rather below the medium in height, round in person, and a little corpulent. He had strikingly small hands and feet, rather heavy shoulders, a round face, fine head and a countenance and mien expressive at once of both gentleness and force. He cared nothing for society and despised its follies. While he had hosts of friends, he had but few intimates.

He was always and everywhere a temperate man, though not a total abstainer, as the following letter, written during his temporary retirement from the bench, will indicate, and which I give as somewhat characteristic of both the parties concerned:

Ottumwa, Iowa, May 31, 1889.

Hon. E. H. Stiles.

My dear Friend: I received the package you sent me and duly sampled it; found it O. K. I knew it was all right before I tasted it, coming from you. Your ability to judge as well as your liberality was a recommendation before the cork was out that the contents of the jug were first class. I shall often drink your health, long life and prosperity in the mellow fluid. Thanks.

I am well and my practice is steadily increasing. I often wish you were with me. I find no one here who I think can materially assist me. We are all well.

Yours sincerely,

E. L. Burton.

James T. Hackworth would have made an able lawyer had he adhered to the profession. He was graduated at the Iowa Wesleyan University, studied law with Henry Ambler, of Mt. Pleasant, was admitted to the bar and commenced the practice in Ottumwa in 1861, but diverged from the practice in 1863, upon accepting the appointment of First Assistant Assessor of Internal Revenue, holding that office for several years. In 1871 he entirely abandoned the profession by entering upon business in which he was highly successful and amassed a fortune. In the year last mentioned, he purchased an interest in the Johnson Ruffler Company, the object of which was the manufacture of sewing machine attachments widely known and used throughout the United States. He subsequently became the chief organizer of the Ottumwa Iron Works, which engaged in the manufacture of engines, machinery of different kinds, and later in cutlery. All of these enterprises were highly successful and yielded large returns to Mr. Hackworth and his associates, among whom, along the line were: Allen Johnson, Captain J. G. Hutchison, A. G. Harrow and W. T.

Majors. Mr. Hackworth subsequently became a promoter, stockholder and President of the Ottumwa National and Wapello County Savings Banks that were established in Ottumwa. He was President of the Ottumwa Public Library Board from its organization and for a long number of years. In short, his pre-eminent success in whatever he undertook demonstrates that had he followed the law, he would have been highly successful, for he had an excellent legal and well-disciplined mind, sound judgment and marked intellectual virility. The first time I saw him was while he was pursuing his legal studies or had just finished them. It was in a debating society the young men had founded, and of which I was a member. One evening young Hackworth dropped in and participated in the debate, displaying a force and clearness that greatly attracted my attention, and prompted me to predict that he would not be long in making his mark at the bar.

I knew his father, George D. Hackworth, well for many years. He was one of the most honorable and useful of men. A Virginian by birth, he came to Wapello County during the territorial period. He was one of the earliest and best surveyors of the County; served several times as County Surveyor, and subsequently as County Auditor. Early in the seventies he removed to Kansas, where he died. I shall always remember him with reverence on account of his innate goodness, his kindly heart and accommodating disposition.

His son, James T. Hackworth, has been equally useful with his father, and has always taken a deep and spiritual interest in all public affairs tending to promote the prosperity of Ottumwa and the County at large.

Joseph G. Hutchison was a native of Northumberland County, Pennsylvania, where he was born in 1840. He was a college graduate, a highly educated and classical scholar. Soon after the commencement of the Civil War, he entered the military service, in 1862, as First Lieutenant of the 131st Regiment of Pennsylvania Volunteer Infantry, which belonged to the Army of the Potomac. He was distinguished for bravery, and participated in the historic Battles of Fredericksburg, Antietam and Chancellorsville. In the report of the commanding general, he was given special mention for gallantry in the charge of Marys Hill at the Battle of Fredericksburg. He also participated in the Battle of Gettysburg as Captain of Company I, of the Twenty-Eighth Regiment of Pennsylvania Infantry. After the end of the War, he fitted himself for the legal profession, graduated from the Cleveland Law School, came West, located and entered upon the practice at Des Moines in 1865. Captain A. A. Stuart, who was one of the early lawyers of Ottumwa, afterward a soldier, while seeing through the press at Des Moines, his history of "Iowa Colonels and Regiments," became acquainted with Mr. Hutchison, of whom he spoke in the highest terms, as a very fine and promising young man. Upon this recommendation, I invited Mr. Hutchison to come to Ottumwa with a view of forming with me a partnership association in the practice. He came, and

the result of the meeting was that we formed a partnership in the latter part of 1865, which continued for some years. After our long association as law partners, he, with J. T. Hackworth and Mr. Johnson, in 1872, became one of the organizers of the Johnson Ruffler Company, and later of the Ottumwa Iron Works. This ended for the time his professional career.

In connection with the business of the first named company, he with his wife, went to and resided in England for a year. On the home journey he became acquainted with T. D. Foster, who was then on his way to America, with a view of establishing a large packing house for the English firm of John Morrell & Co., and through Captain Hutchison's influence, Mr. Foster selected Ottumwa as the place for the commencement of their enterprise. To the influence of Mr. Hutchison in inducing Mr. Foster to so act, the people of Ottumwa are indebted for the founding of this great and beneficial enterprise.

After following these business lines for a few years, Mr. Hutchison resumed the practice, associating himself with I. N. Mast, under the firm name of Hutchison & Mast, but in three or four years he again diverged from the profession into politics, and later into business. In 1879 he was elected to the House of the State Legislature, where he served one term with great efficiency. In 1881 he was elected to the State Senate, and re-elected to the same office in 1884. During these ten years of legislative services, he established the reputation of being one of the most useful legislators in the history of the State by his promotion of wise measures and his careful and persistent industry and forceful arguments in presenting them. Touching this subject, Governor Gue in Volume IV, page 141, of his History of Iowa, says:

Senator Hutchison was the author of the law for the registration of voters which has become the settled policy of the State. As a member of the committees of Judiciary, Appropriations, and Chairman of the Ways and Means Committee, he became the leader of the Senate and by wise measures relieved the State from a large indebtedness during his term of service.

It is to be regretted that in the brief sketch of Mr. Hutchison, contained in Gue's History, the printer committed the error of making his name James G. Hutchison, instead of Joseph G. Hutchison. The indebtedness referred to by Governor Gue, in the foregoing extract was the large one, owing to the School Fund from the State, and which was paid, through the efforts of and under an act drafted by Senator Hutchison, from the money refunded by the general government for the direct tax which it had received from the State. The payment of this obligation left the State entirely free from debt. William H. Fleming, who had been Private Secretary of seven different Governors, and thoroughly conversant with the legislation of the State, and now, in his eighty-second year, the venerable Secretary of the Pioneer Law Makers' Association, thus writes me concerning the extinction of that debt and how it was brought about through the act of Senator Hutchison:

The final extinction of this debt came about in Governor Boies' administration, but it was because of the operation of an act drafted in 1888 by Senator Hutchison, whom Boies defeated for the governorship a year later. That act directed that the proceeds of the expected refund should be applied to the payment of the debt from the State to the School fund. The money came in 1891 and the School fund debt was paid from it, as directed by the act referred to. Thus while it might be said that the debt was actually liquidated during Boies' administration, it was because of Hutchison's work that it was done.

Senator Hutchison distinguished himself so highly in the field of legislation, that in 1889 he was nominated by the Republican Party, as its candidate for Governor on a prohibition platform.

For thirty-five years the Republican Party had been continually in power and no Democrat had occupied the gubernatorial chair; but the immense Republican majorities had been declining in the latter years because of popular dissatisfaction, especially in the larger cities, with the radical attitude of the party on the question of general and absolute prohibition. It was thought by many, that in the cities referred to, it was a dead letter, and furnished the pernicious example of constant law breaking. So strong had this feeling become on the one hand, and so strong the radicalism of the Republican Party on the other, that it made the political condition not only critical, but threatened party defeat; and the party *was* defeated. Horace Boies, the Democratic candidate, was elected. The same experience was repeated at the next gubernatorial election when Governor Boies was re-elected over Hiram Wheeler, the Republican candidate. And the same results would have continued had not the party leaders joined in enacting the local option or Mulett law, upon which the Republican Party was restored to power. It is thus clear that Mr. Hutchison's defeat was not attributable to any personal ground, but solely to the causes alluded to.

He engaged in banking, was one of the promoters of the Ottumwa National Bank, serving seven years as its President, resigning to accept the nomination for Governor. He left the bank in good condition. In 1891 he established a large wholesale grocery business under the firm name of J. G. Hutchison & Co., and successfully conducted it to the time of his death, which occurred in April, 1910.

Personally considered, Mr. Hutchison was one of the most lovable of men. During the whole period of our partnership, there was not the slightest friction between us. He was diligent and efficient as a lawyer, and nothing was ever neglected either in the office or in the courts that came under his hands. Had he strictly adhered to the profession and turned his face against all allurements to enter other enterprises, he would doubtless have attained greater distinction in it. From every point of view he was a man of pure motives and stainless character.

Judge Joseph C. Mitchell might well be placed in connection with Lucas County lawyers, where he practiced for a period of some twenty years, but as he afterwards removed to Ottumwa and practiced there for a longer period, I concluded to place

him here. He was a graduate of the Wesleyan University of Mt. Pleasant, then studied law with Ambler & Babb, of that place. He was admitted to the bar in 1872 and located at Chariton, and soon became prominent as a lawyer in that part of the State; subsequently removing to Ottumwa, he became associated with F. M. Hunter, the present able Judge of the District Court. He had a large general practice and was connected with many important cases. While at Chariton he was appointed by Governor Boies, Judge of the District Court, and presided with marked ability.

Joe Mitchell, as he was familiarly called, on account of his good fellowship and easy manners, was a man of fine natural ability, and in addition to his legal acquirements, had literary ones of no mean order. These latter accomplishments I first discovered during a sojourn of several days at Council Bluffs, where we had some legal business, and on my return with him from that place. This might be termed our first intimate acquaintance, and he surprised me by the width of his reading, his familiarity with the best authors. I cannot refrain from here relating an incident of our sojourn at Council Bluffs. When we had settled our bills, preparatory to going home, I discovered that I had about exhausted my funds, and upon communicating the fact, I found him in the same condition. We were mutually amused, as well as a little disconcerted. I relieved the situation, however, by saying that I was so intimately acquainted with Col. William F. Sapp, with whom I had served as a fellow member of the House of 1864, that I had no hesitation in calling upon him to cash my check. We found Colonel Sapp and he most cheerfully did it. This relieved our solicitude and enabled us to spend the day pleasantly before starting home; and that homeward journey was one of the most pleasant of my life. We told stories, talked of books, made quotations from the old authors, and altogether, made the long trip cheerful in the highest degree. I had a strong personal liking for Mitchell ever afterwards, and appreciated his popularity with the many bright Iowa men with whom he was acquainted.

In his prime he was a man of most striking appearance. He was tall, broad-shouldered and large, with black or dark long hair, heavy mustache, and wore always a broad-brimmed, soft plantation hat. He looked for all the world like a Southerner. Judge Love, of the United States District Court, was very fond of him, and I heard him once say that Mitchell was the most typical Southerner, in in appearance and manners, that he had ever seen; though, as a matter of fact, he was born in Indiana, but of southern extraction.

He was not what might be called a politician, and his appointment by Governor Boies as District Judge, was a compliment to his ability rather than to any political craft he possessed. He was open handed and generous in a high degree; if he had been different in that respect he might have accumulated a handsome fortune. He married Miss Alice C. Wilson, a cousin of Ex-Governor Boies.

Major Charles E. Fulton will be remembered as perhaps the most eloquent lawyer of the Ottumwa Bar of his period. He will also be remembered for the nobility of his character and his kindly traits. He was both a gentleman and a scholar, and one of the most sympathetic men I have ever known. His last appearance in the trial of a cause was in the defense of some man in behalf of whom he was ardently aroused. His argument to the jury was strikingly eloquent and persuasive. His whole soul was enlisted in the cause, and it was thought that his supreme exertion and the overtaxing of his physical powers on that occasion were among the immediate causes that led to his untimely death. His health had been greatly impaired and his constitution shattered by the hardships of his military service and the wounds he had received.

While I was one of his most intimate friends, I was not familiar with the data concerning his life before he came to Ottumwa, and am indebted to his widow and to his daughter, Mrs. Olive Fulton Nimocks, for particulars in that behalf. He was a native of Loudoun County, Virginia, where he was born in 1833. In his ninth year he came with his parents to Ohio, where they settled on a farm in Champaign County, near Urbana, where he grew to manhood. His early education was received in the district school and in the high school of Urbana. He came West and had several years of college training in the Iowa Wesleyan University at Mt. Pleasant. After graduation he read law with Samuel F. Miller, of Keokuk. He then entered the Harvard Law School in 1860, from which he was graduated. Thereupon he returned to Ohio and entered upon the practice of his profession in Cincinnati. In 1861 he enlisted in the military service of the great Civil War and was commissioned to raise a company, which he did, in and about Urbana, Ohio. He was made Captain of this Company, which became Company A of the Sixty-Sixth Regiment of Ohio Volunteer Infantry. His regiment was sent to Virginia. He participated in several battles, among others, that of Port Republic, in June, 1862. After this battle he was promoted to the rank of Major by reason of his gallant conduct and services. In the Battle of Cedar Mountain, Major Fulton was in command of his regiment. During the engagement he received a gunshot wound which threw him from his horse and was of such severity that he was borne from the field. In November of that year he returned to his regiment, but on account of the disability growing out of the injuries he had received, was able to serve only a few weeks, and in the following December was honorably discharged on account of physical disability. He then returned to Urbana and formed a law partnership with his brother, Robert C. Fulton, a prominent lawyer and judge in that part of Ohio. In 1863 he married Miss Tabitha A. Mast, of Urbana. In the autumn of 1865 they removed to Ottumwa, Iowa, where he at once entered upon the practice. In 1868 he formed a law partnership with his brother-in-law, I. N. Mast, under the firm name of Fulton & Mast, which continued until Major Fulton's death in 1870 at Ottumwa.

He has been dead for nearly forty-five years, but I can remember him as distinctly as if it were but yesterday. He was slim, but tall and stately in person. He had fine features and a face beaming with intelligence and the kindly emotions that characterized his very being. His address was pleasing and his manners ingratiating. At the dedication of the new courthouse, which took place in May, 1894, William McNett, in speaking of the Ottumwa Bar, of Major Fulton, said:

Perhaps the finest orator who has made his appearance at our bar as a member of it, was the lamented Major Fulton, who was cut down by the relentless hand of death only a year or two after I came, and in the very midst of a brilliant and promising career. It was a treat to listen to him and to witness the play of passion and emotion, as the well-rounded and beautiful sentences dropped from his lips.

Major Fulton had then been dead twenty-four years, but, as will be seen from this, memories of him were quite alive.

His exalted character was without a stain. He stood high in the public esteem and it was not long before he was called upon to serve the city in official capacities. In 1867 he was chosen City Solicitor. In 1868 he was chosen Mayor of the City, and again in 1869.

I. N. Mast, who has been referred to in the preceding sketch, as the brother-in-law and partner of Major Fulton, came to Ottumwa the next year after Major Fulton, viz., in 1866. The following year he entered upon the practice, and in 1868 became a member of the law firm of Fulton & Mast, which continued until the death of Major Fulton. He subsequently formed a partnership with J. G. Hutchison. He was a learned and careful lawyer, but was more distinguished as an officer than a court lawyer. He, however, did not adhere continuously to the profession, but diverged into other lines. He was for a considerable time an officer in the Ottumwa Water Power Company, and after that Secretary and Treasurer of the Ottumwa Water Works. Had he continued in the profession, there is no doubt but that his natural ability, his legal acquirements and his great industry would have continued to steadily advance his already excellent standing as a lawyer. He was a very kindly, pleasant man, with many friends and no enemies. He executed every trust confided to him with fidelity. He resembled in that respect his father, the venerable Isaac Mast, who came to Ottumwa shortly after his son, and purchased a valuable holding of land out on Court Street, where he built a residence, and where he died at an advanced age, greatly respected by everyone who knew him.

W. W. Cory must have come to Ottumwa the same year that *I. N. Mast* did, for the first time that I met him professionally was in a case before James Hawley, Sr., then Mayor of the City in which I, as City Solicitor, was conducting a prosecution against one Harvey Enyard, for some offense, and Mr. Cory was his lawyer, and vigorously defended him on that occasion, and this was in 1866. The city officers at that time were James Hawley, Sr., Mayor; S. B. Thrall, Recorder; A. F. Hoddy, Assessor; E. H. Stiles, Solicitor; R. H. Warden, Treasurer; J. A.

Milligan, Marshal; J. J. Adams, Street Commissioner; the Aldermen were: A. H. Hamilton, H. B. Sisson, P. C. Daum, Dr. J. C. Hinsey, J. McBride, J. W. Carpenter, C. C. Peters, W. B. Armstrong, J. J. Williams and Tim Riordon. I may be pardoned for this digression, as it throws a little historical light upon the personnel of the city government of that time.

Of Mr. Cory's early life, I know but little. In contemporaneous county histories I have been unable to find anything concerning it. I am able to authentically say, however, that he was born, reared and received his primary education in Ashland County, Ohio; that he subsequently entered and was graduated from the Wesleyan University at Delaware, in that State, and later from the Cincinnati Law School; that he then engaged in the practice of his profession for a time, and until he received an appointment in the navy, in which he served for a period during the Civil War, and that soon after the close of that conflict he came to and established himself in Ottumwa.

It is difficult to perfectly delineate his character. After a personal acquaintance and association of nearly half a century, I feel that I failed to fully understand him, and I doubt very much if he thoroughly understood himself. For that matter, who does? In some respects he was one of the most inscrutable and extraordinary personalities I have ever met with. His generous impulses were greatly restrained by his desire to accumulate. And yet, this latter propensity never led him into any of the enterprises through which men accumulate large fortunes. He was too cautious and apprehensive to risk what he had and what he felt sure of gaining through ordinary modes. He was honorable in his dealings, owed no man anything, and his obligations were met with unerring promptness.

He had been well bred, and in the drawing-room had the manners of a polite and agreeable gentleman. Ordinarily he was a hale fellow well met, good-natured and jovial, but at times querulous and disagreeable. He was a man of moods and contrarities. He was highly wrought nervously, restless, irritable, and pertinacious to the last degree.

As a lawyer, he was formidable. He was an industrious student, knew the law, and had mastered its principles thoroughly. Through the long years of my residence at Ottumwa, I met him constantly in the trial of causes, sometimes against, but more frequently associated with him, for in his most important cases he generally sought that association, when I was not on the other side. In the preparation of a trial, in the procurement of witnesses, in marshaling the testimony, in searching the ins and outs, he was the most resourceful lawyer I have known; and in and during the trial he was none the less so. He knew human nature as well as he knew the law, and nothing escaped him; and when the trial commenced, it was full of his activities from start to finish. Nothing was left undone. If overdone, which was sometimes the case, it was owing to his combativeness, and to his irrepressible tenacity, which

kept up a running fire with lawyers on the other side. If the rulings of the court were against him, he persistently sought the judge, by reargument, to change them.

When Mr. Cory was engaged in a cause, the court, and counsel on the other side, knew full well that they had business on their hands. When W. A. Work, who, in some respects, resembled Mr. Cory, was on the other side, the contest became a lively and sometimes an amusing one. To Mr. Cory's sarcasms, which he was wont to let fall in great abundance, Mr. Work, who was perennially good-natured, would respond with an irritating smile or laugh, which served to inflame, rather than soothe.

Mr. Cory would have made his mark as a formidable antagonist in any court or country. He had some weaknesses like the rest of us, but his virtues outweighed his faults. I can say without hesitation that with all his intensity to carry his points and gain his cases, he never resorted to dishonorable means to accomplish them. He was highly independent, and cared but little for what others thought. He took an active part in county politics, but neither sought nor could be induced to become a candidate for office.

He was above the medium in height, had a good figure, and his nervous temperament was apparent in his quick movements, and rapid, swinging gait. His features were regular, his eyes heavily browed, and his head remarkably well shaped.

He married a sister of John B. Ennis, a former and prominent member of the Ottumwa Bar, who many years ago went to Kansas and made his mark there. The fruits of this marriage were a son and daughter. The former died in infancy, and Mr. Cory never ceased to deeply lament this loss. The daughter, Pearl, still survives.

I am writing this sketch at Pasadena, California, and the last of the foregoing lines were hardly dry when I received a night message through the telephone, stating that Mr. Cory had a short time before come, with his wife and daughter, to spend the winter in Southern California, that he had been stricken with pneumonia and was then lying dead in one of the hospitals adjacent to Los Angeles. After paying a visit to his stricken widow and daughter, I went to an embalming establishment and there saw him in his coffin. He looked perfectly natural, and as I looked on his serene and peaceful face and thought of his fiery nature and tumultuous life, I could not refrain from mentally exclaiming: "After life's fitful fever, he sleeps well."

He died at Los Angeles, January 16, 1914, in the seventy-seventh year of his age.

Captain W. H. C. Jaques was the next after Mr. Cory to come to the Ottumwa Bar, in 1867. He was a Virginian by birth, born at Abington, in 1841. When two years of age he was brought by his parents to Jefferson County, Iowa, where they located. Here he received his early education in the district schools. The

Civil War broke out the year previous to his coming of age, in which he enlisted as a private the following year, in Company D, Nineteenth Regiment of Iowa Volunteer Infantry. He served with his regiment through the campaigns in Southwestern Missouri and Northwestern Arkansas during that fall, and in 1863, in campaigns and battles in Mississippi, around Jackson, and in the siege of Vicksburg. He was subsequently commissioned Second Lieutenant in the Fifty-Sixth United States Infantry and joined his new regiment at Helena, Arkansas, in 1864. For his gallantry he was promoted to the rank of First Lieutenant, afterward to the Captaincy, and subsequently served as Aide-de-camp and Assistant Adjutant-General on the staffs of Generals McCook, Thayer, Carr and Colonel Bentzoni, while they were in command of the Eastern District of Arkansas. He was detailed as a member of the Court Martial for the trial at Little Rock, of Captain Green Durbin, Assistant Quartermaster, which lasted several months. He told me that while acting as a member of this court, he first conceived the notion of studying law. He was mustered out of service with his regiment in 1866, and immediately upon his return, entered the law department of Harvard University, where he took a course of lectures, coming the following spring to Ottumwa, where he entered the law office of Judge Morris J. Williams for the purpose of pursuing his legal studies, and was admitted to the bar in the fall of the same year, 1867, entering at once upon the practice.

As will be seen, his early education was limited, but his native talents, his studious habits and thirst for knowledge, made him in a comparatively short time, a well-equipped young lawyer. He had a natural legal mind and a very quick and accurate conception. He rose quite rapidly in the profession, and in the end became one of the ablest and best-known lawyers in that part of the State. He was fond of reading, and, as he went along, stored his mind with useful knowledge. His ability as a lawyer became so conspicuous, that he was on several occasions employed in cases outside of the State, and was twice nominated by the Democratic Party for the Judgeship of his District, but, though he always ran ahead of his ticket, his party was in too great a minority to accomplish his election. He would have made an able judge; his legal services were called for in cases of the most important character. He was a safe counselor, and when he gave a deliberate opinion upon any question brought before him, it was regarded as sound and reliable. He had a wide and successful practice in both the State and Federal Courts. In his latter years, his son, Joseph R. Jaques, in many respects, fully as able as his father, became associated with him.

Personally considered, he was what might be termed, one of the best fellows in the world, good-natured, convivial, generous to a fault, one of the kindest and truest of friends. We were intimates; like myself, he was fond of hunting and fishing, and many a good time have we had on occasions in that behalf. We were generally

accompanied on these excursions by other members of the Bar, legal and otherwise, and if I were tempted to give all the amusing details of these affairs, I should stray widely from the mark. He was one of the few soldiers who continued to be a Democrat after the War; he bravely followed the fallen fortunes of the party through thick and thin, and had it not been in a hopeless minority, he would, beyond doubt, have been more substantially honored, so far as public office is concerned. As it was, he was more than once elected City Solicitor, and to other offices of public trust. For nearly fifty years he conducted a wide and successful practice. For many of these years, he was the Local Attorney of the Chicago, Milwaukee & St. Paul Railroad Company. If he had been parsimonious, he would have been comparatively rich, but his unbounded generosity kept him comparatively poor. He married a sister of his distinguished preceptor, Morris J. Williams.

William McNett was for many years, one of the leading lawyers of Iowa. He was born in Illinois in 1845, where he was educated and admitted to the bar. He came to Wapello County in 1869, settling first at Eddyville, and shortly afterward in Ottumwa. He is still living, and for forty-five years has been actively engaged in a wide and successful practice. In addition to being a gifted man, he was a fine student, and early rose to prominence at the bar. He has represented many great interests in the courts. For many years he was the Attorney of the White Breast Coal & Mining Company, and after my removal from Ottumwa, that of the Chicago, Burlington & Quincy Railroad Company. His practice was lucrative, for his clients for a time represented more wealth, I think, than that of any other Ottumwa lawyer, and is sustained to the present time. He is now an old man, whose years and burdens—some of them sorrowful—have not been able to subdue his courage or quench his natural ardor. This seems remarkable, for he was a man of slender frame, of a highly nervous organization, and apparently rather delicate; but I never remember of his being sick or away from his business. If he ever took any considerable vacation, I never knew it, and the amount of work he accomplished continually, year in and year out, was extraordinary. He was the most unremitting worker, plodder, if you please, within my knowledge, save and except John F. Lacey, of Oskaloosa, who very much resembled him in these respects. They were of a wiry, stub and twist make.

Personally, he was one of the most agreeable and accommodating of men; always pleasant and approachable to those of every grade; a most affectionate husband and father, and a citizen above reproach.

To his accomplishments as a lawyer, he added those of a self-made scholar. He had a decided taste for literature, and there were few books of the better sort that he had not read. He was a ready and fluent speaker, and his thoughts were conveyed in clear and often, elegant language.

He was a liberal Republican in sentiment, but in no sense a politician. He would have made a judge of high order, and there were many times in his career when he could have had the nomination of his party for the judgeship of his district, had he sought it, but he could not afford to relinquish his professional income for the salary attached to that position. I know of but one instance when he offered himself for political preferment, and that was when the appointment of United States District Judge was made, to fill the vacancy caused by the death of Judge Woolson. For this position he was strongly endorsed, and but for the greater political influence of Judge Smith McPherson, would undoubtedly have been appointed.

In the outset of his professional career at Ottumwa, he and the highly gifted Eugene Fawcett formed a partnership, which continued, with a slight intermission, until the removal of Mr. Fawcett to California. After practicing alone for some years, he formed a partnership with W. D. Tisdale, which continued until the election of the latter to the bench. He later formed a partnership with his son, Walter McNett, which has continued to the present time.

Eugene Fawcett came to Ottumwa in 1870, where he formed a partnership with William McNett. He was a man of remarkable ability and remarkable appearance. He was very tall—six feet and four inches—and homely. He had a large head, a large nose and a scrofulous complexion. In short, he was rather unhandsomely gigantic in appearance, and his intellect was as gigantic as his person. He was born in Belmont County, Ohio, in 1845, and died at Santa Barbara, California, in 1880. His father, Thomas Fawcett, was from Ohio, and became an influential citizen of Lucas County, Iowa. The son, Eugene, had studied and added to his other acquirements both telegraphy and shorthand. His first public service was in reporting Ben Wade's speeches through Ohio. He subsequently became correspondent of the New York Tribune at Panama. His letters attracted general attention. The New York Herald offered him a higher salary, and he became its Panama Correspondent. He was also, while there, Correspondent for the San Francisco Chronicle, and in some capacity was connected with the Panama and Aspinwall line of telegraph. His health failed, and in the presidential campaign of 1868 he left Panama and came to his father's home in Chariton, Iowa, where, for a time he edited in a more brilliant way than it had ever been done, the Chariton Patriot, a strong advocate for the election of General Grant. At the end of his brief editorial career, he came to Marshalltown, Iowa, and completed his legal studies with Boardman & Brown, of that place, and was there admitted to the bar. It was there that he met William McNett. They formed a legal partnership and came to Ottumwa in the spring of 1869. Later in that year the partnership was dissolved and McNett went to Eddyville, as a partner of Henry N. Clements, of that place, and Mr. Fawcett, remaining at Ottumwa, formed a partnership with

W. H. C. Jaques, under the firm name of Jaques & Fawcett. In the fall of 1871 McNett returned to Ottumwa, and the partnership between Mr. Fawcett and himself was resumed, under the firm name of Fawcett & McNett, which continued until Mr. Fawcett went to California on account of his health, in 1873. He located and entered upon the practice at Santa Barbara.

His preparatory studies and mental discipline had been thorough, and these, combining with his great natural talents, caused him to rise in the profession while at Ottumwa, more rapidly than any young lawyer within my knowledge. He remained in Ottumwa but little more than three years before his removal to California; but during that brief period, he had impressed himself upon the general public as a man of great ability, and the same was the case in Santa Barbara, where he rose rapidly to prominence as an able lawyer. In 1875 he was appointed by the Governor of California, District Judge, and retained that office until it was abolished by the new constitution. His reputation had become so marked, that in 1878, while still holding that position, he was chosen by a large majority of the people as a delegate to the Constitutional Convention. Here his eligibility was warmly contested on the ground that he was holding two offices, which was inhibited by the constitution. He defended his right in a speech of great power, and was sustained by a vote of 514 in his favor to 49 against him, and became one of the framers of the new constitution.

In September, 1879, he was elected, under the new constitution, Judge of the Superior Court, taking his seat on the sixth of January following, and dying three days later. His death was universally lamented and many marks of respect were paid his memory by the people and press throughout the entire State. In such high regard was he held, that the State Senate adjourned for the day in honor of his memory. I am writing this in California where I have met several lawyers who knew Judge Fawcett, and all of them speak of him as a lawyer and judge of great ability; one of them, Judge Grant Jackson, of the Los Angeles Bench, tells me that it was the unanimous opinion of lawyers who knew Fawcett and had practiced before him, that had he lived to finish his career, he would doubtless have ranked as the greatest jurist of his time in California.

William E. Chambers came to Ottumwa in 1869 or 1870. He had been admitted to the Bar of Indiana before coming there. He was in partnership with Major A. H. Hamilton for a time, after the return of the latter from the army. He subsequently formed a partnership with E. E. McElroy, which continued for a number of years and until the death of Mr. Chambers. Mr. Chambers was a very industrious man, full of activities and somewhat inclined to speculations, in some of which he was unfortunate and became considerably involved. He was the picture of health, of good height, broad shouldered, heavy chested and somewhat corpulent, but he was stricken suddenly with typhoid fever and, after considerable lingering,

died. The firm of Chambers & McElroy carried on a successful practice for many years, and this leads me to speak of the latter in this connection. Before doing so, I may say that Mr. Chambers was a native of Ohio, having been born in Darrown, Butler County, of that State. He received his fundamental education at Hadley's Academy, at Richmond, Indiana, and was afterwards graduated at Earlham College, Indiana.

E. E. McElroy was a native of Greenfield, Ohio, where he received his early education, and later was a member of the South Salem Academy for three years, and of Cornell College, from which he was graduated with honors after a course of three years. He came to Ottumwa soon after Mr. Chambers and entered into a partnership with that gentleman, as stated in the previous sketch. After the death of Mr. Chambers he formed a partnership with M. A. Roberts, which continued until the latter was elected Judge of the District Court.

Mr. McElroy was not only an excellent and painstaking lawyer, but from every point of view, one of the best and noblest citizens Wapello County ever had. He was perfectly conscientious, and perennially kind and gentle. Both the firms mentioned, of which he was a member, had a wide and successful practice, and much of their particular and responsible work was done by him. He died while yet in the prime of life, universally lamented.

He was what is termed a good Republican, but had no taste for politics, nor the least desire for office, though he served more than once as Alderman of the City, and for twenty years as a member of the school board, for ten of which he was its President.

D. H. Emery might well be classed in connection with Poweshiek County, for he was admitted to the bar at Montezuma and commenced practice there in 1861. In the following year he enlisted as a soldier in the Civil War. He was chosen First Lieutenant of his company, and so continued during the three years of his service. He was a valiant soldier and displayed his valor on many fields. He belonged to the Seventeenth Army Corps, and was under General McPherson at Vicksburg. He was later transferred to the Fifteenth Army Corps. Among other battles he participated in was that of Champion Hills, and in that of Mission Ridge he received a wound that was nearly mortal. He served in campaigns in Alabama and Georgia, and was mustered out of service in the fall of 1864, returning to Montezuma and resuming the practice there, which he continued until his removal to Ottumwa in 1870. While at Montezuma he had made his mark as a lawyer and enjoyed the public confidence by being elected a member of the State Legislature.

After coming to Ottumwa he industriously pursued his profession, but in the most quiet manner, and without turning either to the right or to the left. He was a well-read and learned lawyer. The greatest difficulty in his progress was his unob-

trusive disposition. If his professional and political activities had been equal to his ability, his advancement would have been more marked. He was modest, backward and lacking in those audacious qualities which make a man felt for all he is worth and sometimes more. But with all this, like the tortoise in the race, he generally managed to get there in the end. He was a constant student until he came to be, as it were, an old man. I never entered his office without finding him reading a law book if he was not otherwise engaged. In short, his industry and legal attainments, combined with his upright character, finally secured him an excellent practice.

At an early period he was the Attorney of the Board of Supervisors, and later, County Attorney, and in these capacities served the public, as he did in every other, with fidelity and skill.

I cannot refrain from referring to his wife, for she was one of the most useful and lovable women I have known. She was constant in her efforts for the uplifting of the unfortunate, and became the efficient President of the Hospital Association of Ottumwa. Her sudden death threw a gloom over the entire community.

William A. Work came from Keosauqua to Ottumwa and we were fellow members of that bar until my removal to Kansas City. Subsequently I was associated with him in an important case in Missouri. Work was an able lawyer, a peculiar, and in many respects, a gifted man. He was not an expert on paper, but in the preparation of a case, the marshaling of witnesses, and the arrangement of trial machinery, he had few superiors. This I fully realized in the case referred to. He possessed peculiarities that made him a strongly marked individual. He had pertinacity that was unceasing. He never knew, or at least, never acknowledged when he was beaten, but continued to urge his views despite of everything, and to the extent of becoming, at times, irritating. If the lawyer on the other side retorted severely, the retort had no more effect on him than water on a duck's back, and he would keep on with smiling face and laughing mood just the same. There was not the least use in the world in getting angry with him; it had no restraining effect. If he was seemingly vanquished at one point, he would cheerfully go to another, and at the last you found it impossible to keep angry with him. If he had been a comedian or melodramatic actor, he would have made a success. He was a leader in the Methodist Church, and if he had been a preacher, would have been an exhorter of great power, for he had both the voice and necessary temperament. He worked hard and exhibited professional industry that deserved success—and he won it. He acquired a good practice in Keosauqua and established a like one at Ottumwa. He had keen discernment, and was fluent, ingenious and forcible in speech, not easily embarrassed, smiling and humorous in a high degree. He was an excellent story teller and a really delightful companion.

He was born in Iowa, where the family came from Indiana while Iowa was a Territory, in 1843. In 1845 they removed to Van Buren County, where William was reared on a farm.

Mr. Work was educated in the pioneer school of those days and later entered the college course of the Wesleyan University at Mt. Pleasant. Before the completion of his course, in 1863, he enlisted in the United States Navy, and was assigned to the United States gunboat Benton, the flagship of Admiral Porter's Lower Mississippi Squadron. During his service many of the great engagements on the Mississippi River occurred, including those of Island No. 10, Memphis, Vicksburg and New Orleans. At the end of his service he returned to and completed his college course at the University, from which he was graduated. He studied law with Robert Sloan, of Keosauqua, and when the latter was elected Circuit Judge, Mr. Work succeeded to his practice. Later he became associated with Judge Alexander Brown, Judge Sloan joining them after his temporary retirement from the bench, under the firm name of Sloan, Work & Brown. In 1883 he removed to Ottumwa, retaining his connection with the old firm until Judge Sloan was again elected to the bench. Later his son, Emmett A., became associated with him in the practice.

A. C. Steck came to Ottumwa in 1875 from Westmoreland County, Pennsylvania, where he was born, and where he received his early education, afterwards graduating from the law department of Michigan University.

After coming to the Ottumwa Bar, his progress was rapid and well deserved. He was not only a good lawyer, but a good fellow generally, and made a wide circle of friends. In 1886 he was elected County Attorney, and at the end of his term was re-elected by an overwhelming majority. He was a Democrat in politics, and in 1900 was nominated for Congress, by his party, and though he ran largely ahead of the ticket, the Republican majority prevailing at the time, made it impossible for him to be elected. His Republican opponent was John F. Lacey, one of the strongest men in the State. Mr. Steck maintained a successful practice at the Wapello County Bar for a period of forty-five years continuously, with the exception of three years when he was appointed General Counsel for the Colorado Coal & Iron Company, with headquarters at Pueblo, a significant testimonial to his ability. For many years he was associated with J. J. Smith, under the firm name of Steck & Smith.

Steck was not only a good lawyer, but a ready, strong and eloquent speaker. He had great influence with the jury. He had an attractive personality and was exceedingly fond of hunting and fishing, in which he was an expert. I remember one crispy night with him and Frank Bell on horseback seven or eight miles away. I was content to stay in charge of the commissary while they scoured the woods, with the hounds, nearly freezing to death before they returned. I was fond

of prairie chicken and duck hunting, but this fox-hunting trip gave me all I desired in that line.

J. J. Smith, who has been mentioned in connection with the previous sketch, as a partner of Mr. Steck, came to the Ottumwa Bar in the seventies. He was a native of Iowa City, and was educated in its schools and the State University located at that place. He was also a graduate of the law school of the University, and was thoroughly equipped before entering upon the practice. He was in constant practice at the Ottumwa Bar for more than forty years. He was a heavy-set, rotund man of medium height; exceedingly amiable and generous; rather slow and deliberate in forming opinions, but sound in his conclusions. He was far from being actively aggressive, on the contrary rather phlegmatic, but when he had finally determined his course, it was generally right and adhered to with becoming firmness. He was what might be called a man of peace, and often exercised his influence towards compromising cases that fell under his hands. He was a learned and safe counselor. The Ballingall Will Contest Case illustrates his skill. For many years I had been the legal counselor of Peter G. Ballingall, for whom the Ballingall House was perpetually named by his will. He, having in contemplation a second trip around the world, asked me to perform the difficult task of drawing his extraordinary will, under the terms of which nearly everything was thrown into various trusts. I spent two weeks in studying the lines and drawing it. Ballingall did not go on his projected tour as soon as he expected, and changed circumstances induced him to have the will redrawn. Mr. Smith did this with so much acumen and skill, that after having been set aside for impossibility of execution by so learned a judge as E. L. Burton, it was unanimously sustained by the Supreme Court on appeal.

In 1889 he was elected a member of the House of the Twenty-Third General Assembly, and in 1891, to the State Senate of the Twenty-Fourth General Assembly, and in both cases gave efficient service to the public. He married Mary T. Shields, a niece of the celebrated General James Shields, who, in addition to being a hero of two wars, had the unprecedented distinction of having represented at different times three states in the United States Senate, and of having challenged Abraham Lincoln to a duel over a love affair when they were young lawyers in Illinois. Mrs. Shields having died, he married for his second wife, a daughter of Thomas Healey, for many years a prominent hardware dealer in Ottumwa.

Calvin Manning was a native of Keosauqua, Iowa, and a son of Edwin Manning, one of the ablest and most influential men of his time, of whom mention will be found elsewhere in this volume. His mother was a sister of Hugh W. Sample, a prominent early settler of Iowa. Of him, James W. Woods (Old Timber) in an interview I had with him thirty-two years ago, taken down in shorthand, said:

Hugh W. Sample, of Keokuk, was an old settler and did much toward developing the resources of Iowa. He was tall and commanding in appearance. He

possessed a well-cultivated mind and great personal energy, with a devoted love for the advancement of the best interests of the State. He did much to favorably impress the time in which he lived and permanently place Iowa in the front rank of states. Although a politician, who attended the conventions, he never sought office nor held one of any importance, but worked for the general good, advocating with energy what he thought beneficial and opposing what he regarded the contrary. Though of high character and pleasant address, his frank and outspoken opinions constituted a barrier to great personal popularity.

I have seized this opportunity to pay him this well-deserved tribute.

Mr. Manning received his education in Cornell University and the Iowa State University, graduating from the law department of the latter in 1872. This was followed by his studying law for two years in the office of Joy & Wright, at Sioux City, when he came to Ottumwa. He entered into partnership with Judge Morris J. Williams. He followed the practice successfully for ten years, and had he persevered in it industriously would, in my opinion, have attained a high rank in the profession. I tried several cases against him and found him to be an adversary of no common order. He was wily, skilful and brimming over with activities. He was tall, black eyed, good looking, rather self-assuring, but pleasing in manners, fluent and forceful in argument. He was very thorough in the preparation of his cases, and expert in the examination of witnesses. It is a pity that he quit the profession and I think it was a subject of after regret with him. But his father was a man of wealth, conducting great interests, among which was that of banking, into which the son naturally drifted. The father became President of the Iowa National Bank, and after a considerable period of service, resigned on account of his advanced age, and was succeeded by the subject of this sketch, who, in turn, became Cashier and then President of the Bank.

He was a very active Republican and exercised great influence in his party. While in the practice he had been honored by being elected City Solicitor, serving in all, four years in that capacity with signal efficiency, and later as a member of the City Council for a like period. His dominant influence was an important factor in shaping municipal affairs. In 1884 he was a delegate to the Republican National Convention which nominated James G. Blaine for President. He was also a delegate to the National Convention which nominated William McKinley for the presidency. By this President, he was appointed a member of the United States National Commission to the Paris Exposition, where he spent several months.

Personally he was one of the most agreeable of men, inclined at times to be satirical in speech, but on the whole, a generous and polite gentleman.

He married Juliet K. Blake, a daughter of Charles F. Blake, whose memory is revered by everyone who knew him.

W. S. Coen came to Ottumwa from Albia. He had been a soldier in the Civil War, served valiantly, enduring severe hardships from the effects of which he died in 1900. Of his early history I have no data, though we were for a number

of years associated at the bar. He was as industrious as a student as he had been valorous as a soldier. He was severely wounded in one of the battles in which his Company was engaged, and during his recovery, so he told me, determined to be a lawyer. And he became a very careful, efficient one and attained an excellent standing at the bar. He had great integrity and was implicitly trusted. His manners were not of the most facile character, and sometimes rather brusque, but his innate and sterling qualities drew to him both public and private respect.

David T. Miller and *A. J. Bryant* left Ottumwa many years ago. Mr. Miller had been a soldier in Company G, of the Fifteenth Iowa Infantry, and upon being mustered out at the end of the war, commenced studying law and was admitted to practice in the latter sixties. He was a bright fellow, humorous in a high degree, one of the best story tellers to be found. Everybody liked Dave and he was doing well and gaining a good practice when he left Ottumwa for Utah or Dakota, I cannot now remember which, but have been credibly informed that he met with the success there that his sprightly talents and excellent character promised.

A. J. Bryant, who was born near Blakesburg, in Wapello County, studied law with D. H. Emery, of Ottumwa, and went to Denver many years ago. I saw him occasionally through the after years at Denver. He had naturally a legal mind, and his great industry, deep learning and perfect integrity gained him an enviable position at the Denver Bar and a lucrative practice. He was an exceedingly kind man, and a good fellow. I found he was highly respected by the members of the bar and courts of Colorado.

CONCERNING SOME PUBLIC MEN WHO WERE NOT LAWYERS.

R. H. Warden, J. H. D. Street, James W. Norris, Green D. R. Boyd, John W. Hedrick, Samuel B. Evans, George Gillaspy, Peter G. Ballingall, Thomas D. Foster, Joseph H. Merrill, H. L. Waterman.

R. H. Warden and *J. H. D. Street* were the founders of the Ottumwa Courier, in 1848. Mr. Street was a son of General Joseph Street, who had charge of the Indian Agency at Agency City, and whose name is inseparably connected with that of Wapello County. The son was past middle age when I first knew him. After that our acquaintance became quite intimate; I liked him. He was very entertaining and I often invited him to my house. He had then ceased to be connected with the Courier. He had been a Whig, and after the dissolution of that party, affiliated with the Democrats. In those days the County was strongly Democratic and the leaders were a little shy of Whig converts. For this reason, Mr. Street and those leaders were not in full confidence with each other; there was some friction and discontent. As I belonged to the Democratic Party myself, he used to frequently communicate his troubles to me. I sympathized with him and took his part. He was a small man and had become very deaf. He was full of the early history,

very graphic in narration, very humorous, an excellent mimic. He was well educated, a fluent speaker, and was always listened to with attention. He was a highly respectable and honorable man, with a good many natural gifts, as I have already indicated. He went farther west in the latter fifties, to join some members of his family, and died many years ago.

Mr. Warden was a Kentuckian by birth, but his parents moved to Ohio when he was but a boy. He was a printer by trade, and when but twenty years of age, in 1846, was placed in charge of the *Clinton Republican*, at Wilmington, Ohio, and in 1848, came to Ottumwa, and in connection with Mr. Street, as before stated, founded the *Courier*. In 1849 he was appointed Postmaster, serving two years in that position. When the *Courier*, which was then called the *Des Moines Courier*, was established, it was the most western paper in the United States. Mr. Warden and Mr. Street continued to publish the paper until 1855, when they sold the plant to James W. Norris.

Mr. Warden then engaged in mercantile business until 1862, when he enlisted in the military service as a private in Company E, of the Thirty-Sixth Regiment of Iowa Infantry, of which he was subsequently elected First Lieutenant. His Company and Regiment served in the Seventh Army Corps under command of General Ord, in Steele's Division, and he participated in all of its engagements. During the service, he was at different times Aid-de-camp to General Asboth and General Prentiss, and was Assistant Adjutant-General of the Second Brigade, First Division of Steele's Army Corps for a period. He served as Post Adjutant at Little Rock. In 1870 he again became connected with the *Courier*, as Editor and Business Manager, and held that position for many years. Forty years ago it was said that he had been associated with the press of Iowa longer than any other editor then engaged in newspaper work. He had not the variety of characteristics, or the faculties of entertainment that Mr. Street had. He was not as ready in imparting by speech, what he knew, as he was on paper. He was, nevertheless, a very interesting man, and especially in respect to the early history of Wapello County and that part of the State. He occupied several offices of trust in the city, and was in all respects, a man of high character and integrity. He was born in Mason County, Kentucky, in 1826.

James W. Norris, I knew intimately, as I did all the other gentlemen mentioned in this chapter. He was a lawyer by education, but, I think, never practiced. He was born in New Hampshire in 1815, and consequently, might be said to have been a middle aged man when I first became acquainted with him. When he was sixteen years of age his parents removed to Compton, Lower Canada. He was a well-educated and accomplished gentleman, a college graduate. In 1838 he was a private tutor in Kentucky, studied law in the meantime, and was thereafter admitted to the bar. He taught school a while at Bloomington, Illinois, and sub-

sequently removed to Chicago when that now great city was in embryo. He got out the first directory of that City, in 1843, and in 1844 became the founder of the Chicago Journal. Disposing of his interests, he left Chicago in 1849, with a mule team for Ottumwa, where he became an associate editor of the Courier. In 1855 he purchased the Courier and conducted it successfully for many years. He was diminutive in stature, but possessed extraordinary mental qualities. He was a pungent and spirited writer, and under his management, the paper became one of the strongest organs of the Republican Party in the State.

In the latter part of his life he retired from business and traveled, in company with his wife—they had no children—extensively in Europe, and he narrated his observations respecting the different places and people he had seen, in the most graphic and interesting manner. The more I saw of Mr. Norris and studied his character, the more I liked him. He had fine traits, not discoverable to every observer, and cherished the noblest sentiments of humanity. His ever agreeable wife was a sister of the Rev. B. A. Spaulding, a member of the Andover Band, and the first Congregational minister of Ottumwa. In his home, Mr. Norris was altogether a delightful man. He was delicately organized, somewhat oversensitive, and suffered rather keenly whatever of misfortunes he had to bear. I shall always remember him with real affection.

Green D. R. Boyd established in 1855, the first Democratic paper in Ottumwa, or at least, the first that endured for any considerable length of time, "The Democratic Statesman." Boyd was a tall, red-headed, florid-faced fellow, with an unusual amount of physical vim and vigor, and made the columns of his paper glow with his own ardor. His early education had not been liberal, but he had talents, and wrote editorials and paragraphs that at once attracted the public attention. He severed his connection with the paper in two or three years after its establishment and went to Oregon, the paper passing down the line under other hands and changes in name. After the lapse of fifty years, I remember Boyd distinctly. He was personally entertaining, sprightly in a high degree, and I have always had a curiosity to know what his future career was, but never ascertained. While he was editor of the "Statesman," he prepared and published some interesting sketches of early incidents in the history of Wapello County, which were afterwards republished, and will be found in the old "Annals of Iowa"—one in the October, 1867, number, another in that of January, 1868, another in that of April, 1868, and the last in that of July of the same year.

General John M. Hedrick was for many years, connected with the editorial management of the Courier, a greater portion of the time in connection with Major A. H. Hamilton. In 1866 he was chosen by the stockholders of the Courier Company as Editor of that paper, and had charge of its editorial columns until 1869, in the meantime becoming a half owner of the paper. From 1869 to 1878

he held a joint control in it, with Major A. H. Hamilton. They were both virile writers and virile men in every respect. General Hedrick was one of the most original characters I have ever known, and one of the most interesting. His humor, his originality, his uniqueness of expression were perennial. For instance—we were once trying jointly to persuade a very stubborn man. Our efforts were unavailing, and as we turned away, the General gave vent to this expression, which I think was perfectly original with him: "You might as well sing psalms to a dead horse." In speaking of gambling, I heard him once remark that if a man played poker industriously all summer, he would wear nankeen breeches the following winter. At another time, referring to a person who arose early for his morning dram, he remarked that there were two classes of persons who got up early in the morning—the industrious and the dry. He was a grand man from every point of view, a brave and heroic officer, in many fierce battles, dreadfully wounded, breveted Brigadier-General for gallantry.

He was born in Rush County, Indiana, in 1832. His father was J. W. Hedrick, an early and prominent member of the Iowa Legislature, and a candidate before the Whig caucus for United States Senator. The educational opportunities for the son were limited, but by his natural thirst for knowledge, he had qualified himself at the age of seventeen, as a teacher, and taught for several years. This was in Wapello County, for the family came there when he was but thirteen years of age, in 1845. In 1852 he entered as a clerk in a mercantile house, soon became a partner, and later sole proprietor. On the outbreak of the Civil War he closed out his business in Ottumwa, enlisted in the service, and was commissioned First Lieutenant of Company D, Fifteenth Iowa Infantry. He was soon after promoted to the Captaincy of Company K. The Battle of Shiloh was the first battle in which his regiment was engaged, and here Captain Hedrick distinguished himself by his bravery, was wounded and taken prisoner. As a prisoner, he languished for more than six months, enduring sufferings that greatly impaired his health, aside from those inflicted by the wounds he had received. On being exchanged, in February, 1863, he was immediately promoted to be Major. In the April following, he was made Lieutenant Colonel, and when Colonel W. W. Belknap was made Brigadier-General, Lieutenant Colonel Hedrick was promoted to be Colonel of the Regiment, in August, 1864. In the spring of 1865 he was breveted Brigadier-General for gallant services in the Atlanta campaign. In the great battle of the campaign before Atlanta, of July 22, 1864, the Fifteenth Iowa lost heavily, and greatly distinguished itself. In this engagement General Hedrick was terribly wounded. He was shot with a minnie ball directly over the spine, in the small of the back. The ball striking and cutting his sword belt in two, was turned slightly to the left, and, passing down across the ilium, came out near the lower point of the hip. Completely paralyzed by the wound, he was at once placed upon the shoulders of two men to be taken to the rear, when he instantly received another shot through the left forearm.

The first wound was supposed to be mortal, and, but for his vigorous constitution, it must have proved so. For many weeks he was kept upon his back, and for a long time could not move about without the aid of crutches. Having partially recovered, he was detailed on a court-martial in the City of Washington, where he remained until mustered out of service, in September, 1866.

Soon after the last mentioned event he was appointed Postmaster at Ottumwa, and held that position until 1870, when he was appointed Supervisor of Internal Revenue for Iowa, Nebraska, Minnesota, Colorado and Dakota, and held that position until 1876. During this period he was especially detailed to take charge of the great whisky cases at Milwaukee and Chicago, and for the management of which he received the compliments of the Department at Washington.

In all respects he was a public-spirited man. Samuel B. Evans, who had always opposed him politically, said of him in the Daily Democrat after the General's death, that "there was never a public enterprise in which General Hedrick was not at the front with his counsel, his money and his energy. He was a hater of all shams, and had a heart full of benevolence and charity for the unfortunate." He cherished no enmities, and looked upon the world from a lofty standpoint, with the eye of a philosopher. He and General W. W. Belknap were most intimate in their friendship, and at the funeral of General Hedrick, General Belknap, who was then Secretary of War, came from Washington to his funeral and delivered a glowing and heartfelt tribute to General Hedrick's memory.

I had more than ordinary opportunities to become intimately acquainted with General Hedrick and his characteristics. On account of his height, his carriage and general activities, he was one of the first men that attracted my attention when I came to Ottumwa as a young man, almost a boy as it were. Our personal association was continuous, and on one occasion we were several days together at Chicago, sent there by a public meeting, as a committee, to induce the Chicago, Rock Island and Pacific Railroad Company to construct its southwestern branch by way of Ottumwa, instead of Fairfield and Eldon; and later we were together two or three weeks at Washington, chosen and sent there by the City to use our influence in the establishment of a Federal Court Building and Court Sessions at Ottumwa. In short, we had excellent opportunity for studying and knowing each other well, and I can say with heartfelt unction, that of all the men I have known, he was one of the rarest. In person he was tall. He had dark hair and large, dark eyes. He was a rapid talker, his conversation spirited, original and entertaining; his writings charged with literary champagne that made them sparkle with force and brilliancy, and easily discernible from those of any other of the Courier's editorial staff. He had a firm step, a cheerful and self-confident bearing, though he almost constantly suffered pain from the effects of his wounds, and this was augmented by chronic asthma. He died at Ottumwa in 1886. He left several children, among

whom were: Howard L. Hedrick, who became a man of business prominence in Iowa; Kate M., who became the wife of Charles Ladd; and Carita, who became the wife of Dr. E. L. Lathrop.

Samuel B. Evans: It is hard for me to write with perfect impartiality of these companions of my youth, all of whom save one, Major Hamilton, now in his ninetieth year, have passed to that undiscovered country from whose bourn no traveler returns. Nevertheless, I have endeavored to do so without overpraise or extenuation. In my judgment, Captain Samuel B. Evans was a man of extraordinary parts, of fine natural endowments, which, for want of means and opportunity incident to his early life, were not fully developed. If they had been, and a different turn given to his career, he would have made a much greater mark in the world than he did. As it was, however, he accomplished much, and as editor, writer, historian and savant made a decided impress on the sphere in which he labored. He was a man of noble attributes and high ideals, and on all his writings he left the signet of his strong and graceful individuality. He had made mistakes and missed opportunities, and in his latter days, no one realized it more than himself. It is said that man is the creature of circumstances, and the circumstances that environed his pathway were not the most favorable. There were more thorns than roses.

As an editorial writer he gained a position among the very first in the State. But the breadth of his genius impelled him beyond this and into the field of historical and antiquarian researches. He had a great desire, an irresistible curiosity to learn all that could be learned regarding the first occupants of this part of North America, and especially those in the vicinity of Wapello and adjacent counties. To this end, in the latter seventies, he commenced a series of explorations of different Indian mounds scattered through Wapello and Van Buren Counties, along the heights bordering the Des Moines River. The results of these explorations he gave to the public through his paper, *The Ottumwa Democrat*. Some of these results, with diagrams, will be found in the *History of Wapello County*, published by the Chicago Western Historical Company, in 1878, commencing at page 334. He became known as a savant in this field of inquiry, and in 1881 was employed by the *Chicago Times*, to take charge of its Archaeological expedition into Old Mexico. His researches took him into several of the Mexican States, and he succeeded in making discoveries of great importance, some of which are to be found in the Government Museum of Mexico, the Smithsonian Institute of Washington, in the Fairfield Library, and in his written reports to the *Chicago Times* of that period. During his stay of several months in Old Mexico, that government gave him a general permission to excavate, and a guard of troops, when he desired. His guides were Indians and he lived with them during his sojourn. He advanced his researches into New Mexico with interesting results. His last literary work was his *History of Wapello County*, published in 1901.

In temperament, he was rather indolent; he needed the stimulus of great enterprises. He was short, somewhat corpulent or full habited, though of rather slender, bony structure, with small hands and feet, a fine head, dark hair, a gentle and pleasing face. Though he had been a valiant soldier, his disposition was as gentle as his face, and his generosity was unbounded. Human sympathy was one of the principal fundamentals of his being, and had he been as rich as Carnegie, his charities would have been numberless. But all his life he was too generous to accumulate, and died in very moderate circumstances. He was an honor to the community and to the State.

He was born in Jefferson County, Tennessee, in 1837. He carried in his veins the blood of the Revolution, and the War of 1812. His grandfather, Samuel Evans, was a soldier in the War of 1812, and his great grandfather, Andrew Evans, in that of the Revolution. His grandfather on the maternal side, Berry Mitchell, was also a soldier in the War of 1812. His father, Samuel Anderson Evans, was a soldier in the Seminole War, and a lawyer by profession. They were all of Tennessee and numbered among the early settlers of the eastern portion of that State.

Samuel came with his parents, to Davis County, Iowa, when he was but five years of age, during the territorial period, and in 1849 they removed to Keokuk County. At the age of sixteen he commenced to learn the printer's trade and worked at that calling until nearly of age, when, realizing that education was more desirable than the money he had saved, he used it to that end, entering a branch of the Iowa University at Fairfield. In 1858, with John R. Farra as partner, he founded the Democrat at Sigourney, in Keokuk County. Mr. Evans edited the paper, with the assistance of Judge J. M. Casey, until the outbreak of the Civil War. In 1861 he moved to Ottumwa, and with Judge Burton, established the Mercury. Leaving the paper in charge of Judge Burton and Judge Hendershott, he enlisted in 1862 and was mustered into service in Company B, Thirty-Third Regiment of Iowa Infantry. He was appointed Commissary Sergeant of the Regiment, holding that position until 1864, when he assisted in organizing the Fourth Regiment of Arkansas Cavalry, composed of loyal whites, and was promoted to be First Lieutenant. He served through the War, participating in a number of engagements, including the Battle of Jenkins Ferry, Helena, the Yazoo Pass Expedition, and the Little Rock and Camden expeditions. Returning from the War, he resumed the editorial chair of the Mercury, and continued to perform its duties until he sold the paper, in 1868. He next founded the Ottumwa Democrat, which he conducted until he sold that, in 1881. Then followed his connection with the Archaeological expedition of the Chicago Times referred to. Returning to Ottumwa in 1884, he again became the editor of the Democrat, and in 1886, its proprietor.

In politics he gave his continued adherence to the Democratic Party, and was one of its sagest counselors. In 1872 he was a delegate to the national convention, which nominated Horace Greeley for President. In 1876 he was a delegate to the national convention at St. Louis, which nominated Samuel J. Tilden for the Presidency. In 1880 he was again a delegate to the National Democratic Convention at Cincinnati, and was made one of its Vice Presidents. In 1866 he was appointed Postmaster at Ottumwa, by President Johnson. In 1885 he was appointed, by President Cleveland, Postmaster of Ottumwa, and the appointment was confirmed by the Senate without opposition. He served four years in this position. In 1893 he was appointed by President Cleveland, United States Consul at Nicaragua. The appointment was confirmed by the Senate, but Mr. Evans declined to accept the office. In 1874, on the creation by the Legislature, of the Fish Commission, he was chosen President of that body. He served on that Commission for a number of years with great efficiency. He was subsequently appointed on the Board of Commissioners of the Iowa Soldiers' Home at Marshalltown, and was for three years its President. He was Chairman of the Committee that built the hospital for that institution. In 1896 he was again a delegate at large to the Democratic National Convention at Chicago, which nominated Mr. Bryan for the Presidency, and was Chairman of the Iowa delegation. During 1891 he was engaged in editing and publishing the Ottumwa Sun and subsequently other newspapers, including the Independent. He was a member of the International Congress at Berlin and Paris, contributing a paper which was read and published at each Congress. The object of this Congress was the investigation of American antiquities. In 1901 he was appointed by Governor Shaw, a member of the Louisiana Purchase Commission in connection with the exposition at St. Louis, and became a member of the Committee on Scope and Plan of the Work in Iowa.

The maiden name of his wife was Sarah E. Potter, a sister of Thomas J. Potter, the celebrated railroad manager of his time.

Col. George Gillaspay in his time was one of the most noted and influential men in the State. He was a Democrat of the old school, and dominant in the councils of his party for many years. I have no data concerning his early life, and strange to say, none is contained in the County histories. This may be accounted for by the fact that he died before they were published, and that their biographical sketches were confined to the living contributors. I know, however, that he was one of the early and influential settlers of Marion County, whence he came to Ottumwa in an early day. I think he was a native of Kentucky, or of that extraction. He was the first President of the Board of Trustees of the Village of Ottumwa, in 1851, before it became a City, in 1857. In 1852 he was one of the Board of Trustees, with J. W. Caldwell, James Hawley and Erastus Washburn as associates, and again in 1853, with the same associates. He was controlling in the local politics

of his party. In 1859 he was Mayor. He was frequently honored by his party when it was in power. In 1852 he was appointed by Governor Hempstead, Register of the Des Moines River Improvement, General V. P. Van Antwerp being appointed Commissioner. He was the candidate of his party for Lieutenant Governor, when Ben M. Samuels was its candidate for Governor, in 1858, and was also its candidate for Governor. He was a member of the Constitutional Convention of 1857. At the Reunion of the surviving members of that Convention, held at Des Moines in January, 1882, Judge Francis Springer, who had been President of the Constitutional Convention of 1857, in his address as President of the Reunion, said:

I was more particularly acquainted with Colonel George Gillaspay and Judge J. C. Hall, having known them from the time they came to Iowa. They were both prominent members of the Convention. Both were distinguished by their fine personal appearance and manly traits of character. Both were examples of self-made men. Both had held official positions acceptably. Colonel Gillaspay as the nominee of his party would have been Governor of the State if our Democratic friends had had enough votes to elect him.*

The influence of Colonel Gillaspay was greatly felt in shaping some of the features of the Constitution, as will be seen in an article by Frank I. Herriott, entitled "Iowa's Treasury Deficit in the Light of the Constitutional Debates," appearing in Vol. 3, third series of the *Annals of Iowa*, 631.

I became acquainted with him in 1857. Regarding me as a promising young Democrat, he naturally, so to speak, took me under his wing; but our ways diverged on the breaking out of the Rebellion, he adhering to his party, and I allying myself with the Republicans, whose policies and administrations I thought best calculated to put down the Rebellion; and here I politically remained for a good many years before going back to the old fold. Colonel Gillaspay had a grand appearance. I think I said, in my sketch of Ben M. Samuels, that he, next to Edward Johnstone, was the most kingly looking man in the State. If I were to make a trio, Colonel Gillaspay would be the next. He and Edward Johnstone were very intimate friends for many years, and whenever Mr. Johnstone came to Ottumwa, he and Gillaspay were sure to be seen together on the streets, and they could be seen for some distance on account of their conspicuously commanding appearance, for they were both six feet, four inches tall, and otherwise largely proportioned, though Gillaspay was considerably more corpulent than Johnstone. Gillaspay's commanding figure and appearance would have attracted attention on any street in the world, and people would have turned to look at him. I once went with him and General Hedrick, as a committee on behalf of Ottumwa, to interview the officials of the Chicago, Rock Island & Pacific Railroad Company, with a view to inducing them to locate their road by way of Ottumwa, instead of Fairfield and Eldon, a fact, which I think, I have before mentioned in connection with the sketch of General Hedrick. We quartered at the Old Tremont House, where Long John Wentworth, as he was

* Third *Annals*, Vol. 3, page 37.

generally styled, famous in the history and politics of Chicago and Illinois, boarded, and he and Gillaspv being old friends, we were taken by Mr. Wentworth, to his table. Wentworth, I should say, was from six to eight inches taller than Gillaspv, and when the two came together, it was a notable picture of giants, for what Gillaspv lacked in height he made up in circumference. To further illustrate: While Colonel Gillaspv, General Hedrick and myself were crossing Clark Street, one of two Irish street workers looked up at Gillaspv, and said to his companion, "Be jabbers, Pat, ain't he a buster?" In crossing the next street, a teamster was about to run over us, when Gillaspv outstretched his powerful arm and, seizing the bridle, brought the horse to a sudden standstill. The silent driver looked amazed while we passed on. At one time, by reason of Gillaspv's early investments in real estate, especially in Ottumwa, he was, next to Thomas Devin, regarded as the richest man there; but in the latter part of his life he engaged very largely with James D. and Benjamin Ladd in pork packing; hard times came on, pork fell to a very low figure, which bankrupted the Ladds and placed Colonel Gillaspv on the very verge. He survived the disaster but a few years, and died, I think, in 1874. His memorial stone will be found in the City Cemetery.

I can do no better in closing, than to give the following notice of him, from his old friend, Edward Johnstone, appearing in the Iowa State Register of January 21, 1882:

Colonel Gillaspv was a stalwart of the stalwarts (I mean this in no political sense), in body, mind and manners. Evidently reared among the surroundings of a somewhat rude life without early or late opportunities of education, a rail-splitter, wood-chopper, a bull-whacker, with a big head full of brains, he grew up to be one of the most noted men of the State. By a constant contact and struggle with the world, and a keen observation of men—he never wasted much time on books—he made himself a fine natural scholar, a public speaker of unusual force, and one of the most attractive talkers I ever heard. He had wonderful personal magnetism, and no one ever came into his presence but felt its influence. He possessed an inexhaustible fund of graphic and humorous illustrations, chiefly drawn from his own observation and wide experience. Although of a most genial nature, he occasionally made enemies, for he always spoke right out, and struck hard, seeming to throw the force of his great body into all his expressions. He was a born leader, and wherever he lived he was recognized as the chief man—wherever he sat was the head of the table. He was deeply interested in the welfare of Ottumwa, and became so identified with all its public projects that no one ever heard the name of that place but it at once recalled Gillaspv, and whenever he was referred to one always thought of the busy, enterprising city of Ottumwa.

He left surviving him, two sons and two daughters. One of the latter, Mary, became the wife of June A. Wentz, for many years associated with the head of the freight department of the Chicago, Rock Island & Pacific Railroad Company, and widely known as one of the best fellows in the world.

Peter G. Ballingall was so much a part of Ottumwa, and it of him, that the name of one throughout the State naturally recalled the other, and by his will, they are in a manner perpetually linked, for by that will he devised his fine hotel to the City of Ottumwa, on the condition that it should be kept up by it and be per-

petually known as the "Ballingall House." The City accepted the trust and has maintained and greatly improved the hotel according to the wish of its founder. I knew him well, was his legal counsel for years, and wrote the original draft of his will which constituted the basis of the last one, written by J. J. Smith, Esq., who succeeded me as Mr. Ballingall's legal adviser after my removal to Kansas City. Coming here in the city's infancy, his means limited, but with a spirit undaunted, he commenced laying the foundations of the hotel which bears his name, and which, from time to time, and so fast as means would permit, he improved and made so perfect under his fostering care, that it is the pride of the City, to whose advancement he, in various ways, gave the best energies of his life. None save the old citizens, thoroughly conversant with the history and course of that structure and the struggles of its builder, through a period of thirty years, can rightly appreciate how much of the life blood of plain Peter Ballingall its every layer represents. But, while this is the most visible monument of his worth and enterprise, it, by no means, constitutes the sum. Ballingall was a man of innate force, and if equipped with equipoise, might have been a genius. As it was, he was a man of such aspirations and achievements as to justly exalt him above the commonality of mankind. He adopted as the chief enterprise of his life the rearing and perfection of a hotel which should be an honor to his name and city, because, to use a homely phrase, he had been brought up in that business. But his instincts were stronger than his training, and the generous aid he gave to every public enterprise displayed the natural broadness of his character, while his unceasing acts of private charity attested the nobleness of his soul.

In his make-up he was *sui generis*, an individual strongly marked, replete with idiosyncrasies, bustling, ostentatious, exuberant in speech, and, from lack of early discipline, oftentimes wanting in coherence and clearness of expression. But over all and at the end of all, there was wisdom.

No man of that time did more for the material growth of Ottumwa. With a will that was indomitable, an energy that was restless, he at all times and on all occasions strove for the prosperity of his city and its people. To the poor he was always generous, and to the destitute and forsaken he never turned a deaf ear. To feed them while living, and to see that they had a decent, Christian burial when dead, constituted a part of his life work. In his death, the laboring classes surely lost a dear and faithful friend.

In his business, in his wide travels, in the numerous positions to which his popularity, his efficiency, as well as his eminently good fellowship called him, he had met multitudes of distinguished men. From all he learned the graces of human action, and with all he made friends. As a member of the City and State Governments—for he frequently served on the Board of Aldermen, and was for four years a State Senator—he did his duty faithfully and well. No trail of the serpent crossed his pathway. It was he that introduced the bill providing for the erection of the na-

tional flag on the public school buildings. To his efforts were due much of the success of the coal palace, which many years ago widely advertised Ottumwa as a city of importance.

Wearied with his labors, worn with the tension of the constant service of many years, he sought by travel in foreign lands, not only to recuperate his vital forces, but to satisfy his aspiration in gaining a larger knowledge. He may be said to have died at his post. The final message was, "Died at sea; buried at Hong Kong." His remains were brought home and buried in the city cemetery. His death occurred in March, 1891.

Thomas D. Foster, whose death recently occurred, was a remarkable man, and did more for the growth and prosperity of Ottumwa, and to make it known throughout the country, than any other single individual in its history. The immense pork and beef packing establishment, which he founded and built up under the title of John Morrell & Company, made a ready market for the farmers' products in all that part of the State. Under his guiding hand and constructive brain it grew rapidly. It gave employment to a multitude of working men, and the superiority of its products made it everywhere known. And along with it grew and flourished the City of Ottumwa.

He was born in Bradford, England, in 1847, and came to Ottumwa when comparatively a young man, nearly forty years ago. On the vessel which brought him to America, was the late Joseph G. Hutchison, who had been sojourning in England in the interests of the Johnson Ruffler Company, with which he was then connected. They became acquaintances and friends during the voyage. The purpose of Mr. Foster was to find a desirable point in the West, for the establishment of a packing house for the English firm of John Morrell & Company, Limited, the head of which was John Morrell, his uncle. Mr. Hutchison pointed out to him the advantages of Ottumwa and induced him to come there. I think, outside of Mr. Hutchison, I was the first man in Ottumwa with whom Mr. Foster became acquainted. I happened to own a tract of land closely adjoining the City. After looking it over with Mr. Hutchison, he came with him to my office, and at the first meeting we concluded a contract in accordance with which I conveyed to Mr. Foster's Company the land on which the packing house was constructed without delay, and which, under Mr. Foster's management, has grown and extended itself beyond any like institution in the State. The Company during his time established a packing house at Sioux Falls, South Dakota.

It is not alone, however, his conspicuous, constructive ability in the affairs of an immense business, that has induced me to give him a place in this volume, but his rare personality and his marked achievements for the public good, as well. He stood for the improvement of the individual and the advancement of citizenship; for the well being of the public, as well as for the especial good of the vast number of

workmen in his employ. In every movement that tended to moral improvement and the benefit of his fellowmen, he took an active part and freely contributed to by both his efforts and means, as well as to every public enterprise that tended to the growth and development of the city. Though replete with humor, he was naturally religious. He believed that religion and churches were important factors in the betterment of mankind, and to this end he gave liberally to several of the churches of his City, and elsewhere. He took great interest in the well being and success of young men; and upon his initiative, the Young Men's Christian Association of Ottumwa was organized at his own home, in 1889. He served as its President for twenty-five years, and gave to the work not only his time, but financial aid, with a generous hand.

He was a real and practical humanitarian. So well had his character become known, that whenever any measure was projected for the public good, Mr. Foster was counted upon to give it his aid; and the expectation was rarely disappointed.

Lest what I have said of Mr. Foster may be regarded as the overdrawn promptings of a friendly biographer, I may say that, according to my observation, a general expression of public sorrow on the death of a citizen is a pretty certain proof of its sincerity and of the merits of the one so mourned. The death of Mr. Foster caused a greater shock and a more general sense of public loss than that of any other individual in the history of Ottumwa. Expressions of profound regret were heard on every hand. While the funeral services were in accord with the simplicity of his character, the concourse was great and general. Regarding the occasion, the Ottumwa Courier of July 22, 1915, said:

The remains of Thomas D. Foster were laid to rest in the family lot in the Ottumwa cemetery this afternoon. Ottumwa paid due respect to her greatest individual citizen by closing her stores, shops and factories and her public buildings during the hour of his funeral. * * * In like manner the railroad freight houses and offices, and the factories and manufacturing plants were closed. The court house, the Young Men's Christian Association and the banks were closed.

Many people, some of them distinguished, from outside the City were in attendance. An immense crowd was at the cemetery. He had such a high faith in the destiny and future influence of the United States upon the world, that he became a naturalized citizen, and took an active part in public affairs. He was a man of simple manners, of a kindly nature and wholly unostentatious. Let it not be inferred, however, that he was lacking in heroic parts, for he had pronounced views, and when maturely formed and convinced they were right, he persistently endeavored to maintain them.

The last time I had the pleasure of seeing him and his devoted wife was some seven years ago at East Hampton, Long Island, where we were summering. The first I knew of his illness was from a most kindly letter that I received from him only a few weeks before his death. We did not always agree in our views, for he was

more radical than myself, but we remained warm and respecting friends to the last. His death was a great public loss, and it will be long before his place will be filled.

I should fail of my duty did I omit to mention *Harrison Lyman Waterman*, who has been a potent factor in the affairs of Wapello County; four times Mayor of the City of Ottumwa, and State Senator, representing Wapello County in the Twenty-Fifth, Twenty-Sixth and Twenty-Sixth extra General Assemblies, in which he was, respectively, Chairman of Committees on Cities and Towns and Appropriations. In addition to these official positions, the duties of which he performed with signal ability, he was prominent in many important business enterprises, as will hereafter be seen.

Though descended from an influential family, who came from England to Marshfield, Massachusetts, in 1632, he was, himself, a thoroughly self-made man, and a fine example of a young man rising from obscurity to important positions by force of his inherent energy. He was born in Croydon, New Hampshire, in 1840. From the time he was old enough he worked on the farm, getting his schooling in the winter. When seventeen, he became fired with the California fever and went to seek his fortune there, sailing from New York and going by way of the Isthmus. He remained in California until 1861, when without having accumulated much worldly gain, but a vast amount of experience, he returned and entered the Lawrence Scientific School of Harvard University, graduating therefrom in 1864, with the highest honors. He had followed closely the study of Civil Engineering. There was a break in his University course, caused by his enlisting in the Forty-Seventh Regiment of the Massachusetts Volunteers. In 1864 he was commissioned Second Lieutenant, and subsequently promoted to First Lieutenant in the First New York Volunteer Engineers.

He came to Iowa in 1865, and was one of the Civil Engineers in the construction of the Chicago, Burlington & Quincy Railroad from Ottumwa across the State to the Missouri River. He settled in Ottumwa in 1870. He has been Vice President and General Manager of the Wapello Coal Company, and in charge of the coal interests of the Burlington Railroad since 1884. He has been Chairman of the Board of Water Works Trustees since the purchase of the Water Works by the City in 1910. He is Vice President of the First National Bank.

I became acquainted with him on his first coming to Ottumwa when we were both young men. He was a man of inflexible purpose and unyielding will; as unemotional and as imperturbable as anyone I have ever known. He could perform a necessary duty, however disagreeable, without flinching; as "mild a mannered man as ever scuttled ship or cut a throat." He was of medium height, squarely and strongly built, and though now, in 1916, in his seventy-sixth year, is sturdy as a sailor before the mast.

He has one son by his first marriage, Philip Hammond Waterman, who is General Manager of the Ogden Consolidated Coal Company, and lives in Boone, Boone County, Iowa. His present wife, whom he married in 1879, is a daughter of my early friend, Newton C. Hill, who died many years ago, one of the noblest and most useful of the pioneers of Wapello County, and as upright and lovable a man as the Lord ever made. He was a North Carolinian of Quaker stock.

Joseph H. Merrill came to Ottumwa a few years after I came, I think, in 1861 or 1862. With him came Charles W. Kittredge, and together they opened quite an extensive grocery store under the name of Kittredge & Merrill. This firm continued until Kittredge was commissioned and became the Colonel of the Thirty-Sixth Iowa Infantry. Mr. Merrill subsequently entered upon the wholesale grocery business, under the firm name of J. H. Merrill & Company, which became and has continued one of the largest wholesale grocery firms in the State. In the course of time it had branch houses at several different places, the principal store still remaining at Ottumwa under the original name. Major Samuel K. Mahon, after his return from the army, became and continued a member of the firm for many years and until his death. Mr. Merrill was a leading man of affairs, public spirited and dominant. I knew him intimately for more than fifty years. As a citizen, he was an exemplar, zealous in the advancement of all measures tending to promote the welfare of the City and County. He was a potent factor in shaping the early policies and affairs of Ottumwa. Without desiring office, his quiet influence had much to do in the selection of public officials. His character was without a blemish, his integrity perfect, his word as good as his bond. We served together as vestrymen of the Episcopal Church, and I knew him thoroughly. I feel it my duty to say in this connection, that as a vestryman, I was only a sort of lay member, while Mr. Merrill and Mr. Daggett devoted much of their time and attention to the affairs of the Church. Later in life he was induced to officially participate in politics and was elected to the State Senate and served in the Fourteenth, Fifteenth and Sixteenth General Assemblies. I need hardly say that his services were efficient, his counsel wise, the measures he favored calculated to promote the public good. As a business man and successful wholesale merchant, he ranked with the first of the State. He amassed a comfortable fortune through legitimate means. He became President of the Iowa National Bank, the City Savings Bank, the Savings Bank of Agency City, one of the leading spirits in the Dane Manufacturing Company, and the Ottumwa Brick and Construction Company. As will be seen, he was a man of versatile talents. He was a New Englander by birth, born in Plymouth, New Hampshire, in 1827, and lived to a great age, dying only two or three years ago.

CHAPTER XX.

MOUNT PLEASANT.

Presley Saunders, Alvin Saunders, Asbury Porter.

If *Presley Saunders* had come to Henry County in the spring of 1834 he would have been the first settler there. As it was, however, James Dawson came in the spring, and Mr. Saunders not until the following fall. He was notwithstanding, recognized as the original proprietor and first settler of Mount Pleasant, as he purchased the site from the government at the first land sale held in Iowa, and in 1835 drove the first stake for the location of Mount Pleasant. In 1836 he opened the first store of that region and continued in business for many years. He was born in Fleming County, Kentucky, in 1809, and removed to Illinois in 1827, and was in the Blackhawk War in 1831 and 1832. His father and mother were both Virginians and of English origin. When he came to Mount Pleasant he pitched his tent in a wild region among the Indians before the land had been surveyed. He was a member of the first grand jury that convened west of the Mississippi. What is Iowa now was then a part of Michigan Territory. In 1862 he engaged in banking, and in 1864 he organized the First National Bank of Mount Pleasant and served as its President for many years.

He was not only the first settler and business man of Mount Pleasant, but ever its stalwart and unvarying friend. He exercised a great influence upon public affairs in Henry County, and his name was revered by the old settlers.

The following illustrative anecdote is authentic. One of those compilers of so-called County Histories, which generally embrace in their biographical portions only the subscribers, the local living magnates, called upon Senator Harlan with a proposition to immortalize him with a portrait and sketch of his life. "Do you propose to include *Presley Saunders* in your book?" queried the Senator. "No, Sir!" responded the biographer. "He is dead, and there seems to be no one to pay for these things." "Then," said the Senator, "please leave me out. I do not wish to appear in any history of Henry County which omits the name of *Presley Saunders*," and the biographer went his way.

Mary Saunders, his daughter, afterwards Mrs. McCoy, was the first white child born in Henry County.

Alvin Saunders was a brother of *Presley Saunders*. He was born in the same County and State, that is to say, in *Fleming County, Kentucky*, in 1817. He located at *Mount Pleasant* in 1836 and engaged in merchandising and banking with his brother, *Presley*. The firm enjoyed a high reputation in that part of the State for many years. He and his brother were instrumental in securing a postoffice at *Mount Pleasant*, and he was commissioned by *President Van Buren*, as Postmaster, a position in which he served seven years. He early became prominent, and was a member of the *Second Constitutional Convention*, in 1846. In 1854 he was a member of the *State Senate* and as an anti-slavery Whig, was an important factor in securing the election of *James Harlan* to the *United States Senate* in 1855. He was one of the organizers of the *Republican Party* and a delegate to the convention assembled for that purpose in 1856. He was a member of the *State Senate* in 1854, 1856, 1858, 1860 and the extra session of 1861, serving in all, eight years in that body. He not only assisted in the election of *Mr. Harlan* to the *United States Senate*, but subsequently in that of *James W. Grimes*. The most useful service perhaps, rendered by him to his constituency, was in securing the establishment of the *Insane Hospital at Mount Pleasant*. The effort was opposed with intense bitterness. The proposed asylum was alleged to be a needless affair, a job started for the benefit of a locality and largely out of proportion to the needs of the State for a century. But for the efforts of *Alvin Saunders*, the project would have been delayed for years, and might have been altogether lost for *Mount Pleasant*.* In 1860 he was chosen a delegate to the *National Republican Convention*, which nominated *Mr. Lincoln* and was a leading and influential member of the delegation. *Professor Herriott* says, "*Alvin Saunders, Charles C. Nourse and Governor S. J. Kirkwood* were probably the most influential *Lincoln* workers among the *Iowans*."** * In 1861 he was appointed by *President Lincoln*, *Governor of Nebraska Territory*, was re-appointed in 1865, and served until it became a State in 1867. He was subsequently elected *United States Senator* from that State for six years. He afterward served for ten years on the *Utah Commission*.

At the reunion of the *Pioneer Law Makers' Association* in 1896, he was present and delivered an address upon the *Convention*, of which he had been a member fifty years before, in 1846, that formed the *Constitution* under which the State was admitted into the *Union*. Of him *Charles Aldrich* said:

Mr. Saunders was an able and successful business man, closely identified with the progress and development of *Iowa* while he resided within the State and equally so of the State of his adoption. He had amassed a handsome fortune, which was swept away by the panic of 1873; but with characteristic foresight and energy he went to work again and not only paid off every dollar he owed, but acquired a sufficient competency to make his last years comfortable. An able, just and honest

* *Annals of Iowa, Third Series, Vol. 4, 316.*

** *Iowa and the First Nomination of Abraham Lincoln, Annals of Iowa, Third Series, Vol. 8, 96.*

man, his life was full of usefulness and he rendered his country and the two states in which he resided valuable service which will long be remembered.

From what has been said, it will be seen that Iowa is greatly indebted to the splendid services of these two brothers. Governor Saunders died at his residence in Omaha, in 1899.

Asbury B. Porter was born in Kentucky in 1808, and was among the earliest settlers of Henry County. He came there in 1835 or 1836. He represented that County three terms in the Territorial Legislature, where he worked zealously for and came very near securing the location of the capital at Mount Pleasant. Mount Pleasant was the choice of the southern portion of the Territory, and Iowa City of the central, and it was only by a very close vote that Mount Pleasant lost the temporary honor of being the Capital City.

The following brief sketch I clipped from the columns of the Mount Pleasant Journal at the time of Colonel Porter's death many years ago:

Colonel Porter was a man of intense patriotism. He was a member of two National Conventions that nominated Clay for the Presidency, and never ceased to be an ardent admirer of that great statesman. In later years he regarded Blaine as being the Clay of modern politics and as enthusiastically favored his nomination for President as he had favored that of Henry Clay. His love for the Union was so strong that although much past the age of military service he was one of the first to organize a company in Henry County and with it, as Captain, entered the service under the first call for seventy-five thousand troops. He was elected Major of the first regiment when it was mustered in at Keokuk. Just before the battle of Wilson Creek he was recommended by General Logan for the position of Major in the regular army, which he declined, preferring to remain with the company he had raised. Shortly afterwards he was commissioned as Colonel by Governor Kirkwood and authorized to raise the Fourth Iowa Cavalry, and it was through his influence that Camp Harlan was established near our city and by him named in honor of Senator Harlan. He himself purchased the horses for this regiment, being authorized to do so without the usual military restriction, the only instance in the history of the War where a like privilege was given the Colonel of a regiment. He was with his regiment until 1863, when his eyesight failing, he returned home and was appointed Revenue Inspector for the First Congressional District. Few men of Colonel Porter's age were as efficient in organizing troops and arousing enthusiasm for the suppression of the Rebellion as he. He was a man of broad and liberal impulses and made warm and lasting friends. He had unbounded energy and a quick discernment of the conditions of public prosperity and a readiness to organize the resources to bring about this end. He was one of the few who have spent a half century of life in Henry County and his death closed a career notable in the history of Iowa and of this county.

Colonel Porter was a man of courage. He greatly distinguished himself in the Battle of Wilson's Creek and received from his superior officers emphatic praise for the gallantry he had displayed. I became acquainted with him soon after the close of the War. Stuart in his "Iowa Colonels and Regiments," has thus described him:

Colonel Porter is a short, stocky man, with a broad, oval face, beaming with much good nature. I speak of him as he looked to me in the stage coach, in the summer of 1863, on our return from the gubernatorial convention. I did not know who he was till after we had parted, and consequently formed my judgment of his character without prejudice. He is familiar and pleasing in his manners, and

makes friends readily. I judged him to be intelligent, and of an extremely social disposition, and thought he would be happy and at home with his friends at a beer table.

With this description I concur, except as to the portion which ascribes to him a Germanic appearance; while "friends at a beer table," in Mount Pleasant, would be quite as unlikely as a poker game at a church festival.

One of his daughters married Warren Beckwith, of Mount Pleasant, with whom I formed a close acquaintance when we were both young men. He furnished the rock and built bridges for the Chicago, Burlington and Quincy Railroad Company while I was a member of its legal staff. He was a good man and true, and one of the most strenuously forceful in whatever he undertook.

William H. Wallace, Benjamin F. Wallace, Joseph B. Teas, George W. Teas.

William H. Wallace and *Benjamin F. Wallace* were brothers and among the first lawyers of Mount Pleasant. *William H. Wallace*, judging men by the results they accomplish, must have been a man of decided ability. He was a member of the First Territorial Legislature and chosen President of the House. He was also a member of the Council of the Third, Fourth, Fifth and Sixth Territorial Legislative Assemblies. I do not know the date of his birth, but he must have been a very young man when he was elected to the First Territorial Legislature, and Speaker of that body. Some of his associates were men, who afterward attained distinction, among them Stephen Hempstead, S. C. Hastings and James W. Grimes. The latter was the youngest member of that body, being but twenty-two years of age, and the oldest, Arthur Inghram, of Des Moines, sixty years of age. Judge Francis Springer thus speaks of Wallace at that time: "William H. Wallace, of Henry County, was Speaker of the House; impressive in person, manner and voice, he was a model officer." He was a prominent member of the convention held for the purpose of asking Congress to establish Iowa as a separate Territory, which met at Burlington, November, 1837. In 1848 he was the Whig candidate for elector in the Presidential campaign of Cass and Taylor. He was described to me as being a young lawyer who was genial in his intercourse with the people, popular in his manners and possessed of great magnetic powers, which won the admiration and esteem of his followers. He must have been faithful himself, because his followers always adhered closely to his fortunes. He was the Whig candidate for Congress against Augustus C. Dodge in 1843. They stumped the Territory together, speaking in nearly all of the twenty counties which were then organized. An old settler of Clayton County some fifteen or twenty years afterward related this incident:

Some sixty electors had gathered in a ring on the prairie in the center of which was laid down a piece of timber, hewn on two sides. Presently the candidates rode up, alighted, took off their saddles, tied their horses head and foot, turned them out to graze, walked into the ring, and introduced themselves. Dodge took off his hat, stepped up on the stick of timber, made a polite bow, and for an hour and a half made a fine speech. Wallace followed and made an eloquent speech. In

the midst of it a large snake of the blue-racer species appeared in the ring and was driven out, but appeared again. Some took its part and swore it should remain. There came near being a melee. Dodge requested order and suggested it should be unmolested, which was acceded to and the speeches went on.

Wallace possessed a venturesome spirit, and in 1853 removed to Washington Territory. In 1861 he was appointed Governor of that Territory, and afterward one of its delegates to Congress. He was subsequently appointed Governor of Idaho Territory, and was afterward elected one of its delegates to Congress. He finally returned to Washington Territory, where he died in 1879. His brother, Benjamin F. Wallace, was Secretary of the Council of the First Territorial Legislative Assembly. His subsequent career I have been unable to trace.

Joseph B. Teas and *George W. Teas* were brothers. Joseph B. was a member from Des Moines County, of the Upper House of the Wisconsin Legislature in 1836, while we were a part of Wisconsin, and Henry Dodge was Governor. George W. Teas was a member of the House, from Des Moines County at the same session. (There were then only two counties, Des Moines and Dubuque.) Their names quite frequently occur in the early Reports. J. B. and G. W. Teas were attorneys for the plaintiff in the first case tried in Washington County, which was that of *Stonefield vs. Milo Holcomb*; he was also the prosecuting attorney in the first criminal case tried in Des Moines County, that of the State vs. *Richard Chaney*, for stealing a barrel of eggs. George W. became a resident of Washington County, where he died and was buried in 1863. After some years of practice, he abandoned the legal profession for that of the ministry and became a Methodist preacher of considerable local note. Of this period, Hawkins Taylor says of him:

He was always a man of decided ability and earnest in what he did. During the session of the legislature in the winter of 1837 and 1838, he took offense at the action of some of the brethren in the legislature and smarting under the supposed insult, he published in the *Burlington Gazette*:

"Be it known from shore to shore,
That I'm a Methodist no more. G. W. Teas."

A few years later he again joined the church, and went to preaching in good square, hard earnest, when someone had it published:

"Know ye from Georgia down to Maine,
That I'm a Methodist again."

And he has been faithful and true since.

As will be seen from his sketch, Theodore S. Parvin makes mention of both these men. They were esteemed good lawyers and had quite a wide practice.

Samuel McFarland, Alfred Lotspiech.

Samuel McFarland was one of the early and able lawyers of Henry County, and represented it in the Fifth and Sixth General Assemblies. In the Sixth General Assembly, which was the last one that met at Iowa City, and which convened there on the first day of December, 1856, McFarland was chosen Speaker of the

House. "He did not make much noise as a rhetorician, but was much respected for his ability.* He was a lawyer of standing and attainments. His name will be found in connection with the early reports and the list attached to the Nineteenth Iowa Report. His death was as heroic as it was lamentable. On the outbreak of the great Civil War he raised a company, of which he became the Captain in the Eleventh Regiment of Iowa Infantry. This was one of the four regiments composing the famous "Crocker's Iowa Brigade." Having passed unscathed through several bloody battles, including that of Shiloh and Corinth, he was promoted by Governor Kirkwood to the Lieutenant Colonelcy of the Nineteenth Iowa Infantry, and while leading his regiment in the thickest of the fight, was killed at the Battle of Prairie Grove, Missouri, on the Seventh of December, 1862.

Alfred Lotspiech was also one of the early lawyers of Mount Pleasant. His name will be found in the list attached to Morris' report. He was born in Green County, Tennessee, in 1817, and came to Mount Pleasant in 1840. He was the first prosecuting attorney of Henry County, under the State Constitution, and was admitted to the bar at the first session of the State Supreme Court. In 1849 he got the gold fever and went to Sacramento, California, where he remained until 1852, when he returned to Mount Pleasant. In 1854 he removed to Ottumwa in Wapello County; was a Justice of the Peace there from 1858 to 1861, a member of the City Council at different periods, and a member of the Board of Supervisors for three years. He was County Treasurer from 1870 to 1874. Upon retiring from that position, he was again elected Justice of the Peace and served for several years.

His first wife, who was Rebecca A. Moore, accompanied him to California. In 1850 he sent her home, with an infant son, on the vessel *Meteor*, sailing from San Francisco to New York. The vessel, with all on board, was lost at sea. I knew him intimately while I was a young lawyer. I tried cases before him, and did business with him in his various capacities. He was one of the most cheerful men I have ever known. His good nature and readiness to crack a joke were perennial. He was not only an exemplary, but a highly useful citizen, whose offices, both public and private, did much toward moulding the affairs and promoting the prosperity of the City of Ottumwa and the County at large. He will be remembered pleasantly and affectionately so long as one of his contemporaries remains.

R. L. B. Clark, Theron W. Woolson, Leroy Palmer.

Rufus L. B. Clark was one of the early lawyers of Mt. Pleasant. He was a New Englander by birth. His sister acquired a wide literary reputation as a writer of that day, under the nom-de-plume of Grace Greenwood. He was a college graduate and a well-read lawyer; an accomplished, pleasant and genial gentleman. His manners were too refined to make him popular, and as a result, he did

* Iowa Historical Record, April, 1885.

not succeed in acquiring a large, general practice. He was, nevertheless, an able lawyer and a man of extraordinary political and intellectual strength, for he was nominated by the Whigs as their candidate for Congress, in 1854, against Augustus Hall, the Democratic candidate, and one of the greatest lawyers and most accomplished orators in the State, and was defeated by a majority of only 214. He was also, in 1856, chosen as a delegate to the Constitutional Convention, which met at Iowa City in January, 1857. It was a notable body of men. In 1860 he was a delegate to the Republican Presidential Convention at Chicago, which nominated Mr. Lincoln. The following is from one of Prof. H. I. Herriott's articles on "Iowa, and the First Nomination of Abraham Lincoln," Vol. VIII, Third Series of the Annals of Iowa, p. 191:

In the Constitutional Convention of 1857, the irrespressible champion of the proposal to strike "white" from the supreme statute of Iowa and grant the electoral franchise to negroes was a doughty New Englander, R. L. B. Clark, of Mount Pleasant, Senator Harlan's home town.

Mr. Clark had been several years in the State before I came to it. Living not far apart, we occasionally met at court and elsewhere. I remember him as a man of rather slight stature, with black beard, hair and eyes, and a very animated and lively expression of countenance. His attire was of black broadcloth and noticeably neat in all respects. He left the State in the latter sixties, I should say, removing to the City of Washington. He was still living in 1882, for he came all the way from Washington to attend the reunion of the members of the Constitutional Convention before referred to, held at Des Moines on January 19th of that year. Judge George G. Wright, in the course of his welcoming address, said:

Politically the Convention was divided into fifteen Democrats and twenty-one Republicans. On the side of the majority, those most prominent in debate were the three Clarks—William Penn, John T. and Rufus L. B.

The latter was born in Lebanon, Connecticut, in 1817; was educated in New York and practiced his profession there for a while. He came to Iowa in the winter of 1849-50. He was a delegate to the Convention that nominated James W. Grimes for Governor, and introduced what was known as the Kansas and Nebraska Resolution, pledging the influence of his party against the extension of slavery. From what has been said, it clearly appears that Mr. Clark was a man of great force of character and extraordinary ability.

Theron W. Woolson was one of the early lawyers of Mt. Pleasant, but just what period he came there, I am unable to say. He has been dead many years. He was the father of John S. Woolson, who succeeded Judge Love as the United States District Judge. Theron W. Woolson was a member of the Ninth, Tenth, Eleventh and Twelfth General Assemblies, as the Senator from Henry County. I was associated with him as the Senator from Wapello County in the Eleventh General Assembly, which convened in the old Capitol Building, in January, 1866. He was the most careful, the most painstaking, the most technical and probably the

closest observer of everything that came up, of any man in the Senate. As a lawyer, he was equally painstaking and had the reputation of being one of the most careful and best prepared members of the bar. He practiced successfully for many years in Mt. Pleasant, and to the time of his death. For a portion of the time, he was associated with his son, John S., in the practice, and also with Judge W. I. Babb, under the firm name of Woolson and Babb. They were both good lawyers and built up an extensive practice.

Leroy Palmer was a picturesque character. He was a native of Christian County, Kentucky, where he was born in 1821. He was a brother of General John M. Palmer, who was one of the most conspicuous officers in the Civil War, and afterwards Governor of Illinois, United States Senator from that State, and the Gold Standard Democratic candidate in one of the Presidential Campaigns. The family moved from Kentucky to Madison County, Illinois, near Alton, in 1831. Leroy was reared on his father's farm, and his means of education were limited. He read law with his brother, John M. Palmer, and was admitted to the bar at Hillsboro, Montgomery County, in 1846. He had just commenced practice at Carlinville when the Mexican War broke out. He enlisted as a private in Company B, Captain Elkin, Fourth Illinois Infantry. At the close of his military service he returned to Carlinville, and in the autumn of 1847 came to Mt. Pleasant, Iowa. He intended to locate later at Monroe City where it was thought the capital of the State would be fixed; this failing, he concluded to remain at Mt. Pleasant, and here he conducted an active practice for upwards of forty-five years. In 1861 he was elected State Senator and was a member of the Judiciary Committee of that body. In 1862 he was elected Judge of the County Court of Henry County. In 1874 he was the Democratic candidate for Congress, and carried his own County, which was an overwhelmingly Republican one. He was a Democrat in politics, but voted for Mr. Lincoln in 1864. In other words, he was a War Democrat and in favor of the most vigorous measures for putting down the Rebellion. He had a wide practice and was one of the best known and most prominent lawyers in that part of the State.

I have said he was a picturesque character, but just why he was, it is difficult to delineate, and I shall not attempt it beyond a few illustrations. In the first place, he belonged to the old-fashioned school of men, with not only old-fashioned ways and manners, but old-fashioned ideas and old-fashioned modes of expressing them. In these respects he was so quaint as to be eccentric. And with this, his personality was quite in harmony. He was not "grand, gloomy and peculiar," but rather tall and lank, with a bright twinkle of the dark eyes that denoted both wit and originality. On account of his free and generous spirit, combined with his ready wit, great intelligence, and solid talents, he was a general favorite with the people—a fact fully

exemplified in his carrying Henry County (that of Senator Harlan) against a strong Republican majority when he was a candidate for Congress.

He was "as wise as a serpent," but not "as harmless as a dove," in the conduct of a case. He was a favorite with jurymen and jurymen were favorites of his; he knew them all and they all knew him. He was eminently resourceful and as shrewd as a fox, as the following incident related to me by Judge Tracey will indicate: He said that he and Palmer were associated in a case for the plaintiff, which the evidence, after it was introduced, left so weak that Tracey thought it best to dismiss it and not go to the jury at all, and so told Palmer. "Oh, no," said Palmer, "that will never do, there is a chance for us yet. You say a little in the opening, and I will come in strong in the close." "But what will you talk about?" asked Tracy. "Oh, I'll just tramp up and down before that jury, talk about old times and make a noise." The verdict was in their favor.

He was so generally esteemed as a skilful lawyer, that students came to his office and placed themselves under his direction, some of whom afterward attained distinction, among them Thomas M. Bowen, who became a Supreme Judge of Arkansas, of Colorado, Governor of Idaho, and United States Senator from that State. His eldest son, Leroy A. Palmer, became a successful lawyer, a partner with his father, and a man of varied accomplishments.

George B. Corckhill, Alvah H. Bereman, Thomas Bereman.

George B. Corckhill, lawyer, soldier and editor, was a unique personality. He was the son of a Methodist preacher, but seemingly he had but few of the meek, though still many of the lovely qualities that belonged to his clerical father. We were both young men when we became acquainted, and I then wished that I had some of the self-assurance and confidence that he had, for in these respects he surpassed, I think, all of my youthful compeers. He seemed to live up to the old saying, that "if you do not have a good opinion of yourself, nobody else will." I cannot, by any means, say that he rushed in where angels fear to tread, but I can say that he was seemingly unabashed in any presence, however superior. In the early part of his life he accompanied Judge Dillon on a European trip, and the latter once gave me a relation of some incidents respecting it that well illustrated George, and that I have never forgotten. He said George was not only the most vivacious and agreeable of companions, but one of the most useful as well; that he would unhesitatingly, and with the greatest promptness, interview railway and other officials for necessary information as to all matters respecting their travels and accommodations, and that he would bear himself, without the least embarrassment, in the presence of persons of the highest rank and title.

He was born in Harrison County, Ohio, in 1838. When he was nine years of age, the family removed to Mt. Pleasant. He was a graduate of the Wesleyan

University of that place, and afterwards of the Harvard Law School. He commenced practice at Mt. Pleasant with fine professional prospects, but early in the commencement of the Civil War entered the service. He was appointed by President Lincoln, Captain and Commissary of Subsistence, and assigned to the army of the Potomac; was promoted to the rank of Lieutenant Colonel, and served until the close of the War. After his return he resumed the practice, and became a partner of A. H. Bereman. In 1869 he became District Attorney of the First District, and served with marked efficiency. He was for a time, Clerk of the United States District Court for Iowa. While officiating in this position, he stopped at the old Savery House in Des Moines, while the court was in session, and here I used to meet him on my frequent visits to Des Moines. General George W. Clarke, who was at that time United States Marshal for Iowa, lived at that hotel. We three were what might be termed boon companions, sat at the same table and participated in the lively flow of conversation that prevailed. They were both delightful companions.

In 1873 Corkhill removed to Washington, entered the practice there, and subsequently purchased the "Washington Daily Chronicle," from John W. Forney, and took charge of that journal as Editor in Chief, but not abandoning his profession. In 1880 he was appointed by the President, United States District Attorney for the District of Columbia, and as such, instituted and conducted the prosecution of Guitteau for the assassination of President Garfield. His successful conduct of this case gave him a national reputation. Soon after this, he was further brought into public notice by his prosecution of the defendants in the celebrated "Star Route" cases, in which he rendered valuable services to the government. He was conspicuous as a fine cross-examiner of witnesses, and for his ability to find the vulnerable places in the armor of his adversaries. As a speaker, he was both fluent and forcible. As a post-prandial talker, he was always in demand. He was a favorite with General Sherman and many of the great men of the nation. He married a daughter of Samuel F. Miller, Justice of the Supreme Court of the United States. He died in July, 1886, at Mt. Pleasant, his old home, whither he had gone to deliver a Fourth of July oration. He left surviving him, two daughters, one of whom married Coker F. Clarkson, a son of the noted Iowa journalist, J. S. Clarkson, formerly of the "Des Moines Register."

The last time I saw Colonel Corkhill was in Washington, soon after the Guitteau trial. Referring to that event, he smilingly said, "I think, Stiles, I shall now be entitled to a place in your book." To which I replied, "With all my heart, George, you shall be there." And I am thankful that I have lived long enough to carry out that promise by this humble tribute.

Alvah H. Bereman and Thomas A. Bereman were brothers and both prominent lawyers during their time, in Mount Pleasant. The former I knew well. We

were members of the House in the Tenth General Assembly. We lived in adjoining counties, and I cordially supported him as a candidate for Speaker of the House, but he eventually gave way to Jacob Butler, of Muscatine, who appointed him Chairman of the Judiciary Committee. In that position he displayed fine legal acumen and ability. He was one of the ablest and most influential members of that legislative body, and left a decided impression upon the laws that were framed during its session. He occupied a high position in the profession. He subsequently removed to St. Louis and attained a corresponding one there. He died some years ago. He had been a soldier in the Civil War and was Colonel of the Forty-Fifth Iowa Infantry.

With his brother, Thomas A. Bereman, I was not so well acquainted. He was younger by several years than Alvah, with whom he was associated in the practice. I know, however, that he held a first rank in his profession. In 1878 he was elected District Attorney of his District, serving four years in that office with great efficiency. He also was a soldier in the Civil War, attaining promotion on account of meritorious services, becoming successively Captain and Major in his regiment. Both he and his brother were men of unblemished honor.

Henry and Richard Ambler, Washington I. Babb, Frank Hatton.

Henry and Richard Ambler came to Mount Pleasant in the early fifties. They were natives of Pennsylvania. In the course of a few years they became well known throughout that part of the State as lawyers of marked ability and high standing. My recollection is, that they paid special attention to commercial business and collections, though their practice was wide and general. I met one of them several times in our court at Ottumwa in the latter fifties and early sixties. I think Henry was the older brother, and my recollection is, that he was a man slight in build, with full, luxuriant beard, and in temperament and action, active and alert; a man of keen perception and efficiency. The name of Henry Ambler, or "H." Ambler, as he always, or at least generally, seems to have signed it, is seen first in the reports and in the list of lawyers admitted to practice in the Supreme Court, before that of Richard appears. The name of "H." Ambler first appears in the case of the State vs. White, decided at the June Term, 1857, of the Supreme Court, and is reported in Fourth Iowa Reports, 449. Henry's name alone also is found in the list of lawyers attached to the Nineteenth Iowa Reports, but in the Iowa State Gazeteer are the names of "Henry & Richard Ambler." In "The Western Jurist," of September, 1878, a monthly legal magazine, published at Des Moines, they appear as H. & R. Ambler; and in like manner, in the October, 1881, number of that periodical, and in the subsequent reports and lists. They died a number of years ago. I am informed that Richard left a son, Henry A. Ambler, who afterwards became a well-known and successful lawyer of Mount Pleasant.

Washington I. Babb was a native of Iowa. He was born in Des Moines County, in 1844. He graduated at the Wesleyan University of Mount Pleasant; subsequently studied law, was admitted to the bar and commenced practice in Mount Pleasant, in 1868. He early exhibited decided talents. He formed a partnership with John S. Woolson, under the firm name of Woolson & Babb, which continued to exist until the appointment of the former as Judge of the United States District Court for Iowa, to succeed Judge J. M. Love. A sketch of Judge Woolson will be found in the chapter relating to the Federal Judges. The firm of Woolson & Babb established a high reputation. They were both regarded as lawyers of fine ability.

In 1883 Babb was the Democratic candidate in Henry County, for the Legislature, and elected in the face of an overwhelming Republican constituency. He made his mark as one of the most efficient members of the Twentieth General Assembly. In 1890 he was elected Judge of the District Court of that District, and served with general satisfaction to the end of the term, when he resumed practice, in 1895. In that year he was nominated by the Democratic Party as its candidate for Governor, and though Horace Boies had been elected Governor on the Democratic ticket in 1889, and again in 1891, by reason of the strong opposition to the prohibitory liquor law made by a portion of the Republicans of Iowa, the Republican Party had, when Judge Babb ran, as also when Governor Boies ran and was defeated on his third nomination, regained its ascendancy through the pacificatory effect of the local option or mulct law which had been passed in the meantime, and as a result, Judge Babb was defeated. In the following year he received the united support of the Democrats in the Legislature as their candidate for United States Senator.

He was a man of decided public spirit, took a leading part in educational affairs, was for many years a trustee of the Iowa Wesleyan University, and a regent of the State University which conferred upon him the degree of LL.D. He also contributed somewhat to the preservation of history, by data furnished to the "Annals of Iowa." As I am informed, he subsequently removed to Illinois to become the General Counsel of a large business. While he was Judge, his District embraced Wapello County, where I formerly resided for a period of twenty-nine years. On my revisitations there I was several times in Judge Babb's Court, and I can say, with emphasis, that he was one of the best and most satisfactory judges that ever presided in that District.

Frank Hatton is pleasantly remembered by all his survivors, and his name is durably connected with Iowa history. He came to Mount Pleasant from Ohio, where he was born. He had enlisted as a soldier in the Civil War, and was promoted to a Lieutenantcy. His father removed from Ohio to Mount Pleasant soon after the close of the War and purchased the Mount Pleasant Journal. In

this enterprise, Frank became a participator and so continued until the death of his father, when he became sole proprietor. He was what might be termed a good newspaper man, and made the Journal take a first rank among the newspapers of the State. He was a pungent writer, a vivacious paragrapher, and the individuality of his productions caused him to be well known and highly esteemed throughout the State. He was ever the devoted friend of Senator James Harlan, and always espoused his cause. This was particularly the case in the contest between Senator Harlan and William B. Allison, in 1872, when he proved himself an efficient and alert political manager.

After Harlan's defeat, Hatton removed to Burlington, where he acquired an interest in and became the editor of the Burlington Hawkeye. He was subsequently appointed Postmaster of that City. By this time he had established himself as a power to be dealt with in the newspaper field, and as a political worker of unusual force and activity. He commanded large political influence and upon the inauguration of President Garfield he was appointed First Assistant Postmaster-General Arthur Gresham was the Postmaster-General and when he resigned, Mr. Hatton was appointed by President Arthur, who had become President by the assassination of President Garfield, Postmaster-General, and a member of President Arthur's cabinet. After the expiration of his office as Postmaster-General, he became interested in, and was one of the editors of the Washington Daily Post, and at once invested that paper with his characteristic force and variety. While occupying this position, he died in the prime of life, at the age of forty-eight.

In appearance, he was rather slight and boyish; a little under size, but handsomely made. He was altogether an interesting personality and a charming companion. He was full of sprightliness and originality of expression, and generous to a fault. I shall never forget his kindness to me on one of my visits to Washington, while he was connected with the Post. I had no intimate acquaintance with him, and we had been opposed to each other in the contest before alluded to. I concluded, however, to call upon him; he received me with the warmest cordiality, and during my stay of several days in Washington, where I was in attendance upon the Supreme Court, he did for me so many gracious acts that I felt profoundly touched by his kindness. In speaking of his political services before his appointments at Washington, I omitted to state that he was for a time, chairman of the Republican State Central Committee of Iowa in the course of which his forceful qualities became conspicuous.

The sketches of James Harlan and William Thompson will be found elsewhere by reference to the index.

CHAPTER XXI.

DAVIS COUNTY.

*H. H. Trimble, James Baker, Mastin Jones, Harvey Dunlavey, S. S. Carruthers,
H. C. Traverse, Frank Eichelberger, D. H. Payne, Stiles S. Carpenter, J. A.
T. Hull, Hosea B. Horn, J. J. Selman, Samuel A. Moore, O. D.
Tisdale, John Judson Hamilton.*

H. H. Trimble during his period was, in my opinion, the best trial lawyer in Iowa; and this period was actively continued for an unusual length of time—for sixty years, and until near his death. He was born in Rush County, Indiana, in 1827, and died at Keokuk, Iowa, in 1910, at the age of eighty-three. He was always, from the beginning to the end, a Democrat of the old school, and upon him were often conferred the highest public honors of his party.

He studied law with the eminent Thomas A. Hendricks, of Indiana, and came to Bloomfield, Iowa, and entered upon the practice in 1850. He was the earliest lawyer of state-wide distinction in Davis County. He was among the first lawyers I became acquainted with on my admission to the bar, in 1857, and from that time, excepting the period of his military service in the War of the Rebellion, through the course of many years, there was not a session of our court at Ottumwa that he did not attend, and for the period of four years he was the Judge of our District. To look at Henry Trimble, as Judge Knapp used to call him, you might have failed to see amid the lines of that furrowed face, any signs of pathos or eloquence, but I have seen him on two or three occasions in the olden times, exhibit powers that would hastily change your mind. He was a soldier in the Mexican War; a colonel in the great Civil War, and bore on his face the marks of that conflict. He was one of the foremost judges forty years ago, though his chiefest distinction was that of a trial lawyer, rather than that of a judge. This was but natural from the fact that one role was so strong that it greatly overshadowed the other. Judge Trimble formerly lived in Bloomfield, in Davis County, but in later years he removed to Keokuk, where he ably represented the interests of the Chicago, Burlington & Quincy Railroad Company and there was scarcely an important case in Iowa concerning that Company, in which he did not take part.

Judge Trimble was tall, spare, and a casual observer would likely think him somewhat delicate physically, but this would be a mistake, for scarcely any man

possessed finer powers of endurance, and in the latter part of his life he wonderfully maintained his physique by out-of-door sports and exercises, which he had neglected in the early part of his life. In facial and general appearance, his son, Palmer Trimble, greatly resembles him.

Shortly after coming to Davis County he was, in 1851, elected County Attorney, and served in that capacity until 1855, and from 1855 to 1859 represented his County in the State Senate. Upon the outbreak of the Civil War he allied himself with what was known as the "War Democrats" and took an active part in the organization of the Third Iowa Cavalry, of which he became the Lieutenant Colonel. In a desperate charge at the Battle of Pea Ridge, he received a wound so severe that it obliged his retirement from the service. Upon his return he was elected Judge of his District and served in that capacity four years. He was twice a candidate of his party for the Supreme Court, once before the Legislature, and again before the people, in 1865. In 1858 he was the nominee of his party for Congress, against Samuel R. Curtis, and again in 1872, against William Loughridge. He was a delegate to the National Democratic Convention of 1880, which nominated General Winfield S. Hancock, and in 1884 was a delegate at large to the Convention which nominated Grover Cleveland for the Presidency. In 1879 he was unanimously nominated as the Democratic candidate for Governor of Iowa. The obstacle in the way of election to these offices lay in the fact, that during all these years his party was in a hopeless minority. He had a national reputation as a lawyer and political leader. He was well educated and knew how to use the English language effectively. He received his education in the State University of Indiana, and Asbury University at Green Castle, entering the Mexican War upon his graduation from the last named institution, in 1847.

James Baker was a brother-in-law of Judge Trimble, with whom he entered into a legal partnership on his coming to Bloomfield, Iowa, from Shelbyville, Indiana, in 1852. He was a native of Gallatin County, Kentucky, where he was born in 1823. He was a brilliant and successful lawyer, and from all accounts, a noble gentleman.

On the very outbreak of the Civil War he entered the service of his country as Captain of Company G, Second Iowa Infantry. He was the first volunteer from Davis County. He served as Captain of his Company until November, 1861, when he was promoted to the Lieutenant Colonelcy of his regiment. In a few months thereafter, he became its Colonel, succeeding General Tuttle. He was killed while gallantly leading his regiment in a charge at the Battle of Corinth. In speaking of this occurrence, Major James B. Weaver—afterward General—who was in command of the regiment at the close of the Battle, thus reported:

In this protracted and desperate engagement, in many respects the most desperate of the war, the officers and men displayed the most laudable gallantry and heroism. Colonel Baker fell mortally wounded on the first day, at the very

time when his regiment was charging upon the retreating rebels with the greatest enthusiasm and fury. He remarked as he was being borne off the field, "Thank God! when I fell my regiment was victoriously charging."

No higher encomium could be paid that gallant patriot.

He was a fine public speaker and had few superiors as a lawyer in Southern Iowa. In personal appearance, he was highly prepossessing, and was beloved by his friends. He was of medium height and stoutly built, and had dark and lustrous eyes. His death was universally lamented.

Mastin H. Jones, familiarly known as "Mass" Jones, in addition to being a man of great shrewdness and an able lawyer, represented the witticism and drollery of the District Bar. He was a natural born humorist. He would have made a first-class comedian; one that would have improved on the original playwright, by improvising between the lines. He had the peculiar faculty of making others laugh without smiling himself. It was difficult to tell when he was serious. Here is an illustrative incident. It was while he was the Prosecuting Attorney for this District. I was present. The case was the prosecution of the defendant for selling liquor. The defense was, that it was not liquor, but ginger ale and sold as such. The witness swore that this was what he called for. Then the fun began. He was plied with all sorts of questions in a most amusing, quizzical manner, as to how he came to have such a thirst for ginger ale about that time; how it looked, how it smelled; how it tasted; how much he poured out; how many times he drank; what the interval between each drink; why he was drinking ginger ale so many times; how he felt after the first glass, after the second, the third, the fourth, the fifth, and to describe his feelings minutely. (An Englishman I once knew, said he could tell water when he saw it, it looked so much like gin.) In summing up, "Mass" said to the Jury in his quiet, inimitable way: "Gentlemen, you might think from my manner of examining the witness, that I know a great deal about drinks, and the effect thereof, but (raising his voice and vigorously raising his arm) the fact, nevertheless is, that I never drank a gallon of liquor in my whole life." Then, after a pause, and lowering his voice, "at one time, gentlemen."

Though "Mass" was a good man, and I believe, belonged to the church, he had the eccentric habit of sometimes swearing when he was provoked, without being sensible of it. On a certain occasion he was noting down some points in the argument of the opposing lawyer. Brother Teter, whom many will recognize as a widely known and facetious clergyman of the Methodist Church, came in and took a seat where he could look over "Mass'" shoulder. Just then the opposing lawyer traveled very provokingly outside the record in his remarks, and "Mass" noted down, "By God, he is traveling outside of the record. By God, I will travel outside of the record also." Whereupon Brother Teter said to him, "Brother Jones, how can you profane so in court?" "Mass" looked up and said, "Who told you that?"

If you hear anybody say that I use profane language, you are authorized to say for me, that he is a d—d liar.”

But Mr. Jones had his serious as well as humorous side, for he was a thoughtful and reflective man. He was a fine trial lawyer, pre-eminently expert in the examination of witnesses, and was a formidable adversary in any case. He was a man of high character, perfect integrity, and held in high esteem. He filled various offices of public trust, and always with efficiency. From 1870 to 1874 he was the District Attorney, and was one of the most efficient that ever filled that office. He was three times the candidate of the Greenback or National Party for Judge of the Supreme Court—in 1879, 1880 and 1882. The variety of his characteristics, his eccentricities and oddity made his name a familiar one in Southern Iowa.

He was born in Putnam County, Indiana, in 1828, educated at the public schools and at Asbury University, at Green Castle. He was admitted to the Bar of Indiana in 1851 and came the same year to Davis County. He began the practice of law with Harvey Dunlavey as partner. This partnership continued for several years. He was subsequently a partner with Judge Henry C. Traverse. Later he took into partnership his son, Samuel Jones, and this continued until the retirement of the father in 1880, when he was succeeded by his son, Samuel, who inherited his father's talents, developed into an able lawyer, served efficiently four years as District Attorney, and subsequently removed to Kansas where he attained a high professional standing. The father died at Bloomfield, in 1899.

Harvey Dunlavey was one of the early lawyers of Davis County, and of considerable note. I recollect seeing him when I first came to the bar, for he used occasionally to come over from his own County to attend the courts of ours at Ottumwa. He was then somewhat along in years, old-fashioned in appearance, tall, rather bent, and somewhat irregular of features. I have but little data concerning his early life. He was, I think, a Kentuckian by birth, and a good specimen of the old-time pioneer gentleman. He was a sound lawyer, held in high esteem by his fellow citizens, and prominent in the early affairs of Davis County. In 1852 he was elected School Fund Commissioner; in 1859, a member of the House in the State Legislature, serving in the session which commenced on the eighth of January, 1860, and in the extra session of May, 1861. In 1861 he was re-elected and served in the session of the Ninth General Assembly, which convened on January 13, 1862, and in the extra session which convened on September 3, 1862. In 1870 he was a member of the Board of County Supervisors. In all of these positions he served with honor to himself and the State. As stated in the previous sketch, he was for some time a partner in the practice with M. H. Jones. He died many years ago. He was survived by his son, J. W. Dunlavey, who was also prominent in Davis County affairs, serving on the first board of supervisors in 1861, and again in 1862 and 1864.

Samuel S. Carruthers was a native of Wheeling, West Virginia, where he was born in 1837. He came to Bloomfield in 1854, and commenced studying law in the office of H. H. Trimble and James Baker. He was a brother-in-law of Judge Trimble, and subsequently became his partner, and when Colonel Trimble and Baker entered the army, in 1861, he succeeded to their practice. Baker was killed, as I have before related, and on the return of Judge Trimble from the army and his subsequent retirement from the bench, he and Carruthers formed a partnership under the firm name of Trimble & Carruthers, which continued for many years, and until Judge Trimble's removal to Keokuk, in 1882, after which Mr. Carruthers continued the practice alone, to the time of his death in 1912.

He was an able lawyer and had a large practice. For a number of years he was the local attorney for the Wabash Railroad Company; of the Chicago, Burlington & Quincy Railroad Company, and of the Chicago, Rock Island & Pacific Railroad Company.

As a man, Sam Carruthers, as he was generally called, was universally beloved for his amiable character and fine traits. His presence was always pleasing on any occasion. He had about him the air and carried the influence of a natural-born gentleman. He was perfectly self-composed, slow to anger, perennially unruffled. He liked anecdotes and knew how to tell them. He was fond of good company, and to everyone he joined he gave a fresh interest. The noble esteem in which he was held was equaled only by the universal sorrow on the event of his death.

He had a fine figure, a fine head, a pleasing, handsome face, and everything about him was manly and attractive.

He was a Democrat in politics, and while he had no desire for office, he was competent to have filled any within the gift of the State. He accepted the position of delegate to the Democratic National Convention in 1888, and that of a member of the Iowa Commission at the World's Fair, held at St. Louis, in 1904.

Henry C. Traverse was, for fourteen years, on the bench of my District. I tried many cases before him. He was a fair and excellent judge; a good listener, patient of investigation, and painstaking in all the duties pertaining to his office. His length of service and his repeated re-elections furnish ample testimony of the general satisfaction he gave.

He was a native of Illinois, where he was born in 1839, and after the death of his father, which occurred when the son was but four years of age, he came with his mother to Monroe County, Iowa, and a few years afterward removed to Davis County. He was educated in the public schools, taught for a period, studied law and was admitted to the bar of Bloomfield in 1862. Soon thereafter, he enlisted as a soldier in the Civil War, becoming Orderly Sergeant in Company F, of the Thirtieth Iowa Infantry. His regiment belonged to the Fifteenth Army Corps,

commanded by General Sherman, and afterward by General Logan. He participated in many hard-fought battles. Upon his discharge from the service he returned to Bloomfield, entered upon the practice, and in a comparatively short time, built up a successful one.

The integrity of his character was perfect; he had the respect and confidence of the people, and before they made him judge, he had been otherwise honored by them. In 1865 he was elected to the House of the Eleventh General Assembly, which convened at Des Moines on January 8, 1866. In 1867 he was elected to the State Senate and served in the Twelfth and Thirteenth General Assemblies. In 1879 he was again elected to the State Senate, serving until he was elected judge.

In his make-up and bearing he lacked the vivacity and good fellowship of Caruthers. He wore a rather serious air, and was without that bonhomie that mellows wherever it goes. But this he compensated by his exemplary character, the gravity of his convictions and his Christian life. That he was a brave and patriotic man, ready to yield his life for his country, his three years of service as a soldier, facing death in many struggles, sufficiently attest. He died in 1910.

Frank Eichelberger and D. H. Payne were not among the earliest, but may be classed as among the early lawyers of Davis County, for they were members of its bar for a period of nearly fifty years, and I knew them all personally.

Frank Eichelberger, I knew from the time he was a very young man. His father was a hotelkeeper; having been the proprietor of the principal hotel in Muscatine in the early sixties, he became that of the Ottumwa House, formerly kept by John Potter. Frank was not much beyond his majority when he followed the family to Ottumwa. He was some four or five years my junior, and as we were both young and congenial, soon became and continued fast friends. He received his education in the common schools, and when but little more than twenty, was the local editor of the Muscatine Journal, a connection which continued for some four years. He was for a short time an army correspondent of the Chicago Tribune. In 1866 he began his legal studies with Judge Morris J. Williams, at Ottumwa, was duly admitted to the bar and began the practice with Henry C. Traverse, and removed to Bloomfield. Later Mr. Payne was taken into the firm, under the name of Traverse, Payne & Eichelberger. When Traverse was elected judge, the firm became Payne & Eichelberger, and so continued, I think, until Eichelberger's election to the bench.

He was Judge of that District for more than twenty years. He was a man of talents, a well-read lawyer and an able judge. His father and mother were elderly people when they came to Ottumwa. I knew them well. They were well-bred and most excellent persons. Frank had a brother, Thomas, familiarly known as "Tom" Eichelberger. He was highly gifted, a brilliant writer and prominently

connected with some of the leading newspapers of the time. He died many years ago in the prime of life.

Judge Eichelberger was a warm-hearted, charming and companionable man; full blooded and a good liver. While at the bar he had a fine practice, took quite an active part in Republican politics, and was generally Chairman of the county delegation in the different conventions of his party. He was a man of wide information, liberal views, and far from being a mere partisan. His innate strength and popularity were well attested by his repeated election as judge, and by other honors before conferred upon him, among which was that of Mayor of the City of Bloomfield.

With *D. H. Payne*, I was not so intimately acquainted. Mr. Payne was of Virginia extraction, his father and grandfather having come from that State in an early day, locating in Henry County, Iowa, soon after the departure of the Indians. He had the misfortune to lose both his father and mother before he had attained his eighth year. He was born in Wapello County in 1847, reared in Wapello and Henry Counties, and educated in the Iowa Wesleyan University at Mt. Pleasant. He read law with General James B. Weaver, and in 1871 became associated with him as a partner in the practice at Bloomfield. The firm of Weaver & Payne continued for a number of years and until the retirement of General Weaver and the formation of the firm of Traverse, Payne & Eichelberger, this firm continuing until Mr. Traverse went upon the bench, when it became Payne & Eichelberger, and so continued until Mr. Eichelberger was elected to the bench.

He married a daughter of Abram Weaver, father of General Weaver, and one of the oldest and most influential settlers of the County, long identified with its interests.

Mr. Payne was noted for being a most industrious, painstaking, able lawyer, and a man of high character and irreproachable integrity. He was County Attorney for a number of years, and the recipient of other public favors.

Stiles S. Carpenter was the Clerk of the First District Court of the County, organized at Bloomfield on the twenty-third day of September, 1844, being appointed as such by Judge Charles Mason. He took a prominent part in the organization of the County and its early affairs. He was, perhaps, the first lawyer in that part of the Territory, having come there at a very early day. He was the first prosecuting attorney of the County after its organization, in 1844. Captain Hosea B. Horn, speaking of him in his series of articles touching the early history of Davis County, appearing in the 1864 old Annals of Iowa, says of him:

At the time of the organization of the county, Stiles S. Carpenter, Esq., held the office of Clerk of the District Court of our county, by appointment of Honorable Charles Mason and under the law of the Territory had considerable to do with setting the machinery of the new county in motion. The persons elected at the first election received their certificates and were sworn and regularly inducted in

office by him. He was from Vermont, a gentleman of public spirit and private enterprise. He was a colonel of the Iowa militia in early days and held the office of District Clerk from the settlement of the county until after the adoption of the State Constitution, and then refused a nomination tendered him by a Democratic county convention for the Clerkship and accepted that of Prosecuting Attorney. To this latter office he was triumphantly elected over his shrewd competitor, Powers Richey, a very prominent citizen of our county in the days of "Jimmer." The Colonel removed to Texas in 1857, where he died soon afterwards.

The little town of Stiles or Stilesville, as it was called, was named after him. As the result of an inquiry made many years ago, I was informed that his mother was a Stiles, belonging to a branch of my own family.

John A. T. Hull was a lawyer by education, but never had much opportunity to display his talents as such, for almost immediately after his admission to the bar, in 1862, he enlisted in the Civil War, receiving a commission as First Lieutenant, and during the same year was promoted to the Captaincy of Company C, of the Twenty-Third Iowa Infantry, and held this position until the close of the War, distinguishing himself for bravery on many battlefields, among which were those of Port Gibson, Magnolia Hill, Raymond, Jackson, Champion Hill and Black River Bridge. In the last engagement he was so severely wounded as to disable him for service for some five months, at the end of which time he returned to his post. At the close of the War he returned to Iowa and settled in Van Buren County, entering upon the practice of his profession, which he continued until 1873, when he purchased an interest in and assumed control of the Davis County Republican, at Bloomfield, "Which he managed with such skill as to attract universal attention, and bring its young and accomplished editor into universal notice and favor."

The ability he displayed in this field drew him into active politics. He was made Secretary of the Senate, filling that position several years and making himself generally popular. In 1878 he was nominated by the Republican State Convention, for Secretary of State, and elected by an overwhelming majority. In 1880 he was re-elected to the same position, and again in 1882, thus serving for three terms in that office. In 1885 he was nominated and elected Lieutenant-Governor of the State, and served with efficiency for four years. In 1892 he was elected to Congress from the Des Moines District, and was continuously re-elected through the course of many years, to that position. In Congress he distinguished himself. He was made Chairman of the Committee on Military affairs and became prominent as such during the War with Spain, and in the affairs of the Philippine Islands.

Hosca B. Horn was admitted to the Davis County Bar in 1845, but followed the practice for only a short period. During this period, however, he prepared and published for the profession, the first book issued in the State, relating to legal procedure; it was known as "Horn's Form Book for Justices of the Peace and Constables." It is many years since I have seen a copy of it, but in its time it was very serviceable. As will be seen he was admitted to the bar and commenced practice during the Territorial period.

The people of Davis County, especially, are indebted to Captain Hosea B. Horn for his most interesting and minute series of sketches relating to the early history of that County, the series commencing in the July, 1864, number of the early Annals of Iowa. He was born in Mercer County, Kentucky, in 1820. He was of German extraction, his father and grandfather being of that nationality, and settling in Maryland. His grandfather was a soldier of the Revolution. On his mother's side he was of English descent. His early advantages were very limited—he was mostly self-taught by reading and study. At the age of fifteen, he was apprenticed to the printer's trade, at Harrodsburg, Kentucky. In 1839 he removed to Indiana and became an assistant in the office of the Clerk of the Circuit Court of Bartholomew County. Here he remained about five years. In 1844 he became the editor and publisher of a Whig paper in Columbus, Indiana, devoted to the election of Henry Clay to the Presidency. Disposing of the paper in 1845, he removed to Davis County, where, as before stated, he was admitted to the bar, having studied law and prepared himself during his service as Deputy Clerk. He was a man of wide observation and much travel. In 1850 he made an overland trip to California, returning the following winter by Central America and Cuba. He took notes during his travels which were published in book form with the title of "Horn's Overland Guide to California." On his return to Bloomfield he engaged in the mercantile business until 1860.

In 1852 he was honored with the nomination by the Whig Party, for the office of State Treasurer, and though running ahead of his ticket, was defeated. In 1855 and 1856 he became the editor of the American Newspaper, at Bloomfield, and in 1858 of the Republican. He was Postmaster of Bloomfield, under President Zachary Taylor and held other public offices. He was a leading and highly esteemed citizen.

Having spoken of the lawyers of my time in Davis County, I will now address myself to brief notices of some of its early public men of my acquaintance.

Dr. John J. Selman was not only a striking figure in the history of Davis County, but in that of the State. He was born in Franklin County, Alabama, in 1818, and died at Bloomfield in 1904, in the 87th year of his age. He began the study of medicine with an elder brother, Dr. S. H. Selman, at Columbus, Indiana. He graduated from the Medical College of Ohio, in 1837, and entered upon the practice of his profession at Rushville, Indiana. In 1841 he removed to Van Buren County, Iowa, and three years later to Davis County, locating land claims three miles west of the present City of Bloomfield.* It will thus be seen that he came to Bloomfield during the territorial period. He was the first physician of eminence there, and there he continued to practice until a short time before his death—for a period of sixty years. He attained a wide reputation as a physician and surgeon,

* Annals of Iowa, Vol. 6, Third Series, 559.

and was held in great endearment by the pioneers, and, I may say, by all the people of Davis County. He was a remarkable man in more respects than one, for, in addition to his distinction as a physician and surgeon, he acquired a more general one as a citizen and public official. He was a member of the Constitutional Convention of 1846, and was a member of the State Senate of the First General Assembly, which convened at Iowa City on November 30, 1846. In 1848 he was re-elected and was chosen President of the Senate—the office of Lieutenant-Governor not having been created. At the time of his death he was the last survivor of the Constitutional Convention of 1846, and with the exception of Judge P. M. Casady, who was then living, the last surviving member of the Senate of 1848. In 1848 he was one of the four Presidential electors, and cast his vote for General Lewis Cass, for President. He had many distinguished friends, among whom were George W. Jones, Augustus C. Dodge, George G. Wright, James Harlan and Governors Stone and Kirkwood.

In closing this brief sketch, I cannot forbear giving the following excerpt from the remarks of General James B. Weaver, at the Reunion of the Pioneer Law Makers' Association of 1906:

In my childhood, my early boyhood, I became acquainted with Dr. John J. Selman. He was an active, hard working man all his life, and generous to a fault. He was physically the most perfect, and I think the handsomest man I ever saw. When I first knew him I was a boy about twelve years of age, and was electrified by the appearance of the man, his great personal beauty and symmetry and intellectuality. He was as bright intellectually as he was handsome and perfect physically; a very rare specimen of manhood. There never was a time, no difference how bad the weather, how stormy or inclement, or the condition of his health, that he ever refused to go to the poorest cabin in Davis County, and that characteristic kept up to his death. For a month or two before that event he was unable to go down to the drug store, but the patients would visit him, and while lying on his cot, unable to rise to his feet, his mind perfectly clear, he would examine them, diagnose their case, and prescribe for them. It was my good pleasure to visit him about a month before he died. He received me with that same genial smile, that same pleasant voice—the voice never lost its charm—received me with a handshake and said, "I am in a bad fix. I shall never get well; but it is all right, for I have had a long life." He was as cheerful as a child. He was a very remarkable man. He might have been almost anything.

Samuel A. Moore came to Davis County in 1853, and from that time until his death, in 1905, his name was closely entwined with its history. He was widely known throughout the State. We served as fellow members of the State Senate, in 1866, where he was distinguished for both his usefulness and his eloquence. He had been among the bravest of the brave as a soldier and officer in the Civil War. Of him, General Weaver, in connection with his remarks touching Dr. Selman, said:

Our lives were very intimate in the active days of his manhood. He enlisted with me in the same company. We went to the service together. He was right by my side at the charge upon Fort Donalson and with me leaped over the breast-works. He lived a long, useful and honest life. The country owes him a debt of gratitude which it can never repay. He was a noble patriot, broad in his life, broad in his love for the world and in his love for his neighbors. I saw him shorn down on the battle field of Shiloh—shot through both legs with a minnie ball.

The enemy was so close that we could hear the command of the enemies' officers to "Shoot low" for fear of shooting their own men.

In this condition, amid shot and shell, the heroic Weaver took him in his arms and, with the assistance of another man he called to his aid, bore him away from the galling fire in a fainting condition. Colonel Moore was a small man, slight in figure, but what he lacked in physique, he made up in a heroism that was a part of his being.

He was fond of the pioneers and loved to dwell upon the scenes of the past. He had a lively imagination, a really poetic nature. Some of his impromptu addresses, especially those at the meetings of the Pioneer Law Makers' Association, might well constitute the bases of real poetry. In proof of this, I venture to give some extracts. At the meeting of the Pioneer Law Makers' Association in 1898, he gave his recollections of pioneer days in Iowa, to which we all listened with delight. In speaking of his old associates, he said:

If they were not all of our own kindred and tongue, they were united to us by ties of companionship and association, by the incidents and struggles connected with the lives of the pioneers. Sacred be their memories. The peace of the Infinite Father who giveth His beloved sleep is theirs, and His loving arms are around them. The years of young manhood gave us health and strength to battle with the conditions incidental to the pioneer who sought to build a home for his old age in the wilderness of prairie that stretched beyond his vision and seemed boundless in its length and grand in its wideness, like the wideness of the sea. As the years wear on, and the wrinkles and crow's feet come to mark the flight of time, and the old arm chair and the slippers and hickory cane become fixtures beside the grated fire, my memory wanders back fifty years to the little cabin home that sheltered wife and children—the priceless treasures of my young manhood twining around my heart strings, with a strength of tenderness and comfort that gave me a measure of wealth and happiness which the king in his palace never enjoyed, though purchased with the revenue of an empire. The water on the prairies, filtering through the grass and settling in the draws and little pools, was clear as crystal and pure as if filtered through a bed of diamonds. There was no ague to be found there.

He was born at Lawrenceburg, Indiana, in 1821. His father died when he was but six years old; at eight he was apprenticed to learn the printer's trade, but after four years, he ran away from this service because of mistreatment. He had served long enough, however, to learn the art of typesetting, and in 1849 started a Whig paper called "The Spirit of the West," at Columbus, Indiana, and received the appointment of Postmaster, from President Fillmore. In 1850 he was elected to the Indiana Legislature. In 1851 he came to Davis County, Iowa, purchased some land and then went to St. Paul, Minnesota, whence in 1853 he moved to Davis County, bringing his family there from Indiana, and settling on the land he had before purchased. In 1855 he was elected County Judge. In speaking of that, he says:

I tried to fill that office to the best of my ability. The responsibilities that were placed upon the official under the old county judge system would come only to a man of empire today: The appointment of executors and administrators, the

guardians of children, the financial agent, the establishment of roads, levying of taxes, power to exempt whomsoever he would from the payment of taxes.*

As before stated, at the outbreak of the Civil War he enlisted in the military service, was commissioned Second Lieutenant of Company G, Second Iowa Infantry, afterwards Captain of his company, and as such, led it on the charge at Fort Donalson and in the Battle of Shiloh. In 1863 he was elected State Senator from Davis County, and served in the Tenth General Assembly. In May, 1864, he assisted in the organization of Company D, Forty-fifth Iowa Infantry, was mustered in as Lieutenant-Colonel, and served with the regiment until mustered out of service. By his re-entering the service there became a vacancy in the Senate, and in the election which followed he was again chosen and served in the Senate of the Eleventh General Assembly. In 1879 he was elected Postmaster of Bloomfield.

When he was eighty-one years of age, and in his eighty-second year, in 1902, he was elected to and served in the Twenty-Ninth General Assembly.

This is the only instance in the history of this State and probably of any other, where one advanced to so great an age ever received a fresh nomination and election to the Legislature. At the reception of the Pioneer Law Makers' Association by the Legislature in 1902, before mentioned, he thus explains the matter:

My old-time friends in Davis County came to me and took me by the hand and said, "Moore, you have looked us fair and square in the face for fifty years, and we would like to make this the crowning act and glory of your career." That is why I am here today.

Referring to the members of the Pioneer Law Makers' Association, he continued:

I thank you for the interest you have taken in this garrulous story in behalf of my old comrades here, these old men who are simply standing in the twilight waiting for the dawn.

It is pleasing to write of *O. D. Tisdale*, for he was one of the most interesting of men. One of the early residents and merchants of Davis County, he removed to Ottumwa, in Wapello County, where he engaged in the mercantile business some fifty years ago. He was large bodied and became very corpulent. He had a large head, dark hair and eyes, a full beard save the upper lip, and an expressive countenance and pleasing address. He had intellectual faculties of a high order, and had he been trained to literary or professional pursuits, would, in my opinion, have distinguished himself. He had read much. He was highly reminiscent, had a keen sense of wit, was fond of anecdotes and could narrate events both comic and serious with great interest to his listeners. In short, he was an original character and an original thinker. His fund of stories and incidents relating to pioneer life in Davis County was inexhaustible. They were invested with such piquancy and told with such spicy clearness, that they never failed to interest. He wore spectacles, and in

* Proceedings Pioneer Law Makers' Association, 1902, page 107.

general appearance, bore a striking resemblance to Edwin M. Stanton, President Lincoln's Secretary of War. Of this I can personally testify, having seen them both.

O. D. Tisdale was an influential leader of affairs in both Davis and Wapello Counties. He was born in 1822 in Jefferson County, New York. The family moved to the adjoining County of Lewis. He was educated in the common schools and in Lowville Academy, of Lowville, New York. In early life he went South and taught school in Tennessee and Alabama. He came to Davis County, Iowa, in 1849, first locating in Troy, and entered into the mercantile business. He subsequently removed to Bloomfield where he carried on a like business. He removed from there to Ottumwa in 1865, where he continued to reside until his death in 1891. While a resident of Davis County he was elected to and served in the State Legislature. While a resident of Ottumwa he was twice chosen its Mayor, and served with efficiency. He was a forceful public speaker, had a remarkable memory, and an excellent command of language.

The initial "D," in the name of O. D. Tisdale, was generally supposed to stand for Daniel, and he was always known and referred to as Daniel or "Dan" Tisdale, and I never had any other idea until I was informed by his son, Judge Tisdale, that his name was not Daniel at all, that his full name was Orin Drake Tisdale, and that he became known as "Dan" Tisdale from the following circumstance, as thus related by his son:

In early life, when he went from his old home in New York to Tennessee, he had a small hair-covered trunk, and had his initials on top of it, "O. D. T." In Tennessee someone asked him what O. D. T. stood for, and he good naturedly replied, "Old Dan Tucker." The name "Dan" stuck to him all through his after life from this characteristic incident.

His wife was a sister of Charles Baldwin, one of the early and well-known lawyers of Keosauqua and Southern Iowa, and father of W. W. Baldwin, an eminent member of the Burlington Bar. Mr. Tisdale left surviving him, two daughters and four enterprising sons. One of these was W. D. Tisdale, who became a prominent lawyer and jurist. I knew him from the time he was a very young man. He was well educated and a close student. Soon after his admission to the bar he became a partner of the learned and able William McNett, of Ottumwa. Mr. McNett had an extensive practice and this association early brought Mr. Tisdale actively into the professional harness. This partnership continued until the election of Mr. Tisdale as Judge of the District Court, a position which he highly graced. He declined a second term and returned to the practice in which he is still actively engaged at Ottumwa.

John Judson Hamilton was born at Harrisville, Butler County, Pennsylvania. In the spring of 1866 the family removed to Davis County. In 1871 he entered the State University of Iowa at Iowa City. In September, 1873, he was appointed

First Assistant Librarian of the University, which position he filled for five years. His first experience in journalism was acquired as associate editor and business manager of the University Reporter. In 1876 he represented the University as orator in the annual contest of State Inter-Collegiate Association at Cedar Rapids, being awarded the second honors. In 1877 he graduated, taking the degree of A. B. The next few months he devoted to sociological researches in the South, traveling nearly 1,000 miles afoot through Mississippi, Alabama, Georgia, Tennessee and Kentucky, giving special attention to the condition of the freed men. Returning North in the fall, he continued to act as librarian of the University, and prosecuted the study of law, besides teaching in the Iowa City High School. In 1867 he went South again and made an extended study of the condition of the colored people of Southern Virginia, remaining in Dinwiddie County for the purpose, until December. Returning to Iowa, he took editorial charge of the Davis County Republican and continued to fill that position for several years. In June, 1880, he took the degree of A. M., at the State University. In the fall of 1881 he was the Republican candidate for the Lower House of the State Legislature, from Davis County.

He subsequently removed to California. He was for some time a member of the Board of Education of Pasadena, secretary of the Board of Freeholders of Los Angeles, and now in his advanced years, occupies the responsible position of a member of the Board of Supervisors of Los Angeles County. He has given special attention to and is regarded as an expert in municipal legislation and government. He is the author of the first published work on commission form of government, entitled "The Dethronement of the City Boss." By his high character and attainments he has won the confidence and esteem of the people of Los Angeles County, and they have honored him accordingly.

The sketch of James B. Weaver will be found elsewhere by reference to the index.

CHAPTER XXII.

APPANOOSE COUNTY.

Amos Harris, Harvey Tannehill, F. M. Drake, W. F. Vermillion, Andrew J. Baker, M. M. Walden, Nathan Udell, George D. Porter.

Amos Harris is a striking figure in the history of his time. He played an important part in shaping the early institutions of the State. He was a prominent member of the Convention which framed the Constitution of 1857, and to his hand may be traced many of its wise provisions. He was among the last survivors of that notable body. His name brings before my mind a panorama of long distant events and the host of my early contemporaries that have passed from earthly scenes. Grand old Amos Harris! But he was not old when I first met him, for he was only thirty-six. It was in 1858. He had just been elected the first District Attorney of our District under the constitution which he had helped to frame. Once seen and heard at his best, he would never be forgotten. He was unique in appearance and sometimes picturesque in action. He was tall, angular, rather thin-faced, with a full beard, abundant hair, and sharp penetrating eyes. In his ordinary bearing he was mild and amiable, but when fully aroused in an important case, he was a power, and sometimes a dramatic one that never failed to stir the jury. With his tall form heightened to its utmost, his long arms raised in spirited gesture, his glowing figures of speech uttered in a voice that was sonorous, he more than once reminded me of the picture Bulwer has drawn of Rienzi. In one of my earliest cases he gave me good reason to remember him in this light. I may be pardoned in relating it for the illustration it affords. David P. Inskeep, one of the early wealthy settlers of Wapello County, when well along in years, became enamored with and married the mother and chaperon of a noted family of singers who were touring the country, among whom were her three accomplished and beautiful daughters. Pursuant to the marriage arrangements, these daughters became a part of the family and abandoned their professional touring. Things went on serenely for a while, and the mother and daughters desiring to replenish their wardrobe, went to Burlington and made a bill of several hundred dollars for that purpose, with R. C. Kendall, a dry goods merchant, which, by direction of the wife, was charged to Mr. Inskeep. Subsequently Inskeep and his wife had a falling out and he refused to pay Kendall's bill, and it was sent to me for collection. I brought suit against

Inskeep. Harris was employed by him to resist the claim. Inskeep being a man of means and influence, I thought the goods were suitable to the condition of the family, and that my case was an easy one, and having in the trial proven the purchases, and in a general way the circumstances and standing of the defendant, confidently submitted my case to the jury in a brief opening. Harris followed me, and as he gradually proceeded to show that the purchases were not in keeping with the defendant's plain style of living and could not be properly regarded as family necessities, I began to be fearful of the result; and when in the full force of a dramatic climax he derisively declared them "mere frippery, mere frippery, to bedeck these wall flowers! these wall flowers! these wall flowers!!" raising his voice and turning with each inflection, I gave up the case as utterly lost—and it was, beyond retrieve. More than fifty years have passed, but I can see and hear Amos almost as plainly as in my discomforture, I did then.

In disposition, he was one of the kindest and most lovable of men; true to his friends; enemies, he had none. His character was above reproach, his integrity spotless. As a lawyer, he was able, an honor to the profession. As District Attorney, he dignified the office. While he vigorously prosecuted those whom he believed guilty, he never stooped to persecution or abuse. He had a keen sense of humor and loved an apt anecdote. I once heard him tell this one, illustrative of the time when county candidates, both small and great, went around with their opponents, through the different townships to show themselves and talk to their constituents. In the canvass for the adoption of the Constitution of 1857, one of the candidates came to Amos for advice as to what he should say in regard to one of its provisions that was likely to come under discussion. Amos told him that in the published constitutional debates, a copy of which he would lend him, he would find what he himself had said on that point in the convention, that it was compressed in a few lines, contained the essence of the argument in a nutshell, and suggested that the candidate commit it to memory and when the time came, use it as the expression of his own views. The directions were followed by the candidate, but in committing it, he not only included what Harris had expressed, but the prefatory words of the reporter of the debates, viz: "Mr. Harris arose and said:," and when the time came for the candidate to give his views, he commenced, "Mr. Harris arose and said," etc.

He filled, with honor to himself and the State, other offices than those mentioned. He was twice elected Prosecuting Attorney of Appanoose County under the old system, first in 1849 and again in 1851. In 1852 he was elected to the House of Representatives, and in 1854, County Judge. He was born in Madison County, Ohio, in 1822, located in Centerville in the first year of the State, and was the first lawyer in Appanoose County. With its earliest, and for many years its subsequent history, his name is imperishably interwoven, as it is with that of the State.

In his declining years he removed to Wichita, Kansas, to be with his son, Kos Harris, who is now, and for many years has been, one of the noted and best-known lawyers in Kansas. Here Amos died. The last time I saw him was after my removal to Kansas City. My office door opened, and there stood Amos with outstretched hands which I grasped in my own, as he exclaimed in his hearty manner: "Ed Stiles, I am delighted to see you once more." I introduced him to Governor Crittenden, my law partner, and we all lunched and had a charming visit together.

Harvey Tannehill was the next lawyer of note in Centerville after Amos Harris. He, like Harris, was a native of Ohio and born the same year, in 1822. Judge Tannehill succeeded Judge Trimble and proved one of the best judges in the history of the Second Judicial District. He was elected in 1866 and served the full term. I tried a good many cases before him, and whether successful or defeated, I never found the least cause to complain of his rulings or his conduct. He had a judicial temperament that might well be termed perfect. He was constitutionally fair, deliberate, patient, a good listener, and evinced not the least bias during the trial. He was exceedingly painstaking and careful in drawing his instructions to the jury, and scarcely any case was reversed in the Supreme Court on account of his erroneous rulings. He was a highly conscientious man in every respect. He was reared on a farm in the early days of Ohio. His early advantages had been very meagre, but he was a natural student, a self-made man, and by dint of persevering effort, became quite a cultured one. He was not only an excellent judge, but a wise and safe counselor, one of the soundest lawyers in the State.

He came to Appanoose County and located in Centerville in 1851. He and Harris were the leading lawyers of the period. They were both rugged characters of the old school, and of the early time. At the July term, 1884, I was sitting in the Supreme Court room at Des Moines, when he appeared there in one of his cases, and as he stood before me, I made the following note of his appearance, which I have preserved to the present time:

Judge Tannehill is tall, over six feet, full habited, erect; a large head with high front, light complexion, light eyes, full shock of light or sandy hair cut rather short, combed up and not parted; weight about two hundred pounds; age sixty-two years, a fine looking specimen of manhood.

Before he became District Judge he had been honored by the conferment of other offices. He had been Prosecuting Attorney of the County from 1854 to 1856, and County Judge from 1856 to 1860. Prior to his election as District Judge, he had built up a fine practice for that time, which, after his retirement, he resumed in partnership with Thomas M. Fee, who afterward became a Judge of the District Court. This partnership continued for many years and until Mr. Fee went on the bench. Subsequent to that, he was for a time in partnership with Captain W. F. Vermillion. In his latter years, Judge Tannehill removed to Eureka Springs, Arkansas, where he died some years ago.

General Francis M. Drake is so much a subject of general history, that I must content myself in making a mere epitome of his career in this sketch. I knew him from an early day, and I knew his father, John A. Drake, who founded the town of Drakeville, in Davis County. General Drake was born in Rushville, Schuyler County, Illinois, in 1830. When he was six years of age the family removed to Fort Madison, Iowa, and in 1846 to Davis County, where Francis and his brother, John, engaged in the mercantile business in the town which their father had founded. He sprang from a physically strong and heroic stock. I recollect his father as a broad-shouldered, round-bodied, strongly built man. He then kept the principal, and I think, the only store in Drakeville. The strength and endurance of General Drake was, as indicated, hereditary, though he was not quite so robust in appearance as his father. The hardships he endured, however, aside from those of the war, were enough to break a more than ordinary constitution. General Drake, when very young, made two overland trips to California, replete with hardships and dangers. When he was twenty years of age he was fired by the excitement following the discovery of gold in California, and fitted out ox teams to make the overland journey. At the Missouri River his little company was joined by other teams and men who organized for mutual protection against the hostile Indians. In crossing the Platte River an Indian attack upon the cavalcade was threatened, and young Drake was given the command. The Indians were driven back, and the cavalcade proceeded in safety to California. Upon his return from California in 1852, he was attacked by fever in crossing the Isthmus of Panama, but recovered sufficiently to reach home after considerable delay. In 1854 he determined to make a second overland trip to California, which he did, and while returning, was shipwrecked, rescued and reached home with difficulty.

General Drake removed to Unionville in Appanoose County, where he engaged in merchandise and dealing in live stock until the commencement of the Civil War, in 1861. When Fort Sumter was fired upon in the spring of that year he raised a military company at Centerville, which was furnished with arms by the Governor, and Drake was captain of the company and drilled it during the summer. In September of the same year Southern Iowa was invaded by the rebel, General Patten, and Governor Kirkwood called out troops for its defense, which Captain Drake joined with his company and marched into Missouri. He was made Major, and taking command of sixteen companies, pursued General Patten as far as St. Joseph, where he met General Prentiss, who sent him to the command of Iowa, Ohio and Kansas troops. He was in this command when Colonel Mulligan surrendered at Lexington. In September, 1862, he was commissioned Lieutenant Colonel of the Thirty-Sixth Iowa Infantry and served in that capacity until he was breveted Brigadier General for meritorious services, and continued in the field until mustered out after the close of the war. As a military commander, he displayed both daring and skill. He participated in many battles and expeditions, and distinguished himself

by his gallantry on every occasion. At the Battle of Marks Mills he was in command of the second brigade of General Solomon's division and, with 1,000 men, fought the rebel General Fagan, who had a greatly superior force. General Drake's horse was shot in five different places and he, himself, so severely wounded as to be thought beyond recovery. He fell from his horse and was captured, but was immediately paroled on account of his condition, which was thought to be hopeless.

When he entered the service he left his family at Centerville, and at its close, returned to his home there. He had read law before entering the army. He resumed the study upon his return and was admitted to the bar at Centerville in 1867. For some three years he was associated with Amos Harris in the practice, under the firm name of Harris & Drake. In 1871 he engaged in building a railroad, in which he displayed great force and ability and made great success. He organized what was known as the Missouri, Iowa and Nebraska Railroad and built its line to Centerville, the cars entering Centerville in December, 1872. In this enterprise he displayed energies that attracted wide attention. He was made President of the company, and acquired an immense fortune. In 1875 he resumed the practice at Centerville, in partnership with General Andrew J. Baker.

General Drake was a man of genuine merit, and had he adhered to the profession, he would, in my opinion, have been one of the greatest lawyers in the Northwest. He was rugged and frank in character. He carried much of the homeliness of the old-fashioned pioneer. The wealth he had amassed in railroad enterprises did not change his character or habitudes. It had been gained by the legitimate exercise of his extraordinary energies. He remained plain, natural, unassuming to the last. He had been without many opportunities of education and deeply lamented the loss of it. Instead, therefore, of absorbing his wealth by other pursuits, he was the principal factor in establishing what is now Drake University at Des Moines. General Drake, Professor George T. Carpenter, afterward Chancellor of Drake University, and Elder D. S. Lucas, of the Christian Church, were the founders of the Drake University, but General Drake was its principal donator, and it was given its name despite his protest.

In 1895 he was elected Governor of Iowa, and gave the State a good administration. He died like a soldier, a philanthropist and a Christian gentleman, in November, 1903.

W. F. Vermilion, *Captain Vermilion*, as he was familiarly called, and of which he had well earned the title during the great Civil War, was among the early settlers and became one of the prominent lawyers of Appanoose County. He located at Iconium in 1857. It was here that I first became acquainted with him. He was a native of Kentucky, where he was born in 1830, and his easy manners and good fellowship were characteristic of that State. He was, in all respects, a

lovable gentleman. He had been a physician and surgeon of distinction, a heroic soldier, an influential legislator, and finally a lawyer of ability and wide repute.

He was educated as a physician, graduated at Rush Medical College, Chicago, came to Iconium and established himself in his profession and followed it for several years with marked success. But the appeals of patriotism proved stronger than those of his profession, and early in the Civil War he entered into the service of his country by raising a military company, which became Company F, of the Thirty-Sixth Regiment of Iowa Infantry, and of which he was elected captain, and gallantly served as such through the war.

At the close of his military services he concluded to fit himself for, and enter the legal, rather than return to the medical profession; following in this respect the course of Samuel F. Miller, Justice of the Supreme Court of the United States, and of that equally distinguished lawyer, Judge John F. Dillon, who were both doctors and practiced several years before they became lawyers, as will be seen by reference to their sketches elsewhere contained in this volume.

He accordingly entered upon the study of his new profession, and in 1868 was admitted to the Centerville Bar and commenced practice. His rise was rapid, and in a few years he ranked among the ablest members of the district bar. Upon this point Judge Robert Sloan, for very many years an ornament to the bench of that district, at the memorial services held on the death of Captain Vermilion, said, that though Vermilion had been only a few years at the bar when he met him, in 1873, "he was in the enjoyment of a large and lucrative practice, such as most lawyers only attain in half a lifetime."

Principal factors in this rapid advancement were doubtless his spirit of industrious research, his trained mind, his quick and solid common-sense, his knowledge of men, his popularity with the soldiers, and his unflinching courtesy. In addition to these qualities he had a happy gift of speech; he knew how to touch the sympathies and the symphonies of human nature, that pathos in the breast of others that he carried in his own, and was a persuasive advocate, as well as a good reasoner. Judge Sloan, who had known him well, said of him on the occasion before referred to:

He was naturally a ready and fluent speaker and often eloquent in addressing a jury. In discussing questions of law he was clear and forcible, and his arguments exhibited painstaking study of the principles involved and the authorities supporting them.

In 1869 he was elected to the State Senate and took a prominent part in the legislation of the Thirteen General Assembly.

Had he lived longer he would doubtless have attained a still higher rank, for he died in what might be said his prime, at the age of sixty-four, in 1894. He was succeeded by his son, Charles W. Vermilion, the able Judge of the District Court of the Second Judicial District.

Andrew J. Baker was one of the early lawyers of Appanoose County, who became distinguished. He was born in Marshall County, Virginia, in 1832. The family subsequently, in 1883, removed to Butler County, Ohio, and in 1848, to Burlington, Iowa. His early education was acquired in the common schools, and at Furman's Academy in Butler County, and after he came to Iowa in Howe's Academy, now the Wesleyan University at Mt. Pleasant. He was a member of the first class formed in that institution. He taught school for two or three years, and then commenced the study of law under and in the office of C. B. Darwin, a distinguished lawyer of Burlington, was admitted to the bar in 1855, and entered the practice at Winterset, Iowa. He there became the law partner of H. J. B. Cummings, afterward a member of Congress from that district, and continued the practice until the commencement of the Civil War, when he organized a part of Company E, of the Seventeenth Iowa Infantry and became its First Lieutenant, serving and participating in its different battles until he was obliged to resign on account of disability in 1863. His record as a soldier is an excellent one, distinguished by exalted courage. At the close of his military service, he removed to and entered upon the practice at Lancaster, Schuyler County, Mo. Prior to the war he was a Democrat in politics, but on the occurrence of that event, he joined the Republicans. In 1868 he was chosen as one of the Presidential electors on the Republican ticket, and in the same year was elected to the Legislature of Missouri, and was recognized as one of its ablest members. He took a leading part in submitting an amendment to the Constitution, repealing what was known as the "iron clad" oath. He was classed as a liberal Republican, and was opposed to the disfranchising amendment to the Constitution. In 1869 he was elected Attorney-General of the State of Missouri on the ticket headed by B. Gratz Brown, the liberal Republican candidate for Governor. This gave him the title of General, which stuck to him throughout his life. He discharged the duties of that office to the end of the term with signal ability. In 1875 he removed to Centerville, Iowa, and entered the practice, in partnership with Francis M. Drake, who subsequently became Governor of the State, under the firm name of Baker & Drake. In 1884 he was elected Attorney-General of Iowa, and at the end of that term was re-elected. He performed the duties of that high office in a manner highly honorable to himself, and satisfactory to the people. From the time of his election as Attorney-General of the State, he became a resident of Des Moines, forming a partnership with Judge Charles A. Bishop and Alvin A. Haskins. In 1892 he returned to and resumed the practice at Centerville, in partnership with his son, Clarence A. Baker, where he died in 1911. He was not only a learned lawyer, but a legal writer of note. He was the author of the Injunction and Abatement Laws in Iowa, and of Baker's Annotated Constitution of the United States. I became acquainted with him soon after he came to Centerville, which was in my judicial district. His career was a successful one; as beneficial to the commonwealth, as it was honorable to himself. He was

rather stout and not above the medium in height, as I recollect him. His integrity was unquestioned and his character without a blemish. He was a man of kindly ways and accommodating disposition.

Madison M. Walden was the seventh Lieutenant-Governor of Iowa, in 1870 and 1871, but before the expiration of his term, he was nominated and elected to Congress from his district, and served in the Forty-Second Congress. Before that he had represented Appanoose County in the House of the Eleventh General Assembly, in 1866; in the State Senate of the Twelfth General Assembly, in 1868, and as Lieutenant-Governor, was the presiding officer of that body in the Thirteenth General Assembly, in 1870.

My acquaintance with him began while we were members of the Eleventh General Assembly. He represented Appanoose County in the House, and I, Wapello County in the Senate. We were appointed a joint committee on the part of the House and Senate to visit the Iowa Hospital for the Insane at Mt. Pleasant, and report its condition to the Legislature. We were several days together on this mission, and became quite closely acquainted. He was a pleasant companion. He had light hair, eyes and complexion. Ordinarily he was quiet, undemonstrative and unaggressive, but he lacked neither courage nor patriotism, for he was a valiant soldier, and served throughout the war, first as captain in the Sixth Regiment of Iowa Infantry, and later as captain in the Eighth Regiment of Iowa Cavalry. While serving in the latter position, he with a number of his comrades, was taken prisoner at the Battle of Newman, Georgia, and confined in the loathsome prison of Andersonville, the horrible character of which, and the sufferings of the men, he vividly described in an article which appeared in the Iowa State Register of March 6, 1885, which I have before me and which well illustrates the vigor of his pen.

Later in life, in 1890, he was again elected to the Legislature from Appanoose County, and soon after the close of this service he received an appointment in the Treasury Department at Washington, where he died in 1892.

He, as well as his father and mother, were natives of Adams County, Ohio. He was born in 1836. In 1852 the family removed to Lee County, Iowa. Governor Walden was a refined and educated gentleman. He was a graduate of Denmark Academy, attended the Wesleyan University at Mt. Pleasant, and finally graduated from the Wesleyan University at Delaware, Ohio. After the close of the war he became the proprietor and editor of the Centerville Citizen, and made it a newspaper of great influence. This connection continued until 1874, when he sold the paper to other parties. He was an able editor, a useful legislator, an efficient public servant, a worthy and highly honored citizen, who did much in shaping the early affairs of Appanoose County and the State.

I cannot leave Appanoose County without saying a word of Dr. Nathan Udell,

one of the first settlers, and perhaps, the first physician of the County, for he came there in 1849. He was beloved by the early settlers. He was not only a good doctor, but a kindly and humane one, who, through the long years, and until the infirmities of age prevented, never failed to respond to the call of the sick, despite wind and weather, and whether the patient was able to pay or not. He was born in Susquehanna County, Pennsylvania, in 1817. There he was reared and educated, and after thoroughly fitting himself for the medical profession, came to Centerville in the year before stated.

He was a man of broad views and wide observation. He took an early part in the public affairs of the County and of the State. He became prominent in this respect, as well as in his profession. In the fall of 1853 he was elected to the State Senate, representing Appanoose, Wayne and Decatur Counties, and served in the Fifth General Assembly, which convened at Iowa City, December 4, 1854. In the fall of 1859 he was again elected to the State Senate, representing Appanoose County, and served in the Eighth General Assembly, which convened at Des Moines on January 8, 1860, and in the extra session which convened on the Fifteenth of May, 1861. He also served in the Senate of the Ninth General Assembly, which convened on the Thirteenth of January, 1862, and in the extra session which convened September 3, 1862. During the Civil War he was appointed and served as Surgeon of the Seventh Regiment of Iowa Infantry for some time. At the close of this service he was again nominated and elected to the State Senate, and served in the Tenth and Eleventh General Assemblies. I came to know him well and greatly admired him for his many good qualities. He was altogether one of the most reasonable and lovable men I have ever known. His entire legislative service was highly useful to the State as an influential factor in shaping its early laws and institutions. He lived a long and beneficent life, dying in 1903, in the seventy-seventh year of his age.

George D. Porter strongly impressed me as a man of ability the first time I saw him, some forty-five years ago. He had come from Moulton, where he lived, to attend our court at Ottumwa. He argued some case to the court with so much clearness and force that it attracted my attention, and I set him down as a man of decided ability, and so he was regarded by his legal brethren generally.

He was the son of a Presbyterian minister, and was born in Pennsylvania. He moved with the family, when a mere lad, to Central Iowa. He was a thoroughly self-made man and made his way unaided from the time he was sixteen years of age. He taught school for a time, studied law with Judge Dunn, of Richmond, Mo., was admitted to the bar, and in 1870 came to Moulton, Iowa. He removed from there to Centerville in 1878. He practiced law in Appanoose and adjoining counties, and took rank as a lawyer of extraordinary ability in that part of the State up to the time of his death, which occurred in 1899.

He was succeeded by his son, Claude R. Porter, who became highly distinguished both professionally and politically. He studied law under his father and entered into partnership with him after his admission to the bar. In 1895 he was elected to the House of the Legislature, re-elected in 1897, and in 1899, to the State Senate. He was a Democrat in politics, and in 1899 he was a candidate of his party for State Treasurer, in 1902 he was elected County Attorney, and in 1906 was the Democratic candidate for Governor of the State and ran far ahead of his ticket, but was defeated by the Republican candidate, A. B. Cummins. From this it would seem that the intellectual mantle of the father had fallen upon the shoulders of the son.

CHAPTER XXII.

OSKALOOSA.

Micajah T. Williams, William H. Seevers, William T. Smith, Stephen B. Shelleday.

Micajah T. Williams was one of the early lawyers and the first Clerk of the District Court of Mahaska County. He was born in Butler County, Ohio, in 1820. During his boyhood the family removed to Indiana, where young Williams was reared and educated in the common schools. Returning to Ohio, he studied law in Cincinnati and afterward graduated at the law school of that City. He was admitted to the bar in 1842, and the same year came to Mt. Pleasant, Iowa, and formed a legal partnership there with George W. Teas, one of the early lawyers of Henry County. This partnership lasted a little more than a year, and late in 1843 or early in 1844 he came to Mahaska County. In the spring of the latter year he was appointed and became the first Clerk of Courts, and as such in connection with the Sheriff, organized the County. He continued in this position for several years. In the fall of 1853 he was elected to the House and served in the Fifth General Assembly, which convened at Iowa City December 4, 1854. Reuben Noble was Speaker of the House, and Charles C. Nourse, Clerk. In 1854 he formed a legal partnership with William T. Smith. In 1858 he formed a partnership with Judge William H. Seevers, which continued for many years. He afterward was associated with Liston McMillan in the practice. In 1861 he was again elected to the Legislature. He subsequently filled several positions of public trust, and was for several years a trustee of the Iowa Hospital for the Insane at Mt. Pleasant.

I became acquainted with Judge Williams, as he was commonly called, soon after the commencement of his partnership with Judge Seevers. He was one of the most influential men of Mahaska County during its early period, and exercised a dominant influence in shaping its affairs. He was resolute in character and appearance. He was tall and commanding, with a high forehead, a full beard, save the upper lip. He was strong intellectually and physically, and to him Mahaska County is greatly indebted for his long and useful services. He was the soul of honor and trustworthy in the highest degree.

William H. Seevers was a Virginian by birth, where he was born in 1820, in Shenandoah County. His father, James Seevers, was a soldier in the war of 1812, and came with his family to Mahaska County in 1843. His son, William H., came there the following year. He was admitted to the bar in 1846, and was one of its first lawyers. His father's family consisted of eight sons and two daughters, one of the latter of whom became the wife of Micajah T. Williams.

In 1848 he was elected Prosecuting Attorney of the County. In 1852 he was elected Judge of that Judicial District, and served with marked ability. In 1857 he was elected to the Lower House of the Seventh General Assembly, representing the counties of Mahaska, Iowa and Poweshiek. This was the first meeting of the Legislature at Des Moines, which had become the new capital, and the first after the adoption of the constitution of 1857, which made great changes in the organic law of the State. It became necessary to reorganize the entire system of state government, and provide a new code of civil and criminal practice. The House numbered among its members many able lawyers and legislators. On the Republican side Judge Seevers was regarded as a leader and made chairman of the Judiciary Committee. There was a general understanding among the members, that owing to the radical changes made by the new Constitution, all important bills should be submitted to the Judiciary Committee for examination. Judge Seevers examined carefully every bill submitted to his committee, and when its approval was given to any measure, it was passed. It is said that the Seventh General Assembly had to enact more laws of importance than any of its predecessors or successors. The position of Judge Seevers, therefore, was an arduous one, but his superb legal mind enabled him to perform all its duties in the most satisfactory manner. The laws placed on the Statutes of Iowa by that assembly have, to a large extent, survived to the present period, and much of their perfection can be traced to the clear and controlling mind of William H. Seevers.

As a lawyer, he had few equals in Iowa or any other state. He was not only a jurist, but a trial lawyer of the first order. Living in adjoining counties, I became acquainted with him early in my professional career.

The last time I saw him in a trial court was when we were associated in a somewhat noted blackmailing case, brought against Dr. Paul Castor, and tried in the District Court at Ottumwa, some forty years ago. We represented Doctor Castor in the defense, which proved a successful one. In 1872 Judge Seevers was a delegate to the Republican National Convention. He was appointed one of the commissioners to revise the laws, which became the Code of 1873. To show his characteristic industry in this work, and the pains he took to gather helpful information in regard to it, I may be pardoned for subjoining the annexed letter, written to me by Judge Seevers:

Oskaloosa, Iowa, December 14, 1870.

Dear Sir: If the Commissioners of Revision can get a few suggestions from you where the code can be amended, they will be greatly gratified.

I know you can give us valuable aid. Can't and won't you take the time?

Respectfully,

W. H. Seevers.

In the fall of 1875 he was elected to the House of the Sixteenth General Assembly, where his fine legislative abilities were again conspicuously displayed. In 1875 he was appointed a Judge of the Supreme Court to fill a vacancy, and in the fall of the same year was elected by the people, and was continued to be elected and served until 1888, and would have been again nominated and elected had he not been with the majority of the court in holding the Prohibition Law of the State unconstitutional, on the ground that it had not been submitted to a vote in accordance with the law governing the subject. This decision, in my opinion, was correct; at any rate it was the result of the fair and honest judgment of judges as pure and unsullied as ever graced the bench of this or any other land. It did not, however, suit some of the leading papers and politicians who were urging the Constitutional Amendment, and they at once proclaimed that every one of the judges who composed the majority of the court, should be retired at the next election; and they were. No greater act of injustice was ever done, or more regretted that it had been done, in after years.

Judge Seevers was a grand man, whose pure character and eminent services gave real distinction to the State. He died at his home in Oskaloosa, in 1895.

William T. Smith was not only one of the early lawyers and public men of Mahaska County, but a most important factor in its early and medieval history. He was a native of Pennsylvania, where he was born in 1824. When a boy he moved to Xenia, Ohio, with his parents, where he was reared and educated. He was admitted to the Bar of Ohio in 1847, and the following year came to Oskaloosa, Iowa, and entered upon the practice in partnership with William H. Seevers. Mr. Smith was always a Democrat of the old and patriotic school, and as such was elected and became the first prosecuting attorney of the County, in the first year of his arrival at Oskaloosa. His partnership with Judge Seevers continued four or five years. He was later associated in the practice with William Loughridge, subsequently judge and member of Congress. After the dissolution of this partnership, he formed one with Micajah T. Williams, under the firm name of Smith & Williams. In addition to their legal business they engaged in that of banking. In 1857 Mr. Smith retired from the firm and became the sole proprietor of the banking house of William T. Smith & Co. In this new pursuit he and his firm were prominent for many years.

In addition to his being the first prosecuting attorney, he filled other offices of public trust, and always with fidelity and efficiency. For several years he was president of the school board, and as a member of the board he rendered valuable services to the cause of public education. He was a large subscriber towards founding Oskaloosa College. He was greatly interested in the promotion of agriculture

and was an influential member of the State Agricultural Society. He was four times elected Mayor of Oskaloosa, in 1853, 1856, 1857 and 1872. For two years he was President of the Iowa Central Railroad Company, and was largely instrumental in the construction of the road and its final success. He engaged to a considerable extent in railroad building and took an active part in all projects in that behalf tending to benefit his County and that part of the State. But his efforts were not confined to this limit or this time, for as late as December 8, 1899, he wrote me at Kansas City, where I then resided, a letter in which he stated:

I am now making an effort to organize the "Continental Railroad Company," for the purpose of building a line near the 59th parallel to connect with the Ontario and Red River Railroad in Canada (which gives connection with Winnipeg, Lake of the Woods, and the Canadian Pacific) and Kansas City.

He asked me my opinion of certain men in Missouri, whom he desired to associate with himself in this enterprise. This letter was written from 919 Grove Street, Des Moines. Whether in his latter years he had moved there or not, I am unable to say.

I have spoken of his participation in local banking at Oskaloosa, but his activities had a wider scope than this. He was one of the organizers and directors of the State Bank of Iowa, and was Cashier of the Oskaloosa branch, James Rhinehart being President. He was regarded as one of its wisest directors.

As before indicated, William T. Smith was a Democrat in politics; but his unfettered patriotism was infinitely higher than political considerations. Upon the outbreak of the Civil War, and when the State was without funds to arm and equip its first volunteers, William T. Smith was one of the first to open widely his purse towards furnishing the needed funds.

In Governor Gue's article on Hiram Price, appearing in Vol. VI, Third Series of the Annals, p. 596, Governor Gue says:

Few citizens of Iowa, of the present generation, will ever know how loyally such men as Hiram Price, Ezekiel Clark, J. K. Graves, W. T. Smith, W. F. Coolbaugh, and a few other able financiers came to the aid of our State Government in those trying times. Young men were plenty in those days who were willing to risk their lives for their country, but capitalists who were as ready to risk their fortunes in behalf of the same good cause were not numerous.

In 1874 Mr. Smith was the Democratic candidate for Congress in the Fourth Congressional District. Madison M. Walden, of Appanoose County, who had been a soldier in the Civil War, and was then Lieutenant Governor, was his Republican opponent. The bitter feeling engendered against leading Democrats who had adhered to the fortunes of their party during the War, had not entirely died out, and it took but little to rekindle it. During the canvass the question was unfairly raised of Mr. Smith's loyalty, whereupon brave old Governor Kirkwood wrote him an open letter, in which he said:

Those who were charged with the duty of placing in the field the troops called

for from this State labored under very serious embarrassments during the first few months of the war. There was not any difficulty in raising the men. The difficulty was in raising the money to organize them and put them in the field. The United States could not then furnish the money and there was no money in the State Treasury. * * * In this emergency an appeal was made to certain citizens of the State. That appeal was promptly responded to by you and by others. * * * In short you were one of the few men through whose liberality and patriotism the State was enabled in the early part of the war to achieve for itself at home its reputation of being always ready, which throughout the war was well maintained at home and in the field. * * * You and I belong to different political parties, but I must wholly lose my self-respect before I can, for political or any other consideration, refuse to do justice to one who encouraged and aided me, at a time of public peril, when I so much needed encouragement and aid.

Very respectfully yours,

S. J. Kirkwood.

Stephen B. Shelladay was a man of great influence in the early affairs of the State. In my interview with James W. Woods, Iowa's first lawyer and familiarly known as "Old Timber," some thirty-five years ago, taken down in shorthand, and referred to in the sketch of that gentleman, he says:

Stephen B. Shelladay was one of Iowa's pioneers. He was born in Kentucky in 1802. He first settled in Jefferson County in 1843, but removed the following year to Mahaska County, and subsequently to Jasper County. He was several times elected to the Territorial Legislature, and represented Mahaska, Washington and Keokuk counties in the House of the Seventh Territorial Legislative Assembly, and the same counties in the Eighth Territorial Assembly. He was Speaker of the Lower House at one time. In 1858 he represented Jasper County in the Legislature and was elected Speaker of the House. He was a member of the First Constitutional Convention, in 1844, and a member of the Second Convention, in 1846, which framed the Constitution on which the State was admitted into the Union. From 1849 to 1853 he was United States Marshal. He was an old line Whig and did much in shaping the destiny of Iowa. He was a man of large influences and conducted the campaign that resulted in the election of James W. Grimes for Governor. He possessed a strong and vigorous mind and may be said to have been a rough diamond. To him and men like him Iowa is indebted for her present position. He died in 1870, of heart disease, when he was sixty-eight years of age.

This testimony of one of his old compeers and associates is fully confirmed by contemporaneous data that show that Shelladay was fully entitled to all the commendation that Woods gives him.

Shelladay was United States Marshal during the administration of Territorial Governor James Chambers. In a letter of Governor Chambers to William Penn Clark, dated July 10, 1845, he says:

My health is still going down, and at present is said to be affected by dropsy of the chest. I write with difficulty, and avoid it as much as possible. I hope poor Shelladay will be restored to health, but I have not heard from him since he went home.

Your friend,

John Chambers.

From this and other testimonials it appears that Shelladay's public services and personal qualities were virtues that greatly endeared him to his acquaintances.

Enoch W. Eastman, J. A. L. Crookham, John R. Needham.

Enoch W. Eastman was beyond question a unique personality in the early history of Iowa. His name is closely interwoven with it, and for half a century it

was "as familiar as household words." He was an original character; and a more perfect specimen of an old-fashioned, down East New Englander, in manner of expression and appearance, could not well be imagined. He was very tall—six feet and an inch—gaunt, angular, and his thin face was deeply pitted by smallpox. This dreaded disease came upon him in early manhood, and not only greatly disfigured his features, but impaired his health. His distinguished contemporary, Theodore S. Parvin, who was a great admirer of Eastman, says he was told by those who knew Mr. Eastman in his youth, that he was a handsome man, possessing regular features, remarkably fair countenance and a luxurious head of hair, and that a friend to whom Parvin related this, remarked that "if in the resurrection Eastman should come forth in his youthful beauty, none of his Iowa friends would recognize him.* His luxuriant hair he retained to the last.

He was among the first lawyers that settled in Oskaloosa. He came to Burlington in 1844 from New Hampshire, where he was admitted to the bar and practiced for four years before coming to Burlington. He remained in Burlington until 1847, when he came to Oskaloosa, and remained there until 1857, when he removed to Eldora, in Hardin County, where he died in 1885, in the seventy-fifth year of his age.

I became acquainted with him during the winter of 1864. He had been elected Lieutenant Governor in the fall of 1863, and I to the Legislature at the same election. As Lieutenant Governor, he was the presiding officer of the Senate, while I was a member of the House. He continued to be Lieutenant Governor until the inauguration of Governor Stone on his second election in 1866. I had been elected to the State Senate from Wapello County in the fall of 1865, and was present at the inauguration of the Governor. Lieutenant Governor Eastman presided over the Senate and over the joint conventions of the House and Senate to canvass the vote and declare the result before the inauguration of the newly elected governor and lieutenant governor. I mention this for the purpose of showing my means of observation and acquaintance. I may add that we were both New Englanders, which had a tendency to strengthen that acquaintance.

Returning to his early life. He was born in Deerfield, New Hampshire, in 1810, and worked in the saw mill and on the farm of his father until he was nearly of age, occasionally going to school in the coldest portions of the winter. He used to relate that he worked one season for a farmer, seven months, at \$10 a month, and at the end handed his father \$67 of his earnings. This was characteristic of the man. Notwithstanding his early disadvantages, he subsequently acquired, by dint of his own effort, in teaching district and singing schools, an academical education; and from the time he came to Iowa in 1844 until his death, he was justly regarded

* Iowa Historical Record, April, 1885, page 55.

as one of the ablest and best equipped lawyers of the State. But he never could, and probably never desired to, throw off his Yankee dialect or Yankee tone, imbibed among the hills of his native State. In opening the joint conventions of the Senate and House, assembled to declare the result of the election and inaugurate the newly elected governor, he would announce in his peculiar tone: "The jint," not the joint, but the "jint" convention is now in session," and in referring to the district court, he always persisted in saying the "deestrick" court. He could look as grave as a Presbyterian deacon and sing psalms as solemnly as one of Cromwell's soldiers. At the same time he had a keen sense of the ridiculous, and was as cunning as a fox.

On one occasion he appeared before a young judge who had been elected in his district, and who was more conceited than wise. To enforce a point he desired to make, Enoch brought with him and attempted to read Blackstone to the young judge, whereupon the latter, after moving uneasily about in his seat for a while, said: "Mr. Eastman, I've read Blackstone." "Oh, hev ye?" responded Enoch, looking at the judge over the top of his spectacles with an air of surprise. On another, while trying a case in Mahaska County, to which he first came, Crookham, who was as quaint perhaps, as himself, was on the other side in a hog case. Crookham told the jury he was a farmer and knew all about hogs. Enoch, in his reply said, in a shrill voice, "the gentleman says he knows all about hogs. He oughter, for he's the biggest b-o-r-e in the County."

But there was a deeper and more sublime character in his nature. As the erection of the Washington monument was approaching its completion, each State was called upon to contribute an appropriate motto, to be inscribed on its face. Enoch composed and presented the following for his State: "IOWA: the affections of her people, like the rivers of her borders, flow to an inseparable union." What could be more beautiful? It was adopted and inscribed along with the mottoes of the other states and is universally conceded to be the rarest gem of them all. It is sufficient to render his name as enduring as Iowa itself.

He was not only a lawyer of great ability, but a speaker of unusual force, and his frequent quaint expressions constituted a charm that invariably drew audiences, and it may be said, gave him a national reputation. After serving one term as lieutenant governor, he declined a re-election, and advised the convention "to nominate the next best man." As already indicated, he was a master of sarcasm, and no man who knew him well, ventured to invoke its withering shafts. A certain pompous senator, when Mr. Eastman was a member of that body, presuming too much on the latter's quiet demeanor and sleepy looks, took occasion to refer to something he had said, in a supercilious manner. When he had taken his seat, Enoch deliberately arose and slowly said in his cutting tone: "We never see the Honorable Senator rise to speak that we do not think of that passage of scripture which says: 'Be still and know that I am God.'" The effect may be imagined.

He was not an office seeker and might well be denominated a statesman instead of a politician. He was one of the five young lawyers who saved to Iowa the Missouri River and the Western Slope. The constitution framed by the convention of 1844 and presented to Congress, was by the latter body so changed as to cut off a large part of the western portion of the State. As thus changed, it was sent back to the people of the Territory for adoption, and these men defeated it by stumping the territory against it.

I have fully referred to the struggle over this boundary question in the sketch of James W. Woods, the first lawyer, I think, in Iowa, and in the early days the most widely known. My purpose in doing so was to fully vindicate Woods and give due credit to his services in that notable contest, in view of the fact that in the sketch of Mr. Parvin, in the *Annals*, at the time of his death, in referring to the boundary struggle, the writer had entirely omitted to include Mr. Woods and Shepherd Leffler among the young men whose efforts had defeated the adoption of the constitution limiting the western boundary. The same error was repeated by Governor Gue, in his mention of Mr. Eastman in Vol. IV of his *History of Iowa*, page 84, and by Hon. William J. Moir, in his article on Eastman later referred to. The full names of the five young lawyers who defeated the adoption of the constitution were: Enoch W. Eastman, Frederick D. Mills, James W. Woods, Shepherd Leffler and Theodore S. Parvin. Even with their united efforts the constitution was rejected by a majority of only 421.

Governor Eastman was originally a Democrat, but became disgusted with the attitude of President Buchanan and other party leaders on the question of the extension of slavery into the territories, left his party in a huff, and went over to the Republicans. The first I heard of Eastman was in connection with his characteristic saying when he left his party, that he was "going to shoulder his ax and be off," which made no little stir. The origin of this was the following published statement of his when he left his party:

How, now, stands the Democratic party headed by James Buchanan? We have acquired New Mexico and Arizona from Mexico, embracing a territory equal to five states as large as Iowa. Mr. Buchanan says that slavery now exists there under the guardianship of the Federal Constitution and must so remain as long as the territorial condition remains. This I call extending slavery. I will neither advocate nor support such doctrines, nor will I remain in a political party that does. As Major Jack Downing once said, "I am going to shoulder my ax and be off."

First of all, he was a patriot who loved his whole country; and while he had a great affection for all that belonged to Iowa, and took a lively interest in building up her institutions, he never relinquished his love for his native New England. During the Civil War, a reconstruction leaving out New England, was talked of in some quarters and in some papers. Referring to this, in a speech made by him at Eldora, on February 22, 1863, he said:

And there is now a scheme on foot in Congress and in some of the states, to

reconstruct the government, connect the West with the South and leave New England out. I have no desire to survive the day when I cannot claim Boston, Lexington and Bunker Hill as a part of my country. No! Come war and poverty, distress and persecution, and death; come what may, I never will cut loose from my own native New England. Where it goes, I will go; where it lies, if fall it must, I will lie, and her people shall be my people, and her God my God.*

In 1874 he was a presidential elector, and in 1883 was elected to the State Senate, representing Hardin County. While the first years of his professional life were spent in Mahaska County, the greater part of it was spent in Hardin County, but he belonged to the State. His fellow townsman, Hon. W. J. Moir, of Hardin County, has given an admirable picture of his home and professional life and his leading traits of character in Vol. 6, of the Third Series of the Annals of Iowa, p. 416.

John A. L. Crookham was one of the early lawyers of the State. He was born in Jackson County, Ohio, in 1817, settled in Oskaloosa in 1847, and died there in 1901, in the eighty-fourth year of his age. Our counties joined, I met him frequently in court through the course of many years and served with him as a fellow member of the State Senate in 1866. He was par excellence the eccentric member. He was plain and homely in dress and appearance, and delighted to represent the common people. He was perfectly *sui generis*. He was one of the quaintest of the Iowa or any other bar. There never was and never could be another Crookham. He was not felicitous in speech, was very absent minded, and perpetually perpetrating bulls at which, however, he never laughed himself, because he apparently never noticed them. I heard Judge Loughridge relate this incident which he said occurred in his presence. Crookham was trying a hog case. His client's name was Fifield. After other witnesses had testified, he put his client on the stand and, with a wave of the hand, said: "Now, Mr. Fifield, tell these hogs all you know about the jury." Nevertheless he was a man and lawyer of decided ability, and before a jury of his County, every member of which he would personally know, he was a most formidable adversary. He had been a close student and was well versed in legal principles. He was both ingenious and resourceful, and his activities were well directed against all points of opposition.

Under the old system, he was county judge from 1851 to 1859. He served with great fidelity and general satisfaction. Judge Crookham was always conspicuous in the business affairs of the County and was an important factor in the development of railroads and railroad transportation. He had been a school teacher for several years before he came to Oskaloosa as a lawyer, took great interest in educational matters, and contributed liberally towards the founding of Penn College at Oskaloosa. He was one of the most useful citizens of Mahaska County, and his sound and practical sense could always be safely leaned upon. He was pure in morals and character and his integrity was beyond question.

* Annals of Iowa, Vol. 6, Third Series, page 420.

As a law maker in the Senate, he exhibited the greatest industry, and his services were invaluable to the people of the State. He particularly distinguished himself in providing for and in securing the adoption of the constitutional amendment striking out the word "white" from the franchise provision, and thus conferring upon the colored people the right to vote. He exercised great influence in every measure tending to ameliorate the condition of the people. Despite his eccentricities, he was respected and beloved by every member of the Senate. His instincts were humane, and his sympathies just.

Autobiographical scraps are always of interest in a work like this. On the 17th of November, 1883, being in Oskaloosa, I went to the office of Judge Crookham to pay my old friend a little visit and obtain from him some information concerning himself and other early members of the Oskaloosa Bar. We had plenty of time to spare, and I entered in my memorandum book, which I always carried with me after entering upon this work, as he gave it to me at the time, the information I desired, and from which I have drawn in making this sketch. Among other things he said:

When I came to Oskaloosa and commenced practice in 1847, the bar was then composed of Silas Sawyer; James Baker, who afterwards went to Chariton, and after that to Springfield, Missouri; Henry Temple, who afterwards went to Atlantic, in Cass County; Micajah Williams, then Clerk of Courts; William H. Seevers; E. W. Eastman, who afterwards went to Eldora. Cyrus Olney was Judge. The Supreme Court was held in Ottumwa. The old courthouse at Oskaloosa stood on the northwest corner of the square where now stands the Oskaloosa National Bank. After then came John R. Needham, I think in 1849; and William Loughridge not very long after. After that came M. E. Cutts; John F. Lacey; Lucien Blanchard; George Lafferty; J. Kelley Johnson; Horace Gleason; James Bolton; Ben McCoy and others.

The last time I saw him was after my removal to Kansas City. I had been up to Ottumwa, and on my return he happened to be on the same car, and we traveled together to an intermediate point, where he got off, and I bade him what proved to be a last farewell. I shall always remember him with affection.

John R. Needham was another of the early lawyers of Mahaska County. He came to Oskaloosa the second year after Eastman and Crookham in 1849. He was born in Guernsey County, Ohio, in 1824. His father was sheriff of that County, and John was for a while a deputy under him. He then entered a law office as a student, in Cambridge, Ohio, and remained there until he had concluded his studies and been admitted to the bar. For a short time after coming to Oskaloosa, he taught school and then entered actively upon the practice of his profession and continued it, with some interruptions, for many years.

These interruptions or divergences, rather, were because of his entering the newspaper, and somewhat, the political field. He established in 1850, the first newspaper published in the county, under the name of the Iowa Herald, which was afterward changed and is continued to this day under the title of the Oskaloosa

Herald. His connection with the Herald continued until 1865. In 1852, and before the organization of the Republican Party, he was elected the first Whig State Senator from Mahaska County. He became the third Lieutenant Governor of the State after the creation of that office by the Constitution of 1857, being elected thereto in the fall of 1861, and serving with the old War Governor, Samuel J. Kirkwood, from 1862 to 1864. By virtue of this office he became the President of the Senate, and at the close of his service in that capacity, the Senate passed the following resolution:

Resolved, That the Senate hereby tenders to Lieutenant Governor Needham its thanks for the able, dignified, courteous, and impartial manner in which he has discharged the duties of presiding officer of this body.

In 1867 he was for a second time elected State Senator from Mahaska County. He died during the term, in the prime of life, at the age of fifty-two, in July, 1868. His death was universally lamented, for he had become one of the most illustrious and best beloved men in the State. He possessed various gifts and profound learning. He ranked high as an editorial writer. He was also an able lawyer, and when he gave his attention to the profession, enjoyed a good practice.

I need hardly say that he took great interest in all affairs affecting the public good. For a number of years he was President of the Oskaloosa School Board; for three years a trustee of the Iowa Insane Asylum, and for two years, Mayor of the City of Oskaloosa.

I became acquainted with him in early life. In appearance he was tall and comely, always well dressed, polite and amiable in manner, but on his cheeks he carried the hectic glow of that dread disease, consumption, to which he finally fell a victim.

Samuel A. Rice, Elliott W. Rice.

With *Samuel A. Rice* and his brother, *Elliott W. Rice*, I became acquainted early in their, as well as my professional career, as both came to Oskaloosa and were engaged in the practice before I came to Ottumwa. *Samuel A. Rice*, it was said, was the most distinguished officer at the time of his death, that Iowa lost in the Civil War. He was born in Cattaraugus County, New York, in 1828. While yet a boy, the family removed to Belmont County, Ohio, where the father died soon after, leaving the family in limited circumstances, and the son, Samuel, their chief support. As the easiest means of caring for them, he engaged in steamboating, and in his youth became a skilful pilot on the Ohio and Mississippi Rivers. With a portion of the earnings received from this employment, stimulated by that activity which characterized his comparatively short life, for he died at the age of thirty-six, in 1864, from the result of a mortal wound received at the Battle of Jenkins Ferry, he fitted himself for Union College, Schnectady, New York, from which he was

duly graduated, afterward entering the law department of that university, where he completed his legal studies, and in 1850 came west and located at Fairfield, Iowa, and entered upon the practice of his profession. In 1852 he removed to Oskaloosa, and entered upon the practice with Enoch W. Eastman. From that time, and until he entered the military service ten years afterward, his rise in the profession was both brilliant and rapid. Among the sketches that have been written of Gen. Samuel A. Rice, that of Stuart in his Iowa Colonels and Regiments, and that of John F. Lacey, appearing in Vol. II, of the Third Series of the Annals of Iowa, are the most graphic and best. Stuart, as I have already stated in my sketch of him, before he entered the war, and afterward one of its historians, was a young lawyer like myself at Ottumwa, the adjacent county seat to Oskaloosa, and as he states, became acquainted with General Rice in the spring of 1857, while attending court at Oskaloosa. He thus knew him before, as well as during the war.

Major John F. Lacey knew Rice even more intimately, for he read law in his office, was a soldier and officer in one of the companies of the regiment, afterwards Adjutant General, and at the time General Rice received his mortal wound at the Battle of Jenkins Ferry, Major Lacey was by his side and helped him off the field. Therefore, I shall content myself in view of my limitations by referring the reader to those authorities for his military record. I will, however, give what Stuart says of him, as a lawyer and civilian:

His first public office was that of prosecuting attorney of his county. Naturally excelling as a criminal lawyer, he attracted general attention by the able manner in which he discharged the duties of his office; and it was this which secured him the nomination in 1856, to the office of Attorney General of the State. In 1856, and again in 1858, he was elected to the last named office; and at the close of his last term, he had established a reputation that placed his name among the foremost lawyers of the State, and, I might say, among the foremost of our public men. I do not speak of him in extravagant terms. The attention and deference that were paid to his arguments before the Supreme Court would have flattered an attorney of the greatest experience and the most extensive practice; and the influence which he wielded, as a leading member of the Republican party, was recognized by all of our most prominent men.

When I commenced to collect material for the present work, in 1881, I prepared and had published in the *Western Jurist*, a legal periodical of that time, an open letter addressed to members of the bar, requesting that they furnish me any information that they might be able to, concerning the early lawyers of their respective vicinities. Among other letters in response to this request, I received one from Byron Mattison, a partner of Frank Rice, composing the firm of Mattison & Rice, at Rockwell City, Iowa, from which I give the following extracts:

Rockwell City, Iowa, February 9, 1882.

I have noticed your communication in the *Western Jurist* addressed to members of the legal profession concerning its noted and departed members and requesting information. It occurred to me that a few anecdotes concerning the lamented Samuel A. Rice might be of interest to you, as they still are and ever will be in the town which was his home—Oskaloosa—and which might serve to illustrate the character of the man.

When the war broke out Mr. Rice was serving his second year as Attorney-General of the State. Men of all professions who had a greater gift of eloquence to urge others than to fight themselves were shouting themselves hoarse for the purpose of inciting men to enlist for the defense of their country. In these soul-stirring utterances Rice was not an actor and took no part for a considerable time, until the pressure at length became so great that he at last yielded to the entreaties of the agitators and consented to make a speech on the subject of going to war, which he accordingly did; but on descending from the rostrum remarked casually to a friend that "he'd be d—d if he would ever make another speech in favor of going to war until he went himself," and the next day he resigned his office of Attorney-General and commenced the organization of the famous Thirty-third Iowa regiment, with which his name is inseparably connected.

A soldier of the Twenty-ninth, part of the time under Rice, relates the following as illustrating the bold daring of the man in doing what he would not ask of men under his command. During a certain battle the enemy had arranged a battery so as to play with considerable effect upon Rich's lines, while at the same time sharpshooters were picking off such of his men as dared show their heads out of the trenches. Rice desired to know the strength of the enemy, and determined to investigate. Creeping from the trenches on his hands and knees he gradually approached the position of the enemy, when stopping a moment and raising his head, the better to take in the situation, he was struck by a bullet and "came back," says my informant, "bleeding like a stuck hog, but cool and collected as ever."

At a certain term of court held at Oskaloosa, Mr. Rice was appointed chairman of a committee to examine a young aspirant for admission to the bar. The committee being somewhat divided in opinion on the question of admission, Rice brought matters to a climax by pronouncing in favor of the applicant. "For," said he, "if the young man has it in him to make a lawyer we cannot keep him back anyway, and if he hasn't, he and everybody else will soon find it out, and there is no harm done."

Hoping that these few lines may not prove entirely valueless and wishing you success in the enterprise you have so nobly undertaken, I am,
Yours, etc.,
Byron Mattison.

Gen. Elliott W. Rice was born in Pittsburg, Pennsylvania, in 1835. When he was two years of age, the family removed to Belmont County, Ohio, where he was reared and received his preliminary education, and was fitted for Franklin College, from which he was graduated in 1854, immediately thereafter entering the Albany Law School. After completing his legal studies he came to Oskaloosa, in the latter part of 1855, and entered upon the practice in partnership with his brother, Samuel A. Rice. He gave promise of becoming a ready and skilful lawyer, but before there had been much opportunity for this development, the Civil War ensued, and at its very commencement he enlisted as a soldier, in the spring of 1861, in the Seventh Regiment of Iowa Infantry. In August of the same year he rose to the rank of Major, and served in that capacity with such signal bravery that after the Battle of Fort Donalson, he was commissioned Colonel of the Regiment, Colonel G. J. Lauman having been promoted Brigadier General. He was engaged in many of the severest conflicts of the War, and proved one of the most valorous and brilliant officers that Iowa placed in the field. The details of his military service will be found in Stuart's "Iowa Colonels and Regiments," from which I feel privileged to make the following extracts as illustrative to some extent of his character and career:

One of the brightest pages in General Rice's military history was made prior

to the date of his colonel's commission, on the battlefield of Belmont. The enemy had been forced through the low, timbered bottoms that skirt the west side of the Mississippi above Columbus; they had been driven back to their encampments, and beyond, to the banks of the Mississippi below Columbus; their camp had been burned, and their flag—Harp of Erin—captured, when word came, "We are flanked." Colonel Lauman had already been wounded and taken to the rear. At the very moment that orders were received to fall back, the enemy rallied in front, and Lieutenant Colonel Wentz fell, mortally wounded. Under these circumstances, Major Rice took command of his regiment to conduct the retreat. He had already been severely wounded, though he said he was not hurt. Placing himself at the head of his regiment, which he had hastily re-formed (for all just then was confusion), he dashed through the lines of the enemy that had been interposed between the Federal forces and the landing, disregarding all calls of "surrender." In the terrific enfilading fire through which he passed, his horse was pierced with twenty bullets; his sword scabbard was shot in two; his sword belt was shot away, and his clothes riddled; but he saved a remnant of his regiment, and brought it safely back to the transports. His gallant conduct in this engagement made him the idol of his regiment.

In Sherman's celebrated Atlanta campaign, Colonel Rice commanded his brigade, composed of the Second and Seventh Iowa, the Fifty-second Illinois and Sixty-sixth Indiana (the same that he had commanded for nearly a year before), and, at the battles of Resaca, Lay's Ferry, Rome Cross Roads, Kenesaw Mountain, and Nick-a-jack Creek, distinguished himself. For his gallantry and promptness to duty, he was recommended by General Sherman for promotion to a Brigadier General, and was appointed and confirmed to that rank, his commission dating the 20th of June, 1864.

In the bloody battle of Dallas, General Rice was conspicuous for his valor and generalship. An officer of the brigade has given a vivid description of that conflict, from which I make the following brief excerpt, exemplifying the personal qualities of General Rice:

Our brigade that day fought for the first time behind breastworks. Although they had built miles of them, this was the first chance to use them. Too much praise cannot be given to Colonel Rice, who was ever where the danger was the thickest, mounted on his magnificent gray. He looked the personification of the brave soldier. His example appeared to inspire the men; they fought as only the best and bravest of soldiers can fight, and never left the works. After the action, I noticed him riding to the different regiments to ascertain, I suppose, the extent of our casualties. He was everywhere met with loud and prolonged cheers; but he modestly attributed it all to them, and kindly thanked them for their great bravery. Such men as he are not made of the ordinary stuff.

It will be noticed that Stuart states that Rice was recommended for promotion to a brigadier generalship, by General Sherman. That is doubtless true, but it is equally true that he was also recommended by General Grant.

Other references to General Rice may be found in the First Annals, Third Series, 306-625-626-216; Second Annals, 114-115-141-142; Third Annals, 380; Fourth Annals, 585-589.

The life of General Rice was short and strenuous. Had he lived and retained his health, his brilliant qualities would, undoubtedly, have made him distinguished as a lawyer and civilian; but the hardships of war and the strain of the great battles in which he had engaged, undermined his constitution, and he died in a few years after the close of the conflict. The last time I saw him was in Washington. Gen.

John N. Hedrick and myself had been sent there as a committee, by the City of Ottumwa, to aid in securing it as a place for holding the Federal Court. Generals Hedrick and Rice were intimates, and we quartered at the house where General Rice was staying. We found him so ill that he was confined to his room and bed for most of the time during our stay of two weeks. We visited him daily, and greatly enjoyed our meetings. I thought him one of the most pleasing and agreeable men I had ever known. He did not long survive, and in his death, Iowa lost one of its noblest men.

Lucien C. Blanchard, J. Kelley Johnson, George Lafferty.

It must be understood that in these mentionings I, for the most part, include only those with whom I had a personal acquaintance, and those who have passed away. With *Lucien C. Blanchard* I became acquainted soon after his removal from Poweshiek County to Oskaloosa. He was born at Diana, Louis County, New York, in 1839. When nineteen years of age he came West, locating at Mt. Morris, Illinois. Here he entered Rock River Seminary and subsequently taught school for a time. In 1860 he came to Newton, Jasper County, Iowa, where he taught school and studied law. On the breaking out of the Civil War he enlisted in Company K, of the Twenty-Eighth Regiment of Iowa Infantry. He was a valiant soldier and participated in a number of hard fought battles, among which were those of Ft. Gibson, Champion Hills and the siege of Vicksburg. At the close of his military service, he entered the law department of the University of Michigan, from which he was graduated in 1866. He located and commenced the practice of his profession in Montezuma, Poweshiek County. In 1867 he was appointed County Judge of that County, to fill an unexpired term. In 1868 he was elected Judge of the Sixth Judicial District comprising the counties of Jefferson, Washington, Keokuk, Mahaska, Marion, Jasper and Poweshiek. He served in this position with ability and general satisfaction for twelve consecutive years. At the close of his long judicial service he re-entered the practice at Oskaloosa, establishing a wide and successful one and became known as one of the leading lawyers of the State. In the fall of 1893 he was elected by the people of Mahaska County to represent them in the Lower House of the Legislature. At the close of his term there he was, in the fall of 1895, elected to the State Senate. In the fall of 1899 he was re-elected to the Senate, thus serving in the Senate of the Twenty-Sixth, Twenty-Seventh, Twenty-Eighth and Twenty-Ninth General Assemblies. He was a member of the Iowa Vicksburg Park Monument Commission. He was at one time President of the Iowa State Bar Association; Vice Commander of the Iowa Department of the Grand Army of the Republic; Grand Orator and Grand Treasurer of the Iowa Grand Lodge of Masons. He married a daughter of the well-known pioneer lawyer, Judge Micajah T. Williams. She died in 1897, and he, at his home in Oskaloosa, in 1908.

As a lawyer and judge, he displayed marked ability. He moved on the higher plains of professional ethics and was distinguished for his purity of character and unimpeachable integrity. Personally, he was a most gracious gentleman; tall and commanding in figure, with a handsome face and pleasing address. We once camped together on a fishing excursion at Lake Okoboji, and I found him a delightful companion.

Judge J. Kelley Johnson and *George W. Lafferty*, when I first became acquainted with them, in 1868, were law partners, engaged in the practice at Oskaloosa, under the firm name of Lafferty & Johnson. This partnership continued for many years and until Mr. Johnson was elected to the bench. Judge Johnson was born in Greene County, Ohio, in 1841. When he was thirteen years of age, the family removed to Indiana, and later back to Ohio. In the schools of these two states he received his preliminary education. He subsequently entered and was graduated from the law department of Michigan University, at Ann Arbor. He subsequently came to Iowa, locating at Eddyville, in my County of Wapello, early in 1867. In 1868 he removed to Oskaloosa and became associated with Mr. Lafferty as before stated. As a young man, he early took rank in his profession. He was elected City Solicitor of Oskaloosa and filled that office most acceptably for six years. In 1882 he was elected Judge of the Sixth Judicial District and continued to be re-elected until his death in 1894. Had he lived, he would doubtless have been continued in that office as long as he might have desired, for he had justly established the reputation of being one of the best and ablest district judges in the State.

He had a judicial temperament that might well be said to have been perfect. He listened patiently and decided deliberately. He was not in the least disposed to vaunt his knowledge by interrupting counsel engaged in a trial, and if he felt any bias he never gave the least evidence as to where it lay. He held the scales of justice with an even balance and, under no circumstances, did it swerve or tremble in his hand. One of the last important cases I tried prior to my removal to Kansas City, was before him—that of the State vs. Pleasant Anderson, referred to in the sketches of John F. Lacey and Daniel Anderson. During the two weeks, with night sessions, of that long and exciting trial, he sat with a patience almost benign, perfectly unmoved amid the clashing of counsel, giving his decisions on the numerous points raised in a manner so clear, so well considered, and so perfectly impartial that it impressed me with the conviction, that in my whole experience, I had never seen a more patient or a more perfect trial judge. At that time he seemed to be a man of robust health and vigor; but, alas, he died in the very prime of life. His close and assiduous labors, unrelieved by necessary recreation, had undermined his constitution, and he died before his time. He was a rare man from every point of view, and in his death the State lost one of its noblest citizens.

George Lafferty, I knew intimately in the early period of his life, and until my removal from Iowa, but am without much data concerning him after that period. The period of my most intimate acquaintance with him was while he was District Attorney of his District, and while Judge Horace Winslow was on the bench. I was employed by the defense in some capital cases, while George was the Prosecuting Attorney. Among these was that of the State against Maloy, for the murder of John Shea, at Ottumwa. The case was taken on change of venue to Jefferson County, which was then in Judge Winslow's District. I remember that the weather was the hottest I have ever experienced—so hot that the judge and all of the counsel engaged in the case, removed their coats. Mr. Lafferty made a vigorous prosecution and succeeded in obtaining a verdict of manslaughter against Maloy, and he was sentenced to ten years' imprisonment in the penitentiary. At the end of two years I succeeded in obtaining a pardon for him. I met George frequently. He was a good fellow, highly convivial, a delightful companion. He was a great favorite of Judge Winslow, and when out of court, they were frequently together. George was not only a big-hearted, generous man, but a good lawyer, as well. As before stated, he and Judge Johnson were partners for many years, and built up a splendid practice. George was not as studious as his partner, but he was a better mixer and a general favorite with the people. That he was twice elected District Attorney, shows the high appreciation in which he was held. He was not only a delightful fellow, but a highly honorable man.

He was born in Mercer County, Pennsylvania, in 1838, where he received his education and lived until the breaking out of the Rebellion. At the very outset he enlisted in Company G, of the Tenth Regiment of Pennsylvania Volunteer Corps, and at the expiration of that term of service, enlisted for three years more. He was a splendid soldier and participated in the second battle of Bull Run, of Fredericksburg, and in all the battles of the Wilderness. At the close of the war he came to Oskaloosa, read law with John R. Needham, was admitted to the bar in 1865, and became associated as a partner with Mr. Needham, and so continued until the latter's death, in 1868. Soon after this he entered into partnership with Judge J. Kelley Johnson, as before stated. In the fall of 1874 he was elected District Attorney and re-elected to the same office on the expiration of that term. He was a man of many splendid traits that attracted to him many faithful friends, among whom was your humble servant. He died in Los Angeles, California, in 1915.

CHAPTER XXIV.
KEOKUK COUNTY.

*Sanford Harned, George D. Woodin, Ezekiel S. Sampson, Casius M. Brown,
Cyrus H. Mackey, James L. Hogin, John A. Donnell, James H. Sanders,
J. Warren Havens, William H. Needham.*

Among the early lawyers of Keokuk County, with whom I became acquainted, were: *Sanford Harned, George D. Woodin, Ezekiel S. Sampson* and *Cyrus H. Mackey*. I find upon examination, that I have but little data concerning *Judge Harned*, and as I am writing this distant from any other basis of supplies, I shall be obliged to make my notice of him brief. I know that Mr. Harned was one of the first lawyers, for he was admitted to practice at the first term of his district court held in the County. In speaking of this term of court, the Iowa State Gazetteer, published in Chicago, 1865, states:

The court did not remain in session over three hours. No juries were empaneled. Four aliens were admitted to citizenship and two law students were admitted to the bar. One of these students was Sanford Harned, late County Judge. This was the first day of July, 1844. He became an influential citizen of the county and State. He was early elected County Judge under the old system of county government. Judge Harned filled the position with great efficiency and was a potent factor in shaping the early affairs of the county.

As a lawyer he succeeded in establishing a desirable clientage. He was verging upon old age when I first became acquainted with him.

George D. Woodin came to Keokuk County the year after I came to Wapello county—in 1857. He came to Sigourney from Iowa City, where he had located in 1853. He was a strong lawyer, and a strong thinker from every point of view. During my time he, Sampson and Mackey were the leaders of the Keokuk county bar, and of them all Woodin was the chief. He was not only a learned, but a keen and skilful lawyer. He was born in Warren County, Pennsylvania, in 1827. He was of Puritan and Irish extraction. His first ancestor on the paternal side came over with the Massachusetts Bay Company, in 1628. The father of George was a farmer; on the farm George was reared. His mother was of Irish ancestry, and George used to say that from her he inherited some of his strongest traits. After receiving his preliminary education he entered Waterford Academy, and later

Jamestown Academy, New York. Being thus prepared he entered Alleghany College, Meadville, Pennsylvania, from which he was graduated with honors at the head of his class, in 1851. He then taught in an academy for a year, reading law in the meantime. He was admitted to the bar in 1852, and commenced the practice at Warren, Pennsylvania, with his preceptor.

In 1853, following the star of empire he took his way westward and settled as before stated in Iowa City. He at once opened an office and in a comparatively short time made his mark as a young lawyer. His thorough learning and superior professional accomplishments at once attracted attention and introduced him to the public favor. In 1854 the people of Johnson county elected him prosecuting attorney of the county and in 1855 the people of Iowa City elected him its mayor. In 1856 he was elected to the legislature from Johnson county and served in the house of the sixth general assembly.

His career in Johnson County was certainly a successful one, but in 1857 he was induced by prospects that seemed to him flattering to remove to and locate at Sigourney, where his career continued as successfully marked as it was in Johnson County. The next year after going to Keokuk County he was elected Prosecuting Attorney for the Sixth Judicial District, in 1858. He held the office for four years and gained a high reputation as a skilful and discriminating prosecutor. He was an untiring worker and could always be found either at the courthouse or his office. Through the course of many years he had one side or the other of almost every important case tried in that county. Nor were his professional efforts confined to the courts of his own county, but frequently extended to those of others and to the State Supreme Court and the Federal Court. He was known as one of the ablest lawyers in the State. He died at his home in Sigourney in 1903.

He was a man of rather slight figure, not above medium in height, with rather dark complexion, black hair, penetrating eyes of a searching character and a nervous, active temperament. He was civil enough in manners, but lacked the bonhomie and free fellowship that make men popular. He had the air of a student and his thoughtful face showed the lines of long and close study.

Ezekiel S. Sampson was born in Huron County, Ohio, in 1831. He was of original English extraction and belonged to a patriotic stock. His grandfather, Isaac Sampson, was a soldier of long service in the Revolutionary War. His father, Ezekiel Sampson, was a soldier in the war of 1812. After that war the family removed from Monroe County, New York, to Huron County, Ohio; thence to Fulton County, Illinois, thence, in 1843, to the Territory of Iowa, settling in Keokuk County. From this it will be seen that Ezekiel, the subject of this sketch, was twelve years of age when he came with the family to Iowa. Here he assisted his father in making and cultivating a farm, and here he received the most part of

his primary education. He subsequently became a pupil in the high school of Professor Samuel S. Howe at Mt. Pleasant, and in 1853 entered Knox College, Illinois. After leaving college he entered upon the study of his profession in the offices of Enoch Eastman and Samuel A. Rice at Oskaloosa. He was admitted to the bar in 1856, and commenced the practice at Sigourney, and during the same year was elected Prosecuting Attorney of the county. On the outbreak of the Rebellion he closed his office doors to enlist in the service of his country. He assisted in raising what became Company F of the 5th Iowa Infantry and was chosen and commissioned Captain of the company. He was subsequently promoted to Major and Lieutenant Colonel of the regiment. He served with signal bravery and distinction for three years and a half until mustered out of service in December, 1864. He participated in some of the fiercest battles of the war, among others in that of Iuka, Corinth, Champion Hills, Jackson, and in the assault on Vicksburg. In the last three engagements he commanded the regiment. He was twice wounded and had his horse shot under him at the battle of Champion Hills. For his gallantry in the terrible battle of Iuka he received the compliments of his superior officer. When his horse was shot at the battle of Champion Hills he proceeded on foot to form his regiment in line of battle. As a testimonial of their admiration of his conduct while in command of the regiment, the officers thereof had manufactured for and presented to him a splendid sword, on which was ascribed appropriate devices, one of which, on one side of the sword, was the regiment in battle, the Colonel's horse expiring on the field, and he on foot issuing commands to the regiment. On the other side was the following inscription:

Presented to Lieutenant Colonel E. S. Sampson by the officers of the Fifth Regiment, Iowa Infantry, in token of our appreciation of his gallant services in the field of Jackson, Champion Hills, and Vicksburg.

In his report on the battle of Champion Hills he states the lost in killed and wounded at 25 per cent.*

Returning from the army he resumed the practice at Sigourney, and soon established a successful one. In 1865 he was elected to the State Senate, where after serving one session he resigned his seat to become the District Judge of the 6th Judicial District, to which he had been elected in the fall of 1866. His service on the bench covered a period of eight years. He became widely known as one of the most able and eminent trial judges in the State.

I knew him well, for we lived in adjacent counties, mutually practiced in both, and while he was on the bench I was, with more or less frequency, in his court. In addition to this we served as fellow members of the State Senate in the first session of the 11th General Assembly. He was one of the most quiet members of that

* Article, "Iowa at Vicksburg," by Colonel J. K. P. Thompson, *Annals of Iowa*, Vol. 5, Third Series, 281.

body. He rarely addressed himself to it and then only on important measures; but when he did have anything to say he was always clearly to the point. He had but little imagination and was by no means a man of brilliancy; but what he lacked in this respect was fully compensated by more solid parts. He was without the least show or ostentation, and was devoid of dramatic action. He was what might be called a matter-of-fact man, clear and logical. As a trial Judge he was one of the ablest and best that I have known in my own experience. He had a perfectly judicial temperament; his composure was seldom disturbed. His solution of the various questions arising in the course of a trial were always lucid and convincing. He had, so to speak, a natural legal mind which close study and application had brought to a full maturity. His instructions were always carefully and clearly drawn and he was scarcely ever reversed in his rulings by the Supreme Court.

On the close of his judicial services he was, in 1874, elected to Congress, and at the end of the term re-elected, serving in that capacity for four years, and at its close resumed the practice at Sigourney, where he died in 1892.

He was rather small in stature and not rugged in appearance. I can only describe him as I knew him when we were both young and middle aged, for I did not see him after my removal to Kansas City. He had a fair and rather ruddy complexion, blue eyes, light hair, and beard. He was perfectly unassuming and unpretentious in manners. His integrity was of the highest order.

Casius M. Brown married a daughter of Judge Ezekiel Sampson, and, from 1871 was a partner of Judge Sampson up to the time of the latter's death, under the firm name of Sampson & Brown. Mr. Brown was a native of Knox County, Ohio, born in 1845; he died at Sigourney in 1913. He was a soldier in the civil war and served until its close in the 142d regiment of Ohio infantry. On coming west he first settled in Muscatine County where he commenced the study of his profession, later graduating from the law department of the State University of Iowa. Thereupon he came to Sigourney and formed the partnership with Judge Sampson above mentioned. In the fall of 1881 he was elected to the State Senate from Keokuk County and served with efficiency in the 19th and 20th General Assemblies. He was a man of high character, a close student, an able lawyer.

Cyrus H. Mackey was born at Lewiston, Illinois, in 1837. In 1855 he removed to Springfield, in Keokuk County. His father was a carpenter and Cyrus learned that trade and while young worked with him. He entered upon the study of his chosen profession in the office of Ezekiel Sampson and Sanford Harned at Sigourney, and was admitted to the bar in 1858. He began the practice at Sigourney and continued it until 1862 when he entered the service and was commissioned Lieutenant Colonel of the 33d regiment of Iowa Infantry. In August, 1863, he was commissioned Colonel of the regiment. He was a brave soldier and

gallant officer. He feared neither man nor the devil. I have seen many who served under or with him, and so to speak, they all swore by him. He could swear a little himself on rare occasions. He was large bodied, full faced, and full blooded. He had sandy hair and a florid complexion. He laughed heartily and would shake his sides at funny episodes and amusing anecdotes. He was not only brave, but impetuous, and was said to have been a fury in battle. He was highly social, convivial, and had a host of attaching qualities. He was one of the men I always liked to meet. His jocular and good-natured face and lively disposition carried good cheer. He was generous to a fault and cared but little for money.

His educational advantages had been meager; he was not, in its highest sense, scholarly, nor even a close and untiring student, but he knew and mixed with every kind of men—for after all, men are the best books. He was student enough, however, to become in the end a good lawyer, a successful practitioner, and a lively competitor of Woodin and Sampson. As a jury lawyer he was probably superior to either, for his bountiful social qualities drew strong friendships. He would know every man called to the jury box, his caste of mind and how it would likely be influenced by the testimony on either side. He was a formidable antagonist, and with the two men just mentioned formed the leading trio of that bar for many years. He was a good thinker, a forcible and spirited speaker, and that he could express himself clearly on paper his army reports sufficiently evince. Some of them will be found in Stuart's Iowa Colonels and Regiments, page 497.

As already indicated his military career was a brilliant one, the details of which I cannot, at length, enter upon. "His regiment accompanied the White River and Yazoo Pass Expeditions, and marched with General Steele on the Camden and Little Rock campaigns, and greatly distinguished itself at the battles of Helena and Jenkin's Ferry."* In the last battle mentioned Colonel Mackey was severely wounded. Under his heroic leadership his regiment participated in many hard-fought battles, in which his bravery and soldiership were conspicuous. The regiment was under his command a chief portion of the time after he entered the field; for Colonel, afterward General, Rice was in command of the brigade to which the regiment was attached.

At the close of the war he returned to Sigourney where as already indicated he established a wide and successful practice. In politics he was a war Democrat, and voted for Mr. Lincoln, though he returned to the original fold after the war. Had he remained on the dominant side—the Republican—he would doubtless have received more political honors. In the fall of 1879 he was elected to the House and served with efficiency in the 18th General Assembly.

Taken all in all, he was a remarkable man, a fine example of a self-made one.

* Stuart's Iowa Colonels and Regiments, page 497.

From the humble beginnings of a young carpenter he forged his way to eminence both as a soldier and a lawyer and became a distinguished citizen of the State. He had many knightly qualities, and his fine services to the State and Nation will perpetuate his name. He died at his home in Sigourney in 1909, universally lamented. I had not met him for a good many years before his death.

Of the public men who were not lawyers in the early history of Keokuk County my limitations will permit the mention of only one or two. Among these stands prominent Jas. L. Hogin who represented Keokuk County in the State Senate in two regular sessions and one special session. He was elected to that body in 1854 and served in the fifth and sixth General Assemblies with such efficiency as to make him known throughout the State. He was an important factor in effecting legislation providing for the geological survey of the State. He was a man of a highly exemplary character and exercised great influence in the affairs of the county. He was the progenitor of a large family and many of his descendants carried his own force of character. One of his sons, John C. Hogin, became a prominent citizen of Keokuk County and represented it in the Senate of the Tenth General Assembly. J. W. Dixon, of Wapello County, was a fellow member of his in that body and I heard him speak of Mr. Hogin and his services in the highest terms. Clarence L. Hogin, a lawyer of high character and ability, in Kansas City, Mo., is a grandson of James L. Hogin. To him I wrote for information and data concerning his grandfather and the members of his family, and I can do no better than give the information he furnished me in his own words. He says:

I was greatly gratified to receive your letter and can furnish you considerable information about James L. Hogin. He was my grandfather, and during the closing years of his life, my father, his youngest child, either lived with or near him, and I remember him very distinctly. His family was a large one. John C. Hogin, of Sigourney, whom you doubtless knew was the oldest son; James L. Hogin, Jr., was the second son; George B. Hogin, of Newton, was the third son; William F. Hogin, who died at the head of his company at Shiloh, was the fourth son, and my father, Benjamin Russell Hogin, was the youngest son. There were several daughters also. Robert Armstrong, who was Assistant Secretary of the Treasury under Leslie M. Shaw, Secretary of the United States Treasury, married a daughter of George B. Hogin, and John A. Donnell, who was a prominent lawyer in Keokuk County, District Attorney of that district, and who afterward removed to Los Angeles and became a prominent lawyer there, married a daughter of John C. Hogin.

Grandfather Hogin had some rather unusual distinctions. When he was a candidate for the State Senate at one time, John C. Hogin, his oldest son, was the opposing candidate. The race was very close, but grandfather was elected, though by a very small majority. He had a distinction in Free Masonry which I have never heard of as being held by anyone else. He was Grand Master of Indiana, about 1836, and Grand Master of Iowa, in 1854. He was one of the organizers of Hogin Lodge, No. 32, at Sigourney, which was named for him by his brethren, and of which he was the Master for several years. He represented it in the Grand Lodge of 1851 and 1852, was Deputy Grand Master in 1853, and then elected Grand Master as before stated. He was one of the organizers of De Moley Commandery No. 1 at Muscatine, and assisted greatly in the introduction and extension of Knighthood in Iowa. In religion he was an Episcopalian by rearing. In politics

he was originally a Whig, but after the dissolution of that party, acted with the Republicans.

In early life my father, Benjamin R. Hogin, was associated in business with my grandfather, after my father's return from the army. Later my father became a lawyer. Of his five sons, four, including myself, are lawyers. One, John C. Hogin, is Judge of his judicial district in Kansas and all are making good. Benoni C. Mathews, another grandson of James L. Hogin, was the candidate of the Democratic party for the Supreme Court of South Dakota a few years ago. Two or three of the great-grandsons, the Donnells, are, as before stated, lawyers in Los Angeles. I only tell you these things to show that the strength of the stock of your old friend, James L. Hogin, has, in a measure at least, been transmitted, and that his descendants, with almost no exception, are worthy citizens. I am proud of my grandfather. My recollection of him is particularly strong because I was the small grandchild who was close about him and with him right up to the time of his death. He was of mixed English and Scotch stock. He was born in Delaware in 1801, reared largely in Maryland, and like so many of the pioneers, came down the Ohio river. He first settled in Indiana, and in 1849 or in 1850, came to Keokuk County, where he remained until his death, which occurred in 1876.

John A. Donnell was for a good many years one of the prominent lawyers of Keokuk County. Mention has been made of him in the preceding sketch. I knew him well. The last time I saw him was at the close of the celebrated trial of Pleasant Anderson for the murder of Christian McAllister. The murder was committed near Blakesburg in Wapello County, and in that county Anderson was indicted, but the trial was had in Oskaloosa in Mahaska County, on change of venue. I was employed by the Board of Supervisors of Wapello County to assist Mr. Donnell in the prosecution. Mr. Donnell was the District Attorney of the Sixth District, which embraced Mahaska County. The trial was a long and strenuous one. Mention has been made of it in connection with my sketch of Col. Daniel Anderson, of Monroe County, who was one of the counsel that defended Anderson on the trial.

The following data has been furnished me by his son, Birney Donnell, a lawyer of Los Angeles. John A. Donnell was born in Greensburg, Indiana, on April 13, 1838. He moved with his parents to Keokuk County, Iowa, in 1854. He taught school two terms and was then entered in Washington College from which he was graduated in July, 1861. He almost immediately enlisted in Company I, First Iowa Cavalry, serving successively as a Private, Sergeant, First Lieutenant, Quartermaster and Adjutant. He served until his honorable discharge in October, 1864. He was elected Clerk of the District Court of Keokuk County, studied law, was admitted to the bar in 1867. He was elected District Attorney of his district and served with great efficiency from 1882 to 1886. He removed to Los Angeles, California, in 1887, where he established a successful practice and was elected District Attorney of Los Angeles County and served in that capacity from 1894 to 1898. In 1868 he married Susan C. Hogin, a daughter of John C. Hogin, and granddaughter of James L. Hogin. She died in 1887.

I may add to this data that Mr. Donnell was an eloquent advocate, a lawyer of ability and a man of high character.

There were three prominent editorial writers of Keokuk County, of my acquaintance, that I feel it my duty to mention. One was *Jas. H. Sanders*, of Sigourney. He was a native of Ohio and had received a liberal education. He came with his father to Keokuk County in 1852. He was an editorial writer of ability and became connected with various public journals. He took great interest in agricultural matters and stock raising and started an agricultural and live stock journal at Sigourney, the publication of which he continued for several years. It was entitled "The Western Stock Journal," and was said to be the first publication of its kind in the United States. It increased in popularity and circulation. He sought a wider field and removed to Chicago where he founded the "National Stock Journal of Chicago," which became the leading live stock journal of the world. He was an active Republican. I first fell in company with him on our way to Des Moines by stage coach to be present at the opening of the session of the Tenth General Assembly. He was bright, spicy and highly entertaining. He was Secretary of the Senate in 1866. He was a member of the United States Treasury Cattle Commission, and a special agent of the Department of Agriculture in Europe in 1885. Charles Aldrich, at the time of Mr. Sanders' death, said that "Few men of his generation have surpassed him in usefulness." He died some years ago. His father was Henry Sanders, who came to Keokuk County in an early day, settling on a farm near Talleyrand.

Another Keokuk County editor of that period was *J. W. Havens*. He was a tall, black-eyed, robust and handsome fellow. He possessed editorial talent of the first order, and had his course and habits been regular and industrious, I have no doubt but that he would have achieved a high rank as a journalist. As it was, the decided ability he displayed in that direction attracted attention. Naturally he was a man of nobility of mind, as well as person, but he fell into habits of dissipation that ruined both his prospects and life. I think Mr. Needham succeeded him in the "Sigourney News."

William Harrison Needham was born in Guernsey County, Ohio, August 22, 1840. At the age of thirteen years he came to Iowa with his parents and located in Oskaloosa, Iowa. On the 7th of June, 1847, entered the Herald office as "Devil." In June, 1862, enlisted for the war. In August of the same year was mustered into the United States service as a private in the Twenty-Second Iowa Infantry, Company D, and served until the close of the war, Col. Wm. M. Stone being the Colonel. He joined the army of General Grant above Vicksburg. First fight was at Fort Gibson, then Jackson, Champion Hills, Black River Bridge, Miss., then on to Vicksburg. He took part in the charge on Vicksburg on May 22, 1863. In General Grant's report of the charge he said: "No troops succeeded in entering any of the enemy's works except Sergeant Griffith of the Twenty-Second Iowa, and some eleven privates of the same regiment. Those who participated in this famous

exploit were: John Robb, Munson L. Clemmons, Alvin Drummond, Hezekiah Drummond, William H. Needham, Ezra L. Anderson, Hugh Sinclair, N. C. Jordon and Richard Arthur."

After the charge W. H. Needham was commissioned for gallantry as Second Lieutenant of his Company and was soon promoted to First Lieutenant. After the surrender of Vicksburg he went to New Orleans, Texas, then to Fortress Monroe and to the rear of Petersburg, Va., and to Washington, D. C., and joined Gen. Phil. Sheridan's army at Harper's Ferry. He was in the fight at Winchester, Fisher's Hill and Cedar Creek where Sheridan made his famous ride. He was in every battle in which his regiment engaged and commanded his or some other company after being promoted. In August, 1865, he returned to Oskaloosa and bought an interest in the Herald which he retained for twelve years, then purchased the Sigourney News in 1878, and retained a controlling interest therein for nearly forty years. He was Postmaster of Oskaloosa six years, and Postmaster of Sigourney twelve years and nine months. He was Chairman of the Republican County Committee for eight years, a member of the School Board and City Council. During his military life he was a member of two Court Martials, acted as Adjutant and Quartermaster of the regiment six months, and was congratulated for gallantry in several engagements.

The data embraced in this sketch of Mr. Needham has been derived from sources that may be regarded as absolutely authentic. He is now an old man, spending a great portion of his time in the mild climate of Southern California; bending a little under the weight of years, but with his intellectual faculties unimpaired; altogether a lovable character, as mild and beneficent as it has been heroic. He was a brother of Lieutenant Governor John R. Needham, whose sketch will elsewhere be found.

CHAPTER XXV.

LUCAS COUNTY.

Warren S. Dungan, Theodore M. Stuart, Thomas B. Stuart, Dell Stuart.

Warren S. Dungan and myself came to Iowa as young lawyers in 1856. We were in the same judicial district and soon formed an acquaintance which ripened with the years. He was born in Beaver County, Pennsylvania, in 1822. He sprang from Revolutionary stock. His grandfather, William McFarren, was an ensign in the Revolutionary army. His great-grandfather, John Scott (after whom he took his middle name), was Commissary General of the Pennsylvania line. In 1851 he went to Louisiana; subsequently to Panola, Mississippi, where he successfully conducted a select school for three years, studying law in the meantime. Returning to his native state in 1855, he entered the law office of Roberts & Quay, in Philadelphia, the former a cousin, the latter, Mathew Quay, who afterwards became a prominent United States Senator. He was admitted to the bar in the spring of 1856, and immediately, thereafter, went West, locating in Chariton, Lucas County, Iowa. This was the commencement of a long and eminent professional career, which lasted to nearly the time of his death in 1913, at the advanced age of ninety-one. He had outlived all of his early compeers, and had received many honors and held the public confidence from beginning to end. He had an active, sprightly temperament and always took a spirited part in affairs calculated to promote the interests of Chariton, and of the State as well. He was a ready and fluent speaker. He was not only persuasive before juries, but also public gatherings, and I venture to say that no man in his part of the State was called on more frequently on these occasions. He gained both professional eminence and public esteem. He was one of the readiest men I have ever known, and it was impossible for him to hold his speech when he thought anything was necessary to be said. He was the impersonation of life and activity. His genial disposition and popular traits ever drew a good following to him. In his younger days when I knew him best, he was always radiant and cheerful, and it was an enlivening pleasure to meet him. The last time I did was at the Reunion of the Pioneer Law Makers' Association at Des Moines in 1898, when at the close we bade each other what proved to be a last farewell. He had

a professional life of unparalleled length in Lucas County and that part of the State; and it was without stain or blemish, and his private character was equally so.

In 1861 he was elected to the State Senate and served in the Ninth General Assembly. He evinced his patriotism by resigning his position in the Senate to recruit what became Company K, of the Thirty-Fourth Iowa Infantry, of which he was elected Captain. During 1862 he was promoted to and commissioned Lieutenant Colonel of the Regiment. In 1865 he was breveted Colonel, in recognition of valiant services. He participated in the Battles of Vicksburg, Chickasaw Bayou, Blakely, and other severe engagements. He distinguished himself as a soldier and officer. During the last six months of his service he was on the staff of Major General C. C. Andrews, and Inspector General of the Second Division, Thirteenth Army Corps. On being mustered out of service in July, 1865, he returned to Chariton and resumed the practice of his profession. In 1872 he was a delegate to the National Republican Convention which nominated President Grant, and a presidential elector in the ensuing campaign. In the fall of 1879 he was elected to the House and served in the Eighteenth General Assembly. He was re-elected and served in the House of the Nineteenth General Assembly. In 1887 he was again elected to the Senate and served in the Twenty-Second and Twenty-Third General Assemblies. In the fall of 1893 he was elected Lieutenant Governor of Iowa and served from 1894 to 1896. He was one of the most useful of Iowa public men.

Theodore M. Stuart, of Chariton, was regarded as one of the best lawyers of the State. I had a good opportunity of judging his capabilities, for we lived and practiced in the same judicial district for more than thirty years. He represented the Chicago, Burlington & Quincy Railroad Company at Chariton, while I performed the same office at Ottumwa, and this further tended to make our acquaintance intimate. He would not be classed as an orator, but his superior legal ability was conceded on all hands. He had what is termed a natural legal mind, and mastered the fundamental principles of the law by close and laborious study. His well balanced mind enabled him to apply them with superior accuracy and skill. He was thoroughly equipped with legal learning, and his reasoning on difficult questions convincingly enforced their conclusions. One thoroughly acquainted with Mr. Stuart, and capable of judging, in writing to me thus summarizes my own views:

Theodore M. Stuart was always a close student, and I never saw a man that could so clearly discriminate, and think out a case to the end as he could. He has been spoken of as a walking encyclopedia of the law. Judge McDill once said that no matter what his convictions might be as to the law, if T. M. Stuart claimed it to be different, he would not act on his own convictions until he thoroughly examined the question again. T. M. Stuart was not an orator in the popular sense of the term, and still his quiet manner of address always had a convincing effect upon the jurors and courts.

To me, autobiographical fragments are far more interesting, because more characteristic and authentic, than what a third person may write of another. I there-

fore, take the liberty of quoting from a letter of Theodore M. Stuart, responding to my request for him to furnish me some data concerning his early life, in which he writes:

I was born in Zanesville, Ohio, in 1836. I was about eight years old when my father removed to Piatt County, Illinois. The education I received was in the high school at Monticello, and a church college at Danville in that State. At that time Mr. Lincoln was at his best as a lawyer. He traveled over the circuit with Judge David Davis, having a temporary partner in each county who gathered up a number of cases for him to try. He tried a case for my father. As I, barefooted boy, sat in the courthouse and heard Mr. Lincoln try this case, I made up my mind that I would be a lawyer. Having announced this purpose when I returned home, I was afterwards dubbed as "the lawyer" by my brothers and sisters. Frequently when my mother requested them to go on an errand for her they would say, "Let the lawyer go." Whenever court convened at Danville I would obtain a leave of absence from school and spend at least one week at the hotel and in the courthouse listening to Mr. Lincoln, Leonard Swett, and Dan Voorhies try cases or tell stories. At that time Lincoln's chief ambition was to become a great lawyer. He had some of the greatest in the country to contend with, and, before the jury, on the facts, he had no superiors.

But I have wandered from the purpose of this letter. I was admitted to the bar and commenced the practice at Chariton, Lucas County, Iowa, in March, 1860. I think the records of the Supreme Court will show that, during the years from 1860 to and including 1900, I tried as many cases in that tribunal as any other lawyer in the State. I don't say that I tried them as well as many other lawyers would have done, but I did the work. The law relating to railroads was not as well settled then as it is now, and I represented the Chicago, Burlington & Quincy Railroad in several counties during this time, and assisted in establishing precedents which are in full force today.

He was of medium height, not commanding in appearance, modest, rather backward, perfectly unostentatious, a character above reproach.

Judge Thomas B. Stuart, brother of Theodore M. Stuart, and now one of the Federal Judges of the Territory of Hawaii, entered upon the practice of his profession at Chariton. He was, in some respects, quite different from the brother above mentioned. He had a more active temperament and bolder spirit, and was not content with his environment. He accordingly early removed to Denver where he became eminent and for many years was regarded as one of the ablest lawyers and jurists in Colorado. He was twice elected to the Legislature of Colorado, and was twice made Speaker of its House of Representatives. He was appointed Judge of the District Court of the District in which Denver is situated, and served with marked efficiency. On retiring from the bench he resumed the practice and followed it with great success, frequently in connection with cases involving great interests. He retired a few years since, removing to Honolulu, intending to there quietly spend his remaining days. But it was not to be so, for he was called again into active service by being appointed one of the territorial judges by President Wilson, the duties of which he is discharging with signal ability and general satisfaction. No better appointment could have been made; no judge selected who would be likely to administer justice on a higher plane.

Personally, as an individual, Judge Stuart is one of the noblest and most agreeable men I have ever met in the course of my life. To illustrate: While residing at Kansas City, Ex-Governor Thomas T. Crittenden, my law partner, and myself once spent a couple of weeks in court attendance at Denver. I introduced him to Judge Stuart. We were often invited to the latter's house, and the Governor, who was an excellent judge of men, had the opportunity of seeing much of him. He afterward told me that of all the men, public and private, that he had met at Denver during our protracted stay, none had so favorably impressed and pleased him as Judge Stuart. He is, indeed, one of the most kindly, congenial and interesting of men, in whose company it is delightful to be. I should like to see him once more, but fear I never shall, for we are both drawing near the end of the line. But in any event, it is to be hoped that we may meet in the Elysian Fields.

Dell Stuart studied law in the office of his brother, Theodore, and entered upon the practice at Chariton. He became prominent in the profession in that part of the State, and was elected Judge of the Circuit Court in 1882. During that term of four years I tried many cases before him, for he was our Circuit Judge. When elected, he was too young to be a very mature and perfect judge, but as time went on he greatly improved, and at the end of the term had proved so satisfactory that he was re-elected, but before the expiration of his term he removed to Portland, Oregon, where he died in 1905, after establishing a highly successful practice.

CHAPTER XXVI.

DAVENPORT.

Gilbert C. R. Mitchell, Jonathan W. Parker.

During the period I was Reporter of the Supreme Court of Iowa, the court held two terms each year at Davenport. Under the law which, I think, had been drawn by my predecessor, Thomas F. Withrow, it was made the duty of the Reporter to attend in person each session, to hear the arguments, receive copies of briefs filed, and generally observe the proceedings, to the end that he might obtain a thorough knowledge of the cases he was to report, and this duty I performed without a break. This requirement was applicable to all the terms wherever they might be held, for the court was, so to speak, perambulatory, holding semi-annual terms at Davenport, Dubuque, and afterwards at Council Bluffs, as well as at Des Moines. I believe I have made this statement elsewhere, but I have seen fit to repeat it here in order that the situation and the opportunities for acquaintance it afforded may be well understood. Through this means, I met, and in the course of years, became more or less personally acquainted with most of the Davenport lawyers of that period.

Gilbert C. R. Mitchell was among the first, if not the first lawyer in Davenport. He was a sound lawyer and an able judge. He filled many positions of public trust, and in all, acquitted himself with the greatest credit. He was a native of Jefferson County, East Tennessee, and was born in 1803. He was well educated, and a graduate of the East Tennessee University at Knoxville. The family removed to Lawrence County, Alabama, and after graduating, Gilbert went there, and fitted himself for the bar, to which he was admitted in 1825. He practiced in Alabama until 1834, spent a winter in touring eastern cities, and in the spring of 1835 came to Davenport, purchasing a squatter's right upon which he erected a dwelling. At that time Iowa was attached to Michigan, and so remained until the organization of Wisconsin Territory, out of which Iowa Territory was subsequently formed. There was, of course, but little legal business, and the most of that related to conflicting claim titles. He aided his business by extending his practice into the courts of Rock Island, which were at that time organized.

In 1843 he was elected to the House of the Iowa Territorial Legislature. In 1846 he was nominated for Congress, but was defeated. He was elected Mayor

of Davenport in 1856, and in 1857 was nominated by a meeting of the bar and elected Judge of the Fourteenth Judicial District, comprising the counties of Scott, Clinton and Jackson. He was elected by a large majority, so highly was he esteemed, though the Republicans nominated and ran an opposition candidate. Before the expiration of his term of office he was obliged to resign on account of ill health. As a jurist, he took a high position as a keen and discriminating lawyer. His mental processes were not rapid in reaching conclusions, but when they were reached, they could be depended upon. He was a man of literary tastes and fine conversational powers. It was well said of him that he was "instructive, amusing and brilliant without effort." He died more than forty years ago.

He was succeeded in the profession by his son, Nathaniel S. Mitchell, who received his legal education in Davenport, after graduating from Notre Dame University, Indiana. He entered upon the practice at Davenport, and attained an excellent standing in the profession.

I have said that Judge Mitchell was among the first, if not the first lawyer settling in Davenport. Whether he or Alexander McGregor was the first, seems to have been a question. They came at about the same time to Davenport, but in a practical sense, Judge Mitchell was the first lawyer who entered upon the practice there, for McGregor first engaged in farming, and did not open an office in Davenport until several years afterward. He became a member of the Territorial Legislature and died in 1860. Considerable reference has been made to him by Theodore S. Parvin, in connection with his sketch to be found herein.

Jonathan W. Parker was one of the earliest lawyers of Davenport, and became one of the ablest in the Territory and State. He was admitted to the bar at the first term of court held in Davenport, in 1838, Judge Joseph Williams presiding. Willard Barrows, writing of him in his History of Scott County, says:

Among the most active and efficient young men of that day, was Jonathan W. Parker, son of our fellow-citizen, Jonathan Parker. He emigrated in the autumn of 1836, from Luzern County, Pennsylvania, a lawyer by profession, having studied under Judge Kidder, of Wilkes-Barre. His destination was Galena, but the boat upon which he had taken passage from St. Louis became icebound at this place, and laid up for the winter. Having spent the winter here, and becoming attached to the place, he finally settled here. His numerous highly interesting letters, descriptive of the country, and published in the East, did much to induce emigration. He was a botanist, and spent much time among the flowers of our prairies. He delivered the oration on the Fourth of July of this year (1837), it being the first celebration of any kind ever held in this city. * * * Mr. Parker was in our Territorial Legislature at Burlington, in 1839; was elected President of the Council, and did much towards framing the code of laws for the Territory. He held at various times the offices of Justice of the Peace, Judge of Probate, and was the second Mayor of the City of Davenport. He left here in 1844, traveled considerably through the United States, changed his profession for that of medicine, and in August, 1850, was located in Cincinnati, where he died of cholera, that autumn, at the house of Dr. Gatchel, much lamented for his social and moral virtues.

His father, Jonathan Parker, was a prominent civil engineer, who came to Dav-

enport in an early day, and in 1850 ran the first line for the Chicago & Rock Island Railroad from Peru to Rock Island, and during the same year by order of the City Council, made a map for a railroad between Davenport and San Francisco.

James Grant came to Davenport in 1838. After Judge Mitchell, Jonathan W. Parker and Simeon Meredith, he was, I think, the next permanent lawyer that settled in Davenport. So much has been said of Judge Grant in connection with my sketches of Theodore S. Parvin and James W. Woods (Old Timber), that it is unnecessary for me to be elaborate, or to do more than to supply in epitome, what they have omitted. Judge Grant was one of the most unique personalities in the history of Iowa. I met him early in my professional career and saw him often. He was small in person, with a fine head, full and penetrating eyes and a very large, but well shaped nose. His countenance and every expression was strikingly resolute, and he had a voice like Stentor that made everything resound when it was raised to its highest force. He was dignified in bearing, quick in movement and supremely active, both physically and intellectually. Anecdotes have been told of him, some by Parvin and Woods, and I may, perhaps, add one or two others that have not appeared in print. He always, or at least, when I saw him, wore a stove-pipe hat, and walked with an air of self-importance that was more seeming than real. Though small in figure, he was dauntless as a lion, and when young, would fight at the drop of the hat if imposed upon. He was, however, at heart one of the kindest and tenderest of men, who though without children of his own, showered his benefices on those of his relatives and friends. As a lawyer, he became highly distinguished; his reputation may be said to have been national. Webster said that "the history of most lawyers could be briefly written; that they worked hard, lived well and died poor." To the latter part of this statement Judge Grant was an exception. He entered upon a line of litigation in which through dint of his perseverance and his talents, he eventually became successful and the recipient of a professional income, perhaps as great as any lawyer in the United States. Some of this went without much return in attempts at farming, and other side issues; larger sums went in the way of charity, but he had enough to leave a handsome fortune when he died. On occasions his generosity was munificent. He disbursed almost a fortune in the purchase and collection of the finest and largest private law library in the United States. It embraced the reports of all the states and territories of British America, and of England, as well as elementary works on every subject of the law. When the Legislature required a term of the Supreme Court to be held twice a year at Davenport, it was on condition that it should be without cost to the State. There was no place in which to hold the court, and no library for its consultation. At this juncture Judge Grant fitted up a room for the court, and turned over for its use, his magnificent library, for which he neither received nor expected a penny.

I have referred to his professional income. His discernment and keen sagacity

induced him to enter into the railway-aid-bond litigation. He fought that battle for years, with a tenacity almost without professional precedent, which terminated in victory and large fees. The State courts were against him, but he carried one by one his points to the Supreme Court of the United States, where in the end he was sustained. His ability and acute legal discernment were also exemplified in what was known as the Mark Howard case, arising out of the sale of the old Mississippi and Missouri Railroad to the Rock Island Company, in which he secured his clients nearly a million of dollars, and to himself and partner, a fee of one hundred thousand dollars.

In the use of vigorous English and in felicity of expression, he had few equals. Of him Judge Dillon thus writes:

I have heard him make a law argument of an hour's length, without hesitating for a word, and without using a superfluous one. Every sentence was short, and, unconsciously to him, clearly cut and finely chiseled. He was a man of strong and tender emotions, and occasionally, when the subject was such as to enlist his feelings, truly eloquent in the highest sense of that expression.

He was impetuous in action and disposition. When he had an object to attain, he went for it with the velocity of the wind. He never delayed himself and could not brook delay in others. This was well illustrated while he was on the bench—for he was the first judge of his Judicial District under the State organization. His District embraced many counties. To one he had gone on the day fixed, and had the sheriff open court. No lawyers were present, and after waiting for a time, he ordered the sheriff to adjourn the court for the term; got into his buggy and started homeward. He had not gone very far before meeting several lawyers on their way to court. They stopped in the road; he told them that the court had adjourned for the term, and it was in vain that they endeavored to induce him to retrace his steps and reopen court. To the same effect Captain Warren, of Jackson County, used to tell of Judge Grant's last term there. Expecting to adjourn on that day, he had taken his carpetbag to the courtroom with him. Some lawyers who had been very dilatory in their movements, at last took up for argument, a motion for a new trial in some case. The Judge was out of patience with their slow movements, and they had barely stated the case when the Judge, hearing the whistle of a steamboat going down the river, sustained the motion, adjourned the court sine die, grabbed his carpetbag and started on a run for the river bank. While the boat was rounding to, he recalled that he had left the grand jury in their room, and espying Captain Warren, told him to go over to the courthouse and tell the grand jury to go home. The following characteristic story was also told of Judge Grant: He and his wife had gone to California to spend the winter, accompanied by his wife's mother. During the sojourn the old lady sickened and died, and the Judge and his wife took their sorrowful way homeward, after placing the precious casket bearing the remains, in the care of the express company, whose general agent there was a friend of the

Judge, and he took special pains to so arrange matters that the casket would reach Davenport by the time the Judge and his wife did. They took passage over the Rock Island route, while the casket was sent via the Burlington route. On reaching Davenport, Judge Grant went to the express car, but to his surprise, no casket was there, nor did the agents know anything about it. Whereupon the Judge rushed to the telegraph office and sent the following dispatch to his friend, the express agent at San Francisco: "Where in hell is my mother-in-law?" Satisfactory explanations followed.

He was a man of the most restless activity and tireless enterprise. After he had acquired a fortune in and retired from the profession, he endeavored to remain in a state of restful quietude; but it was impossible. He embarked with the greatest activity in several enterprises. He went to Colorado; to California; he engaged in mining; he built gigantic smelters. Neither time nor age could quench his indomitable spirit. When contemplating mining, though comparatively an old man, he went East and entered as a student in an institute of technology for the purpose of becoming familiar with minerals and mining.

In 1881, desiring to obtain from him some data respecting himself, I wrote him a letter for that purpose, to which he made the following reply:

Fresno Flats, California, November 2, 1881.

My dear Mr. Stiles: Your letter of October 24th finds me here fifty miles from a railroad, managing a gold mine. The notable event of my life is, that at sixty-eight I began school again, and went to the Massachusetts School of Technology, and there studied chemistry and mining, and became a mining engineer. My wife can tell you all that I know. At one time I had more cases in the United States Supreme Court than anyone else. I shall be sixty-nine in December next. I cannot write you an autobiographical sketch here, but will be glad to do so when a favorable opportunity occurs.

Your obedient servant,

James Grant.

Judge George G. Wright at one time contemplated doing the very work I am now engaged in, but subsequently changed his mind and sent some material he had collected, to me. Among this was the following characteristic letter written in 1885, by Judge Grant, to Judge Wright:

My dear Judge: I have your letter of 20th instant to me by Charles Whittaker. I know I am a wanderer, but Iowa is my home, and if I die away from that I suppose somebody will bring me there. I came to Iowa on the 18th of June, 1838, when it was a part of Wisconsin. The census taken that fall gave Iowa 23,000 inhabitants. I have wandered from the Atlantic to the Pacific, and as I have lived over seventy-three years I cannot expect to travel much farther or live much longer, though in this dry climate I feel as well and almost as young as I did when I lived in the village of Davenport, the site of which I saw in 1830, when I was prosecuting attorney for all western Illinois. I moved the admission of Judge David Davis, afterward Judge of the United States Supreme Court, to the bar of Illinois, at Peoria, in the fall of 1835. When I came to Davenport it had four lawyers, Simion Meridith, Jonathan Parker, Alexander W. McGregor, and Gilbert C. R. Mitchell. Williams was not then Judge, but Judge Irwin, of Wisconsin, held court in Davenport. When Iowa was separated from Wisconsin, Judge Williams held the first territorial court and Judge Wilson afterwards. It was at that court

in the Catholic church that Judge Rorer and I had a personal dispute which ended in our being good friends. Whicher and Lowe and Hastings were at Muscatine. Wilson, Hastings and Grant alone survive of all the attorneys in that district of Iowa Territory. Judge Wilson and Hastings were somewhat younger than I was, but we are the survivors of all the earliest lawyers of June 23, 1838. You know the lives and history of all these peerless men as well as I do and you know quite as much about every lawyer's life as I do myself. I should be glad to meet you all once more, before I leave this world, but no matter where I go, whether at the bar of the court, or in the mountains of Colorado, or in the vine-clad hills of California, my mind is ever going back to Iowa, its bar and its Judges and its people. May God help and protect you, my dear friend, and keep you long in the land of the living.

Yours truly,

James Grant.

He was born on a plantation near the village of Enfield, Halifax County, North Carolina, 1812. His father, James Grant, was the son of James Grant, who belonged to the Highland clan of Grants, fought for the Pretender at the Battle of Culloden, and was transported for the good of King George II, with fifteen hundred others, of like rebellious opinions, to the colony of North Carolina.

His mother, Elizabeth Whittaker (Grant), was the daughter of Mat. C. Whittaker, of Halifax County, who emigrated to North Carolina, from Warwick County, Virginia, and who was a lineal descendant of the Rev. Alexander Whittaker, an Episcopal minister, who was one of the first Virginia colonists, and who baptized Pocahontas. The portrait of Alexander Whittaker, in the act of baptizing Pocahontas, is in the rotunda of the capitol, at Washington.

At thirteen he was prepared for college, and taken to the university of his native state, at Chapel Hill, to join the freshman class, but he was so small, that the venerable president, who had taught his father, advised the latter to retain him at home for two years, and then have him join an advanced class. This advice was followed, and he entered the sophomore class of 1828, and graduated in 1831, before he had reached his eighteenth year. After graduating, he taught school three years at Raleigh, and emigrated to the West when he was twenty-one.

He reached Illinois in December, 1833, obtained license to practice law in January, 1834, and settled in Chicago, then a village of five hundred inhabitants, in April, 1834. Shortly after he went to Chicago, a fist fight about his first client, brought him into notice, and he soon acquired a reputation in his business. He remained in Chicago until 1838, when he discovered that the lake winds impaired his health, and he emigrated to the Territory of Wisconsin, selecting Davenport, in Scott County, for his future home. In 1834 he was appointed by Governor Duncan, of Illinois, Prosecuting Attorney for the Sixth District, comprising all the northern part of the State from Chicago to Galena, Rock Island, Peoria, Hennepin, LaSalle and Iroquois. He traveled this entire circuit on horseback. In 1836 he resigned the office, finding that it interfered too much with his home business. After his removal to Iowa he was elected, in 1841, to the House of the Fourth Territorial Assembly. The district comprised the counties of Scott and Clinton. His colleague was Joseph

M. Robertson. In 1844 he was elected by Scott County, delegate to the first Constitutional Convention. His colleagues were Andrew Campbell and Ebenezer Cook. In 1846 he was elected by the people of Scott County, as their sole representative to the Second Constitutional Convention, and was the author of, and drew up the section embracing the Bill of Rights. After the adoption of the constitution and the admission of Iowa into the Union, he was elected, in 1847, the first judge of his district, comprising the counties of Scott, Muscatine, Dubuque, Fayette, Grundy, Jackson, Cedar, Clayton, Clinton, Delaware and Winneshiek. He held this office for five years, but absolutely declined a re-election. In 1852, he was for the second time, elected to the House of Representatives, and chosen Speaker of that body. This was the last political office he held. He was a Democrat, but had no taste for politics, and he neither desired nor would accept any further offices. By reason of the versatility, as well as the force of his talents, James Grant may be properly said to have been a genius. In his youth he was a prodigy. It is said on good authority, that within a week before he was sent to school, at the age of eight, his mother taught him his letters, and that in ten months, he could properly spell every word in Walker's Dictionary, and as we have before seen, he was graduated from the University at the age of seventeen. Like Judge David Rorer, of Burlington, he was altogether individualistic, and I know of no one in Iowa history that can approximate him as a parallel. Had he been a seaman, he would have rivaled Lord Nelson; had he been a soldier, he would have been as irresistible as Marshall Ney or General Sheridan. He was thrice married. His first wife was Sarah E. Hubbard, a native of Massachusetts, of Puritan ancestry, born within hearing of the surge that beats on Plymouth Rock. She died in 1842, after having given birth to a daughter, who did not long survive. His second wife, to whom he was married in 1844, was Ada C. Hubbard, a native of Vermont. She died in childbirth, in 1846, leaving a daughter who survived her mother a year. His third wife was Elizabeth Brown Leonard, to whom he was married in 1848. She was a native of Connecticut, whence her father, James Leonard, emigrated to Sabula, Iowa, in 1838. He represented Jackson County, in the Legislature, during a session of which he suddenly died, at Iowa City in ———. This was a long and happy union which continued to the end of his life. No children were born, but the wife ardently joined her husband in every great, warm-hearted movement for the care and education of the children of others. She was a fine woman, both physically and intellectually. Their silver wedding was appropriately celebrated at Davenport in June, 1873, an account of which will be found in the October number of the Annals of Iowa for that year. As will be seen, he left no descendants; but I am informed that Governor Grant, a few years ago the Executive of Colorado, was a nephew of his.

Simeon Meredith, J. W. Drury, W. B. Conway, Charles Weston, W. J. A. Bradford.

Simeon Meredith, J. W. Drury, William B. Conway, Charles Weston and W. J. A. Bradford were also among the earliest lawyers of Davenport. *Simeon Meredith* was present at the first term of the District Court, held in 1838, and was on motion of G. C. R. Mitchell, admitted to practice. There being no District Attorney, he was appointed prosecutor pro tem. He remained but a short time in Davenport, and died many years ago.

J. W. Drury was also admitted at the same term on motion of Mr. Mitchell. Whether he was then a resident of Davenport or Rock Island, I am unable to say. He became a noted lawyer, and during his life was a judge in Rock Island. He was quite prominent at the bar in both Iowa and Illinois. If I recollect rightly, he was for a time a partner of one of the Cooks, under the firm name of Cook & Drury.

Brief references have been made by me in one of the first chapters, and also by Theodore S. Parvin and James W. Woods, in connection with the sketches of Conway, Weston and Bradford, which I need only supplement with a few words. *W. B. Conway* was admitted to the Davenport Bar at the same term that James Grant and *J. W. Drury* were. He was appointed the first Secretary of the Territory, and was regarded as a highly gifted man. He died while in that position in 1839, at Burlington. He was buried in Davenport. It would seem that he was a Catholic, for when his body was conveyed to Davenport it was taken to St. Anthony's Church, where services for the dead were performed by Father Pelamourgues. A public meeting of the citizens of Davenport was held, at which his virtues and accomplishments were highly extolled.

Charles Weston was an accomplished man and a college graduate. He was a native of Washington County, New York, and had practiced there for a short time before coming to Burlington, in 1837. James W. Grimes and Henry W. Starr were among his first acquaintances there. He was practicing in Burlington when the death of Mr. Conway occurred, and was appointed fiscal agent for the territory, and exercised the duties of the Secretary, after the death of Mr. Conway. In 1838 he was appointed Judge Advocate-General by Governor Lucas, with the title of Colonel. On the death of Mr. Van Allen he was appointed to succeed him as United States Attorney in 1839, and held that office until 1843. In 1840 he removed from Burlington to Davenport. In 1851 he was elected Mayor of that City, and County Judge in 1857, and filled that office in a manner very satisfactory to the people. He was polite in manners, pleasing in address, a gentleman of the old school.

Wm. J. A. Bradford was the first Reporter of the Supreme Court of the Territory, though it is generally supposed that Easton Morris was. He deserves a better recognition than has been given him. His reports were published in three pamphlets. The first contained "Cases from the organization of the Territory in July, 1838, to December, 1839, inclusive." It was an 8vo of twenty-four pages, and published at Galena, Illinois, in 1840. There was no press at that day in Davenport. The second contained "Cases argued and decided at the July term, 1840, of the Supreme Court of Iowa." It consisted of 76 pages, and was published at Iowa City, by Hughes & Williams in 1843. The third and last included "Cases argued and decided at the July term, 1841. This was also published by Hughes & Williams, and all three were afterward included in Morris.

The first case he reported was the celebrated one of *In Re Ralph*, and the first one appearing in Morris. He was born and reared in Massachusetts, where he returned after a few years of residence in Iowa. In 1846 he compiled and published in New York a volume of three hundred pages, entitled "Notes on the Northwest, or Valleys of the Upper Mississippi." As a matter of history, it is yet an interesting volume. He was a gentleman of learning and literary attainments, retiring in disposition and manners, and not well fitted for frontier life.

James Thorington was one of the early lawyers of Davenport, and may be said to have been the first Republican Congressman from Iowa. He was a native of North Carolina, where he was born in 1816; a graduate of the State University of Alabama, studied law, was admitted to the bar and commenced the practice at Davenport in 1839. He was four times Mayor of Davenport, one of the leaders in the Free Soil movement, and in 1854 was elected to Congress over Stephen Hempstead, of Dubuque, the Democratic candidate, who was then Governor of the State. It was charged by his political opponents with the bitterness incident to that time, when the Democratic Party was losing its last hold upon the State, that Thorington was lacking in education, and hardly fit to be the representative of Iowa. It was said that several prominent men declined the nomination because an election was hopeless, but Mr. Thorington accepted and made an aggressive, thorough and confident canvass. Contrary to expectations, he was elected by an overwhelming majority. In the House of Representatives he became an unusually influential member, ignoring the precedent that young men should keep still for a term or two and let the old ones do the talking. Augustus Hall, of Keosauqua, was our other member. It is certain that Mr. Thorington won great credit. Senator Harlan declared in a public speech long after Thorington had retired from Congress, that, "Of the men who had anything to do with the passage of the Iowa Land Grant Bill, Mr. Thorington was of all others entitled to the credit." At that time, James Harlan and General George W. Jones were Iowa's United States Senators, and supported the land grants for the four parallel railroads across the State of Iowa. In this,

Mr. Thorington co-operated with great activity and effect in the House. For his valuable services in this and other respects, he should have been re-nominated, but was defeated by Timothy Davis, of Dubuque, on the specious ground of locality. It may be truly said that he was one of the leaders in the movement which resulted in the formation of the Republican Party in Iowa.

He was of Irish descent, and had much of the quick wit of his ancestry, as is well illustrated from the following incident: In 1872 he was appointed by General Grant, United States Consul to Aspinwall. The law at that time required him to pass an examination by the Civil Service Commission at Washington. Among others, the following question was propounded to him: "How many Hessians did Great Britain send over here to subdue us during the Revolution?" The answer was, "I have never been a good hand to recall figures, but one thing I do know concerning those Hessians, and that is that a d— sight more of them came over here than went back." He was for ten years in the Consular service at Aspinwall, and the following incident connected with that service, brought him into general notice. The steamship, *Virginus*, steamed into the Bay of Aspinwall, flying the United States flag. The captain of a Spanish gun-boat threatened to capture the *Virginus*, and demanded that the protection of the United States be withdrawn. This demand Mr. Thorington refused, and gave every protection in his power to the *Virginus*, which enabled her to steam out and go her way. After the close of his Consular service, he lived in retirement at Davenport during the remainder of his life. He died at Santa Fe, New Mexico, in 1889.

Ebenezer Cook, John P. Cook, Ira Cook, George E. Hubbell.

Ebenezer, John P., William L., and Ira Cook were among the first settlers. All of them became eminent in the early history of Iowa—the two first as lawyers and statesmen, the others as public men of some note. They were the sons of Ira Cook, Sr. The father, with his daughter and her husband, William Van Tuyl, came first in 1835, the others in the following year, 1836.

I became acquainted with John P. and Ebenezer Cook on my first attendance at the April session of the Supreme Court at Davenport in 1867. Ebenezer was then one of the principal officers of the Chicago, Rock Island and Pacific Railroad Company, and had virtually retired from the practice. They seemed to me as different in their characteristics as they were in person. Ebenezer was tall, stately, dignified and reticent; John P., of medium height, easily approachable, inviting in manner and highly entertaining in conversation. Ebenezer was the elder of the two, having been born in 1810, John in 1817. They were both natives of Oneida County, New York, though of Puritan extraction. Their parents were New Englanders who emigrated at an early day from Massachusetts to western New York.

Ebenezer Cook became early prominent in public affairs. In 1838 he took an

active part in the noted county seat contest between Davenport and Rockingham, as did also his brother, John.* In the same year he was appointed Clerk of the First Board of County Commissioners. At the first term of court after the organization of Scott County, which was made a part of the Second Judicial District of the Territory of Wisconsin (we were then a part of Wisconsin), the presiding judge, David Irvin, appointed him Clerk of the Court, and the certificate of this appointment is the first entry on the court record; and in a small, but well preserved court record still among the archives of the Clerk's office, can be seen the original record of the first district court held in this County, in the fair handwriting of the lamented Ebenezer Cook.** His appointment was continued by Judge Joseph Williams, one of the three first judges appointed after the organization of the Territory, of whose district Scott County became a part.

At the first session of the Territorial Legislature in 1838, he was, on the recommendation of the Governor, appointed Judge of Probate of Scott County;*** and at the election of 1840 was again made Probate Judge, and his brother, Ira, County Treasurer. In 1844 he was chosen one of the delegates to the Constitutional Convention of that year to draw a constitution for the State. He was the only Whig elected on the entire county ticket. His Democratic associates were Andrew Campbell and James Grant. Under the new city charter of 1851, he, with Hiram Price, was elected Alderman of the Third Ward. Upon the organization in 1853 of the Mississippi and Missouri Railroad Company (afterward consolidated with the C. R. I. & P. R. R. Co.), he and his brother, John, became leading members of it. In 1855 he was again Alderman, and in 1858, Mayor of Davenport. In the Fourth General Assembly, which convened at Iowa City on the 4th day of December, 1854, his name was presented among other candidates for election to the United States Senate, and it would seem from the Senate Journal of that Session, which I have before me, that he narrowly escaped being elected. James Harlan, who was eventually elected, received fewer votes on the first ballot than Mr. Cook. On the third ballot, A. C. Dodge, Harlan and Cook were the principal ones voted for. On the fifth ballot, Harlan received 45; Cook, 44; scattering, 9.****

He was admitted to the bar at Davenport in 1840, and soon attained an extensive practice in that part of the State. Fortuitous circumstances and natural inclination, however, eventually drew him into wider enterprises. As we have seen, he was active in the organization of the Mississippi and Missouri Railroad Company; he was alike active in its consolidation with that of the Chicago, Rock Island &

* Davenport Past and Present, by Franc B. Wilkie, Luse, Lane & Co., Davenport, 1858, where the names of the leaders will be found.

** History of Scott County, Chicago, 1882.

*** Davenport Past and Present, page 70.

****Senate Journal, Fourth General Assembly, page 77.

Pacific, of which he became a director, then Secretary, then Vice President and later Acting President, a position he held at the time of his death, at Davenport in 1871, when he was in the sixty-second year of his age.

John P. Cook, from the natural brightness of his mind, from his study—more of men than of books—and long experience, became one of the most accomplished lawyers of the Territory and State. After remaining at the village of Davenport for some time, he went to Tipton, in Cedar County, where he remained several years, establishing for that day a fine practice, and an excellent standing. Later he returned to Davenport and entered into legal partnership with his brother, Ebenezer. His advancement was constant and steady. The reported cases in which he was concerned, are numerous. He was not only prominent at the bar, but in public affairs as well, and played an important part in shaping the laws and jurisprudence of the new commonwealth. In 1842 and 1844 he represented in the Senate or Council of the Fifth and Sixth Territorial Assemblies, the Counties of Cedar, Jones and Linn. In the Senate of the Second General Assembly he represented the Counties of Cedar, Linn and Benton; in the Senate of the Third General Assembly the Counties of Cedar, Linn, Benton and Tama; and from 1853 to 1855 he represented his district, which was then an immense one, in the Congress of the United States. His political opponent in the election was a strong man, Lincoln Clark, of Dubuque, but Mr. Cook's majority was decisive. He was a Whig in politics until the dissolution of that party, when he affiliated with the Democratic Party, which continued in a hopeless minority during the remainder of Mr. Cook's life.

Personally considered, it may be broadly stated that he was a delightful man, sparkling, jovial, witty, wise, highly companionable and generous to a fault. A single instance may be cited to show his readiness and fertility in some of the respects mentioned. It was in connection with "Hummer's Bell," and its abduction from the steeple in which it hung at Iowa City. Much was written and said about it at the time and afterwards in the old series of the "Annals" and elsewhere.* Boiled down, it may be thus summarized: The Rev. Michael Hummer (the same that once went to Davenport to whip James Grant and got whipped himself, instead, as related by Theodore S. Parvin in connection with his sketch, ante) was a queer specimen for a clergyman—as warlike as he was queer. As pastor of a Presbyterian Church at Iowa City, he had behaved in such manner that the congregation ousted him. He was greatly enraged and sought to retaliate by stealthily removing from the belfry the bell that had been placed there during his pastorate. For this purpose he went with an accomplice to the church, and sending his accomplice to bring a team with which to take away the bell, he, by means of a ladder which they had brought, ascended the belfry, unhung the bell and lowered it to the ground.

* Annals of Iowa, July, 1864, number; January, 1869, number; April, 1869, number.

Some citizens observing what was going on, rallied more to their support, and while Hummer's accomplice was gone for the wagon, quickly brought one of their own, removed the ladder, placed the bell in their wagon and drove away, leaving Hummer a prisoner in the belfry. He raved like a mad man as he watched the proceedings, indulged in powerful expletives, threatened destruction and threw everything within his reach at the assembled citizens, who mockingly rejoiced and went their way, leaving the exasperated Hummer, in his aerial prison. The ludicrous incident became the absorbing theme of the day. It was not only written, but rhymed about in a series of four verses, originating in a group of lawyers during a recess of the court. How and by whom this was done is thus told by Judge William H. Tuthill, in the July, 1864, number of the *Annals*:

The first verse was the improvisation of the Hon. John P. Cook, the legal vocalist of the day, who, upon hearing the ludicrous story of the bell's departure, broke out in song, to the infinite merriment of the members of the bar present, and in his sonorous and mellifluous tones, sang the first six lines to the well-known popular air of "Moore's Evening Bells." Stephen Whicher, Esq., who made one of the merry company, carefully noted down the fragmentary carol, and meeting me soon afterward, earnestly solicited me to complete the song, as he termed it. His request was immediately complied with, and in a few moments the whole versified story of the bell was told in an impromptu production, of which I append a copy, verbatim et literatim, from the original manuscript now lying before me, which has never been out of my possession.

The following is the first verse referred to:

Ah, Hummer's bell! Ah, Hummer's bell!
 How many a tale of woe 'twould tell,
 Of Hummer driving up to town
 To take the brazen jewel down,
 And when high up in his belfr-e,
 They moved the ladder, yes, sir-e-e;
 Thus while he towered aloft, they say,
 The bell took wings and flew away.

Cook was a favorite with the judges and officers of the Supreme Court, and so long as he lived, it was an occasion of pleasure for them to see and converse with him during the semi-annual sessions at Davenport. He died while yet in his prime, at the age of fifty-five, at Davenport, in 1872; and when he left the world behind him, there were few in it that could completely take his place. When his death was known appropriate memorial services were observed in the Supreme Court, in the course of which the venerable James Grant thus perfectly portrayed the character of Mr. Cook:*

I have known John P. Cook during all of his professional life. He was a young man when I was regarded as an old man. Of his early associates in this county, Mr. James Thorington and myself alone survive. Parker, John H. Thorington, McGregor, Meredith, Mitchell, Ebenezer Cook and John P. Cook, pioneers of the profession in this county, have all gone before us to another forum, and their voices will never be heard again in this or any other earthly tribunal.

* Iowa Reports, vol. 35, page 599, Stiles.

John P. Cook was eminent among the members of our profession for his social qualities, for his gentlemanly bearing and kindness of heart, to his brethren and to all men. In his business, he was successful, with tact and knowledge of human nature more than knowledge of books. He read the book of nature, and few men in his line of life were more skilled in its mysteries.

George E. Hubbell was a native of my own State, Connecticut, where he was born in Salisbury, in 1828. He was a graduate of the Yale law school, practiced for a short time in New Haven, then in New York City, and in 1853 located as one of the early lawyers in Davenport, where he actively practiced his profession for so many years that he became the oldest continuous practitioner of the Davenport Bar. He was in continuous practice for more than fifty-six years. He was a sound lawyer and was employed in many cases of great importance. His brother, *Sidney A. Hubbell*, was a United States Judge of the Territory of New Mexico, whence he was driven by the capture of a portion of that country by the confederates. He came to Davenport and entered into partnership and continued in the practice with his brother, *George E. Hubbell*, until his re-appointment to the judgeship in New Mexico, where he returned, and died in 1879. *George E. Hubbell* studiously applied himself, as already indicated, to his profession, and never sought political office. When he came to Davenport it contained less than four thousand inhabitants. He was of English extraction, and belonged to hardy, long-lived New England, Puritan stock. His father, *John L. Hubbell*, was a native of Connecticut, and lived until he was ninety. His mother was a cousin of Professor Morse, the inventor of the telegraph.

James T. Lane, David S. True, Abner Davison, John N. Rogers, Charles E. Putnam, Hans R. Claussen.

James T. Lane was an early contemporary with *John N. Rogers, Charles E. Putnam, David S. True* and *Abner Davison*, and rivaled them in talents and legal ability. We became early acquainted and were congenial companions. He, like Mr. Rogers, also wore "specks" and looked like a professor, though in build and general appearance, quite different, for he was broad shouldered, full chested and apparently robust. He was a lawyer of great ability. In temperament, he seemed to me somewhat lymphatic, but when aroused or interested, he displayed both force and activity. By his talents and learning he built up a fine practice, which he successfully maintained through all the years. He was fit to measure swords with the compeers I have named or any others in the profession. He was a remarkably agreeable gentleman, pleasant in manner and speech, loved a good story and was fond of good company. He was a native of Freeport, Pennsylvania, where he was born in 1830. He was a graduate of the Lewisburg University in that State, and was admitted to the bar there. He came to and settled in Davenport in 1854. He was for a time a partner with *Abner Davison*, and the firm of *Davison & Lane* was one of the leading firms in the State.

In politics he was a Republican, one of the organizers of that party, and a delegate from Scott County, to its first State Convention. In 1861 he was elected representative from Scott County to the House of the Ninth General Assembly, and became one of the foremost leaders of that body. In 1873 he was appointed by President Grant, United States District Attorney for Iowa, and served in that capacity with extraordinary ability and distinction for nine years. He was a rare man, and his death, which occurred in 1890, was widely lamented.

He was succeeded by his son, Joseph R. Lane, who commenced the practice at Davenport in 1880, and became associated with his father, whose mantle seemed to fall upon his shoulders. He proved to be a man of talents and an able lawyer. In early life he was an active leader in Republican politics, in which he might have been highly successful had he not preferred to follow his profession. As it was, he was elected to Congress from his district in 1898, and served with distinction, and would have been re-elected, had he not declined that honor. He was a graduate of Knox College, Galesburg, and of the law department of the Iowa State University. My estimate of his ability is confirmed by that of Judge Chas. F. Granger, in the sketch of Judge Granger.

David S. True and *Abner Davison* were the first lawyers I became acquainted with in my attendance on the Supreme Court at Davenport, in 1867. Frederick E. Bissell, of Dubuque, and myself had just taken our respective places as Attorney-General and Reporter of the Supreme Court, and as such had come to Davenport and quartered at the old Burtis House. Upon the very day of our arrival we were kindly called upon by Mr. True and Mr. Davison. David S. True was one of the most lovable men within the range of my acquaintance. He was very amiable in manner, pleasing in address. You could see at once in the lines and expression of his face and his general bearing that he was one of nature's noble men, overflowing with kindness and human sympathy. As I recollect him, his rather pale face was adorned with sandy colored whiskers, and his head with hair of the same color. His features were regular and he was of fair height, but I could see that he was consumptively inclined and not in the best of health. He was universally beloved by reason of the traits I have averted to. He was a splendid lawyer. His early education had been thorough, and he had graduated with the highest honors from his Alma Mater. He was born in Kennebec, Maine, in 1823. After graduation he was principal of one of the leading academies of his native State. His health failed, he resigned his position, which he had held with great honor, after three years, and then spent two years in European travel. After his return he established himself as a lawyer in Davenport in 1852. He acquired a large practice and stood high in the estimation of his professional brothers and the courts. His health continuing to fail, he went to Colorado with the hope of restoring it, but in vain, and after a period of lingering, died in Davenport in 1873, at the age of fifty. Had he lived and his

health been robust, he might have attained almost any judicial position in the State he desired.

Abner Davison entered upon the practice at Davenport in 1854. He and David S. True became partners, and so remained for many years, under the firm name of Davison & True. After the death of Mr. True he entered into partnership with James T. Lane, under the firm name of Davison & Lane, which for a number of years was one of the leading law firms of that part of the State. He was a man of high character, industry and perseverance, and early established himself as one of the leading lawyers of Central Iowa. He was born in Cooperstown, New York, in 1820, and died at Davenport in 1900, in the 81st year of his age. He was then a remarkable old man, who had not thrown off the professional harness until the beginning of the year in which he died. Coming to Iowa in its infancy as a State, he lived through most of its history, in which he played an active part. He was a useful man, and strongly impressed himself upon the affairs of his City and the commonwealth.

John N. Rogers was chiefly known as a lawyer; and was one of the best that ever graced the legal history of the State. He represented Scott County in the Eleventh General Assembly, in which we were fellow members, in 1866. It was then I first met him. He was as purely and distinctively a lawyer as any man I have ever known. He was not an orator in the popular sense, but his expressions were always well clothed, and so exact and logical that on every occasion he not only enlisted the closest attention of the court, but of every lawyer present, however dry the subject. In legal dialectics and luminous ratiocination, he had but few equals and no superiors. He was a forensic logician of the highest order and would have graced any bench in the world. In 1875 the governor tendered him the appointment of Judge of his District, but he declined that; he, however, accepted and for two years filled the chair of lecturer of Constitutional Law in the Law Department of the State University, which he greatly exalted. Later in life he was elected Judge of the District Court of his District. He had the trained mind of the jurist without the tropes of the eloquent advocate, but his clear and strong analysis expressed in well chosen language never failed to carry conviction where it was possible for that to be attained. For the qualities I have attempted to describe, he became highly distinguished throughout the State, and was frequently employed in cases of the highest importance. One of these was that of the United States, on the relation of Hall and Morse, against the Union Pacific Railroad Company, begun in the United States Circuit Court of Iowa and carried thence to the Supreme Court of the United States. Mr. Rogers represented the citizens of Council Bluffs, and succeeded in establishing, against able lawyers and the strenuous opposition of the railroad company, that the eastern terminus of the line was at Council Bluffs on the eastern side of the Missouri River, instead of at Omaha, and consequently the bridge between

the two places was a part of the railroad and must be operated as such. The case involved some new and intricate questions, as well as the construction of several acts of Congress. The views of Mr. Rogers were sustained by the United States Circuit Court and finally by the Supreme Court of the United States.

His father was Edmund J. Rogers, a successful merchant in New York City, where John was born in 1830. His mother was a daughter of Judge Ebenezer Platt, of Huntington, Long Island. Mr. Rogers received his early education at Fairfield, Connecticut, and Northampton, Massachusetts, and graduated with the first honors of his class from the University of the City of New York, in 1848. He studied law at Northampton, and was admitted to the Massachusetts Bar in 1852. In 1853 he accepted the chair of Professor of Pleading, Practice and Evidence in the Poughkeepsie Law School, which was afterwards removed to Albany and became the Albany Law School. His fellow student, W. H. F. Gurley, then a young lawyer of Davenport, and subsequently United States District Attorney under President Lincoln, induced Mr. Rogers to come to Davenport in 1857. He and Gurley became law partners. In 1860 he formed a partnership with Charles E. Putnam under the firm name of Putnam & Rogers, which continued with great success for many years. His wife was Mary Norman Van Derveer, a daughter of the Reverend F. H. Van Derveer, of Warwick, New York. She died in 1867, leaving a son, Ferdinand. The accidental drowning of this promising son when he had nearly attained manhood was a culminating sorrow that Mr. Rogers did not long survive.

In disposition, he was rather shy and reserved, on account of which those who did not know him well, thought him cold in feeling, but he was quite the contrary to those who knew him well. He was both kindly and appreciative, as the following incident will show: It had been my habit as Reporter, to publish in condensed form in connection with the cases, briefs of counsel, when such briefs were of a superior order. Following this custom, I published in connection with one of Mr. Rogers' cases, his brief and a note which were so superior in form and substance, that I called attention to them. In recognition of this courtesy which would have passed unnoticed by most lawyers, he wrote me the following appreciative letter, dated December 15, 1869:

I feel that it is due to myself no less than to you, that I should convey to you my sincere thanks for the very unexpected honor which has been done to my brief and note in the cases of *Viele* versus the Germania Insurance Company, in appending them to the report of the case in your 26th volume. That it has been thought worthy of preservation in this permanent form, and accompanied by so flattering a testimony to its value, is I assure you, exceedingly gratifying to their author, who begs you to accept his grateful acknowledgments of this very handsome compliment, and remains, your obliged friend.

In stature, he was slight and delicate of construction. He had a fine head, luxuriant dark brown hair, wore spectacles, and looked like a professor, and as we

have seen, had been one in the Poughkeepsie Law School. J. W. Dixon, of the Ottumwa Bar, was one of his students at that school, and often referred to him in terms of the highest praise. He died some years ago.

Charles E. Putnam, who has been mentioned in the previous sketch, was the partner of Mr. Rogers for many years. He was the office lawyer of the firm, and did not personally figure in the courts as conspicuously as did Mr. Rogers. He was, nevertheless, a learned and able lawyer. He was a native of New York, studied law, was admitted to the bar there, and practiced for several years in Saratoga and subsequently in New York City. He came to Davenport in 1853, and formed a partnership with G. C. R. Mitchell, which continued until the latter became Judge of that District. He later was a partner with Joseph B. Leake (afterward a General, and subsequently a leading lawyer in Chicago), which continued until the latter entered the army. Mr. Putnam some time after became the partner of Mr. Rogers.

He had a strong taste for literary pursuits, and was well versed in the classics. He had one of the largest private libraries in the West. But neither his law nor his literature prevented him from taking an active part in public affairs. He was for a number of years President of the Davenport Savings Bank, for a time President of the First National Bank, of the Davenport Plow Company, and of the Davenport Gas Light Company. He was regarded as one of the most benevolent, generous and useful citizens of Davenport. His wife was Mary Louisa Duncan, a daughter of Joseph Duncan, once Governor of Illinois, a member of Congress from that State, a soldier in the War of 1812, and received from Congress a sword of honor. In this connection I cannot forbear relating the following episode: On yesterday, January 6, 1913, I spent the afternoon with James H. Roberts, a resident of Chicago, for many years a prominent lawyer of that City, now in his 88th year, but as spry physically and intellectually as a man of fifty. He has spent nearly his whole life in Chicago, is coeval with its existence, and had a personal acquaintance with nearly all of its distinguished men. He asked me if I knew C. E. Putnam, of Putnam & Rogers, Davenport. I replied in the affirmative. He then said in these words which I took down:

I knew Mr. Putnam, but not so well as his wife. Her I knew intimately. I knew as a boy and remember distinctly, her father, Governor Duncan, of Illinois; and I will tell you of a romantic incident relating to them. It was after young Duncan had distinguished himself in the Mexican War, and while he was the Congressional representative of the new Illinois. It occurred, I think, during the administration of John Quincy Adams. The President had given a state dinner to which young Duncan was invited. Henry Clay was also a guest, and sat next to a Miss Smith, who was related to the wife of one of the Cabinet officers. In the course of their conversation, Mr. Clay, pointing his finger at Mr. Duncan further down the table, said, "There is a rising young man to whom I have taken a great liking; he is a splendid fellow, and has won his spurs in the Mexican War, and is now the Congressman from Illinois. He will make his mark in the world. You set your cap for him, and you will make no mistake." She did set her cap for him,

and become the wife of the future Governor of Illinois. Mrs. Putnam was their daughter.

She and her husband, aided by their sons, Joseph Duncan Putnam and William Clement Putnam, were especially distinguished as the organizers and promoters of the Davenport Academy of Natural Sciences. At one time it possessed, and perhaps it does now possess, one of the six largest ethnological and archaeological collections in the United States. Mr. Putnam became a Fellow of the American Association for the Advancement of Science, the highest honor which it confers. His son, William Clement Putnam, became a prominent lawyer of Davenport, where he died in 1906. He was associated with his father until the death of the latter, in 1887. The son was a man of varied accomplishments, and displayed great energy in business interests outside of the law.

Joseph Duncan Putnam, the other son mentioned, was a man of remarkable accomplishments. He died when he was only twenty-six, but he had already won a national reputation by his original discoveries in natural history. He was educated in the public schools of Davenport, and early developed a taste for drawing. He displayed great talent for systemizing and arranging, and at the age of eleven he had begun collecting fossils, minerals, coins, postage stamps, autographs, plants, shells and insects. He went to Colorado, Wyoming and other places for the purpose of making collections, living in tents and cabins during these excursions. In 1873 he was a member of Captain Jones' expedition to the Yellowstone as meteorologist, and carried a barometer for more than a thousand miles on mule back, ascending lofty and dangerous peaks to make measurements. During his various expeditions he collected more than twenty-five thousand specimens of insects, besides a large collection of fossils, which were subsequently presented by him to the Davenport Academy of Natural Science. He died in 1881.

Hans R. Claussen was a native of the province of Schleswig-Holstein, where he was born in 1804. Before coming to the United States he had an eventful and at times exciting career. He received a liberal education and was graduated from the University of Kiel in 1824 and was admitted to the bar and commenced the practice of law in the neighborhood of his birthplace in 1830. In 1834 he located at Kiel, where the sessions of the Supreme Court of the Province were held, where he attained a high rank, and was repeatedly elected a member of the Legislature of Holstein. From 1840 to 1851 he was a leading member of that body, and in 1848-9 a member of the German Parliament, which convened at Frankford-on-the-Main, and framed a constitution for United Germany. In this he played a conspicuous part. That constitution, however, was repudiated by the German kings, though many of its provisions are to be found in the present constitution of United Germany. Immediately following the establishment of the French Republic in 1848, revolutions broke out in Hungary, Saxony and other parts of Europe. Schleswig,

though essentially German in character, was under the rule of Denmark. The revolutions and struggles for independence above referred to involved Schleswig-Holstein. The Legislature of that Province sent five of its members to present the grievances of the people to the Danish king at Copenhagen. Mr. Claussen was the leading member of this deputation. The king received them, but refused to grant their petition. When the delegates returned the people of Schleswig-Holstein were in arms against the Danish king. A temporary government of the people had been established, and Mr. Claussen was sent to Berlin to obtain aid from Prussia. He was successful in his mission, and the armies of Prussia were sent to occupy the Province and protect the people against the Danish aggression. Schleswig-Holstein held out until 1851. In this protracted struggle Claussen took an active part, but the Danish king finally prevailed, and the exile of a large number, including Mr. Claussen, followed. He was one of the twenty revolutionists to whom pardon was refused. He immediately departed for America, reaching Davenport in 1851. At the end of two years he had learned the English language and was admitted to the bar. From that time on he became not only well known, but I may say a somewhat celebrated citizen of the State. In a few years he had acquired both the practice and the reputation of an able lawyer. Many times I saw him in the court. He was stockily built, not above medium height, and very quiet in demeanor. His accent and appearance denoted his foreign origin. His clear and thoughtful expressions showed he was a philosopher. His deep learning and high character gave him an excellent standing not only with the members of the bar and courts, but with the community in general. While he was practicing his profession in Kiel he gave instructions to law students of the University, and wrote a treatise on some subjects of the Roman law which created a great deal of discussion among the learned professors of Germany.

In 1869 he was elected to the Iowa State Senate and served four years in that body. He was a member of the Judiciary, Constitutional Amendment Committee, and the University Committee. Though he had been a revolutionist in governmental matters, he was a conservative in legislative ones. He was strongly opposed to the prohibitory liquor law, and favored a high license with strict supervision. He was naturally more or less opposed to all sumptuary legislation, and sudden reforms. In the revision of the Code of 1873 he took an active and prominent part. He was a rare and remarkable man. He died in Davenport in March, 1894. He was succeeded by his son, Earnest Claussen.

W. H. F. Gurley, Joseph B. Leake, John C. Bills, Samuel E. Brown, James D. Campbell, Jacob W. Stuart.

W. H. F. Gurley was one of the most promising young lawyers that located early in Davenport. He died in the prime of life, but accomplished much before

that event. He was born in Washington, D. C., in 1830, and was chosen clerk of a committee of which Abraham Lincoln, then a Representative in Congress from Illinois, was a member. Mr. Lincoln, as will be seen, in after years remembered him. He studied law and was admitted to the bar in Washington, and came to Davenport in 1854 and at once opened a law office. In 1859 he was elected by the Republicans to the Legislature. The fine talents he had displayed as a young lawyer and political speaker had brought him conspicuously into notice, and he was appointed Chairman of the Committee of Ways and Means. The State finances were in a distressed condition by reason of the delinquency of taxpayers, which was steadily increasing, and to which the Governor had called attention in his message. Gurley at once entered upon the work of revising the entire revenue system, and so amending laws providing for the collection of taxes that it would be to the interest of property owners to pay them promptly. The bill he perfected became a law and successfully accomplished the object for which it was made, and with slight amendments remains a law of the State to this day. Mr. Gurley highly distinguished himself by his legislative services, as well as his political and professional activities. When Abraham Lincoln became President he remembered his young clerk of the committee, and appointed him United States District Attorney for Iowa, in which he served with eminence. He was a man of popular ways, lovable character, and made many personal friends. Among these was J. W. Dixon, a member of the Ottumwa bar, who often spoke of Gurley in terms of great praise. He would have attained, I think, great prominence in the State had he lived; but he was a victim of consumption. His health gave way so much that he was obliged to resign his office. In a short time after this he was appointed United States Consul at Quebec, but his health continued to fail, he was obliged to resign this office, and went home to die at the early age of thirty-five.

Joseph B. Leaŕe came to Davenport as a young lawyer in 1856. By his sprightly talents and fine personality he soon became prominent. He was a native of Cumberland County, New Jersey, where he was born in 1828. The family removed to Cincinnati. He was a graduate of Miami University, studied law in Cincinnati and was admitted to the Ohio bar in 1850.

He was a member from Scott County of the House of the 8th General Assembly, and of the Senate in the 9th General Assembly. He resigned his seat in the latter body to enter the army. He was Captain of Company G of the 20th Iowa Infantry regiment, and was subsequently promoted to be its Lieutenant Colonel. He participated in several severe battles and was breveted Brigadier General for gallantry. Soon after the battle of Prairie Grove, in which he commanded his regiment, his command was transferred to the Army of the Tennessee and after the fall of Vicksburg to that of the Gulf. He was taken prisoner at the battle of Bayou Fordoche and remained in confinement for several months in Confederate prisons.

Upon his return from the army he was elected to the Senate of the 11th General Assembly, in which I served with him as a fellow member. He was an active and able member of that body and took a leading part in most important measures. I was daily associated and became well acquainted with him. He was fresh from the field of battle and its smoke might without much extravagance be said to be still upon his garments. During this session, I think, he married a sister of B. V. Richards, of Dubuque. Richards had been one of the most prominent and eloquent Democrats in the House of the 10th General Assembly, as he was in the Senate of the 11th General Assembly. General Leake was a man of high character, of spotless integrity, an illustrious soldier, an able legislator and everybody esteemed and had great confidence in him. For his age and experience he was a good lawyer. Not long after the close of the session he removed to Chicago, where he entered upon the practice and became a prominent citizen. In 1879 he was appointed United States District Attorney for the northern district of Illinois, serving in that capacity until 1884. For four years he was the attorney for the Chicago Board of Education and filled other positions of honor. He died some years ago.

John C. Bills was one of the ablest lawyers of his time in the State. The ability he displayed in connection with the case in which the Supreme Court declared what was known as the Prohibition Amendment to the Constitution, unconstitutional, and the victory which followed brought him into prominent notice throughout the State. He early established himself as a man of talents and a successful lawyer. In connection with his partner, Herman Block, he built up a large practice and was regarded as among the foremost lawyers of the State. At that time there was but one division of the Federal Court; it embraced the whole of the State; its sessions were at Des Moines, and at these sessions I rarely failed to see John N. Rogers, of Davenport; Oliver P. Shiras, of Dubuque; Sam Brown, Jim Campbell, James T. Lane and John C. Bills.

The latter was born in the State of New York in 1833, studied law and was admitted to the bar in Buffalo, and came to Davenport in 1856. He reached a high position in the public estimation; served four years as State Senator from Scott County, and three terms as Mayor of the City of Davenport. He died in 1897.

Samuel E. Brown and *James D. Campbell* were partners when I first became acquainted with them. They were both good lawyers and well educated men. They were both convivial and many pleasant hours have I spent in the company of each. After many years of successful practice they removed to the East—Brown to New York, and Campbell to Philadelphia. Mr. Brown was a native of New York. He was a college graduate, a learned and highly accomplished gentleman, and a close and analytical lawyer. He practiced some years after going to New York, and died in his prime. He was a fine looking man, with fair hair and fair complexion, well built, and portly; of gentle manners and a highly companionable

disposition. The last time I saw him was at a private dinner given by Daniel O. Finch and his wife at their house in Des Moines. Mr. Brown was accompanied by his wife, one of the noblest looking women I have ever seen.

He was born in Oswego, New York, in 1833, and graduated at Amherst College in 1855. He was admitted to the bar in 1857 and practiced in his native place for a year and then came West with James Armstrong, an old schoolmate, with whom he entered into partnership and commenced practice in Davenport in 1858. In 1860 Mr. Brown became a partner in the law firm of Corbin & Dow. In a year or two later Mr. Corbin and Mr. Dow retired from the profession to go into the banking business. He then became a partner with Alfred Sulley, in 1864. This partnership continued for several years. In 1870 Mr. Campbell became a member of the firm under the name of Brown, Campbell & Sulley. In 1874 Mr. Sulley withdrew from the firm and went to New York, where he prominently figured, and George E. Gould was taken in as a partner in his place. Mr. Brown made a specialty of Federal Court practice over a circuit embracing Iowa, Kansas and Nebraska, relating to the foreclosure of mortgages, railroad matters and municipal bonds.

James D. Campbell became prominent in Philadelphia, and when I last saw him, some fifteen years ago, he was the General Counsel of the Reading Railroad Company. I called on him at his office. He was delighted to see me and we spent a pleasant hour together. I do not know whether he is still living. In personal appearance and build he was quite different from Mr. Brown. He was rather below the medium height, not florid, as was Brown, and wore spectacles. He was a clear-headed, able and widely comprehensive lawyer. He paid special attention to railroad business.

Jacob W. Stewart was not only a good lawyer, but a companionable gentleman—a royal good fellow. He was one of the longest continuously practicing lawyers in Davenport. I became acquainted with him in 1867 and was always glad to see him afterward. Like myself, he was a native of Connecticut, and a kindred feeling made us wondrous kind. He was born in Danbury, in that State, in 1828, as were his parents before him. When he was fourteen years of age they removed to and settled in Akron, Ohio. He was graduated at Denison University in the class of 1850; studied law and was admitted to the bar in 1852; in 1853 came to Davenport, opened an office and commenced the practice. In 1856 he was elected Prosecuting Attorney. In 1866 he was appointed by the President, Collector of Internal Revenue; in 1876, Mayor of the City of Davenport. He had a strong attachment for rural life and believed, like Cowper, that "God made the country, and man made the town." He purchased and reared a homestead on forty acres outside the city limits which, laid out and ornamented, constituted one of the most beautiful places in the State. For many years he and James Armstrong were part-

ners and the firm had a high standing and a wide practice. He was active not only as a lawyer, but as a politician throughout the course of many years. He was a public-spirited citizen, highly esteemed by all who knew him. He died in 1894.

H. M. Martin, Jeremiah Murphy, Nathaniel French.

H. M. Martin and *Jeremiah Murphy* were names that were early familiar to my ears, especially that of Mr. Martin, for in 1862 he was the Democratic candidate for Congress in my Congressional District against J. B. Grinnell; and so strong was he that he received a majority of 1,100 of the home votes and was only defeated by the soldier vote taken outside the State. He was a young man then, but was regarded by everybody as an able one. He was then, and had been for some years located at Marengo, Iowa County, as was his partner, Mr. Murphy, and achieved during his residence there a reputation of being one of the first lawyers of the State. In 1868 he was the candidate of his party for Attorney-General of the State, but the overwhelming Republican majority rendered the nomination fruitless. He was not an anxious politician, and rather avoided than courted, the political course, though, as we have seen, he received several flattering honors in the way of nominations, and before these, in 1861, he was elected to the House of the Ninth General Assembly from that County, as a War Democrat, an item in his political character that made him so strong against Grinnell, and as City Attorney of Davenport, from 1873-1881. He was well educated and a graduate of Heidelberg College, Ohio. He was a native of Ohio, came to Marengo in 1857, and to Davenport in 1867. He died some years ago.

Jeremiah H. Murphy, familiarly known as "Jerry Murphy," was a man once seen, never forgotten. His personal appearance was impressive. He was robust, full bodied, full faced, and full bearded when I knew him. He had many traits of his Irish extraction. He was always elegantly dressed, had a florid complexion, large, welcoming eyes, and was altogether a most genial and generous-hearted gentleman. He was popular with all classes and hailed everywhere as a good fellow.

He had had his ups and downs in life, started from humble beginnings, and by sheer force of his character, won an enviable position among men. He was born in Lowell, Massachusetts, in 1835. His father was a native of Cork, Ireland, an energetic, self-reliant man. His mother was of Puritan stock, a highly cultured woman. In 1847 the family purchased a farm in Wisconsin, where they remained until 1852, when they removed to Iowa County, Iowa, and purchased a farm there. He and his younger brother, with oxen, broke eighty acres of the farm the first season, and in the winter following cut and split 8,000 rails; and before the close of the summer following had 160 acres in cultivation and under fence. His earliest education was obtained in the public schools of Massachusetts, later at the Appleton University of Wisconsin; and in the State University of Iowa, from the

law department of which he graduated in 1857. He finished his legal studies in the office of Judge William Smythe, of Linn County, and became a partner of H. M. Martin, with whom he removed to Davenport, where the partnership continued for many years. The firm did a leading business and was considered one of the best in the State. He had a natural inclination for politics and his popular traits and good fellowship, combined with his real ability and shrewd diplomacy, were potent auxiliaries to that inclination. He was a good speaker, full of activity and a good mixer. As a result, he early became engaged in politics, and was a delegate to numerous County, State and National Conventions. He was an Alderman of Marengo in 1860, Mayor of Davenport in 1873, again in 1878. For four years he was a State Senator from Scott County, and in 1876 was the Democratic candidate against the formidable Hiram Price, and notwithstanding the overwhelming Republican vote, was defeated by only a small majority. In 1880 he was a Presidential elector. In 1881 he was again the Democratic nominee for Congress and was this time triumphant. At the end of the term he was re-elected to Congress, and gained a national reputation as the chief promoter of the Hennipin Canal, to which he devoted his great energies with untiring zeal, and lived to see that great work inaugurated by an act of Congress. He died in 1893.

Nathaniel French belonged to a remarkably talented family. He was of New England extraction. His father, George H. French, was a native of Massachusetts, who came to Davenport at an early day, engaged largely in the lumber business, and was the founder and principal owner of the Eagle Iron Works. His mother was a daughter of Ex-Governor Morris, of Massachusetts. Nathaniel French was a highly cultured gentleman. I became acquainted with him during the sessions of the Supreme Court at Davenport. He was polished in manners, and possessed a personality highly calculated to favorably impress everyone with whom he became acquainted. He studied law, was a graduate of the Harvard Law School, and subsequently was associated with Colonel Robert G. Ingersoll in the practice at Peoria, Illinois. A few years later he came to Davenport and entered upon the practice there. He displayed fine abilities as a lawyer, and was later elected Judge of the Circuit Court, while that system was in vogue, and served for several years. Had he devoted himself entirely to his profession, and given it all of his fine energies he would, in my opinion, have attained a very high rank; but he was obliged to withdraw himself from the profession, and devote a large part of his time to the interests devolved upon him by the death of his father.

As I recollect him, he was rather tall, finely proportioned, with a pleasing and handsome face and charming address. I have said that he belonged to a talented family. He was not only talented himself, but his distinguished sister, Alice French, who wrote under the soubriquet of "Octave Thanet," won a national fame in literature. His brother, Robert T. French, who died prematurely, was a highly

gifted young man, as well as another brother, Colonel George W. French. Mr. French was distinguished for his charity and benevolence. He was for some time a partner of John W. Thompson in the practice.

Edward E. Cook, Charles M. Waterman, Michael V. Gannon, Charles A. Ficke.

Edward E. Cook was the son of John P., and nephew of Ebenezer Cook. He was a native of Iowa, having been born in Scott County in 1843. He was highly educated; tutored in the schools and academies of Washington, D. C., Rochester and Geneva, New York, Griswold College, Davenport; a graduate of the Albany Law School, and admitted to practice in the Supreme Court of New York. He became associated with his father in the practice at Davenport in 1862, a relation which continued until his father's death. He subsequently formed a partnership with J. Scott Richman. This partnership continued until 1880, when Judge Richman retired from it, and Frank L. Dodge became the partner of Mr. Cook.

When I first saw Mr. Cook we were both young men. He was a ruddy-faced, handsome and solid, as well as a brilliant gentleman, who gave great promise for the future, which was reasonably well fulfilled by his career. Had he entered the political field he would, beyond question, have been greatly honored; but he would have nothing to do with politics, and would accept no political favors. He devoted himself zealously to his profession, and became one of the ablest and most distinguished lawyers in the State. I have spoken of his father, John P. Cook, and his uncle, Ebenezer Cook. He had another uncle, Ira Cook, who was a man of no mean ability. He was an expert surveyor of government lands in Iowa and Wisconsin. He tells the story of "Government Surveying in Early Iowa," in the January, 1897, number of the *Annals of Iowa*. Removing to Des Moines, he was twice elected Mayor of that City, and filled several other important public offices.

Charles M. Waterman was, by birth, a Kentuckian, born in Frankfort, in 1847, studied law with Davison & True, at Davenport, and was admitted to the bar there in 1871. He continued alone in the practice until 1877, when he formed a partnership with Peter A. Boyle. He was a man of talents and substantial characteristics. He became a learned and eminent lawyer. He was early elected City Attorney of Davenport; in 1877, a member of the House of the Seventeenth General Assembly; subsequently to the Judgeship of the District Court of his District, a position which he greatly honored for more than ten years. He was first appointed to fill a vacancy in that office caused by the death of his predecessor, then was elected for a full term, and re-elected and continued to serve until 1897, when he was nominated and elected a Judge of the Supreme Court of the State, taking his seat on the first of the following January. This position he filled with marked ability for more than four years, when he felt constrained in 1902, to resign his position, doubtless by monetary considerations, to resume the practice of his profession. For this purpose

he entered into a partnership with Joseph R. Lane, a son of James T. Lane, of Davenport. This firm naturally ranked as one of the strongest in the State.

While on the bench he displayed the real qualities of a jurist, and had he remained there, it is my opinion that he would have obtained a reputation perhaps equal to any of his predecessors. This opinion I formed from my observations of him while he was on the bench, from his written opinions, and other sources. In confirmation of these views, I refer to those of Judge Chas. T. Granger contained in the sketch of that gentleman.

Michael V. Gannon came to the Davenport Bar in 1873. Before that he had taught in the public schools of Scott County for several years. He was well educated and a man of culture. He was an Irishman by birth, and his early education acquired in the schools of Dublin. He was a high-headed Irish gentleman, with a gift of oratory that he might well have imbibed from the schools of Shiel and Curran. He was a particular friend of W. C. Thompson (a particular friend of mine), Clerk of our District Court at Ottumwa, in the early eighties. In 1884 Mr. Gannon was the Democratic candidate for Attorney-General, and in the course of his campaign, came to Ottumwa, where I was introduced to him by Mr. Thompson, and attended the meeting at which he spoke. His reputation as an orator had gone before him, and he had a full and inspiring audience, which he, in turn, inspired by his old-time and fervid eloquence. I afterward heard him in court and on the hustings. As an orator before a political audience, or as an advocate before the jury, he had few superiors. He was a favorite with his party, and had it not been for a long term of years in a hopeless minority, he would have enjoyed high official honors. Before his nomination for Attorney-General, he had been nominated by his party for District Attorney of his District, and after that, in 1887, he was its candidate for District Judge, but in each instance the Republican majority was too large to be overcome. He was an active, widely known and able member of the Davenport Bar for more than thirty years, for a portion of which time he was associated with and a partner of Ambrose P. McGuirk. I do not know whether he is still living or not.

Charles A. Ficke was a native of Germany, and came with his parents to America when he was two years of age. They located in Scott County. Mr. Ficke was a man of varied experience and varied accomplishments. He was not only a good lawyer, but well disciplined in business experience and knowledge of the world. In 1866 he was a clerk in a dry goods store, then for an insurance company, then corresponding clerk in the Davenport National Bank, studying law in the meantime. Subsequently he attended the Albany Law School, from which he was graduated in 1877, and after five months' travel in Europe, entered upon the practice in Davenport. He was an able and influential member of that bar for nearly forty years. He was a Republican in politics, and took quite an active part

in public affairs. While, sometimes taking a conspicuous part in political campaigns, he neither sought nor desired political office, though he sometimes served in those relating to party control. He was for a time, Chairman of the Congressional Committee of his District, and of the Republican County Central Committee. He was highly regarded both as a lawyer and a citizen. His wife was the daughter of the distinguished lawyer, Abner Davison, whose sketch will be elsewhere found.

The sketches of Hiram Price and John F. Dillon will be found elsewhere by reference to index.

CHAPTER XXVII.

IOWA CITY.

James P. Carleton, Gilman Folsom, Morgan Reno, Easton Morris, Hugh D. Downey, Henry Wright, James Templin.

James P. Carleton was one of the early and prominent lawyers of the Territory and State. From all accounts he possessed rare qualities as a lawyer and a man. He was much talked of when I first came to the State. For much of the following data I am greatly indebted to a brief sketch of him by L. B. Patterson, who was himself an able lawyer at Iowa City, and a son of Peter H. Patterson, also one of the prominent early lawyers of that place, whose name will be found in the role of lawyers in Morris reports;* and to what James W. Woods (Old Timber) communicated concerning Judge Carleton in an interview I had with him in 1882, which was taken down in shorthand and has been preserved to the present.

James P. Carleton was born in Cumberland, Maryland, in 1812. He was educated in the public schools and in Washington College, Pennsylvania, of which he was a graduate. He studied law in his native town, was admitted to practice, and started for a western location at about his majority. He located in Covington, Fountain County, Indiana, where he rapidly built up a business. In a short time he was elected a member of the Indiana Legislature from Fountain County. He married Louisa, the eldest daughter of Peter H. and Elizabeth Patterson. In company with his father-in-law and family, he started for Iowa City, Iowa, where they arrived in 1841.

He commenced the practice of law in company with his father-in-law soon after his arrival, but in a short time Mr. Patterson retired from the profession. Carleton's office was of the backwoods style, being a one-story log building. In this office at the time were gathered as students of Blackstone, William Smyth, afterwards Carleton's successor on the bench, and later a member of Congress, since deceased; A. A. Patterson, and his brother, L. B. Patterson. In the year 1843 Judge Carleton was elected a member of the Territorial Legislature of Iowa from Johnson County, and served as Speaker of the House for the session, which convened at Iowa

* Old Annals of Iowa, January, 1883.

City in December, 1843. At the first election after the admission of Iowa as a State he was elected District Judge of Iowa for the Fourth Judicial District. The first court held at Des Moines, after we were a State, was held by Judge Carleton. The position of Judge was held by him until his death, in 1852.

As a lawyer Judge Carleton had few superiors. In the trial of a cause by a jury he was quick to comprehend the strong points in a case and to make the evidence clear to the jury by his logic and impulsive eloquence. At the time he was in practice, cases were more frequently tried and won by appeals to the jury than at present. In such cases he was very successful, and was almost always retained in jury trials in his county.

As a Judge he was pure in purpose, of incorruptible integrity and honesty, with a keen sense of the dignity of his position, holding in contempt any kind of trickery and subterfuge that might be attempted in his court; kind and courteous to all, especially to the younger men of the profession. He was quick to comprehend all the points in a case and decided them with great promptness, always giving a reason therefor so clear that the losing party was generally satisfied of its correctness. When, however, he was convinced he was in error, none was ever more ready to change his ruling. At times on the bench he was unable to control his nervous and sensitive organization and would manifest impatience in trying to listen to a prosy or stupid argument, since his quickness of intellect had comprehended all at a single glance upon the first statement of the points. The occasions, however, were rare. By some it was thought he carried on the bench too many of the technicalities of the law. In extenuation it may be said that many lawyers of his period were trained rigidly in the school of technicalities; he was well versed in such knowledge, which he used very effectively in his practice.

As a politician he was always a Democrat and rendered to his party effective aid.

Of him, Mr. Woods said:

Judge Carleton came in the early period of Iowa and settled in Iowa City shortly after the capital was located there. He was a profound and cultivated lawyer, quickly took high rank and acquired a large practice. I think he and Gilman Folsom were the ablest lawyers of Iowa City and as a Judge he had few, if any, superiors in the State. He was a man of the most exemplary character, without bluster or pretense, in all respects genuine. It seemed as if he made it a point to elevate the standard and purify from all dross the subject under consideration. He was of fine personal appearance, medium in size, florid in complexion. He married a Miss Patterson, of Iowa City, whose brother became a prominent attorney in Washington County. In politics he was a Democrat and a statesman rather than a politician.

Gilman Folsom was a most extraordinary figure in the early history of Iowa. He was both a genius and a wit. His idiosyncrasies, his powers of sarcasm and repartee, made him known throughout the Territory and State. So much of him

has been said by James W. Woods and Theodore S. Parvin, in their respective narratives, that I need not greatly elaborate this writing, and what I have to offer will be mostly from early contemporaries who knew him more intimately than I. Of him, Professor Samuel Storrs Howe said:

He was at the head of the bar in 1849. He was a very remarkable genius. Before he was nine years old he had read Rollin's Ancient History, and other books beyond his age. He received his chief academic education at Captain Partridge's Military School in Vermont. He read Latin, French, and studied mathematics there, and became a belles-lettres scholar. Captain Partridge had been a Professor at West Point Military Academy, and being in some way disaffected, left there and founded the Vermont institution, afterwards known as Norwich University, on the Connecticut river. He was wont to teach his pupils that "Moses was the greatest general of antiquity."

As early as 1840 Mr. Folsom was in very successful practice. Had he been industrious, sober, and devoted to his profession, he would have attained greater eminence than he did.

Professor Howe cites many instances illustrative of Mr. Folsom's shrewd and quick repartee. He says that his last remarkable effort was in a criminal case where the jury brought in a verdict of guilty with the recommendation that the client should receive the mercy of the court. Folsom filed a motion for a new trial, concerning which Professor Howe says:

In this effort he transcended himself. He reviewed the evidence and showed its insufficiency to convict. He then went into the medical jurisprudence of the case, and the literature of it, quoting Shakespeare,—where in their eagerness to kill someone they hung the wrong man. He said the jury wishing to punish somebody for abusing the war widows, had convicted his client, and then recommended him to mercy. There was never such forceful argument at the Johnson county bar. Judge Conklin said he never heard such a masterly effort.*

Theodore S. Parvin, in his narration before referred to, has given a brief description of the combat between Mr. Folsom and Judge James Grant, while the latter was Speaker and the former a member of the Legislature. The following relation of it, which appeared in the Dubuque Telegraph after Mr. Folsom's death, throws such a vivid light upon the causes leading to the incident, and upon the persons concerned therein, that I think best to give it:

Gilman Folsom, whose death occurred recently at Iowa City, was, in his day, one of the leading politicians and lawyers of this State. He was gifted with natural eloquence, cultivated by education, which rendered him a formidable antagonist in the forum, on the stump, and in the halls of legislation. But, withal, this gifted man had such indiscretions of judgment as to more than offset his other gifts of intellect. He was querulous with his friends, and passionate towards his adversaries, sparing neither in his fits of elocutionary frenzy. A remarkable instance of his peculiar nature was exhibited in the winter of 1854—we think it was—during the session of the legislature. Judge Grant was speaker of the House; and between him and Mr. Folsom there was an estrangement, which affected the latter very sensitively, and carried him into intolerable excesses in his intercourse with the speaker. In the formation of committees of the House, Mr. Folsom expected from his position in the ruling party and at the bar, that he would be

* Old Annals of Iowa, July, 1882.

placed on the judiciary committee as chairman, and so, indeed his friends did, for there was no other in the House who appeared to be better qualified for, or better entitled to the position. But the feeling between the speaker and Mr. Folsom affected the former as well as the latter. Judge Grant had the weakness to ignore his adversary, and, worse still, to, as Folsom regarded it, insult him, by placing at the head of the judiciary committee a young man just admitted to the bar, with Folsom down lower on the list of names. The first one who saw the list was the writer of this, and casting his eye over it he noticed at once what had been done, and took in at a thought what would be the probable consequence, knowing the nature of the two men who would be thrown into conflict with each other, by what one of them would regard as an affront. The writer privately remonstrated with the speaker, but it was of no use. Judge Grant was not the man to change what he had deliberately done. The writer left the hall of the House, with the list of the committees in his hand. Folsom noticed what had taken place between the writer and the speaker, and suspected somehow that it concerned him, so he followed the writer out of the hall of the House, and asked to be allowed to see the list of the committees. The writer parleyed with him for a while, hoping that something might occur to change the mind of the speaker, but Mr. Folsom was importunate, so the list was shown him. He became at once another being. In an instant he had made up his mind to give the speaker neither peace nor rest during the session and he commenced at once to put his feelings into execution. Sitting in front of the speaker, he watched every opportunity to annoy and worry and torment Judge Grant, till at last, the latter, yielding to his nature, came down on the floor to meet his tormentor on an arena where he could give way to his feelings. This was just what Folsom desired. It was the opportunity he longed for. It was no longer the speaker he had to encounter, but what he called his adversary, Jim Grant. Those who were in the House of Representatives on that day will never forget the scene which was there enacted. Judge Grant, on leaving the chair, had the good sense to put Mr. Grimes, afterwards Governor and Senator, in his place. It was well that someone who knew the duties and proprieties of the position was in the chair, for otherwise the result of that famous passage of words between those two Iowans might have been different. We cannot describe it; nothing short of hearing the words and seeing the combatants as they appeared on the scene, could describe what took place.

He was born in Dorchester, New Hampshire, in 1818. He practically retired from the profession while yet in his prime. He died at his home in Iowa City in 1872. By virtue of the great acquirements of transcended talents he had been associated with the ablest men of the State. He was a Democrat in politics and fought able battles against the Whigs by both speech and pen. In the Legislature his fine abilities had very much to do with the perfection of our jurisprudence. He and James W. Grimes were regarded as among the principal factors in producing the Code of 1851. On the election of President Pierce, in 1852, he was appointed Receiver of the Land Office at Iowa City, which he held for several years and which terminated his public career.

Morgan Reno was one of the early lawyers of the Territory and State. His name appears in the role of attorneys admitted to practice in the Supreme Court contained in Morris Reports and in second Greene Reports. I have but little data concerning him. He was nominated by the first Democratic State Convention in 1846 and elected State Treasurer on the ticket with Ansel Briggs, the first Governor of the State. In 1858 and 1859 he was a Regent of the State University. Of him the Iowa State Register of September 10, 1864, said: "Morgan Reno, former-

ly Treasurer of State, was killed in one of Sulley's battles with the Indians." He was formerly a partner of J. C. Culbertson in the banking business at Iowa City, and at the time of his death was Commissary of the 6th Iowa Cavalry.

From this it would seem that he diverged from the practice into banking. He is said to have been a lawyer of ability. His name appears in connection with several cases in the earliest reports. Among these is that of Lyon against Smith, reported in *Morris*, 244, in connection with which will be found a well-prepared brief.

Easton Morris was the first Reporter of the published decisions of the Supreme Court of Iowa, contained in one volume known as *Morris Reports*, among which, however, are included a few cases reported by W. J. Bradford, for a short period his predecessor. *Morris'* name appears in the role of attorneys admitted to practice in the Supreme Court, contained in his volume of reports; and in that contained in second *Greene's Reports*. He was nominated by the first Whig State Convention, in 1846, Auditor of State, on the ticket headed by Thomas McKnight, of Dubuque, as the Whig candidate for Governor. The candidate against *Morris* on the Democratic ticket was J. T. Fales. The campaign resulted, as was generally the case in that day, in a Democratic victory. He was Reporter from 1843 to 1846, and was succeeded by Judge George Greene, then one of the Judges of the Supreme Court, and the author of *Greene's Reports* in four volumes.

Hugh D. Downey was one of the early lawyers of Iowa City and a contemporary of Gilman Folsom. Of him, James W. Woods says:

Hugh D. Downey was a man of fine talents, an excellent lawyer for a young man. He was not a politician, but a lawyer in the real sense of the term. In personal appearance he was attractive, in disposition and manners genial and entertaining.

Henry Wright was another young lawyer of that period. His last appearance in the trial of a cause was a dramatic one. The case was that of the State against Camloque, for an offense committed in Johnson County. J. C. Hall and W. G. Woodward were attorneys for the State. S. C. Hastings and Wright appeared for the defendant. Under the title of "A Scrap of History of Johnson County," appearing in the *Old Annals of Iowa*, April, 1884, number, the following graphic sketch is given:

The evidence was all in. The opening of the case for the government was made by Mr. Woodward, in a masterly manner, followed by Hastings for the defense. Young Wright was to close the case for the defendant. He was a graduate of an eastern college, fair complexion and of medium size. He was the very ideal of young manhood, following the *Star of Empire*, which at that time was flowing into the land of Black Hawk and Poweshiek. He came to the new capital of the Territory of Iowa, and here he determined to make his home. Young, ardent, and impulsive, he engaged to defend Samuel Camloque in his imperiled rights. He had thrown his whole soul into the defense, fully believing that his client was innocent. He commenced his address to the jury in a clear, dispassionate manner, reviewing the evidence of the prosecution and that of the defense.

Fully answering the arguments of Woodward, also anticipating the closing remarks of Judge Hall, fairly tearing the theory of their case to shreds, he paused for a moment and then addressed the Court, then went on with a plea of mercy to the jury for his client, picturing his wrongs and sufferings in case of an unjust judgment. His outbursts of oratory towered to the very sublimity of a Demosthenes or a Patrick Henry, but it was the last flickering rays of reason—he was a maniac—he fled from court and abandoned the case. The trial went on, misfortune sent his client to prison and himself to the insane asylum.

James D. Templin was originally a Methodist preacher, but early forsook the pulpit for the bar. Among his contemporaries was James Harlan, who on the other hand forsook the bar for the pulpit. As young lawyers they were associated in a case tried in the District Court of Johnson County in 1853. Pitted against them were William E. Miller, afterwards District and Supreme Judge, and William Penn Clark. Mr. Templin was a man of ability, whose industry and perseverance acquired for him an excellent standing as a lawyer and legal author. He was for many years a prominent member of the early bar of Johnson County. He retired from the practice along in the sixties, and died about 1881.

William Penn Clarke, Judge William E. Miller, Rush Clarke, William J. Haddock.

William Penn Clarke was distinguished as a lawyer of extraordinary ability and a man of varied talents and attainments. He was one of the early Reporters of the Supreme Court of Iowa, succeeding George G. Greene and preceding Thomas F. Withrow. Mr. Clarke's reports are contained in eight volumes and were the first of the series named "Iowa Reports," commencing with volume one. He was born in Baltimore, Maryland, in 1817. He learned the printer's trade, at Gettysburg, Pennsylvania. After three years of apprenticeship he worked at his trade at Washington, D. C., until 1858, when he made his way westward. He crossed the Alleghenies on foot, worked at Pittsburg awhile and from that point descended the Ohio River in a skiff, reaching Cincinnati on his twenty-first birthday. Here he engaged in the enterprise of starting a small two-cent daily paper. Later on he joined an expedition to Galveston for the purpose of establishing a paper there, but got stranded at New Orleans and worked his way back to Cincinnati and secured a position on the "Daily News."*

He came to Iowa and settled in Iowa City during the territorial period, in 1844. Here he completed his legal studies and was admitted to the bar and commenced practice in 1845. He soon became prominent as a young lawyer and an active politician. He was what might be called an ultra-free-soiler, or Abolitionist, though he allied himself with the Whig party. He was a strong and facile writer and contributed often to the columns of papers. He was one of the foremost western writers

* Annals of Iowa, Vol. 3, Third Series, 77.

in the anti-slavery agitation preceding the rebellion. He was one of the organizers of the Republican party in the State. He was a delegate to the Republican National Convention in 1860 which nominated Abraham Lincoln for President and was made Chairman of the delegation. Having a strong inclination for newspaper work, he purchased the "State Press," at Iowa City, and devoted its energies against the extension of slavery into the territories. He was chosen a member of the Constitutional Convention of 1857 and took an active and leading part in the proceedings of that body.

As a lawyer he was engaged in many important cases. In the noted county-seat contest between Marietta and Marshalltown he was counsel for Marshalltown. His name appears frequently in connection with cases in the Supreme Court of that period. Upon the establishment of the Institution for the Deaf and Dumb at Iowa City by the Legislature of 1855, he was chosen one of the Trustees. His associates were Samuel J. Kirkwood, Elijah Sells, J. P. Wood, H. D. Downey, William Crum, W. E. Ijams and Benjamin Talbot, the latter succeeding Mr. Ijams as Principal on the resignation of Mr. Ijams in 1862.*

His career as a lawyer when at its height was interrupted, in 1863, by his appointment as Paymaster in the army. In this position he served for three years, leaving a clean record after disbursing millions of dollars. This ended his career in Iowa, for after the close of his service as Paymaster he removed to Washington, having been appointed Chief Clerk of the Interior Department. In this position he served most acceptably until the accession of President Andrew Johnson. He then devoted himself to practice in the Supreme Court of the United States and became conspicuous as a successful practitioner before the Court of Claims. His practice was lucrative. He expended a good part of his income in the collection of a large library and especially in fine paintings and art treasures. I last saw him in Washington, along in the seventies. He took me to his apartments and showed me his fine collections. He was exceedingly reminiscent and dwelt with considerable minuteness on the men and scenes of early Iowa. He died at Washington, D. C., in 1903, at the advanced age of eighty-six. His name is indissolubly connected with the early history of the State and upon its constitution and laws he left a durable impression.

Judge William E. Miller was for five years, during the time I was the Reporter of the Supreme Court, a Judge of that tribunal, and I came to know him well. He was in all respects a man of lovable qualities; mild and pleasant in disposition; serene and determined in character. He was a native of Westmoreland County, Pennsylvania, born in 1823. Until he was fifteen he lived on the farm of his father, gain-

* Annals of Iowa, July, 1868, number, page 207, History of Johnson County, by Captain F. M. Irish.

ing his early education in the common schools. At the end of that time his father relinquished farming and engaged in the iron foundry business, in which William assisted his father and learned the art of moulding. He early married Miss Mary Robinson of the neighboring county of Fayette. Her father, James Robinson, became one of the early and leading settlers of Johnson County, in 1841.*

In 1846 William began the systematic study of law, to which he industriously applied himself during his leisure hours, supporting himself and his family in the meantime by working at his trade as a moulder in his father's foundry. In 1849 he was elected Justice of the Peace, the discharge of the duties of which gave him a practical insight into legal forms and procedure, and an added zest to his professional studies. After holding this office for three years, he came, in 1852, with his family to Iowa City. Upon his arrival he accepted the position of Reporter on the two Iowa City papers, "The Iowa Republican" and the "Iowa Capital Reporter." For these papers he reported the proceedings of the Senate during the session of the 4th General Assembly. In the following spring (1853) he was admitted to the bar of Johnson County and at once opened an office in Iowa City. His first case was before Peter Ewing, a Justice of the Peace, referred to in the foregoing sketch of J. D. Templin. High character, honorable conduct and great industry soon secured for young Miller an enviable clientage. He grew in popularity, mixed somewhat in politics, and in 1854 was elected on the Whig ticket Prosecuting Attorney of Johnson County. In 1867 he was nominated as one of the Republican candidates for the Legislature, but was defeated, with the balance of his ticket, by the prevailing Democratic majority.

After the adoption of the Constitution of 1857, he was chosen at the first election held under it, in 1858, Judge of the Eighth Judicial District, comprising the Counties of Benton, Cedar, Iowa, Johnson, Jones, Linn, and Tama. After serving in this position for nearly four years, he resigned to accept the Colonelcy of the Twenty-eighth Regiment of Iowa Infantry. For details of his military services, I refer the reader to "Stuart's Iowa Colonels and Regiments," Des Moines, 1865, page 429. His regiment suffered great hardships and exposures, and the health of Judge Miller became so dangerously impaired that he was obliged to resign in 1863. Of this occasion, and of Judge Miller as a soldier, Captain Stuart says:

He was a good disciplinarian, and was regarded by his regiment as a good and brave soldier. Had he retained his health, he would doubtless have made a fine record. It was with the greatest reluctance that Colonel Miller left the service; indeed, he delayed sending in his resignation until many thought he could not live to reach home; and, after arriving at Iowa City, but few of his neighbors expected him to recover.

Upon the restoration of his health, he vigorously re-entered the practice and soon

* Old Annals of Iowa, October, 1874, number, page 241.

regained an excellent clientage. At the same time he illustrated his industrial qualities, by preparing for the press his work entitled, "A Treatise on Pleading and Practice in Actions and Special Proceedings, at Law and Equity, under the Revision of 1860," which came into general use. He also, in the course of his life, gave to the profession several other legal works well known to and patronized by the lawyers of that day.

In 1868, he was again elected to the bench of his District. The great efficiency he had displayed in this capacity drew the public attention to him, and in 1870 he was appointed by the Governor, Judge of the Supreme Court to fill a vacancy occasioned by the resignation of Judge Elias H. Williams, and in the fall of the same year was elected by the people for the remainder of the term, which expired December 31, 1875. Not long after this promotion, he removed (in 1873) to Des Moines. In the fall of 1874 he was a candidate before the Republican State Convention for re-nomination, which it was expected he would receive, for he was very strongly supported, but the northern portion of the State was insistent in being recognized in the selection of the candidate for this position, and urged their claims with great force and unanimity. The writer was selected as a member of that Convention, to present the name of Judge Miller before it for the nomination. His name was received by prolonged and hearty cheers; but the north was so strongly and almost threateningly persistent that the result was the nomination, by a small majority, of their very strong candidate, Judge Austin Adams, of Dubuque. After a long and useful life, Judge Miller died at Des Moines in 1896, in the seventy-fourth year of his age. Of him, Charles Aldrich fittingly said:

Judge Miller was a learned, able and profound lawyer, and a good man. His memory survives as that of one who bore an honorable part in the times in which he lived.

In personal appearance he was not commanding, but very prepossessing; of medium height, fair complexion, with dark hair and eyes, and a countenance expressive of a sweet disposition, allied with firmness of character.

Rush Clark for many years was a prominent lawyer of Iowa City and that part of the State. He was a professional contemporary of William Penn Clarke, Samuel H. Fairall, James B. Edmonds, Charles H. Ransom, George J. Boal, William E. Miller, William J. Haddock, and other prominent lawyers. I used to meet him frequently in the State and Federal courts, in conventions, and elsewhere. He was a small man, slight in figure, with sandy hair and full whiskers of the same color; exceedingly bright, pleasing and companionable. He was a man of decided and varied talents. As a companion, but few men could be more agreeable or entertaining. While he pursued his profession closely, he nevertheless took an active part in politics, and became an efficient factor in that field. He ably represented Johnson County in the Legislature, was speaker of the House, subsequently served his

District in Congress, where he displayed the characteristics of a statesman, rather than those of a politician.

He was born in Bedford County, Pennsylvania, in 1834. He was highly educated, and when but eighteen years of age graduated from Jefferson College, Pennsylvania. His purpose was to become a physician, and for a time he devoted his energies to the study of medicine. This purpose, however, he relinquished, turning his attention to the legal profession. He came to Iowa in 1853, studied law with his brother, George W. Clarke, and was admitted to the bar at Iowa City. I need only say that he was one of the eminent lawyers of the State.

In politics he was a Republican, and in 1859 was elected to the House of the Eighth General Assembly. He became a leader in that body. Two years afterward he was re-elected and chosen Speaker of the House, in 1862. W. J. Moir, of Hardin County, who was a conspicuous member of the House when Mr. Clarke was Speaker, thus described his fine traits:

Rush Clarke was our Speaker. He was a little fellow, but he was a splendid man. He was a fine parliamentarian. He was a gentleman in every sense of the word. He was kind to everybody; his heart overflowed with kindness, and no man ever occupied the Speaker's chair that could do it more ably, fairly, or kindly than did Rush Clarke, of Iowa City. As evidence of his ability as a parliamentarian, I want to call your attention to one fact, and that is this: that not during the whole of that session of the legislature did he have one single appeal taken from a decision that he had made.*

In 1875 he was again elected to the House, and in 1876 was elected to Congress. At the close of that term, he was re-elected for another, but died before its close. The tributes paid to his memory were of the warmest character, both in the State and Nation. In Congress a day was set apart in commemoration of his memory. In connection with this latter incident, Mr. Coffroth, members of Congress from Pennsylvania, in the course of his eulogy, quoted from the well-known poem, commencing with "There is no death," attributing the authorship thereof to Lord Lytton, and as such it became embalmed in the Congressional record; whereas, as a matter of fact, the author of that immortal poem was J. L. McCreery, a resident of Delaware County, Iowa, to whom alone the credit of authorship should be given.** Mr. Clark died at Washington, in the very prime of life, at the age of forty-six, with a resplendent future in his vision. Through the course of many years he and W. J. Haddock were partners under the firm name of Clarke & Haddock, although I noted that they generally signed their individual rather than the firm name to their arguments in the Supreme Court.

William J. Haddock was a native of Ireland, born near Belfast in 1832. When seventeen years of age, he came with his parents to Philadelphia. He came

* Pioneer Law Makers' Association, Reunion of 1906, page 23.

** Annals of Iowa, Third Series, Vol. 1, page 196.

to Iowa in 1856. In 1859 he entered the law office of G. W. and Rush Clarke at Iowa City, enrolling himself at the same time in the Normal Department of the State University. He was graduated from the University in 1861, and commenced the practice of the profession in 1862. He was County Superintendent of Schools for Johnson County during the years of 1863 and 1864. In 1867 he became a partner of his legal preceptor, Rush Clarke. This partnership continued for many years, and was one of the strongest legal firms in the State. In 1872 he was made Judge of the Circuit Court of the Eighth Judicial District. Upon the termination of his judicial services, he resumed the practice with his former partner. This association continued until the death of Mr. Clarke in 1879. He was not only one of the most efficient lawyers of the State, but one of its most useful men, especially in his long service in the administration of the affairs of the State University. For thirty-eight years he was Secretary of the Board of Trustees and the Board of Regents of the State University.

His capacity for work, and his grasp of details, were such that faculties and Trustees alike relied increasingly upon him and his judgment. His knowledge of the law and general business practice made him invaluable to the University, both in safeguarding its interests and in presenting its needs to legislative committees.*

He had strong literary tastes and was an accomplished scholar. It is said that from time to time there came from his pen most interesting autobiographical reminiscences and literary sketches, in the form of letters, addressed to intimate friends, which were afterward printed for private use. The writer regrets exceedingly that he is not in possession of a copy. Mr. Haddock's name and services will be inseparably connected with the State University throughout all its future. He died at Iowa City in 1906.

Upon the dedication of the new Courthouse at Marengo in 1893, the proceedings of which were reported in the "Marengo Democrat," of December 21, 1893, Samuel H. Fairall, in sketching the Judges of the Eighth Judicial District, of him said:

Judge Haddock's short career on the bench was sufficiently long to demonstrate his eminent fitness for the position. With a mind well equipped for the place; of unquestioned capacity, and fully appreciating the important and responsible duties of the office, he would, had the whirligig of politics put him in the line of succession, have added strength and luster to the judiciary of our commonwealth.

Samuel H. Fairall, George J. Boal, James B. Edmonds, Charles H. Ransom.

Samuel H. Fairall was a Marylander by birth and rearing, and sprung from an ancient and honorable English and Welsh ancestry, who settled in Maryland early in the seventeenth century. One of his maternal ancestors, Samuel Snowden, was a civil officer of Prince George County under the Continental Congress. Judge Fairall was well educated. After his preparatory period he entered, at an early age, Wash-

* Annals of Iowa, Third Series, Vol. 7, page 397.

ington College, Pennsylvania, from which he was graduated in 1855—seven years after the graduation of James G. Blaine from that famous institution. He came to Iowa City the same year, commenced his legal studies in the office of William Penn Clarke, and was admitted to the bar the following year, in 1856. The circumstances attending this event are thus related by him:*

When I had been in the State a few months I met that grand old man, J. C. Hall, formerly of the Supreme Bench. He took an interest in me, asked me how long I had been reading law, as it was then called; and whether I intended to become an attorney. I told him that I had read a few law books, but was not prepared to apply for admission. To my surprise a few days afterwards the Supreme Court announced a committee to examine me as to my qualifications for admission, consisting of Judge Hall, Hon. James M. Love and Samuel T. Marshall, Esq. After a few questions I was excused by the committee with the remark that they would report soon. That same day Judge Hall handed me a paper signed by the whole committee, recommending my admission as a practicing attorney, saying in his good-natured, brusque way, "Young man, that paper does not make a lawyer out of you by a d—d sight," which I afterwards found to be true.

Mr. Fairall became, in course of time, one of the most eminent lawyers of the State, a Trial Judge of the first rank, and a legislator, who did much in shaping the laws and institutions of the commonwealth. He was at the bar and on the bench for a combined period of more than fifty years. His name as lawyer or judge appears in more than one hundred volumes of the Iowa Supreme Court Reports; it became a familiar one throughout the State. In the Legislature he was a recognized leader. He was the author of the bill giving to the widow an estate in fee, instead of a mere life one in the property of the husband. In the famous contest for the erection of the present capitol building, he was a conspicuous factor in favor of the bill. "Samuel H. Fairall, of Johnson County, admirably controlled its parliamentary management."** A detailed description of this prolonged contest will be found in the publications mentioned in the note.

He was the embodiment of genial and generous traits, of a warm and ardent personality that made friends and kept them. One of the effects of this was his frequent election to office as a Democrat by the aid of Republican votes. In the fall of 1861 he was elected to the House of the State Legislature in the face of a normal Republican majority in the County. In 1867 he was elected to the State Senate over Ezekiel Clark—a strong man—under like conditions, and in 1871 he was re-elected for another term over the old war Governor, Samuel J. Kirkwood. He said that "In after years I repaid this confidence and aided in the election of Dr. J. C. Schrader to the State Senate over John P. Irish,"*** the Democratic candidate. In 1886 he was elected Judge of the District Court of the Eighth Ju-

* Proceedings Pioneer Law Makers' Association, 1902, page 82.

**Address of John A. Kasson, entitled, "The Fight for the New Capitol," delivered before the Pioneer Law Makers' Association, at its reunion of 1906, also published and appearing in Vol. 4, third series of the Annals of Iowa, page 241.

***Proceedings Pioneer Law Makers' Association, 1906, page 99.

dicial District, and at the end of that term he was re-elected, in 1890, to the same position.

To resume the incidents of his professional career: On his admission to the bar, in 1856, he formed a partnership with J. D. Templin, which continued until 1861, when he became associated with George J. Boal under the firm name of Fairall & Boal, and as such, it appears in connection with very many cases in the Reports of that period. This association continued for many years and became one of the most prominent legal firms of the State. Subsequently he practiced part of the time alone and a part of the time in partnership with H. F. Bonorden, C. S. Ranck, and with his brother, H. S. Fairall, until his election to the bench. Upon his retirement from the bench, he re-entered the practice, in which he continued until the time of his death. In addition to the other offices mentioned, he was for some fifteen years the counselor and attorney of the Board of Supervisors of Johnson County. He was also the author of a Reference Digest of Supreme Court decisions, rendered after the close of Stiles' Digest and before the appearance of that of McClain, and a work entitled, "The Township Laws of Iowa."

To Judge Fairall's kindness, I am greatly indebted for data concerning himself and other early Iowa City lawyers. The last time I saw him was early in the fall of 1888 at my office in Kansas City, Missouri. We had a pleasant visit together, and he gave me considerable data, which I have employed in these sketches, and promised to send me more, which he did, and as autobiographical fragments are always interesting, I give the following extracts from some of his letters to me:

Iowa City, Iowa, October 22, 1888.

In our bar, as in most others in the State, there has been almost an entire change. Folsom, W. Penn Clarke, Templin, Edmonds, Ransom, Rush Clarke, Boal, all men once prominent and strong intellectually, have dropped out; most of them sleep in the silent city, the others gone—William Penn Clarke and Edmonds are in Washington, D. C., Boal in Denver. Of those who were here three and thirty years ago or came shortly afterwards, only Levi Robinson, L. B. Patterson and myself remain. A new set has taken the place of the old ones, and while the new ones have grown up here and are near to me, they do not seem to be so close or dear as those with whom I trained in earlier days; and especially is this so as to those who were about my own age, as were Rush Clark, Boal, Edmonds and Ransom. Edmonds was here a few weeks ago, and we two wandered around, lost as it were, among strangers; thinking of the days which will never more come back, and of those who constituted a part of our social and professional existence.

The going out of Folsom, Templin, Penn Clarke, closed the first set of lawyers at the Johnson county bar. They came down from territorial days. Then came the second set, Edmonds, Ransom, Rush Clarke, Boal, and myself. The third lot, Edwards, Swisher, Remley, Ball, Ranck, Wade, Ewing, and others, now do the business.

I came to the bar in 1856, at twenty-one, and have lived to see the first, second, and third generation of lawyers on the stage. For all I have the greatest respect, but for the pioneers and their immediate successors my heart turns with deep and earnest yearnings.

When will you get out the work for which we have been so long waiting, or do you expect to outlive all of your contemporaries, that they may not know your

estimate of them? Remember that there is a belief that even the good spirits return to converse with those in the flesh, and if this be so, certainly the restless, unhappy ones may come back to annoy you, should you truthfully fail to make them greater after than before death.

The last time I saw Brother Fairall was at our meeting in Kansas City, before referred to, in 1888. I did not think then that time had wrought much change in his appearance, but it would seem that a radical one had taken place between that time and the writing of the following letter:

Iowa City, October 15, 1902.

My dear Stiles: Several years have come and gone since my pleasant visit with you at Kansas City. Since you left Iowa many and great have been the changes in the bar of the State. The men of middle age and beyond that when you were Reporter have mostly crossed the river.

At the Pioneer Law Makers' Association, held in February last, the theme assigned me was "The Pioneer Lawyer." Having only three days' notice, I was able to group and present the names of but few of them—of those who began in 1837 and were in practice in 1858. I send you my remarks and the names then given.

In the course of my correspondence with the old lawyers, the inquiry is often made, "When will Mr. Stiles publish his sketches of the early bar of Iowa?" Only last week I received a letter from Judge H. H. Trimble making the same inquiry. I think you owe it to the profession to put in shape the large amount of material you have concerning the lives of the men who so largely contributed to the greatness of Iowa; and you of all others are fitted for that work.

My health has not been good for the past five years—stomach trouble. From 190 I have dropped to 135 pounds; and yet I am in the harness. Would be pleased to hear from you soon.

The next letter, from which I desire to quote, is dated Iowa City, 1906:

Dear Stiles: Yours received. Accept my thanks, and especially for the fact that you, at last, have made up your mind to put in shape the immense amount of matter connected with the early bar of Iowa; and I trust you will be spared to complete your work, as no other than you has devoted so much time and labor to the gathering of material for it. Like myself, you personally knew most of the early lawyers and Judges.

In 1893, on the occasion of the dedication of the courthouse at Marengo, I read a paper entitled "Sketches of the Judges of the District and Circuit Courts"—those who had presided in Iowa County, and all of whom I personally knew except James P. Carleton.

I was admitted to practice by the Supreme Court on my twenty-first birthday, and, excepting the years I was on the bench, have been in practice ever since. I have always found something to do. From 1865 to 1873 my practice was largely in the Federal Court and State Supreme Court. In the State Supreme Court I first appeared in a case reported in the 8th Iowa, and as attorney or Judge my name appears in connection with cases reported in 108 volumes of Iowa Reports. In 1867 I argued before the Supreme Court of the United States one of the cases involving the question of jurisdiction where Federal Courts sought to compel municipal authorities to levy taxes to pay judgments rendered in those courts on bonds and where those authorities had been enjoined by State courts from levying taxes for that purpose. Many of my cases in the State Supreme Court have involved very important questions. Among them are *Dennis vs. Larkin*, 19th Iowa, 484; involving liability to one drafted into the military service, to fill the place of another who had been drawn but had fled the country; *Morrison vs. Springer*, 15th Iowa, 304, involving constitutionality of the statute authorizing soldiers to vote in

the field; *Morrison vs. Marquardt*, 24th Iowa, 35, involving the right to light and air; *Small vs. the Railroad Company*, 50th Iowa, 338; 55 ib., 582, involving liability of railroad companies for fire set in operation of roads. I was a member of the judiciary committee of the Ninth General Assembly, 1862, which reported acts requiring railroad companies to fence or pay double damage for stock killed through negligence of company employes; to give widowed spouse as dower an estate in fee; and to authorize soldiers to vote in the field.

In 1868 I was appointed by Governor Merrill a member of the Commission of Legal Inquiry, and with Judge Seevers and J. O. Crosby as my associates, made the first report in 1870, recommending over fifty amendments to statutes, mostly in the practice acts—all of which were adopted, and are a part of the Code. I was a member of the judiciary committee in the Senate of 1868, 1870, 1872, 1874, and of the subcommittee having charge of the report of the commissioners who reported the Code of 1873.

In 1892, while on the bench, I prepared a large edition of a Reference Digest of Decisions of the Supreme Court from 1882 to 1892. In 1902 I prepared and published the "Township Laws of Iowa," with annotations of Supreme Court decisions, and forms. It contained all the laws relating to townships, the duties of township officers, accompanied by 159 forms, one for almost every act, report, or account, of township trustees and clerks.

I came to Iowa when I was twenty, knew most of the pioneer lawyers and all the Judges of Territorial and State Supreme Courts except Kinney and Hastings. I do not think there are alive to exceed twenty of the lawyers who were in practice when I was admitted.

Rush Clarke left one son, a bright physician of New England, and one daughter, since deceased. George J. Boal died very suddenly, in Denver about 1896, leaving one son. Charles Ransom died many years ago, leaving a daughter. Edmonds died in Washington, D. C. Our bar is entirely new. I regret I cannot find the desired number of the *Old Annals* you wanted; will continue the search. Any further information will be cheerfully furnished.

Judge Fairall was born in 1835 and died at his home in Iowa City in 1909.

Concerning *George J. Boal*, I regret to say that I have but little data, though I knew him well through the course of many years. I used to meet him often in the Supreme Court while I was its Reporter, and elsewhere. The last time I met him was in Denver, after his removal there from Iowa City. He then seemed to be in perfect health, but I was shocked in hearing not long afterwards of his sudden death, which occurred in the early or middle nineties.

George J. Boal was a man and lawyer of extraordinary talents, by force of which he became markedly prominent as a member of the Iowa bar, and attained a very high standing at that of Denver after his removal there. He had an analytical mind of remarkable accuracy, capable of making and solving fine distinctions, and unraveling difficult problems. He was noted for the strength and perspicuity of his argument. He was erudite, scholarly and accomplished. He died in the very prime of life.

James B. Edmonds and Charles Ransom. I have no data concerning their nativity or early life. They belonged to what may be termed the second generation of lawyers in Iowa, for Judge Fairall says, as will be seen from the preceding sketch, that the "going out of Fulsom, Templin and Penn Clarke, closed the first set of law-

yers at the Johnson County bar. Then came the second set, Edmonds, Ransom, Rush Clarke, Boal and myself." Judge Fairall also says that Rush Clarke, Boal, Edmonds and Ransom were about his own age. From this it is quite apparent that Edmonds and Ransom were about the same age as Fairall, and came to Iowa City about the same time.

After their coming, Edmonds and Ransom formed a partnership, which continued for many years, and did a wide and lucrative business. They were both highly cultured gentlemen; both possessed literary attainments, and they were both distinguished as lawyers of great ability, and such became their reputation throughout the State. The partnership continued until the removal of Mr. Edmonds to Washington, about 1879 or 1880.

The fine abilities of Mr. Edmonds were duly recognized in Washington. He was appointed one of the Commissioners for the management of the municipal affairs of that City, and his professional career there was highly successful. It is said that he acquired a fortune. Mr. Ransom died in a few years after the removal of Mr. Edmonds to Washington, and the latter died in that City in the early nineties.

They were different in their personality as I recollect them of forty years ago. Mr. Edmonds was rather slender, dark haired, and dark eyed; a keen, alert, nervous-looking man. Mr. Ransom was rather heavy set, well rounded in person, with a fresh and healthy complexion; mild, gentle, and prepossessing in disposition and manners.

LeGrand Byington, Lemuel B. Patterson, Levi Robinson, Milton Remley, Cyrus S. Ranch, Geo. W. Ball.

LeGrand Byington was a man of natural brilliancy, of mixed qualities and stubborn to the last degree in his convictions. He was along in years when I first met him. The data for the following sketch was furnished by his son, O. A. Byington, a lawyer of Iowa City.

LeGrand Byington was born at Naugatuck, Conn., March 24, 1816, and died at Iowa City, Nov. 22, 1907, in his ninety-second year. Although largely excluded from early educational advantages, he became the editor of "The Elyria [Ohio] Republican," at the age of eighteen, and evinced remarkable ability as a trenchant writer. He was an ardent advocate of the Jackson administration. He also published for a short time the "Buckeye Democrat" at Ravenna, Ohio. Having read law while pursuing his newspaper work, he decided to answer the call of the West. On his way to St. Louis, at the solicitation of William Allen, afterwards Governor of Ohio, he took temporary charge of a newspaper at Chillicothe and shortly after began the practice of law at Piketon, then the county seat of Pike County. In 1841 he was elected to the Ohio Legislature and re-elected the following

year. Although but twenty-five years of age, he was made Chairman of the Judiciary Committee and became the floor leader and the most influential member of the Democratic majority. He was the unsuccessful candidate for Congress in 1842. During the eight years of his residence in southern Ohio he established an extensive law practice and became a Democratic State leader.

In 1845 he made a trip to Iowa City and, in contemplation of removal, purchased a site on the west bank of the Iowa River, which became his residence in 1849 and which he occupied as a home for sixty years, and is still the home of members of his family.

After his removal to Iowa City he acquired immense quantities of Iowa lands, becoming one of the wealthiest citizens of the State. The Civil War seems to have been the turning point in his career. Taking the position that the Union could not be preserved by war, he violently opposed the administration of Lincoln and denounced all war measures as unconstitutional, even refusing to pay taxes, upon the theory that they were for the support of an unconstitutional war. Neither personal violence nor loss of his property could turn him from this position, which he steadfastly maintained throughout the remainder of his life. As a result, the immense fortune, acquired through years of strenuous endeavor, melted away.

In 1860 he was Chairman of the Democratic State Central Committee and was active in the support of Stephen A. Douglas, making a tour of the West with him. He was defeated for the Democratic nomination for Governor by General Baker by a few votes.

Mr. Byington was a lifelong total abstainer and an ardent prohibitionist, at all times denouncing the saloon and demanding its abolition. He was a public speaker of great power and had a remarkable command of language.

The Iowa City Press of November 27, 1907, in noting his death, gave an elaborate sketch of Mr. Byington, with the following conclusion:

In brief resume it may be said that LeGrand Byington was a man of brilliant and original mind, of inflexible will and of tireless energy. His sincere but erroneous convictions concerning a great crisis in public affairs, turned into the channels of disaster and defeat, a career of remarkable promise. A radical of radicals, a hater of shams, of irreproachable private life, of kindly heart through all his bitter experiences one cannot refrain from the thought: What might have been his career had Fate mingled with his radicalism a moderate measure of conservatism?

Lemuel B. Patterson and *Levi Robinson* were among the early and prominent lawyers of the Iowa City bar. In 1861 they became associated as partners in the practice. This association lasted through the course of many years and was said to be the oldest continuous law firm in the state. Mr. Patterson was a native of Indiana, born in 1824. When seventeen years of age, in 1841, he removed to Iowa, and when the capital was located at Iowa City he was appointed Terri-

torial Librarian and served in that capacity for two terms. While occupying this position he rendered important aid in securing the passage of the first Iowa Homestead law, and for his services in that behalf his name should be enduringly perpetuated. The character of that service and how it was brought about is disclosed in the following letter written by him a short time before his death to Charles Aldrich, then the distinguished and lovable Curator of the Historical Department, in response to a letter of inquiry addressed to Mr. Aldrich by Mr. Patterson:*

Iowa City, February 27, 1897.

Dear Sir: In reply to yours of the 19th, I would say that it finds me in a bad condition to answer in a satisfactory manner, as I am on the flat of my back from a prolonged illness of over a year. I am very weak and hardly able to write. But I will give you my recollection of the facts of the first homestead law in Iowa, as it is the one act of my life in which I feel some pride as the originator thereof. By the active assistance of friends, its passage was secured.

At that time I was a very young man, and was territorial librarian. I had become acquainted with many members of the legislature. The causes that led me to think of it and determined me to try and get proper legislation on the subject, were, that I had observed the actions and hard-heartedness of the money lenders in the community, who generally loaned their funds at 40 per cent interest. When a poor man had a piece of land which he desired to improve, they were quite eager to make him a loan, taking a mortgage on his lands, and sometimes also a chattel mortgage on his personal property. When the obligation became due, or as soon as the same reached the amount that would absorb the property, they would clean the poor fellow out of his worldly possessions, turning him out helpless, with nothing for himself and family.

I saw many instances of such hardships, and I considered it a great wrong that ought to be controlled by proper legislation. Among the legislators then in session I became very intimate with a member of the House from Lee County, the Honorable Isaac W. Griffith. He had lost his right arm in the Mexican War. I approached him about the necessity of this legislation, and desired to know whether, if I should draft a bill on the subject, he would present it and do what he could to secure its passage. I must say that he did all in his power for the measure. I assisted him all I could with other members of each House until its final passage. Of course, it was a very crude law, but it was afterwards amended by different legislatures. It was the first effort ever attempted in Iowa in this direction—the starting point of all homestead legislation in our State. The measure has proven of much benefit to all our people in the development of Iowa. If this shall be of any benefit in answering your inquiries I shall be greatly pleased, as I write under many disadvantages. Truly yours.

Mr. Patterson died in the March following the date of this letter. He was an able lawyer and his name appears in connection with many reported cases, among them Murray vs. Catlett, 4th Greene, 108; Carr vs. Copp, 3d Iowa, 80; Brown vs. Tomlinson, 2d Greene, 325. His name will also be found in the list of attorneys in 2d Greene and in 19th Iowa. He was also one of the most efficient citizens of Iowa City. He took great interest in public affairs and served with efficiency in different municipal offices. "He was for twenty years a member of the school board and is said to have been the first to advocate the employment of women as teachers."** He possessed many old-fashioned characteristics and was

* Annals of Iowa, Third Series, Vol. 3, page 149.

**Annals of Iowa, Third Series, Vol. 3, 80.

a lovable and gracious gentleman. The last time I saw him was during a visit I made at his office in Iowa City, some thirty years ago, when I bade him what proved to be a last farewell.

Respecting *Levi Robinson*, I have no data concerning his early life, nor as to when he came to Iowa. It must, however, have been at an early day, for he was elected Prosecuting Attorney of the County in 1854. He was a lawyer of ability. He formed the partnership with Mr. Patterson before referred to. They both died a good many years ago.

Milton Remley, *George W. Ball* and *Cyrus S. Ranck*, while not among the earliest, may be properly said to be of the early lawyers of Iowa City—of the generation, as it were. They were active and able representatives of that bar for a period of more than forty years. I used to meet them occasionally when we were all young men. With Mr. Remley I was better acquainted than with either of the others. I had some late correspondence with him and to him am indebted for brief data concerning the others.

Milton Remley was a native of West Virginia, born in 1844. When eleven years of age he came with the family to Johnson County, where he received most of his preparatory education, later entering the State University, from which he was graduated in 1867. He commenced the practice at Anamosa, in Jones County, in 1868, and remained there until his location at Iowa City in 1874.

He was a man of decided talents and in a comparatively short time became known as a lawyer of remarkable ability. In politics he was Republican and was frequently honored by the bestowal of political honors at the hands of the people. In 1888 he was chosen a delegate to the National Republican Convention, and in 1892 a presidential elector for the State at large. In the fall of 1894 he was elected Attorney-General of the State and at the end of that term was re-elected and at the end of that again re-elected, serving in all six consecutive years in that position, a longer period, I believe, than any of his predecessors except John Y. Stone. As Attorney-General he displayed legal ability of the first order and a comprehensive grasp of difficult questions. During his period of office there arose many questions difficult to solve; many changes were made in existing laws by the enactment of the new code—that of 1897—and he was frequently called to pass his opinion upon questions arising under the new statutes.

He conducted suits on behalf of the State of general public interest in cases of reclaimed lake beds, which were taken to the Supreme Court of the United States. The cases providing for an inheritance tax and the creation of the State Board of Control were passed during General Remley's term and he was frequently called upon to construe these laws.*

* Annals of Iowa, Third Series, Vol. 3, 80.

During his term of office he to a large extent kept up his general practice and after that greatly extended it. He became known as one of the most eminent lawyers in the state.

In the latter part of his life and while his years were not so far advanced as to deprive him of its activities, and his capacity for enjoying its varied scenes, he gradually retired, devoting a portion of his time to travel, to books and the serene enjoyment of life's evening. From a letter to me I take the liberty of making the following extracts as throwing some light upon the character and closing years of this man:

In regard to myself, I have been practicing law since 1868, and have a pardonable pride in my success as a lawyer. I have, like many other lawyers, lost by injudicious investments and have not accumulated property as I might have done and as my business justified me in doing; but I have enough to keep the wolf from the door. We have four children who have built homes of their own, and seven grandchildren. My youngest son, George E., is District Attorney in the Northwestern District of New Mexico. My oldest son has quit the law and engaged in civil engineering. He bought into a hydro-electric plant and improved and developed it, and then sold out at a handsome profit. He has an apple orchard and is on "easy street" financially. His residence is at Dryden, Washington. My eldest daughter, Mrs. W. D. Lovell, is the wife of a civil engineer and contractor. He has made a success in life and is very comfortably fixed financially. My youngest daughter, Mrs. William Ruthrauff, lives in Chicago. I have no reason to complain of what life has brought me. I have enjoyed it, and at nearly three score and ten years I feel quite strong and vigorous; but am gradually letting loose of hard work. In a week my wife and I will start for Yellowstone Park and will spend a month with my son, Hubert, at Washington.

Cyrus S. Ranch was a native of Pennsylvania and a graduate of the State University of Iowa. Through the course of many years he was an able, strenuous and successful lawyer. His name will be frequently found in connection with the reports of the Supreme Court of the State. He was engaged in cases of the highest importance. He was strong and resourceful and might have acquired a fortune, but as I am told, did not.

He was a man of high character and a frequent recipient of the public esteem. He was chosen and served for a period City Solicitor of Iowa City and for six years as County Attorney. He repeatedly represented his County in the State Legislature. In the fall of 1883 he was elected to the House and served in the 20th General Assembly, and in the fall of 1885 was re-elected and served in the 21st General Assembly. In 1894 he was again elected to the House and served in the 25th General Assembly. In the fall of 1895 he was elected to the State Senate and served in the 26th and 27th General Assemblies. For more than forty years he was regarded as not only one of the best lawyers, but one of the most efficient and useful legislators.

George W. Ball was for many years a prominent lawyer of Johnson County and the State. As I am informed, he was a native of Iowa, born in Jefferson County

about the time the State was admitted into the Union. He was a graduate of the Wesleyan University at Mt. Pleasant and of the Iowa State University. He was a contemporary of Milton Remley and Cyrus S. Ranck. They were nearly of the same age and commenced practice about the same time. Mr. Ball was a lawyer of ability. He also took a deep interest and was a leader in public affairs and a recipient of public favors and the public confidence. For two terms he was County Attorney of Johnson County. In the fall of 1885 he was elected to the House and served in the 21st General Assembly. In 1899 he was elected to the State Senate and served in the 28th and 29th General Assemblies. I am informed by Mr. Remley that he maintained his practice until far advanced in years, but finally had to succumb to the insidious steps of an incurable disease. His son, Major George W. Ball, Jr., was associated with his father in the practice for a number of years, and they made a strong firm. Of the son it is not within my province to speak, as he belongs to the active present.

Frederick M. Irish, John P. Irish, Ezekiel Clark, Robert Finckbine, Wm. G. Hammond.

Capt. Frederick M. Irish was an early pioneer and an important factor in the settlement of Iowa and particularly of Johnson County. He has been dead many years. While at Iowa City, something more than forty years ago, for the purpose of delivering an address to the students of the Law Department of the State University, I went to the newspaper office of his son, Hon. John P. Irish. There I found his father, the subject of this sketch, Frederick M. Irish, and engaged in an hour's conversation with him. He was then well stricken in years and entirely blind, but his mental keenness made great amends for his loss of sight. I thought him one of the most interesting men I had ever seen. He gave me an insight into his early life, of his subsequent experience as a pioneer and of many interesting incidents of the early settlement. His memory was wonderfully clear; his power of relation remarkable; his fund of amusing anecdotes well supplied; his appreciation of real wit and a keen sense of the ridiculous highly developed. He was a delightful raconteur. In short, he made such a lasting impression upon me that when I came to write these sketches I earnestly requested his gifted son, John P. Irish, to furnish me a brief one of his father, for I thought his name and memory should be durably preserved. In response to this request I received the following:

Oakland, California.

My dear Stiles: I enclose some notes about my father. It does not tell near all that might be said, but is intended to present him as typical of that generation of splendid pioneers whose like will not be seen again.

Although he terms his enclosure as "some notes," it is such a graceful and graphic model in itself that I could not hope to improve it by enlargement, and hence publish it just as it was written, in the following words:

The pioneer period of Iowa was the score of years that passed between 1836 and 1856. The white settlers appeared in 1836, and the first railroad crossed the Mississippi and started westward in 1856. Between those two dates the real pioneers built their log cabins, reduced the soil to tillage, ground their flour and corn meal in coffee mills, wore buckskin clothing and laid the foundations of a State. Of that stout-hearted company of independent men was Frederick Macy Irish. Born in Hudson, New York, March 13, 1801, of Quaker parents descended from Nantucket people, his mother, Ruth Macy, being of the posterity of that "good man Macy" whose escape is told in Whittier's poem, "The Exiles," he was of the race of New England Vikings, for his Nantucket ancestors were all sailors, whalemén, and bold navigators.

Reared in De Ruyter, in central New York, the salt water in his pedigree drew him to the sea, and at the age of seventeen he and his brother, John, ran away from home, reached the coast and both shipped, he for a three years' whaling voyage in the Pacific and John for the merchant service. John became first officer of an East Indiaman, and as he died at sea his bones have bleached these eighty years in the depths of the Indian Ocean.

On that whaling voyage Frederick reached San Francisco in 1818, and spent some time at the Sandwich Islands, in the reign of Liholiho, the second Kameameah. When his seagoing days were over, he was an accomplished navigator and had all the sea lore that has now disappeared with the passing of the windjammer. After a period of service as a New York harbor pilot, during which time he married Elizabeth A. Robinson, daughter of a Quaker family in Mamaronek, Westchester County, the spirit of adventure moved upon him and late in the twenties he migrated west to the new town of Terre Haute, Indiana, where in partnership with William Wines, he built the first foundry and machine shop in that territory. It is a far cry back to that time, when the most interesting issue in politics was the building, by the Federal Government, of a National wagon road, from the Atlantic seaboard to the West. This road followed the line of Braddock's march through Pennsylvania, along the Susquehanna, Juniata and Conemaugh rivers, into Ohio and so on through Indiana. Mr. Wines took construction contracts on this National road, lost money, failed in business and broke up the foundry firm.

Then Frederick sent his wife and their two infant sons back to her family in New York, and after supplying her wants had left a good horse and saddle and twenty dollars.

On horseback he faced westward, following the Indian trail, and crossed the Mississippi by swimming his horse, and landed at Flint Hills, near Burlington. Iowa Territory had just been created by Congress. What are now Iowa and Wisconsin had been a county of Michigan; then Wisconsin, with Flint Hills as its capital. As Frederick landed, Wisconsin was moving out of Flint Hills. Robert Lucas, Governor of the new Territory of Iowa, was there, and a commission was preparing to go on horseback to locate a capital for Iowa. He joined them and was with them when Iowa City was located as the capital. He immediately pre-empted a quarter section on the east side of the town plot, felled trees, built a log house, plowed and planted, and sent for his wife, who made the journey with her two boys over the Alleghenies, to Pittsburg, down the Ohio to Cairo, and up the Mississippi to Muscatine, then called Bloomington, where he met her, and they began life anew on the frontier. Here three more children were born, Thomas M., John P., and Ruth Elizabeth, who are the sole survivors of that pioneer household.

Frederick M. Irish took a public-spirited part in the affairs of the new settlement. When the capitol was built, now the central building of the State University, its water table, in large monoliths, was quarried on Cedar river, near Gower's ferry. All attempts to transport them had failed and the building could not go on without them. In this crisis, with his sailor knowledge of rope and tackle, he constructed the rig to sling the great stones, and with his ox teams transported them to the site of the building. It was said that his family could hear him driving his oxen for twenty-four hours before he arrived, for he had a remarkable voice.

He was the friend and adviser of the early members of Congress, in promoting the ways and means to develop the new Territory. He was a leader in the "Claims Association" which protected the pre-emptions of the first settlers from "jumpers," and in the tragedies of the frontier was looked to for a display of courage and judgment.

When about fifty years of age he became blind and passed the last quarter century of his life in darkness. This infirmity abridged his physical activities but little, and rather sharpened his mental powers, so that he remained, after the frontier period was over, a leading figure, until his death in 1875.

The pioneers of the period 1836-1856 are gone, but they left behind them a great State firmly built upon a foundation they laid. They found Iowa a beautiful wilderness, remote from civilization, difficult to subdue, because the instruments of its conquest had to be fashioned and created out of the material at hand. But they never faltered, nor retreated, and in the Iowa of today is the fruit of their labor enjoyed by a population that knows them not and has no conception of the Iowa they conquered:

"And now, young children
Gather for their own
The harvest that the dead have sown,
The dead forgotten and unknown."

In supplementing what has above been said of Captain Irish by his distinguished son, I may say that among the many valuable services of Captain Irish to the State, and to Johnson County in particular, there should be included his contributions to their history, contained in a series of four articles entitled "The History of Johnson County," appearing in the January, 1868, number of the old *Annals of Iowa*; the April, 1868, number; the July, 1868, number; and the October, 1868, number. These contributions are so valuable and these numbers of the early *Annals* so scarce and difficult to procure that they should be republished by the State, not only for the preservation, but the dissemination of early Iowa history. Anyone who wants to thoroughly learn the history of Johnson County, its details, and know of the brave and hardy men and women who laid its foundations and nursed it into vigorous being, should by all means read these articles of Captain Irish. The clear and graphic descriptions he gives of men and events and the charming as well as deeply interesting style in which they are written, sufficiently evince the superb intellectual qualities of their author. I should like to give the reader extracts from them, but want of space forbids. Though actuated by no partial interest in Johnson County, I have read and re-read those contributions of Captain Irish with combined interest and pleasure. They carry the romance as well as the history of the wilderness and its subsequent development. They also unconsciously display the highly important part he himself played in the work.

John P. Irish, I became acquainted with forty-four years ago, in 1870, when we were both comparatively young men. He was then but twenty-seven and represented the "Iowa City Press," of which he had been editor and proprietor from the time he was twenty. We were thrown together in a tour of the Iowa Editorial Association, accompanied by some of the State officials, through Missouri, Kansas

and Nebraska. The Association met and were given a banquet at Ottumwa, where I resided, and I was deputed to make the welcoming speech. I was pressed to accompany them on their tour. We were received in a public manner at different places on the route and Mr. Irish was frequently called upon to respond. At St. Louis we were taken to Shaw's Garden, where we were graciously received by Mr. Shaw, then an old man. He took infinite pains in showing us the grounds and the wonderful display of flowers and shrubs with which he had decorated them. At the close Mr. Irish expressed our appreciation of his welcoming kindness and our admiration of the artistic parterres of flowers of every variety that were spread about us, constituting one of the most celebrated floral gardens in the United States. The speech of Mr. Irish was in perfect harmony with the scene. In the course of it he paid a beautiful and touching tribute to the venerable philanthropist whose aesthetic and artistic nature had wrought this splendid garden of Flora. In fine fancy and classical phrase he compared the place to the entrancing Garden of Calypso. Altogether the address was a gem from beginning to end. I have heard many analogous ones in the course of my life and I think that was the most exquisitely appropriate I ever listened to.

He was not only a graceful speaker and eloquent orator, but, when the occasion required, a strong and virile one. And he could write as well as he could speak. When about twenty years of age he assumed the ownership of the "Iowa City Press" and edited it for twenty years. He impressed it with his own individuality and made it one of the most influential Democratic papers in the country. As an editorial writer he ranked with J. S. Clarkson of the "Register" and Samuel M. Clark of the "Gate City," and the "Iowa City Press" under him became a prominent mouthpiece of the Democratic party, as the "State Register" and the "Gate City" were of the Republican party.

In addition to this, he was a natural born and aggressive leader. As such he was recognized in the vanguard of his party through the course of many years. In short, he may be properly said to have been a genius, composed of both solid and brilliant parts, who doubtless would have achieved greater renown had he been on the successful side of politics and less steadfast in his convictions. But his party was in a hopeless minority and had not been in power in Iowa, nor, indeed, has it been for the last fifty years—from the accession of Governor Grimes, in 1854, to the present writing, except once, and that was during the administration of Governor Horace Boies. And even before that event Mr. Irish had become a resident of California. During all of the half century mentioned Iowa has been represented in the United States Senate by Republicans only. The same was almost the case in respect to Congressmen. Let a man be ever so gifted, he could not gain a Democratic seat in Congress except by a "scratch."

What made the case more hopeless at the last for Mr. Irish was the fact that

he followed the path of Cleveland instead of that of Bryan, revolted against "Free Silver," became a chief organizer in the "Gold Standard" movement and of that party, supported Palmer and Buckner, its candidates for the presidency and vice presidency, and canvassed widely in their behalf on the hustings.

Notwithstanding the prevailing Republican majority, Mr. Irish was so strong with the people that he was frequently honored by them. He was repeatedly sent to the legislature and did conspicuous service there for the State. In the fall of 1867 he was elected to the Twelfth General Assembly. In the fall of 1869 he was re-elected to the House and served in the Thirteenth General Assembly. In the fall of 1871 he was again re-elected to the House and served in the Fourteenth General Assembly, thus serving six consecutive years. During this period arose the famous contest for the erection of the new capitol. It commenced in the Twelfth General Assembly, 1868, and extended through the two following Assemblies—a fight that lasted for a period of five years. In this contest John A. Kasson and John P. Irish were the House leaders in favor of the measure, and to their efforts its success was largely attributable. Of it Mr. Kasson has left us a graphic description in his address before the Pioneer Law Makers' Association, at its Reunion in 1896, appearing in the Proceedings of the Association, and in volume four, third series of the Annals of Iowa. Speaking of the array on either side, and of the members in favor of the measure who were returned to the Thirteenth General Assembly, Mr. Kasson says: "On our side many old friends of the measure were returned, and notably among these was John P. Irish of Johnson, who was ready, eloquent and strong in debate." During his legislative service he was noted for the introduction of and the assistance he gave to many salutary measures of reform. He drew the bill, which became a law, that took the election of members of school boards out of political elections by changing the time of their election from a general to a special election, and authorizing the Directors to choose the Presidents of school boards outside of their own number. He also secured an additional endowment fund for the State University, of which he was for some years a Regent. While in that position he labored successfully for the establishment of the Law and Medical Departments of the University. He was for many years one of the trustees of the Soldiers' Orphans' Home.

Among other evidences of public favor bestowed upon him were his nomination for Congress by the Democratic party in 1868 against Judge William Loughridge, and in 1872 against James Wilson, afterwards Secretary of Agriculture, and in 1877 his nomination as the candidate of his party for Governor of the State. In both of these instances he made vigorous campaigns which accentuated the reputation he had already gained as an orator and statesman.

Some thirty years or more ago he removed to California, under whose sunny

skies we are both spending our latter days. It is evident that this change was not made on account of any political considerations, for a three years' residence has convinced me that at least this part of California comes nearer having no politics at all than any place I ever saw. Notwithstanding, I find that he has made a deep and favorable impression on the people of California and has done much in accelerating the progress of this Commonwealth. In 1890 he was nominated for Congress as the Democratic candidate against Judge McKenna, now one of the Judges of the United States Supreme Court. He is recognized as a man of great ability, a pungent writer and an eloquent and forceful orator. He was one of the founders of the "California State Home of the Adult Blind" and for many years the President of its Board of Directors. In this beneficent work he was doubtless inspired by the unbroken love and hallowed memory he cherished for his father, who, like Milton, groped for many years in blindness.

In 1894 he was appointed Naval Officer of Customs at San Francisco and discharged its duties with efficiency for sixteen years.

That in his age he has lost none of his mental vigor is apparent from a petition of protest against certain legislation, which was addressed, forwarded to and read in the United States Senate and caused to be printed, and which appeared in the Los Angeles Daily Times of July 14, 1914. The legislation referred to is what is known as the "Clayton Anti-Trust Bill," then pending before Congress, and which declares that nothing in the anti-trust laws shall apply to labor unions or farmers' organizations, and forbids the issuance of injunctions against "peaceful assemblage, picketing and boycotting by the Union." The views of the leading newspapers of the country on this feature of the bill—which it is claimed was inserted through the insistence of Samuel Gompers, the President of the American Federation of Labor—will be found in an article entitled "Changing the Anti-Trust Law to Suit Labor," appearing in the June, 1914, number of the Literary Digest, New York, page 1345. The measure is one of great moment and the nation is expectantly awaiting the outcome.

As nothing can better exemplify the heroic character and views of this remarkable old man than this petition or protest of his, I here give it:

Your petitioner respectfully represents that he is a native American citizen, and availing himself of the right of petition, does respectfully protest and petition your honorable body against the following proposed legislation:

To-wit: Against impairing the protection of property by depriving the courts of equity jurisdiction and the right to restrain organized violence by injunction;

Against the proposed exemption of members of labor unions from punishment for conspiracy in restraint of trade, a statutory crime for which all others, except farmers' organizations, are penalized;

Against legalizing by Federal statute the picket and boycott, as an evasion of the rights of the States by usurpation of their police powers.

The writ of injunction for protection of the rights of property is of equal

dignity with the writ of habeas corpus for the protection of the rights of person. The limitation of either is a step backward toward the ages of unrestrained tyranny.

I am a Democrat and voted for the candidates who were nominated on the Baltimore platform which denounced all forms of special privilege. Will the Senate inform the country of any more appalling form of special privilege than permission to one class of citizens unpunished to commit a crime for which all others are punished?

As a farmer I resent for my class its inclusion in this nefarious immunity. There is no possible form of organization or co-operation among the farmers of this country that can restrain trade or limit or impair the rights of others. American farmers are moral and high-minded. It is largely from their ranks that juries are drawn to try the classes which are penalized for crimes which such jurors can themselves commit with impunity, if you pass this legislation. Can any member of your honorable body suggest a situation more offensive to a sense of justice, more destructive to the moral foundations of government, or personally more degrading, than calling a juror to convict another for a crime he can himself commit without punishment?

The boycott and picket are devices to prevent the employment of free labor and to deprive the employer of the right to manage his own business. They are used to destroy the right of men to work, which is denial of their right to live. They are used to enforce the arbitrary will of organizations that have used gun, bludgeon and dynamite to deny bread to the living and peaceful burial to the dead.

Cardinal Gibbons has well defined civil liberty to be that condition in which no man is subject to the arbitrary will of another, but in which all are equally subject to the law. Unless you can impeach this definition, this legislation now before you will therefore destroy civil liberty, by legalizing the arbitrary will of some over all others, and by exempting some from punishment for crime for which all others are penalized, establishing inequality before the law.

In all civilized countries the right to do business is held to be a property right. Other features of proposed legislation reverse this wholesome and necessary conclusion of law, and will in effect outlaw business in this country, deprive it of judicial protection, take from it every right under the Constitution and strip it naked for the despoiler.

The history of man discloses no tyrant who dared do at a blow what this legislation will do, if the Senate enact it into a law.

Therefore I respectfully petition the Senate to stand on the side of civil liberty, of legal equality and the right of free men to live.

As appears from the foregoing paper, he is, and doubtless has been for some years, engaged in farming, and I am almost induced to write him a note of inquiry, as some fellow did Horace Greeley when he ran an agricultural column in his New York Tribune, as to what is the best time of the year to cut elders and plant yellow-handled brooms. I once attempted to practice law and farm at the same time, and I am wondering whether he has so far divorced himself from his long alliance with public affairs as to be more successful in farming than I was.*

John P. Irish was the son of Captain Frederick M. Irish, whom he has here-inbefore so finely sketched, and a native of Iowa City, where he was born in Janu-

* Since writing the above I have received a letter from Mr. Irish, from which it would seem he is farming on a large scale, for in it he says: "I want you to dine with me. I spend a good deal of time on my ranch on an island in the San Joaquin river, where I am busy just now harvesting and threshing three hundred acres of barley, and I have just shipped fifteen carloads of onions to Chicago, Mobile and New Orleans."

ary, 1843. He was distinguished in appearance and of pleasing address, with a well-rounded figure of more than medium height, light hair, blue eyes and fair complexion—what might be properly termed a handsome man in his earlier years. He dressed in excellent taste, but there was one peculiarity in his attire, for while his shirt front and collar were always faultless, he never wore a necktie.

In disposition and temperament he was fully conscious of his own powers, self-confident, somewhat cynical, tenacious to the last degree in his convictions.

Subsequent to the writing of the foregoing sketch, in the summer of 1914, I paid Mr. Irish a visit in Oakland, where he resides. We spent many enjoyable hours together. I had not seen him for forty-five years. We talked on many things and on a variety of subjects. I found him even more learned than I had previously supposed. His knowledge and familiarity with ancient and classical history was comprehensive and gave the most satisfactory evidence of his wide reading and deep research. That visit was one of the most enjoyable experiences of my life. Desiring to obtain the particular details of his editorial and subsequent career in California, of which he gave me a general idea in our conversation, I wrote him on my return home for the same. From his response I gleaned the following data: When he came to California in 1882 he bought the "Oakland Times." In 1885 he became the editor and manager of the "Alta California," the oldest newspaper on the Pacific coast. After conducting it for several years he arranged to buy it, but was outbid by the other three morning papers, which bought and suppressed it. After that his editorial writings found a ready market on the "Argonaut" and other weekly and daily papers. After John D. Spreckels bought the "Call," Mr. Irish wrote all its editorials until the earthquake. At the same time he was furnishing, under a contract with Mr. Wilkins of the "Post," Washington, D. C., a column a day for that paper. Several years ago he resumed the study and took up the practice of International Law, and in an arbitration conducted in Washington won a verdict for \$523,000 for his American clients against the Republic of El Salvador, which had despoiled them. He also had cases against Japan, Russia, Great Britain and Guatemala.

Ezekiel Clark and *Robert Finkbine* were among the most useful men of their time. I knew them intimately. With Mr. Finkbine I served in the House of the Tenth General Assembly, in 1864, and with Mr. Clark in the Senate of the Eleventh General Assembly. They ranked, respectively, among the most influential and useful men of those bodies. Ezekiel Clark and myself had seats near each other, his being immediately back of mine, and we frequently conferred together in reference to pending measures. I remember him with great affection, for he was one of the kindest and most agreeable of men. He had been a merchant, financier, a banker, and conspicuous in public affairs, but those compositions which sometimes

harden the heart had congealed none of the humane attributes of his nature. He was not then beyond what might be termed the middle age, but his hair had become whitened, which made him look a little older than he really was. He had figured prominently in the history of the State for many years and continued to do so for many subsequent years. In its financial affairs he had been conspicuous. He was one of the organizers of the State Bank of Iowa and made one of the Commissioners under the act of incorporation, in 1858, and became President of the Iowa City branch.*

Upon the outbreak of the rebellion he was among the first to supply money for the soldiers before funds could be realized from the State. Of the first thirty-three thousand dollars raised he and Hiram Price were the contributors, Mr. Clark of eleven thousand and Mr. Price of twenty-two thousand.** He not only contributed liberally of his own money, but actively engaged in raising funds and providing arms in other directions. He and General Grenville M. Dodge went to New York for that purpose. Touching this, Governor Kirkwood thus characteristically wrote to Caleb Baldwin:

I am moving heaven and earth to get arms, and would try the other place if I thought there was any chance. I have Ezekiel Clark in New York now to get arms without money or money to get arms. He and Dodge meet there this week and if the thing can be done, they can do it.

In short, his services to Governor Kirkwood and the State in raising funds to suppress the rebellion were invaluable. He was indeed an able financier and is said to have originated the idea of issuing greenbacks by the government to carry on the war. "During the financial crisis of 1873 much was due to his force and energy that his own bank and many others came safely through the ordeal."*** He was active in many important enterprises and everything that he undertook was successfully carried on.

He was a native of Pennsylvania, born in January, 1817, came west and settled in Iowa City in 1849 or 1850. He held many offices of public trust, all of which he executed with the greatest fidelity. He was an active friend of the State University and its Treasurer from 1868 to 1876. He several times represented Johnson County in the State Legislature. In the fall of 1863 he was elected to the State Senate and served in the Tenth and Eleventh General Assemblies. In the fall of 1875 he was again elected to the Senate and served in the Sixteenth and Seventeenth General Assemblies.

He had not been exempt from sorrows. His son, Samuel Kirkwood Clark, who enlisted during the Civil War, in 1861, in the Fourth Iowa Cavalry and who

* Annals of Iowa, Vol. 1, Third Series, page 291; Vol. 5, 100, 110.

** Article of Governor Gue on the Public Services of Hiram Price, Vol. 1, Third Series of the Annals of Iowa, page 595.

***Annals of Iowa, Third Series, Vol. 3, page 575.

was afterward promoted to First Lieutenant and Adjutant of the Twenty-fifth Iowa Infantry, received a mortal wound at the battle of Arkansas Post, on the 11th of January, 1863, and died the following month. Governor Kirkwood and Ezekiel Clark were brothers-in-law, and Kirkwood having no children, this son of Mr. Clark was to a great extent reared by the Governor, and to him while in the service the Governor wrote a most affectionate and characteristic letter, which will be found in volume five, third series of the Annals of Iowa.

Full of years and honors, Ezekiel Clark died at his home in Iowa City in 1898, in the eighty-second year of his age.

Robert S. Finkbine left a lasting memorial for himself in the erection of the new capitol of Iowa. It was built under his direct supervision, a supervision that lasted for many years. The construction was originally under the charge of four commissioners appointed by the Legislature, consisting of two Democrats, Maturin L. Fisher of Clayton County and Peter A. Dey of Johnson County, and two Republicans, Robert S. Finkbine of Johnson County and John G. Foote of Burlington. Mr. Finkbine was, by unanimous vote of the other members of the commission, elected Superintendent of Construction. Touching this selection and Mr. Finkbine himself, Mr. Peter A. Dey says:

In arranging and organizing his forces, and in the selection of stone and the testing cements, Mr. Finkbine showed a knowledge that belonged to an expert, and, I think, favorably impressed every member of the board. It was not long before he was elected superintendent by unanimous vote, and from that time he had no more hearty support than from the Democratic members, who gave him their fullest confidence. This was not personal friendship, but a thorough conviction that no better man could be found. Until that time it was thought that the experience in large buildings in the West had not been sufficient to produce competent men here. As time passed on, new questions arose, but I do not recall a single emergency that he had not planned to meet. He knew the value of iron work and iron framing quite as well as wood work and made his figures on contract material and labor that were always reliable. He was as familiar with the strains of thrust and tension as a bridge builder, and at the same time knew the cost of quarrying, dressing and laying stone, and the relative values of all cements in use.*

Under his superintendence that noble structure was erected, and no man ever exhibited greater efficiency and fidelity than he in that behalf. Governor Gue, in the fourth volume of his History of Iowa, page ninety-two, justly says of him:

From the day that he was appointed Superintendent of the construction of the Capitol not a dollar of the appropriations made from time to time, was misapplied. He was thoroughly competent from long experience in building and no contractor was ever able to deceive him in the quality of the material furnished.

As further touching his qualifications, Mr. Dey says:

There was one peculiarity about Mr. Finkbine that I have noticed rarely in

* Remarks of Mr. Dey at the funeral of Mr. Finkbine, appearing in the Annals of Iowa, Third Series, Vol. 5, pages 214-215.

anyone else. He had had very good early advantages and his attainments in scholarship were unusual among mechanics of his day. He had learned by contact the mental processes of the mechanic and day laborer, and he had the tact to draw out from them what they knew, without seeming to be a learner. He assumed the manners and followed closely the train of thought of the men with whom he mingled and rarely failed to extract something that he might in the future use. He was a student of Miami University, and while there learned how to study, which after all is the great desideratum of institutions of learning. The popular estimate of Mr. Finkbine is, that he was a rough unhewn block, and that out of his inner consciousness he evolved the qualities that made him master of every situation in which he was placed. There was never a greater mistake. He owed more than any man in his line, I ever knew, to mental training and study. This was balanced by that broad common sense that prevented him from being a man with one idea. He was a builder, not an artist, and of the conceptions of the artist he knew but little; but the model once made he could construct it in marble, stone, or metal so mechanically that it would be as imperishable as the material in which it was wrought.

Honorable J. W. Moir, at the Reunion of the Pioneer Law Makers' Association of 1906, thus referred to Mr. Finkbine:

The State owes him such a debt of gratitude that it will be a long time before they can pay it; that man watched every brick and stone on the wall of that Capitol as it was being built and saw that every dollar went for all that it was worth.*

What has been said will indicate Mr. Finkbine's superb qualities and skill. He was born at Oxford, Ohio, in 1828 and settled in Iowa City in 1850, at once entering upon his calling of builder and contractor. Some time after his appointment as Superintendent of the Capitol construction, he removed to Des Moines, in 1880, where he resided until his death, which occurred in 1901. In the early period of his residence in Iowa he had been connected with the construction of several of its important public places, including the Blind Asylum at Vinton, some of the buildings of the State University at Iowa City, and in the erection of county buildings in the State.

In the fall of 1863 he was elected to the House of the Tenth General Assembly. It was here that I met him first as a fellow member of that body, and he was one of its ablest. He was neither eloquent nor showy, but on the contrary, highly practical and full of common sense. He was ever alert and no measure of importance passed without his close scrutiny. We soon recognized him as one of the wisest, most useful and practically suggestive members of that body, and his warm and genial personality soon made him one of the most popular. He was the best possible combination of a good legislator, a good architect and builder, a good political manager, and an all-round good fellow. If anyone expected to get a measure through involving any important issue without his close inspection he was sure to be deceived. He was, I think, the most eminently practical member of the House, and I may be pardoned for repeating that Iowa's magnificent capitol building is an

* Pioneer Law Makers' Association, 1906, page 25.

enduring monument to his skill and ability. I need hardly say that he was a man of perfect integrity and unblemished honor.

His outward appearance comported well with his mental qualities. He was somewhat Germanic. He was rather below the medium in height, stoutly built, deep chested and broad shouldered. He had a large, round head, oval features, clear, searching eyes, a good-natured face, and a bearing that denoted both force and amiability. The last time I saw him was at the Reunion of the Pioneer Law Makers' Association, in 1898, when I bade him what proved to be a final adieu.

Professor William G. Hammond was one of the rarest, and in a wide sense, perhaps the most scholarly man that has figured in Iowa history. He was a native of Newport, Rhode Island, born in 1829. His grandfather was once Attorney General of that State. Great pains were taken with William's education. He was disciplined in the best preparatory schools and later entered and was graduated with honors from Amherst College. He adopted the law for his profession and after three years of study in the city of New York was admitted to its bar in 1851, and pursued the practice there and in Brooklyn several years. Then he went to Europe, where he remained more than three years, devoting himself to university studies and travel. He mastered perfectly the German language and became conversant with its best literature. This, added to his already superior knowledge of the Greek and Latin, made him one of the most accomplished linguists. Upon his return from Europe he became Professor of Languages in one of the universities and later came to Iowa, settling and resuming the practice in Anamosa, Jones County, in 1863. Here it was that I first met him, in the fall of 1866, and commenced an acquaintance that grew into intimacy, as will be indicated by brief reference to some correspondence that in after years took place between us. He met me on my arrival and took me to his house, where I had the pleasure of meeting his wife, to whom he had not long been married, and some personal friends, with whom we there dined. In the latter part of that same year he removed to Des Moines. Instead of then devoting himself entirely to the profession, he was induced by Judges George G. Wright and Chester C. Cole to become associated with them in organizing the new and first law school established in Iowa. To this work he devoted his best forces until the school was removed to Iowa City and became the Law Department of the State University, in 1868. Of this Mr. Hammond was placed in charge, became its Chancellor, and distinguished as one of the most accomplished Deans in the United States. After thirteen years of eminent service here he was induced by higher pecuniary rewards to accept the position of Dean of the Law Department of Washington University, St. Louis, in 1881. He continued to fill this position with great ability for thirteen years, and until his death in 1894. He left a widow and a daughter, who still survive.

From a worldly point of view I think he made a great mistake in leaving the practice and giving his best forces and the best part of his life to the training of young men for the law; for had he adhered to it he would, in my opinion, have become one of the great lawyers of the State and Nation. On the other hand, however, the State and Nation were more greatly benefited by the course he took, for there are many lawyers and judges in the United States (several here in California where I am writing) who attribute their success in large degree to his tuition. I think it a fact that he entered upon the course he did as the readiest means of furnishing him and his family a present support. For some years, it is apparent from some of his letters to the writer, he regretted that course and longed to return to the practice; but long usage served in the end to greatly reconcile him to the course he had taken. "There is a divinity which shapes our ends," and in his case it lay in the poverty which he conceived compelled him to the course he took.

That course once taken, his ambition and the unvariable aim of his policy were to inspire a love of study, to discipline the minds of his students, to turn out young lawyers with the best possible equipment. In doing this he adhered to thorough and conservative courses, and, while seeking for general improvement, studiously avoided shallow methods of reform. He realized that all extremes endanger the very system they propose to improve. With him law was not a trade, but a science. As a jurist his comprehensive mind fathomed the depths of learning. He was not only deeply versed in the common law, and a universally recognized authority thereon, but in the civil law as well, and as familiar with Justinian and Puffendorf as he was with Coke, Blackstone and Kent. Nothing can better show the extent of his learning and the perfection of his scholarly accomplishments than the fact that, amid his intense labors in the two universities which he served, he found time to prepare and give to the profession, editions of treatises that have made his name world-wide and will perpetuate it throughout the future. Among these are his Sander's Justinian, his Lieber's Hermeneutics, and his Hammond's Blackstone. Could the lectures he delivered at the universities mentioned be collected and published, they would constitute a law library contribution of the highest order.

I have said that in my opinion he would have made a great and successful lawyer had he adhered to the practice. I regarded him as a very learned one from the start. For this reason I employed him to assist me in an important case in the Supreme Court, one involving difficult questions, that of *Cain vs. Cain*, which will be found in the second volume of my reports, 22d Iowa, 31. He prepared the splendid brief, upon which I made the oral argument.

His literary were as wide and thorough as his legal accomplishments. He had read everything worth reading and there was no field of letters that his insatiable mind had not penetrated. As a companion he was delightful. We met whenever

opportunity offered and our talks of men and books were highly interesting to both and instructive to me. He was a man of original ideas and independent views. He had an utter contempt for cant and hypocrisy. He had been a close observer of men, and withal was a philosopher. I once asked him in one of our conversations, in which Byron, De Quincey, Coleridge and others played a part, what his opinion was as to the effect of wine and other stimulants or narcotics upon intellectual forces. His reply was that the effect in some instances was to heighten the temporary product, but that the continuance would result in lowering the general ones.

Professor Hammond was not large, though of distinguished appearance. He was of medium height and well-rounded figure; his countenance, mild and benignant, as were, in general, his manners, though when necessary he displayed a reserve force of authority. His students loved him too well, however, to need commands—his simple request was sufficient. They appreciated the great interest he took in them and his unwearied efforts to send them forth real lawyers instead of shallow neophytes. He combined, with rare felicity, familiarity with dignity. His address was unassuming, his colloquial talents rare, his conversation extremely interesting.

His passions were naturally strong, but assiduously controlled. If in his early life he had indulged in any excesses, he restrained them in his maturer years. He was temperate in all things save one—he was an excessive smoker and in his leisure hours his pipe was as inseparable a companion to him as was that of Uncle Toby's, which Corporal Trim was so frequently called upon to light.

In referring to his published works I omitted to state that in the latter sixties he prepared and published his first one, a Digest of all the decisions of the Supreme Court of Iowa down to that time, which was greatly appreciated by the profession and known as Hammond's Digest. This Digest followed that of Judge Dillon and preceded that of John F. Lacey, all of which were in turn superseded by that prepared by the present writer. He was a member of the American Bar Association and for several years head of its Committee on Legal Education. He was also for some time President of the State Historical Society. But scant notice has been given of him along the historical line of the State, owing probably to his removal from it in 1881, and I am glad to be the means of more extensively preserving his memory.

Some of the correspondence before referred to throws a strong light upon his character, his faithful devotion to the work before him, and greatly serves to confirm what I have said. To this end I feel justified in presenting the following portions from his letters to me. The first, written nearly fifty years ago, I give nearly in its entirety.

State University, Law Department, Iowa City, December 15, 1869.

Yours of the 12th came in today's mail, and I scribble this reply now, because if I wait for leisure you will not probably get one this year of grace 1869. True, our vacation commences a week from today, but as I have already a full month's work laid aside for my fortnight's vacation, there is small comfort in that thought. For a month past I have worked literally day and night on school notes and got out a number of the Jurist* in my remaining time. I thought this second year in the school would be easier than the first year because I should have all the notes and other material of last year in going over the same topics again. But it is an unhappy idiosyncrasy of mine never to be satisfied with anything I have done; and it takes more time to revise and improve my lectures than it did to write them at first. If it goes on so, by the time I have been here five years, the task of preparing my notes for a sixth will be beyond human capacity,—and I shall either have to resign or be promoted to a place in the State institution at Mount Pleasant about the only state office, by the way, to which I look forward with any well-founded expectation.

I am thoroughly fagged out, and consequently have the blues, as Byron expressed it, am "deeply, darkly, beautifully blue." I wish very much I could run up to Des Moines during this term of court.—see you for a while, chat over books, men and things, and make, perhaps, some arrangement about working in double harness upon something or other. But there are lions in the way, worse than those that "skeered" Christian, or Christian's fellow pedestrian. Christian hadn't a pile of work to do at home, or he never could have started on his pilgrimage at such short notice; and still more, Christian had no railroad fares to pay, which to a miserable Professor, on a starvation salary, is the worst lion of all to get around. So I must stay at home, and try to write a part of what I would like to say to you. Much obliged to you for the 26th Iowa, which has not arrived yet but will no doubt be here tomorrow or next day. I congratulate you on having brought up the cases so well, and hope the bar will appreciate the service. If Dillon and Wright both leave the bench, and especially if Cole declines another term, I am afraid the present reputation of the Iowa Reports will hardly be maintained. We cannot tell in what unexpected quarters judicial ability may be developed, but the chances are against the continuance of the present standard. If it were not on your account, I should be glad to see a law passed limiting our Reports for the future to one volume a year, and compelling the Court or the Reporter to designate the cases. I want you to come here early next term as you can and give the class your long promised lecture. I feel just as you do about Dillon's appointment. It is a great comfort to find that fitness has for once conquered the bugbear of locality. Now if Wright is elected United States Senator, I shall feel that the judicial millennium is dawning, for it will be a proof that the people are still stronger than the corporations. And I still have faith in Wright's success. His opponents are very noisy just now, as might be expected. No one need be frightened by this, for no one ever expected that he would walk over the course. But when the legislature meets, the members coming fresh from the people, I shall be disappointed if his stock does not experience a sudden rise. But in his case, as in Dillon's, I shall rejoice at a success which is a personal loss to myself. We shall miss Wright exceedingly in the Law School. I despair of finding a man to supply his place as a teacher, and as a source of strength to the school also; and I am sure I can hardly expect one whose relations with me will be so pleasant and kind in every respect. It makes me bluer than ever to think of the changes that may come. I fear sometimes that I am acting very unwisely in staying here till I may be unfit for anything else. But enough of these complainings which you will find dull reading. Let us turn to books which constitute a much pleasanter world than that of real life. I spent most of the vacation reading Civil Law in German and other subjects bearing on my work here. Since then I have little time to read anything unconnected with daily lectures. On the cars last month I bought two volumes of Thackeray, whom I always read with pleasure, and who is the only novelist I can

* The Western Jurist, a legal magazine, of which he was the principal editor.

read over and over again. *Vanity Fair* deserves all you say of it. When I first read *Pendennis*, almost twenty years ago, I thought it better still, but now I ask whether *Vanity Fair* is not his masterpiece. It is still longer since I read the *Arcadia*. I was delighted with it then, but my remembrance of it makes me ask whether I should not be more critical now. I wish I had a leisure year to spend in reading up early English literature, as I mean to do some time, if I ever have any leisure years again, before "the end of my nose and the tips of my toes are turned up to the roots of the daisies." If in reading Elizabethan literature you come across a book by one of Sidney's contemporaries and friends, entitled "*Feltham's Resolves*," read it. This, too, I have not seen in twenty years, but I think it will please you when you feel like a little grave reading. There is another book of that age, Sir Thomas Smith's *English Commonwealth*, that I have tried to find for years without success. Have you seen it? The first summer that I can afford the time and money, I want to go to Cambridge, Massachusetts, and spend my whole vacation reading in the University libraries, especially the Law Library, which is very complete. I trust the Legislature, whatever else it may deny us, will give us a good sum to increase our Law Library here. That would do more than anything else to reconcile me to staying here, all my life if necessary.

I suppose you know that Mrs. Hammond has a little daughter six weeks old. Of course, she is the most charming baby ever seen. It is, in fact, a very healthy, quiet, lovable little thing, and a great pleasure to us both. Write soon, and believe me, as ever,
Yours faithfully,

Iowa City, April 10, 1871.

At last the long silence is broken. I had waited and wished for a letter from you in vain, and had about concluded that I was the victim of heartless desertion. Now I take it all back and only beg you not to do so any more. The monotonous routine of life here makes correspondence a greater pleasure to me than ever before, and I value you as a correspondent in the true sense of the word. I see by today's *Gazette* that you are at Davenport. I thought strongly of running down there for a day or two earlier in the week. Now it is too late, for the term commenced this morning, and I am in for a month of daily lectures. I should have enjoyed much a chat with you and a look into the old courtroom once more. But as for yourself, I hope to see you here soon; and the other inducements of the trip are hardly an equivalent for the expense involved. Besides, I have learned that it is my best policy to keep away from these familiar scenes. While I am alone here with my books and boys I am quite content; but when I get out into the active world once more and see my fellows getting ahead every day in fame and fortune, I realize on what a mud-bank my ship is stranded. I think I shall never enter the court again without a fit of the blues. These, indeed, I sometimes have here, as you will see from the tone of this epistle. When you come here we will talk over several matters I desire to. When will that be? I wrote to Judge Wright the other day asking him to secure you or one of the Judges for a lecture here, on a time fixed. If you cannot come then, at least make your arrangements to stop over a day as you pass here after the close of the Davenport term. Or why can you not come up for a Sunday before you go to the Dubuque term? I want very much to see you, and leave you to fix the details as may best suit your convenience. Am sorry I have no home to ask you to, but you will find us at the Clinton, and be our guest there.—Come prepared to lecture if possible, but at all events come.

The following extract is from a letter dated September 2, 1873, when, as it plainly appears, he began to take on a more contented view of the situation:

Everything promises continued prosperity to the Law School, and a very large class the coming year. I hope you will find it convenient to visit us some time in the course of the autumn. Otherwise I shall hardly see you, for nothing calls me to court any longer, and I hardly expect to leave here for a day during the school year.

The following letter, dated St. Louis, October 2, 1888, was written after we

both had left Iowa and become citizens of Missouri. I had been at Kansas City two years and he, as Dean of the Law Department of Washington University at St. Louis, seven years. The letter shows that he had become entirely content with his lot:

Dear Friend: Thanks for your kindly letter of August 19th, which should have been answered before this, but for my absence in California, from which place I returned only last Saturday (September 29th), after a stay of three months. I passed through your city (Kansas City) the night before, but it was too late to think of finding a lawyer in his office. I should like very much to see you again and talk of old times and Iowa. I have not yet lost my attachment for that State, and though I have been seven years in Missouri am still half an Hawkeye. Time, on the whole, has dealt gently with me and my wife, but I need spectacles more than I did when we last met—more than a dozen years ago. My little girl [the one he referred to as the baby in the first of the foregoing letters] is as tall as her mother, and was my companion on the California journey, though I left her behind on my return to visit friends at Denver and Cheyenne. If I go back for her I shall certainly stop and see you; but it is doubtful. I am pretty closely confined here during the school session, except when I get off for a few weeks to lecture at Boston and Ann Arbor. Last year was my first course at the latter place, but I have been on the Boston list since five years. So I still keep up the monotonous, though to me not now unpleasant round of a teacher's life, as I have done for twenty years. I hope to write another book sometime, but I am beginning to realize that if I am to do it in this world, it is time I was about it. I have accumulated manuscript enough for a huge one, or several of them; but I want to take time enough to write a **small** book.

But come to St. Louis and we will talk of these things and many others as we used to.

This last letter not only happily shows his contentment, but his extending fame that had already brought him to the law lecture or essay platform of Boston and Ann Arbor.

The sketch of Samuel J. Kirkwood will be found elsewhere by reference to the index.

CHAPTER XXVIII.

LINN COUNTY.

Norman W. Isbell, Isaac M. Preston, William Smyth, Robert Smyth, Isaac Cook.

Norman W. Isbell was born in Ohio in 1818. He was there educated, studied law and admitted to the bar. He came to Iowa Territory in 1842, locating at Marion where he opened an office and entered upon the practice. He soon built up a successful one, not only in Linn, but in counties adjacent thereto. He displayed from the start unusual ability. He was elected Judge of the County Court when that tribunal had a wide range of power, having exclusive jurisdiction in probate matters, settlement of estates, in addition to all the powers now exercised by the Board of Supervisors. He filled this office with great efficiency. In 1855 he was elected by the General Assembly, one of the Judges of the Supreme Court. His associates were George G. Wright and William G. Woodward. He was a man of delicate constitution and was obliged in consequence of failing health, to resign that position during the following year. In 1862 he was appointed by Governor Kirkwood, Judge of the Eighth Judicial District, to fill a vacancy caused by the resignation of Judge William E. Miller. At the expiration of that term he was re-elected by the people and served until the latter part of 1864 when he again was obliged to resign his position on account of ill health. He immediately went to California for his restoration, but died there of consumption during the same year.

While on the district bench he decided, in the case of Morrison against Springer, that the act passed by the legislature to enable the qualified electors of the State in the military service to vote at certain elections at polls opened and conducted beyond the limits of the State, was unconstitutional. On appeal to the Supreme Court, his decision was reversed. The case will be found in the Fifteenth Iowa Reports, page 304. His decision became the subject of general remark and was ungraciously received by the rank and file of the Republican Party as well as by the soldiers in the field. He was a man of very decided convictions and great sensitiveness, and it was thought that the reversal of his judgment by the Supreme Court and the various unfriendly criticism of the press, had the effect of breaking down his health and hastening his subsequent death. He had been a member of the Whig Party and when it expired he allied himself with the Republican Party, and was such at the

time he rendered the decision referred to. In a general sense, he was regarded as a very able lawyer and one of the ablest judges that had graced the Supreme Court bench.

For several years in the fifties he was a partner of Nathaniel M. Hubbard.

Isaac M. Preston located at Marion the same year that Judge Isbell came, in 1842. So much has been said concerning him by Theodore S. Parvin and James W. Woods in their respective narratives, which are made a part of the sketches of those gentlemen, that it is unnecessary for me to supplement that, save in a mere outline of Mr. Preston's career.

He was born at Bennington, Vermont, in 1813. He was dowered with the blood of the Revolution. His father was a patriot, and a soldier in that conflict. In 1814 the family removed to Onondaga County, New York. His father was a farmer who, with the aid of some of his children, had cleared a plantation out of the wilderness. He was in moderate circumstances with but few facilities for educating his children. When sixteen years of age, Isaac was given his time to provide for himself. Thrown upon his resources with but little education, he learned the carpenter trade and worked at it until 1840, when he resolved to study law. This resolve, however, was not carried into execution until he came to Iowa, where he stopped for a while at Iowa City and studied law with Asa Calkins, one of the early lawyers of that place, going from there to Marion, where he successfully practiced his profession for more than half a century and became one of the best known and ablest lawyers in the history of the State.

In December, 1845, he was appointed by Territorial Governor James Clark, District Attorney for his District, and discharged the duties of that office with credit to both himself and the State. In 1846 he was commissioned by Governor Clark, Colonel of the Third Regiment of Iowa Militia, which was organized for the Mexican War, but was not called into actual service. In 1845 he was elected County Judge of Linn County, and re-elected to the same position in 1846. He discharged the duties of this office for six years with great efficiency and to the general satisfaction of the people. In 1847 he was appointed by President Polk, United States District Attorney for Iowa and discharged the duties of that office with signal ability. In 1850 he was elected to the House of the Third General Assembly, which convened at Iowa City, December 2, 1850. He represented the Counties of Linn, Tama and Benton, and took a prominent part in the proceedings of that body. In 1852 he was elected to the State Senate of the Fourth General Assembly, which convened at Iowa City, December 6, 1852. He represented the same Counties that he had in the House of the Third General Assembly. He served in the same capacity in the Fifth General Assembly, which convened at Iowa City December 4, 1854. He had many able associates in that body, among whom were

J. M. Love, afterward United States District Judge; John R. Needham, afterward Lieutenant Governor of the State; Maturin L. Fisher, afterward Superintendent of Public Instruction; Milton D. Browning; W. F. Coolbaugh; P. Gad Bryan; Samuel McFarland; Alvin Saunders and other men, who afterward became distinguished in the history of the State. He was one of the most efficient members of that body and took a prominent part in the enactment of the Code of 1851. "He made his impression on the work of the Senate without much oratorical effort."*

He was a Democrat in politics and ranked high as a leader in his party throughout the State. During my connection with the Supreme Court as Reporter of its decisions, I used to meet Colonel Preston frequently. He was not a large man, but rather slim and delicate, but this appearance was deceitful, for he had a wiry physique which had been developed and strengthened by early work and hardships. His long and active practice showed that he was capable of great endurance. I always liked to meet him, for he was one of the most agreeable of men; racy in conversation; full of reminiscent incidents; anecdotes of the early time; and altogether one of the most entertaining men with whom I have ever been acquainted. Colonel Preston was succeeded by two sons, Joseph H. Preston and Edmund C. Preston, both of whom became distinguished lawyers.

Judge William Smyth was born in Tyrone County, Ireland, in 1824. When fifteen years of age he came with his parents to the United States, residing for a while in Pennsylvania, but ultimately, in 1840, settled in Linn County. In 1845 he commenced the study of law in the office of Judge James P. Carleton, of Iowa City. In 1848 he was admitted to the bar and entered upon the practice at Marion, Linn County, where he continued to reside until the day of his death.

He had been a close student, had a natural legal mind, and soon took high rank in his profession, which advanced with the advancing years. He became known as one of the ablest lawyers of the State. For several years he served with great credit as Prosecuting Attorney. Upon the death of his old preceptor, Judge Carleton, in 1853, he was appointed by the Governor, Judge of the District Court, on the unanimous recommendation of the bar, and was elected by the people at the ensuing election without opposition. In this position he demonstrated the high qualities of a judge and was greatly respected by the bar and the people. His reputation as a jurist caused him to be appointed by the Seventh General Assembly in 1858, one of the three commissioners to revise and codify the laws of the State. The result of this work was known as the Revision of 1860. At the close of this service he was appointed Chairman of the Commission of Legal Inquiry.

Upon the outbreak of the Civil War, in 1861, he was chosen by the Legislature, one of the commissioners to negotiate the bonds issued by the State for the purpose

* Iowa Historical Record, April, 1885, page 87.

of raising funds to put the State on a war footing. In 1862 he was commissioned Colonel of the Thirty-First Regiment of Iowa Infantry. Of this appointment, Stuart, in his *Iowa Colonels and Regiments*, page 467, says, "At the time he entered the service he had no military knowledge or training; he was made Colonel on account of his worth." He was an efficient and gallant officer, and participated in many engagements incident to Sherman's famous March to the Sea. On the arrival of his regiment at Savannah, he was obliged to resign, in December, 1864, on account of ill health resulting from his arduous service and the hardships to which he had been exposed, from the effects of which he never fully recovered, and which led to his death a few years afterward. He resumed the practice, however, and in 1868 was elected to represent his district in Congress. At the end of that term he was re-nominated without opposition, by the Republican Convention of his District, but died before his election.

In person, he was large and portly. His address was pleasing, dignified, but kindly on all occasions. It was a pleasure to meet him. Of him Stuart says, "His merit as a soldier consisted in his kind care for his men, and in his great bravery." As illustrating his coolness in battle, Stuart says further, "I am told he would sit quietly on his horse under a sharp fire of the enemy, while determining upon the proper command to be given to his regiment for some designated movement."

He died in the prime of life, at the age of forty-six, leaving the heritage of a brave and noble life.

Robert Smyth was an elder brother of Colonel William Smyth, and was one of the early settlers of Iowa while it was a Territory. He was born in Ireland, where his brother was born, in 1814, and when he was twenty years of age, came to America and located in Linn County. He was one of the Territorial, as well as one of the State Legislators. He was a member of the Territorial Legislature in 1843, and of the First General Assembly of the State, in 1846, and of the extra sessions attendant upon both those assemblies. In the fall of 1867 he was elected to the State Senate from Linn County and served with efficiency in the Twelfth and Thirteenth General Assemblies. In 1875 he was a prominent candidate for the nomination of Governor in the Republican State Convention, which nominated the popular old War Governor, Samuel J. Kirkwood.

He was early admitted to the bar, but the principal portion of his life was devoted to large business interests, in which he was highly successful. During the Civil War he was appointed Paymaster in the United States Army, and served in that position from 1861 to 1866. He handled vast sums of money and left the army with a clean record. In enumerating his services as a Legislator, I failed to mention that in the fall of 1883 he was elected to the House of the Twentieth General Assembly, and served in that body just forty years after he had first served in

that capacity in the Sixth Territorial Legislative Assembly. He died at his home in Mt. Vernon, Linn County, in 1898, at the age of eighty-four.

Isaac Cook was one of the earliest, as well as one of the ablest lawyers of Linn County. He was a relative of my wife, and both belonged to the Quaker stock of Chester County, Pennsylvania. He came west in the early forties, locating at Marion while Iowa was still a Territory. He later removed to Cedar Rapids. In 1850 he was the Whig candidate for Secretary of State, while William H. Seevers, afterward a Judge of the Supreme Court, was a candidate for Auditor of State on the same ticket. It was in that election that Stephen Hempstead was elected Governor on the Democratic ticket. During the same year Judge Cook was elected the first City Attorney of Cedar Rapids. In 1857 he was made the District Judge of that District, succeeding Judge William Smyth, and served with marked ability and general satisfaction. He was a deeply learned lawyer, and his learning was happily compounded with an even temper, great common sense, and a character of the highest order. He was respected by all classes of people and his death, which occurred in 1878, was widely and sincerely lamented.

George Greene, Algernon Sidney Belt, Dr. S. D. Carpenter, J. J. Childs, Ellsworth N. Bates, Ezra Van Meter, Donald McIntosh.

George Greene was a man of varied talents and accomplishments, who figured more prominently perhaps, in the upbuilding of Cedar Rapids than any other man of his time. He was a native of Staffordshire, England, where he was born in 1817. When but two years of age, he emigrated with his parents, to the United States, settling in western New York. He was well educated in the schools and academies of that State and was what might be properly termed a scholarly man. Soon after attaining his majority he entered upon the study of medicine, but soon abandoned this pursuit for that of the law. He entered the office of one of the ablest lawyers of the Erie County Bar and was, in due time, admitted to practice. When Iowa was organized as a Territory, in 1838, he came West, stopping at Davenport, Iowa, for a while, where he made the acquaintance of David J. Owen, and for several months became his assistant in making geological surveys. In 1840 he settled in Marion, Linn County, and there entered upon the practice. His superior attainments and high character at once attracted the public attention, and in the fall of that year he was elected to the Third Territorial Legislative Assembly, which convened at Burlington, in November, 1840. This was the last session of the Legislature held at Burlington. He represented the Counties of Linn, Jones and Cedar. In the Fourth Territorial Legislative Assembly, which convened at Iowa City in December, 1841, he again represented the same Counties in the Council. This was the first session held at the new capital of Iowa City. He must have been among, if not the youngest member of that body, for in the Council of 1840 he was but twenty-three years of age, and in that of 1841, but twenty-four. Not-

withstanding this, he took an active part in the debates on prominent measures, and the display of his extraordinary talents and learning made him known throughout the Territory. In 1845 he removed to Dubuque, where the United States Land Office was, and which opened a wider professional field. While in the midst of an active practice which he acquired at Dubuque, he was induced by leading citizens to edit and take charge of the "Miner's Express," which he did for nearly three years. In the meantime he formed a partnership with John J. Dyer, who afterward became the first Judge of the United States District Court after the organization of the State.

In 1847 he had become so distinguished throughout the State as an able lawyer and highly cultured gentleman, that he was appointed by Governor Briggs, a Judge of the Supreme Court, and in December, 1848, by joint vote of the General Assembly, he was elected for six years, from January 15, 1849. His associates, elected at the same time, were Joseph Williams and John F. Kinney, the former of whom had served as one of the original Judges of the Territorial Supreme Court. Judge Greene served in this position with marked ability for the period of eight years. As I have said, he was a man of varied accomplishments, and during his term on the bench, became the Reporter of the court's decisions, published in four volumes and known as "Greene's Reports." These were the first published decisions after those contained in the little volume of Morris. Prior to the time the present writer filled that position, there had been but twenty-six volumes of Iowa Reports issued: one by Easton Morris, four by George Greene, eight by William Penn Clarke, thirteen by Thomas S. Withrow. These were followed by twenty-two volumes prepared and published by the writer. This intermediate work illustrates the unbounded industry which characterized the whole of Judge Greene's life.

In 1851 Judge Greene returned to Linn County, locating this time in the little village of Cedar Rapids. From that period until his death he was a prominent factor in all of the great enterprises that pushed Cedar Rapids to the front. He engaged in banking, in the promotion of manufactures, in railroad building, and in securing the construction of the railroad lines that subsequently entered the City of Cedar Rapids.

I had once the honor of being a guest at his beautiful residence upon an invitation extended through his son-in-law, Algernon Sidney Belt. I found him a most delightful man; undemonstrative, dignified, highly interesting in conversation. His appearance I thought, strongly denoted his English extraction. If anything, he was a little below medium in height, round and what we call thick-set in person. He had a round head and face, a fine brow, large, thoughtful eyes and a countenance beaming with intelligence and kindly feeling. He was held in the highest esteem by the people of Cedar Rapids. Nothing could better exemplify this than an occurrence which took place when he was too feeble to leave his residence, which was

two miles from the City and situated on a high and overlooking point. Here between two and three hundred citizens went in carriages and on foot to present him a testimonial of their high regard, consisting of several sets of silverware, said to have cost more than a thousand dollars. These were presented "as a token of their regard and their appreciation of his services in building up the City." Judge Nathaniel M. Hubbard made the presentation speech, which I cannot forbear here giving, as it throws a strong light not only upon Judge Greene, and the high esteem in which he was held, but on Judge Hubbard himself:

Judge Greene: In behalf of the ten thousand good people of Cedar Rapids, and at the request of their committee, I have the pleasure and the honor to present you this silver service. Like your genius, it is brilliant; like your judgment, it is solid; like the characters of your excellent wife and yourself, it is pure; and like the memory in the hearts of all our people of your public deeds, and spirit, it is lasting. It is given by our people as a spontaneous heart-offering to testify our respect and esteem for you. When the committee made known this plan our people sought them, eager to share in the honor, and the committee were compelled to limit the amount of their subscriptions that more might participate in this gift.

Praise belongs to the dead, not to the living, and I therefore shall pronounce no eulogy. It is enough to say that the history of the growth and prosperity of the State, and especially of Cedar Rapids, is your history * * * In the building of all our railroads, in the beginning and progress of all our public improvements as a city, upon the foundation and superstructure of all our manufactures, are found the impress of your organizing, executive mind, and the upbuilding of your hands. And now, after the increasing labor of head and heart and hands for twenty-five years, and you feel that the great strain is loosening the tension of the fiber and of the nerve,—though the spirit flags not,—as you look off from this beautiful mound home, the work of your hands, upon that beautiful city which owes so much to you, perhaps you sometimes wonder whether the busy dwellers and delvers therein realize and appreciate the labor, energy, the unflagging zeal, the unconquerable will and the executive power you have expended for their prosperity. Let this token assure you * * * Be assured our people bring this offering, not alone for what you have done for Cedar Rapids, but for your greatness and goodness of heart and brain also; for your good example; for your public enterprises in behalf of mankind, accomplished and to be accomplished; for your virtues; for your manly, noble character, and finally, for what you are.

Algernon Sidney Belt was one of my first acquaintances among the lawyers of Cedar Rapids. We became intimate friends. I thought highly of him as a lawyer and a man. He died while comparatively young or in the prime of life, and I have but little data concerning his early career. The brief data I have was furnished me after his death by Dr. S. D. Carpenter, an early resident of Cedar Rapids, who married a sister of Charles Weare and afterward removed to my City of Ottumwa, where he and his family resided for many years, and where two of his daughters, Mrs. A. G. Harrow and Mrs. Kathryn Taylor, still reside. And here I cannot refrain from saying a word of Doctor Carpenter. He died in 1911 at the great age of eighty-seven years. His wife died in Ottumwa many years ago. Doctor Carpenter was practicing his profession in Cedar Rapids on the outbreak of the Civil War. He was appointed an army surgeon, served in that capacity during the War and won distinction in that service. After the War he, John S. Wolf and H. G. Angle—all of Cedar Rapids—removed to Ottumwa and became largely in-

terested and active in railroad construction, particularly in the lines of the Chicago, Burlington & Quincy, and of what was then known as the North Missouri, now the Milwaukee road. The firm was known as Wolf, Carpenter & Angle. Mr. Angle retired from the firm and engaged in banking. Wolf and Carpenter continued in railroad construction for some years after. Doctor Carpenter was one of the most highly interesting men that I have ever met. He had a decided literary taste and was a wide reader. There were few fields of literature that he had not invaded, and taken from their richest stores. He was witty, vivacious and perfectly charming in conversation and company. He was original in characteristics, and taken all in all, I have never seen his superior as a conversational entertainer.

Soon after I commenced to gather data for the present work, in 1881, I sought an interview with Doctor Carpenter with the purpose of obtaining some information in regard to early lawyers of Linn County, and he furnished me with brief data concerning A. S. Belt, J. J. Childs, Ellsworth N. Bates, Ezra Van Meter and Donald M. McIntosh, which I will reproduce in this chapter, brief though they are, for the benefit of my readers. And first, in continuation of what I have said of Mr. Belt, of him, Doctor Carpenter said:

Algernon Sidney Belt came from Prince George County, Maryland, and was a son of Commodore Belt of the United States Navy, and a nephew of Colonel Bowie (inventor of the Bowie knife), of Maryland. Mr. Belt came to Cedar Rapids about 1850. He had been admitted to the bar in Maryland before he came. He entered into partnership with J. J. Childs. This association lasted but a few years. He was also a partner with Isaac N. Whittam for a time and also with Judge George Greene, whose daughter he married. He died in about 1878. He was prominent as a lawyer from the time he commenced practice. He was not only a well-read and able lawyer, but a man of fine literary taste, large reading and culture. He represented Linn County in the House once, but was not calculated for a successful politician.

Of J. J. Childs Doctor Carpenter said:

He came from Morristown, New Jersey, about 1852. He first settled in Burlington, remained there a couple of years and was nominated while there as a candidate for District Judge against Ralph P. Lowe. He was given to periodical convivial excesses, and one of these became so conspicuous during the campaign that he was defeated. He afterward removed to Cedar Rapids and practiced law there for a number of years. He was a man of decided talents, slow and deliberate in action. His conclusions were generally sound and well sustained. He was a fine lawyer, and had it not been for the weakness alluded to would have become one of the foremost lawyers of the State. He was generous in disposition and a most interesting and brilliant conversationalist.

Of Ellsworth N. Bates Doctor Carpenter said:

He was a Massachusetts Yankee. He studied law with Mr. Dawes, afterwards Congressman and United States Senator from Massachusetts. Mr. Bates came to Cedar Rapids in 1855 or 1856. During the Civil War he entered the army from that place and was a Captain in one of the regiments. He died not long after the close of the war; I think in 1867. He practiced law in Cedar Rapids a number of years. He was a man of ability, good lawyer, an active politician and an excellent diplomat in political and legislative affairs.

Of Ezra Van Meter Doctor Carpenter said:

He was a soldier in the Mexican War, going from Pickaway County, Ohio. He was a splendid soldier, and for his gallantry was promoted to be a Captain. After the close of that war he came to Cedar Rapids and commenced the practice of law, which he followed successfully for several years. He also wrote for the newspapers. He was a man of talents, a good lawyer and a brilliant writer. He died in 1857, leaving no descendants. His wife, child and himself all died within a year.

Of Donald C. McIntosh Doctor Carpenter says:

He was a lineal descendant of the ancient and distinguished family of that name in Georgia, which furnished governors, members of Congress and Indian chiefs. Likeland McIntosh was chief of the Creeks and was murdered in Georgia by his tribe. Donald came to Cedar Rapids in 1850, and married a niece of the Honorable Hugh S. Legare, of South Carolina. He had an impediment in his speech, stuttered when he commenced to speak to a degree that was painful, but after getting warmed up he was interesting, forcible and eloquent. He died in about 1859. His wife was a most beautiful and interesting lady. She married again and lived in South Carolina. McIntosh practiced successfully in Cedar Rapids from the time he came in 1850. While he was rather insignificant in appearance he was nevertheless a perfect gentleman in his address; a genuine exponent of the Southern chivalry; generous and open-hearted to a fault, and one of the best orators in the State.

The statements thus furnished by Doctor Carpenter thirty-four years ago, concerning these men, were taken down by me at the time. He knew these men intimately and it is to be hoped that no serious errors inhere in his statements.

Nathaniel M. Hubbard, Charles A. Clark, C. J. Deacon, Wm. Thompson, Joseph B. Young, Charles A. Weare, John Weare, Frank Hormel.

Judge Nathaniel M. Hubbard and Colonel Charles A. Clark were for a good many years partners and ranked among the foremost of the great lawyers of the State. Judge Hubbard, though frequently referred to as a brilliant man, was not so in the sense of being imaginative or indulging in fine fancies. His force lay in the penetration and breadth of his mind. Judge Hubbard had, however, in a high degree the power of ridicule. In grim and cutting satire he was pre-eminent. In witty sallies he was also ready, and these sallies were sometimes personal and netting. A single instance will illustrate this. At a bar banquet, held some forty years ago at the Savery House, in Des Moines, there were assembled many of the leading lawyers and judges of the State. I happened to be present. Many toasts were given and many responses made. Among the guests was J. W. Blythe, of Burlington, the well-known legal representative of the Chicago, Burlington & Quincy Railway Company, and who was very corpulent in figure. Judge Hubbard, in responding to a toast, referred to Mr. Blythe, as Prince Hal did to Falstaff—as one who “sweats to death and lards the lean earth as he walks along.” Hubbard and Blythe were the best of friends and the comparison was, of course, intended to be humorous, but Mr. Blythe was not pleased and thought the reference too personal.

Mr. Hubbard was a native of Oswego, New York, where he was born in 1829, and where he received his primary education. He subsequently entered and grad-

uated from Alfred University at Alfred Center, Allegany County, New York. He studied law and was admitted to the bar of that State. He came West in 1854, located at Marion, Linn County, Iowa, and entered upon the practice there. His marked ability and strong traits of character soon placed him in the front rank of his profession. He had attained an enviable position in the profession when the Civil War broke out. The call of patriotism was more potent than the flattering professional prospects that lay before him and he entered the service of his country. He was active in recruiting Company F, of the Twentieth Regiment of Iowa Infantry and was made its Captain. He subsequently became a member of the staff of Gen. F. J. Herron, and Judge Advocate on the staff of General Ord. He was subsequently breveted Major for gallantry. For this data I am indebted to the obituary notice contained in Vol. V, third series of the "Annals of Iowa."

Upon his return from the army he resumed the practice at Marion, and in November, 1865, was appointed District Judge to fill a vacancy that had occurred in that District. I became acquainted with him soon after this appointment while he was holding a term of his court at Toledo, in Tama County. He made a fine judge and displayed great vigor in the discharge of business and in the correctness of his decisions. Had he remained on the bench, he would undoubtedly have attained the highest judicial honors within the bestowal of the State; but the following year, in 1867, he was induced to leave the bench to become the General Counsel of the Chicago & Northwestern Railway Company. This appointment shows in itself the high esteem placed upon his abilities. He served that immense railway company for thirty-five years and until his death, which occurred at Cedar Rapids in 1902. He had removed to Cedar Rapids in 1870.

His mental penetration and his legal acquirements were coupled with great force of character and action. He was keen, far seeing and aggressive. He was replete with nervous and intellectual activities. His fame as a lawyer and as the legal representative of the Chicago & Northwestern Railway Company became general throughout the country. His arguments and speeches were brief, pointed and strong; often illustrated by maxims of practical wisdom and sometimes graced with uncommon felicity of speech. These characteristics appear in his presentation of the offering to Judge George Greene, to be found in connection with the sketch of Judge Greene; and in his address at the centennial anniversary of his Alma Mater, the Alfred University, in 1886, republished in the Iowa State Register of July, 1886, from which I clipped it at the time, to be preserved for the present use, and from which the following brief excerpts are made:

There is a preliminary problem, which every young man must meet and settle before he can be of any considerable value to himself or to the State. He must demonstrate his power of self-subsistence. While a few young men are born to great fortunes, it is true, nevertheless, that a very large majority of mankind—and nearly all who are of value to the world—early grapple with this question. It is always a grave problem for a young man, and an appalling one to a boy full

of hope, and with empty pockets. "Put money in thy purse," although advice delivered by Shakespeare through a rascal to a fool, contains the very essence of worldly philosophy. All along the wayside of life are strewn the wrecks of genius and talent, after a long, unsuccessful struggle with poverty. Until the problem of self-subsistence is well on the way to favorable solution, life is an incessant anxiety and harassment, for even the solace of religion is unavailing to an empty stomach. And you, young men, will always find it an unpromising enterprise to attack this world with an empty commissariat. The way, and the only way, to a solution of this problem has been too many times pointed out—has been told so often and in so few words, that they have become almost too trite to be quoted. Be honest; be industrious; be frugal; be sober, and barring only inevitable illness, the fruits of the earth shall be plentiful to the most mediocre of mankind. How easy to say and yet how hard to follow! We all inherit in common a desire to merit and secure the esteem of mankind. How much this falls short of the unconquerable thirst for fame is not easy to determine, or fruitful to inquire. It softens disappointment, however, if we remember that fame has few niches high up in her pyramid and that substantial excellence and usefulness dwell far below. Paternal didactics, like bucolic pastorals, are easily said and written, but of doubtful utility. The best lessons for your guidance you will receive on the actual battlefield of life, for they will come then like the saber thrust and the prick of the bayonet, leaving genuine, lasting impressions. If I were to tell you the best shield to cushion shocks to the nervous system, such as I have received, and such as you are likely to receive also, I should say, cultivate that loveliness of character which is best expressed in the word amiability. To those of you who design entering the professions which require you to write for the public, or make public addresses, the highest and best advice you can receive, is to condense until your speech shall be compact, simple, strong, brief. Paul's epistles are always short, but always mighty.

Judge Hubbard's practice extended to the higher courts of several states, and to the Supreme Court of the United States, to the judges of which his long and distinguished appearance had made him a familiar figure.

Charles A. Clark, to whom I have referred in the preceding sketch, was a native of Maine. He was born at Sangerville in 1841; and was of early New England extraction. His original ancestor in the United States was Hugh Clark, who settled in Watertown, Massachusetts, in 1640. For much of the data contained in this sketch, I am indebted to a note of Charles Aldrich, attached to an article written by Colonel Clark and appearing in Vol. VI, third series of the "Annals of Iowa."

Colonel Clark was educated in the common schools of his native place and Foxcroft Academy. He became proficient in Latin and Greek under a private tutor. It is said that while working on a farm he walked three miles to Gilford several times each week for the purpose of receiving instruction in these languages. At the age of fifteen he commenced teaching school and taught at intervals until the outbreak of the Civil War, when, in 1861 he enlisted as a private in Company A, Sixth Maine Infantry. He proved a soldier of great courage and participated in many of the severest battles of the War. He received rapid promotion through the stages of Corporal, Sergeant, Lieutenant and Adjutant of the Regiment. On account of severe wounds received, he was honorably discharged in February, 1864. In April of that year he was, by reason of the gallantry he had displayed, commissioned by President Lincoln, Captain and Assistant Adjutant General and served in

General Burnside's Brigade until November of that year, when he was again compelled to resign, on account of ill health and wounds received in battle. During his military service he participated in nearly forty battles between Washington and Richmond. He was several times severely wounded. He was by the side of General Burnham, his old Regimental Commander, when the latter was killed in the assault upon Fort Arrison, in September, 1864. He was breveted Major and Lieutenant Colonel for gallantry. He received a special Congressional medal for meritorious services in saving his regiment from capture at Brooksfors, Virginia, May 4, 1863. He was breveted Major for gallantry at Mary's Heights, Fredericksburg. His brevets were awarded upon the personal recommendation of his old Brigade Commander, General Winfield Scott Hancock. Among the numerous battles in which he was engaged, were those of the second battle of Bull Run; Malvern Hill, Gaines Mills, Williamsburg, South Mountain, Antietam, Fredericksburg, Salem Church, Gettysburg, Rappahannock Station, Cold Harbor and Petersburg.

He had studied law and been admitted to the bar, and in 1866 came West, settled in Webster City, Hamilton County, and entered upon the practice there. His advance in the profession was rapid, and in a comparatively short time he was known as one of the leading lawyers of the State. In about 1876 he removed to Cedar Rapids from Webster City and became the law partner of Judge Nathaniel M. Hubbard. This partnership continued some ten or twelve years. Both he and Hubbard became distinguished as great lawyers, and the legal reputation of the firm might be said to have been co-extensive with the nation. It conducted not only the ramified legal interests of the Chicago & Northwestern Railway Company, but cases of the greatest importance outside of that employment.

In temperament he was quite unlike his partner, Judge Hubbard. While the latter was quaintly droll and satirical, somewhat uneven in disposition, Colonel Clark had none of these peculiarities. As it seemed to me, his nature was rather grave, contemplative and serious. Doubtless the severe conflicts through which he had passed, contributed to this. In the conduct of his cases he indulged in nothing inadvertant. I heard him in the argument of a number of cases in the State Supreme and Federal Court, and was impressed with his great directness and logical force. He had both a natural and well trained legal mind. He was a learned lawyer above everything else, strong, logical and convincing. His language was uniformly well chosen, and his delivery, when fairly warmed, of a high order.

In addition to his superb accomplishments as a lawyer, he was a scholar and student of research. This is clearly shown by his exhaustive article on the "Indians of Iowa," appearing in Vol. VI, of the third series of the *Annals of Iowa*; by the one entitled "Congressional Medals of Honor and Iowa Soldiers," appearing in Vol. VII, of the *Annals*, same series, in which he presents a complete list of Iowa soldiers

who have been thus honored; and by his masterly oration delivered at Vicksburg, Mississippi, on the "Dedication of the Iowa Monuments," in 1907.

He was originally a Republican and supported Abraham Lincoln for President, but later became a Liberal Republican and affiliated with the Democrats. He was a delegate to the Cincinnati National Convention of 1872, President of the Democratic State Convention in 1898, and a delegate to the National Convention of that party during the same year. He was a delegate to the Democratic State Convention of 1891 and nominated Horace Boies for Governor.

For a time *C. J. Deacon* was a partner of Judge Hubbard, and also a member of the firm of Hubbard, Clark & Deacon. Mr. Deacon had studied in the office of Judge Hubbard, became an able and skilful lawyer who continued in successful practice for many years.

William G. Thompson was one of the early and widely known lawyers of Linn County. He came to and commenced practice at Marion in 1853, from Butler County, Pennsylvania, where he was born in 1830, where he received his education, studied law and was admitted to the bar. His education was obtained in the common schools and Witherspoon Institute of his native County. Bill Thompson, as he was familiarly called, was a unique character. In many respects he had the characteristics of a pioneer—in fact, he was a pioneer lawyer. He chewed tobacco exuberantly and swore with a lisp, occasionally. He was outspoken, independent, broad, and sensible in his views, very popular, liked by every person who became acquainted with him. He was an original and amusing character, good natured and extremely humorous. He had an entertaining presence, shedding a genial glow that warmed his acquaintances and made for him hosts of friends wherever he went. We early became acquainted and I always felt a sincere pleasure in meeting him.

These traits, combined with his personal worth and talents, served in a comparatively short length of time to bring him a large clientage and favorably establish him in the public esteem. He early became a favorite, participated in politics, and was honored by his people in being elected in 1854, the next year after his coming there, Prosecuting Attorney of the County. In 1855 he was elected to the State Senate and served in the Sixth and Seventh General Assemblies. He was a leading and influential member of that body. He was one of the organizers of the Republican Party in the State and was elected to its first State Convention at Iowa City, in 1856.

He was progressing favorably both professionally and politically when the Civil War broke out. He locked his office door and bidding adieu to his clients and friends, entered the service, and was commissioned Major of the Twentieth Iowa Infantry. His subsequent career is thus depicted by B. L. Wicks, Fellow and Instructor in the Iowa State University, who has contributed much to Iowa history

through the Annals and other sources, in an obituary of Major Thompson, appearing in the July, 1911, number of the "Annals of Iowa:"

Major Thompson was wounded at Prairie Grove, Arkansas, and captured at the siege of Vicksburg. He was present at the capture of Fort Arkansas Pass in Texas and was in command of a post there established. He was honorably discharged in 1864. In 1864 he was chosen as one of the presidential electors. In the same year he was elected District Attorney for the district comprising the counties of Linn, Jones, Cedar, Johnson, Iowa, Benton, and Tama. He was appointed Chief Justice of Idaho Territory in 1879 by President Rutherford B. Hayes, and in the same year he was elected to Congress from the Fifth Iowa District to fill the vacancy caused by the death of Rush Clarke, and was re-elected for the next regular term. In 1885 he was elected to the House of Representatives in the Twenty-first General Assembly of Iowa, during which service he was a member of the committee on the part of the House which prosecuted the impeachment proceedings against State Auditor John L. Brown. He was appointed a Judge of the District Court for the Eighteenth Judicial District in September, 1894, and continued until his retirement from the bench at the close of the year 1906.

Major Thompson was an able lawyer and his continuation on the bench for three terms, covering a period of twelve years, in a district comprising many of the first lawyers of the State, demonstrates the high esteem in which he was held as a jurist. He died at Kenwood Park, Linn County, in 1911, in the eighty-second year of his age. Few men have served the State with more efficiency and general usefulness.

Joseph B. Young, I became acquainted with in the winter of 1866, when we met as fellow members of the State Senate of the Eleventh General Assembly. He had been a previous member of that body, having been elected thereto in 1863 and served in the Tenth General Assembly; but during that term he was, in 1864, appointed a Paymaster in the army, serving until the close of the war. This created a vacancy, and in the fall of 1865 he was re-elected, so to speak, to fill his own vacancy. His seat was contested, but I have forgotten by whom and on what ground the contest was based. The Senate convened on the 8th of January, 1866, and during the contest Mr. Young was not admitted to his seat. The contest, in which I voted to sustain Mr. Young, was finally decided in his favor, and he was admitted to a seat on the 23d of the following February. He was a lively, as well as an able member. He was very irascible and could throw himself into a frenzy of speech and action quicker than any man I ever saw. But this was only occasional. He was a man of talents, a good lawyer, an animated and forceful public speaker. He was a political orator in great demand during heated political campaigns. He was an early, and for many years a prominent lawyer of Linn County. His irascibility may have been attributable to his extraction, for it is said he was of English-German-Irish ancestry, and would fight at the drop of a hat.* He was born in Erie County, Pennsylvania, in 1832. His first paternal ancestor was John Young, of England, who received from the King a grant of land in Massachusetts,

* Tuttle's History of Iowa, page 713.

and was one of the settlers of Salem Colony. Joseph's father was a Methodist minister. The son was well educated, and a graduate of Asbury University in 1851. Soon after his graduation he came to Iowa City and commenced his legal studies under Judge James Carleton, of that place. After his admission to the bar he located at Marion, in 1853, and practiced his profession with eminent success until his death, which occurred in 1876. He was a radical Republican, and active in politics, and was early elected and served as Prosecuting Attorney. In 1861 he was elected to the House of the Ninth General Assembly, and in 1863 and 1865, to the Senate as before stated. In these bodies he displayed unusual ability in debate on important measures. In 1868 he was one of the presidential electors at large on the Republican National ticket, and made a notable and effective canvass throughout the State. In 1869 he was appointed Pension Agent for the Northeastern District of Iowa.

Charles and John Weare were brothers and early settlers of Linn County. John came to Cedar Rapids in 1845 and Charles, in 1848. One of their direct ancestors was the first Governor of New Hampshire, and their father was a heroic soldier in the War of 1812, losing one of his legs in that conflict. The family removed to Lower Canada, where John was born in 1816, his parents moving in his infancy across the line into Orleans County, Vermont, where Charles was born in 1828.

Charles and the writer were fellow members in the House of the Tenth General Assembly, in 1864, he representing Linn County and I, Wapello County. His brother-in-law, Seymour D. Carpenter, whom I have before mentioned in connection with the sketch of A. S. Belt, became a resident of my home City, Ottumwa, which served to strengthen the acquaintance between Mr. Weare and myself. He was a man of strong common sense and a highly practical and useful member of the Legislature. He was prominent in the public affairs of Cedar Rapids and was for a time, Mayor of that City, and its Postmaster for eight years. He was appointed by President Harrison, United States Consul at Aix-la-Chapelle, Germany, and served in that position for some time. He was originally a Democrat, but on the breaking out of the rebellion, allied himself with the Republican Party. It is said that he attended more County and State Conventions than any other person in Iowa. For a period of some fifty years he was personally acquainted with all the public men in the State.

John Weare, shortly after his location at Cedar Rapids, entered upon a system of utilizing the water power of Cedar River, building a dam, races, locks and other appliances. A writer under the initials of J. B. in the Sixth Volume, third series of the *Annals of Iowa*, thus refers to Mr. Weare:

Away back in the forties the prime-movers in all efforts for the development of the Cedar Valley, and eastern Iowa generally, were two brothers-in-law, Alexander Ely and John Weare, both young men possessed of some means and unbounded ambition, will power and industry. Among the several enterprises undertaken by

these pioneers was the utilization of the splendid waterpower at the "rapids." The hard work entailed by this enterprise fell mainly upon Mr. Weare, the younger of the two, and bravely did he set himself to the difficult work. His ingenuity and strength were taxed to the utmost, as we shall see. With six yoke of oxen he drew the logs from the woods, and with a small force of men and insufficient machinery he helped lift every timber into its place in the dam. For whole days he would remain in the water, waist-deep, not stopping long enough to partake of the noon lunch. The nerve of the man is well illustrated by an incident which occurred just as the dam was nearing completion. At this point I turn over the narrative to Mr. Weare himself as he related it to his son-in-law shortly before his death, leaving out only such details as are unnecessary to the run of the story.

These statements above of the writer, "J. B.," constitute a preface to an autobiography dictated by Mr. Weare a short time before his death, to his son-in-law, W. W. Walker, and will be found in Vol. VI, third series of the "Annals of Iowa," page 546, to which the reader is referred.

In building these improvements, he worked side by side with the other laborers and hauled the timber twenty miles from the upper valley of the river. Here he built the first flouring and saw mill in Cedar Rapids. The logs were floated down stream and night after night he camped out with the laborers. It is said frontier settlers came a hundred miles for flour after the mill commenced its operations, doing more or less shopping and making Cedar Rapids an important trading place. He afterward began to open farms for cultivation, adding stock and improving its breed.

He opened an office for miscellaneous business; took emigrants up and down the valley and out into the open prairies; showed them lands and financially assisted them on easy terms to make payments. It is said that from first to last the aggregate of these sums amounted to between two and three millions of dollars, and that he never had to take a farm, never resorted to the law to secure his full pay, and never lost a dollar. He became the leading financier of the time; engaged in banking, and was President of the First National Bank of Cedar Rapids. He engaged in railroad building and every public enterprise likely to redound to the building up of Cedar Rapids. His efforts were largely instrumental in securing and building the Chicago & Northwestern Railway. In his sketch of Nathaniel B. Baker, Lieutenant Governor B. F. Gue thus speaks of that event:

The early opening up of this great through line, traversing the beautiful and fertile prairies of central Iowa, was one of the most important public works ever accomplished in our State. It gave to thousands of travelers their first sight and knowledge of the limitless resources of our magnificent State, and brought into its border thousands of thrifty home-seekers to aid in its development and add to its population and capital. The pioneers whose energy, foresight and influence thus early secured to Iowa what is now the great North Western Railway, deserve permanent recognition in Iowa history, and N. B. Baker, John Weare, G. M. Woodbury, W. W. Walker and John I. Blair are names that should be ever remembered.*

The following notice of a thanksgiving dinner in 1900, thus refers to Mr. Weare and some of his contemporaries:

* Annals of Iowa, Third Series, Vol. 1, page 84.

A notable event occurred in Cedar Rapids Thanksgiving Day—a family dinner given by Mrs. W. W. Walker in honor of her aunt, Mrs. J. F. Ely, eighty-three years old and the oldest living resident of Cedar Rapids. Mrs. Ely's first husband, Alexander Ely, and her brother, John Weare, and their friend, Judge Greene, were the three public-spirited men to whom the Cedar Valley and the northern half of the State of Iowa owe much of their present prosperity. About sixty relatives sat at table together, including representatives of the Elys, Weares, Carpenters and Walkers, names prominent in the early history of the State.*

Frank Hormel, with whom I became acquainted in the early eighties, died in the very prime of life and in the height of his fine, intellectual powers. I have no data concerning his nativity nor just when he came to Cedar Rapids, but it was not long after the war. His brilliant, as well as solid talents soon established him in the public favor. His ability was conspicuous and his legal services in active demand. He participated in many important trials and established an enviable reputation as an efficient lawyer and an eloquent advocate.

He had a pleasing personality and a captivating address. He was highly companionable and generous to a fault. His character was above reproach and his integrity beyond question. He was honored by the people of Cedar Rapids in being made its Mayor, and his untimely death in the early nineties was sincerely lamented by all who had known him. Had he lived, he would doubtless have attained the highest rank in his profession and been the recipient of still more exalted public favors. He married the lovely Mary Bonnifield, whom I knew from childhood, the daughter of W. B. Bonnifield, President of the First National Bank of Ottumwa, Iowa, and one of the most influential citizens of that part of the State.

* Annals of Iowa, Third Series, Vol. 1, page 636.

CHAPTER XXIX.

DUBUQUE.

Peter H. Engle, B. Rush Petrikin, Henry A. Wiltse, James Churchman, W. W. Coriell.

Peter Hill Engle was one of the most talented young men that settled in Dubuque, and he must have been among the earliest, for he, with C. H. Booth and F. K. O'Farrall, are mentioned in the history of Dubuque County, published in 1880, as having erected the first steam saw mill in Dubuque County, in 1837. I have no data concerning his birth and rearing. He was a member of the First Legislative Assembly of Wisconsin Territory, while we were a part of it, and Speaker of the House at its first session at Belmont. This circumstance alone indicates that he was regarded as a young man of extraordinary ability, and is further confirmed by the fact that after the organization of Iowa Territory he was enthusiastically supported as one of the four candidates for Congress and would have been elected but for the fact that it was supposed and reported that he had been drowned a day or two before the election, an incident which is referred to in connection with the sketch of Theodore S. Parvin and James W. Woods. His competitors were William W. Chapman, of Burlington; David Rorer, of Burlington; and Benjamin F. Wallace, of Mt. Pleasant. Professor Parvin, in an address before the Pioneer Law Makers' Association at the Reunion of 1892, says: "Mr. Engle was the ablest of all the candidates," which is certainly saying a great deal and perhaps, to be somewhat doubted, in view of the great ability of some of his competitors. After his defeat, which was clearly attributable to the incident just mentioned, he removed to St. Louis where he rose to great distinction at the bar, and became judge of one of its leading courts.

Hawkins Taylor says that he was one of the handsomest and most prepossessing of men.

B. Rush Petrikin was one of the earliest lawyers of Dubuque and the Territory. He was one of the twenty lawyers admitted at the first term of the Territorial Supreme Court, held at Burlington on the 28th of November, 1838. His name will be found in connection with some cases reported in Morris. According to data fur-

nished me by Theodore S. Parvin, Petrikin was from Pennsylvania. His father was a member of Congress for many years, from one of the districts of that State. The father was an old-fashioned Democrat, and so was his son. Petrikin went first to Muscatine, but in a year or two afterward removed to Dubuque, where he practiced law and was made the first Register of the United States Land Office. He held this office for four years and then returned to and remained in Pennsylvania.

Henry A. Wiltse, commonly known as General Wiltse from his having been United States Surveyor-General, was a man well and familiarly known, especially to the people of Dubuque, on account of his personality, which was characterized by some eccentricities and strong individual traits. At least that was the information as well as the impression I received concerning him. I was introduced to him at Dubuque by Judge George G. Wright, of the Supreme Court. I think that he and Judge Wright were very fond of each other. They were in suavity and disposition, and in the relation of early anecdotes, somewhat alike, and much together when the opportunity offered. They were fond of rallying each other on past events. I heard Judge Wright ask him if he had been poisoned lately, and was informed that the inquiry was based on the following incident: It seems that General Wiltse and Fred E. Bissell, while young lawyers, had roomed together over a wagon shop. Wiltse, being indisposed, procured a bottle of medicine and set it on a table in the room where were some bottles belonging to the wagon shop. On going to bed, Wiltse, feeling somewhat better, concluded not to take any of the medicine, but having a relapse in the night, got up to do so. Bissell insisted that he should light the candle, as he might make a mistake in the bottles, but Wiltse said he knew just where his bottle was, and took from it, as he supposed, a good dose. After the bottle had been removed from his lips he realized that he had taken something else, and immediately so told Bissell, who got up in great alarm, lighted a candle or lamp and found Wiltse groaning in the bed, to which he had returned, and who said he believed he had taken poison. Bissell immediately ran in all haste for the doctor, who hurriedly came, and on examining the contents of the bottle from which Wiltse had taken the supposed poison, told Bissell to go to the drug store and get a pound of white lead as soon as he could. The patient feebly inquired what he wanted of white lead, and the doctor told him, that having swallowed a huge dose of linseed oil, he thought that he should now have some white lead to go along with it, so that his insides might be properly painted. Wiltse was perfectly well in a few minutes.

He was an exceedingly polite man and of the most affable manners. I am indebted to Judge O. P. Shiras and William Graham for the following data concerning him. He was born in New York State, and came to Dubuque in 1843. He became a clerk in the Surveyor-General's office and served in that position until 1851. He studied law and was admitted to the bar in 1852. He was asso-

ciated in the practice with Joel S. Blatchley for some years. In 1861 he was appointed United States Surveyor-General. Before that, in 1856, he was elected President of the Board of Education and served five years in that office, and was active in establishing the public schools of the City. He died at Dubuque in 1870.

James Churchman came to Dubuque and practiced there in the early Territorial period. His advent was about the time Judge Thomas S. Wilson went on the bench. I gained this information from notes I made more than thirty years ago. I find his name in the roll of the early lawyers admitted to practice in the Supreme Court, and in connection with some reported cases of that period, among others that of McKnight et al vs. the United States Morris 585. He went to California at the time of the gold fever in 1849, and remained there. The information I was able to derive from Judge Wilson and others of his time was to the effect that Churchman was a lawyer of ability, and that he was possessed of some oratorical gifts is attested by the fact that he was selected as the orator on the First Fourth of July celebration held at Dubuque after the organization of the Territory. The event is thus recorded:

This year the birthday of American independence was celebrated in a manner befitting the occasion. Dr. Stephen Langworthy was President, Patrick Quigley, Milo H. Prentice, and John Parker were Vice Presidents, Colonel Paul Cain and John B. Russell acted as Marshals, Stephen Hempstead read the Declaration, James Churchman orated, and Warner Lewis, Thomas Child, and Charles Corkery drafted the toasts.

His career in California I have been unable to ascertain.

W. W. Coriell was also among the earliest lawyers of the Territory, and while we were a part of that of Wisconsin, which was organized on April 30, 1836. At the first Fourth of July Celebration after that event, Dr. S. Langworthy was chosen President; Patrick Quigley, J. M. Harrison, Dr. T. Mason and W. C. Jones, Vice Presidents; and Mr. Coriell as orator of the day.* It would seem from this, that he had also become somewhat conspicuous as an orator. Mr. Coriell, like most young lawyers on the frontier, embraced in his calling other matters than those relating purely to the profession. Thus in 1848 Orlando McCraney established the Democartic Telegraph, a Whig paper which supported Zachary Taylor for President, and for a time Mr. Coriell was its editor.** His name is found in the list of Attorneys attached to Second Greene's Reports.

The following data, taken down at the time, I obtained from Judge Thomas S. Wilson, more than thirty years ago:

Coriell died with cholera. He took it coming from St. Louis in a steamboat. He slept in a berth that had been occupied by a man who had it. He came home and died at Dubuque in the forties. He was one of the Commissioners who laid out the towns of Fort Madison, Bellevue, and Dubuque. He was a well-educated lawyer and a good speaker.

* History of Dubuque County, 1880, page 373.

** History of Dubuque County, 585.

Thomas Rogers, John Berry, W. J. Barney, Timothy Davis, James Crawford, Phineas W. Crawford, Lewis A. Thomas.

Thomas Rogers was one of the early lawyers of Dubuque. He was born at Fort Edward, New York, in 1808, graduated at the Albany Academy, studied law at Saratoga in the office of his stepfather, Esek Cowen, the eminent Jurist and Supreme Court Reporter of New York. He early became interested in politics and won a reputation as a public speaker. He was admitted to the bar in 1835. Henry Clay heard one of his speeches and advised him to go West. He came to Burlington in 1839, received there a letter from Gen. A. C. Dodge to Gen. George W. Jones, of Dubuque, whither he came the same year and entered upon the practice. For a period of more than thirty years he was identified with public interests of Dubuque. He formed a partnership with John V. Berry, who afterward removed to Maquoketa, Jackson County, and died there. He subsequently formed a partnership with W. J. Barney, who afterward removed to Chicago. From all accounts Rogers was a man of brilliant intellect and highly gifted, both as a lawyer and an orator. His quick wit, spontaneous oratory, genial nature combining with a high character made him at once a popular lawyer and politician. The next year after his arrival, in 1840, he was elected to the Legislature, and again in 1842. His brilliant talents made him a leader in that body, and it is said that his wit and eloquence became traditional throughout the territory. In politics he was a Democrat. He was firm in his convictions and highly eloquent and forceful in his expression of them. Of him James W. Woods (Old Timber), in a letter written to me in 1882, says:

Thomas Rogers, of Dubuque, was a man of fine talents, a magnificent lawyer, and withal a politician. Notwithstanding his fine legal attainments, he did not devote his entire attention to his profession. He was a man of wealth, owned a large flouring mill in Dubuque, and paid much of his attention to this and other business interests. He was a good orator, a fine talker, and a prominent and influential politician. He died comparatively young some years ago. He was small in stature, but soon made himself impressive by the strength of his intellectual forces. He was a member of the House from Dubuque in the session of 1842-3. He was nominated by the Democratic caucus for Speaker, but was defeated in the election by Judge Carleton. At the same caucus James W. Woods was nominated for Chief Clerk, but was defeated in the election by Joseph F. Fales. Carleton and Fales were both Democrats, and their election instead of the nominees of the caucus was brought about by a combination with some Democrats, who bolted the nomination with the Whigs.

Of him another contemporary thus writes:

Mr. Rogers was a life-long Democrat, and the Constitution was his idol; his speeches owed their force to his enthusiastic belief in this cause, for both at the bar and on the rostrum, he only advocated what he thought was right; Mr. Rogers was an adept in the appropriate use of words, and in private conversation, as well as in public speaking, his English was beautiful; from 1840 to 1850 he frequently contributed to the press of his city—an occupation for which he was peculiarly fitted by his tastes and judgment; his tact and courtesy were such that his opponents never became his enemies. He was the object of warm personal attachment of his friends, and disinterestedly gave his advice and services when-

ever they were needed. Though an ardent partisan for others, he was not ambitious for his own advancement. He refused the Surveyor-Generalship of Iowa and Wisconsin, and, in 1855, General Jones in vain urged him to accept the United States District Judgeship, which was afterward given to Judge Love. He discontinued his law practice, and entered into the flouring mill business in 1858, with C. H. Booth and N. Nadeau. Mr. Rogers was dark, short of stature, and had classic features. His voice was wonderful for its power and magnetism. During the discouragement which followed the battle of Bull Run, Mr. Rogers made his last public speech, which was a vigorous and effective appeal for enlistments. After a brief illness, he died February 6, 1874, aged sixty-five years. Thomas Rogers will be remembered as one of the best and kindest of men; simple-hearted as a child, with a man's knowledge, and the noble instincts of a true gentleman.

Timothy Davis was a native of New Jersey, where he was born in 1794. When a young man, he went to Kentucky where he studied law, was admitted to the bar, and practiced for a short time. He then went to Missouri, where he practiced his profession with success for some twenty years. He came from there to Dubuque in about 1840. He was prominent at the bar and in public affairs. I once had a conversation with Christian W. Slagle, of Fairfield, respecting Davis, whom he knew well. He said he was a very able lawyer, and had great influence with the courts. He was associated in the practice with James Crawford, and his name or that of Davis & Crawford will be found in connection with many of the early reported cases—for instance, in *Bradford vs. Commissioners*, Morris, 290; in *Lorimer vs. The Bank*, *ibid*, 296; in *Doolittle vs. Harrington*, *ibid*, 299; in *Levi vs. Thompson*, *ibid*, 311. Inasmuch as I have been able to find scarcely any data in reference to John V. Berry, I will note that in this last case he was the opposing counsel, and also in *Lorimer et al. vs. Lewis*, Morris, 334, in which Mr. Davis appeared for the other side, and the same was the case in *Hurd against the Bank*, *ibid*, 384; in *Warburton vs. Mattox*, *ibid*, 484; and in *Fanning vs. McCraney*, *ibid*, 525. In fact, the names of Davis, Crawford, and Berry appear in very many cases in Morris, and First and Second Greene.

Not long after Mr. Davis came to Iowa, he was drawn somewhat into politics—I should say more on account of his ability than inclination. In 1848 he was the Whig candidate for Congress in the Second District (there were then only two congressional districts in the State) but was defeated by Shepherd Leffler, the Democratic candidate, who had a majority over Mr. Davis of only 391. Eight years afterward, in 1856, he was again the Whig candidate for Congress in the Second District against Shepherd Leffler, and was elected by a majority of 6,017 votes. His successor in Congress was William Vandever. He was not politician enough to continue himself in office, though he served his term in Congress with signal ability. At the conclusion of his political career, he retired to private life, and died in a few years afterward. The last years of his life, I am informed, were spent in Clayton County.

James Crawford has already been referred to in the preceding sketch as the one time partner of Timothy Davis. He attained a high reputation as a lawyer and the

firm of Davis & Crawford did a large business in the northern part of the Territory and State.

He was a native of Vermont and came to Dubuque about 1840. He was a man of eminent talents and would have attained a higher reputation than he did had he not been cut down in his prime in 1846.

Phineas W. Crawford, I am told by George Graham, Esq., of the Dubuque Bar, to whom I am greatly indebted for data concerning many of its members, was a son of James Crawford above mentioned, and came to Iowa with his parents when nine years of age. He was well educated and a graduate of the Illinois College at Jacksonville. He was admitted to the bar in 1851. For several years he was City Recorder. At the outbreak of the Civil War he enlisted in May, 1861, and was commissioned Second Lieutenant and was afterward promoted to First Lieutenant of Company A, of the Third Regiment of Iowa Infantry. He participated in several battles and was wounded in that of Shiloh. In 1863 he was appointed Regimental Quartermaster and served in that position until the close of his enlistment. He again entered the service and was commissioned Captain, and served with valor and gallantry in the Veteran Volunteer Corps under General Hancock. He commanded the Company on duty at the execution of the assassins of President Lincoln. After the close of the war he located in and practiced law for a while in Kansas, but subsequently returned to Dubuque, resuming the practice there. He was for a time, Deputy United States Marshal for Iowa, for many years an Alderman of his ward, and in 1901 was elected to the State Senate, where he served four years with ability. He died in 1910.

Lewis A. Thomas is found in the roll of Supreme Court lawyers in Morris, and in that attached to Second Greene. His name is also found in a number of early reported cases, among others in that of Goodwin vs. Thompson, Second Greene, page 329. He was a native of Massachusetts and a lineal descendant of John and Priscilla Alden. He was an accomplished scholar and lawyer. He was a graduate of Williams College and after his admission to the bar came to Dubuque about 1841. He was engaged in cases of the highest importance and had he adhered to the profession would undoubtedly have attained greater eminence. The following circumstance will illustrate the high opinion entertained of him by the last territorial Governor, James Clarke. Thomas was engaged to defend some Indians confined in the Dubuque jail. He made the point that the offense with which they were charged was cognizable under the laws of the United States only and not of the territory. He wrote to the Governor on the subject, and in turn the Governor wrote to Judge Thomas S. Wilson, saying, "Estimating very highly the legal talents and acquirements of Mr. Thomas, I differ with him with distrust of the correctness of my views."*

* Annals of Iowa, Third Series, Vol. 8, 438.

He was for a time prosecuting attorney, and was generally active in civil affairs. He diverged into railroad enterprises and spent a good deal of his time in Washington pressing his projects before Congress. During the war he was engaged with the Sanitary and Christian Commission, and subsequently spent a good deal of his time at the national capitol. He was quite successful in his enterprises, but other men reaped most of the profits of his labor, and his latter days were not passed under affluent circumstances. William Graham says that John Deery always claimed that Thomas was the original of Colonel Mulberry Sellers in Mark Twain's "Gilded Age."

I may here remark that in the decade of 1850 to 1860 a number of young, talented and ambitious lawyers came to Dubuque, some of whom remained but a short time, and afterward became distinguished elsewhere. Among them Mr. Graham mentions Wheeler H. Peckham, who became a prominent New York lawyer and was nominated by President Cleveland as one of the Judges of the Supreme Court of the United States, but the Senate, which was largely Republican, refused to confirm the appointment. (His brother, Rufus Peckham, was subsequently more successful.) Another was George Shiras, who, after a year in Dubuque, returned to Pittsburg and finally became one of the Judges of the United States Supreme Court. Another was William Windham, Secretary of the United States Treasury. Another was Judge Tripp, Judge of the Supreme Court of Dakota. Another was Joseph A. Chapline, who came from Virginia and for a time was a member of the firm of Barker, Barney, Chapline & Dillon, the head being Judge Winslow T. Barker. Chapline was a presidential elector on the Republican ticket in 1860, and after the State of West Virginia was organized returned there and became one of its Supreme Judges. Another was John T. Lovell, who practiced in Dubuque for some years, but after the outbreak of the Civil War returned to Virginia, where, after serving in the Confederate army, he devoted himself to newspaper work, served in the Senate of Virginia, and at the time of his death was one of the influential politicians of his native State. Another was Judge Henry T. Seamans, who studied law in the office of William Graham at Bellevue in Jackson County, and subsequently was United States Circuit Judge of the Seventh Circuit.

Benjamin M. Samuels, Platt Smith, Frederick E. Bissell.

It may be properly said and without overpraising, that these three men possessed extraordinary ability, and natural talents of the first order. *Ben M. Samuels*, as he was familiarly called, was not only a great lawyer, but a great orator. I heard him make a speech in the old courthouse at Ottumwa in 1857, when he and Ralph P. Lowe were the candidates of their respective parties for Governor. I have heard many fine orators, but I never listened to such powerful eloquence as I heard from Samuels on that occasion. In person he was an Adonis, tall, commanding, handsome. Next to Edward Johnstone, of Lee County, he was the most kingly man

in the State. His speech on the occasion referred to was replete with splendid and stirring outbursts of eloquence. On the way down from the courthouse after the close of the speech I walked along with Charles Lawrence, a prominent merchant of Ottumwa at that time, and a staunch Republican. He said to me in substantially these words:

King Agrippa said to Paul, "Almost thou persuadest me to be a Christian;" so I can say of Samuels, that he almost persuaded me to be a Democrat, and if I had been called upon to vote under the spell of his eloquence, I fear I should have cast it in his favor for Governor.

I remember distinctly the dramatic closing of that speech:

On this platform of principles we firmly stand. Let us press forward to victory. If we fail, let us go down with our drums beating and our flags flying.

He seemed like some great commander standing aloft on the deck cheering his men to the combat.

He was then thirty-four years of age. He was naturally convivial and, notwithstanding his majestic bearing, his kindly manner put everybody at ease. He was a delegate to the Baltimore Presidential Convention in 1860. I happened to be going east and was on the same train with him. In consequence of a wreck the train was obliged to halt for some hours between stations. Many of the passengers got off and seated themselves on an embankment, engaging in conversation to pass the time away. It so happened that I was seated next to him. I was then a young lawyer of no particular importance, but we engaged in conversation. Learning that I was from Iowa and had heard him at Ottumwa, he became so kindly in his whole bearing as to put me entirely at my ease and convince me beyond question that he was a noble and kindly gentleman.

In collecting data for this work I interviewed many years ago a number of people who had been personally acquainted with Samuels, among others Judge Austin Adams, of Dubuque, then one of the Judges of the State Supreme Court. On the 6th of November, 1882, Judge Adams and myself traveled together from Chicago to Des Moines, and in the course of our conversation he gave me his views and estimate of Mr. Samuels, of which I made notes in my memoranda book that now lies before me. He told me that Samuels was not only a man of surpassing eloquence—full of stirring "bursts"—but a great lawyer as well. Using his own language:

He could argue to the court a legal question with more convincing force and clearness than any man I ever heard. He had a fine legal mind and was naturally a great lawyer and thinker as well as orator.

Judge Adams also said that after his old partner, Joel Blatchley, had removed to California he wrote to him that there were a good number of able lawyers and strong men in San Francisco, but none that he had yet heard could equal Samuels in the force and clearness with which he would argue a legal question. From this

it will be seen that Samuels was not only a great advocate, but a great jurist as well, and such was the united testimony of his compeers.

It is strange that of a man so greatly distinguished so little has been said, especially in regard to his early history, by Iowa biographers and historians. No mention is made of him in Tuttle's History of Iowa, 1876, nor in the United States Biographical Dictionary for Iowa, 1878, nor in Gue's History of Iowa, nor in any other publication I have been able to find, except the incidental mentions which will be hereafter referred to, in the April, 1885, number of the Iowa Historical Record, and in the April, 1867, number of the Old Annals of Iowa. I am able, however, to give the following outline derived through the medium of friends of the family. He was a native of Virginia, born at Parkersburg in 1823, making him at his decease within a fraction of forty years of age. He was educated at Lexington College, Virginia, studied law with his uncle, Judge Samuels, at Woodstock, and was admitted to the bar when but twenty-one years of age. In the fall of 1847 he removed to Iowa and opened a law office in Dubuque, in which state and county honors were generously bestowed. He was a member of the Legislature in 1854. In 1857 he was nominated by the Democratic State Convention for Governor and, although the State was largely Republican, the majority was reduced to three thousand. He was selected as a delegate to the National Convention in 1860 and distinguished himself by his eloquent advocacy of the Douglas cause. The same year he was unanimously nominated for Congress against his old law partner, General Vandever. He died August 6, 1863.

In conclusion, I desire to briefly refer to the political events and the personal mentions connected therewith before referred to. The first relates to his election to the House of the Fifth General Assembly, which met at Iowa City, December 4, 1854. A writer in the number of the Iowa Historical Record, before referred to, in giving a glimpse of its personnel of him, says:

Samuels, until then unknown outside of Dubuque, soon in flights of oratory, soared to distinction. He was of striking personal appearance, with a tall, athletic form, a smooth-shaven, oval face, and brown hair, and wore a swallow-tail blue coat, with brass buttons, and brown nether garments. His clear, deliberate form of speech delivered slowly, but without hesitation, and with an air of confidence and candor carried conviction even for a sophism. He was too well equipped as a speaker for anyone in the House to cope with on even ground.

The next political event to be mentioned—passing the gubernatorial contest of 1857 between him and Governor Lowe—is that between himself and William Vandever for Congress in 1860. Speaking of this contest a writer in the copy of the Old Annals before referred to says:

As an orator, in the accepted sense, Samuels had the decided advantage. In the ready "flow of language," in voice, gesture, in style, and the indefinable look, air and bearing which form that personal identity comprehended in the word "appearance," he had few equals on any forum in the nation. Ingenious in argument, he developed the strong points of his case with great skill. In rhetorical

arrangement and expression, there was remarkable finish to his sentences, giving even to his extemporaneous efforts the character of well matured and thoroughly digested speeches. And especially of that magnetism of manner which allures and fastens attention, elicits sympathy and carries a crowd, he was redundantly possessed. All in all, he was a tower of strength to the Democratic cause at that day.

The last important political event of his life was in being elected as a delegate to the National Democratic Convention of 1860. He warmly espoused the cause of Stephen A. Douglas. The extreme southern men were insistent in their demands that the platform should recognize the constitutional right of the slaveholder to take and settle with his slave in any territory of the United States. This demand the great mass of northern Democrats would not accede to, and Mr. Samuels knew it would be fatal to his party if acceded to. His splendid presence, powerful argumentation and masterful eloquence challenged the admiration of every member of the Convention and made him a national figure. But the southern delegates would not yield, and a portion of them withdrew from the Convention. The Convention itself adjourned from Charleston to meet in a few weeks at Baltimore. Here, what was intended to be a compromise platform was adopted under the lead of Mr. Samuels and Henry B. Payne of Ohio.* But it was not satisfactory to the southern wing; the dissatisfied delegates organized a separate Convention and nominated John C. Breckenridge, thus dividing the party and making the election of Mr. Lincoln a foregone conclusion. The result was deeply disheartening to Mr. Samuels, and when the flames of Civil War burst forth he sank into a despondency from which he never rallied, and in a little more than two years he was laid in his grave, when he had scarcely reached his prime.

Platt Smith developed through different stages, from a poor uneducated boy to one of the ablest lawyers of the Iowa bar. He was born in the State of New York in 1813. He was reared and worked on his father's farm. Until he was fourteen there was no school in the district. After the establishment of one, he attended enough to enable him to read. On leaving school he engaged on a small scale in merchandising, in which he failed during the financial panic of 1837. He then applied himself to learning the art of a millwright, paying his expenses with whatever else he found to do. At the age of twenty-six, in 1839, he emigrated to Jackson County, in the Territory of Iowa, where he resided for some years in the family of John E. Goodenow. While there a claim controversy arose between two settlers, and young Smith, who had come to be recognized as a man of parts, undertook to represent one of them in the trial before a Justice of the Peace. A jury was called in the case, and after the evidence was closed Smith made a speech and the jury returned a verdict in favor of the settler he represented. The skill he exhibited in both the trial and the argument gave him a sudden reputation for ability and he was persuaded to study law, which he commenced to do after obtaining some books

* Blaine's Twenty Years in Congress, Vol. 1, 162.

for that purpose. He began reading under Henry Hopkins, a lawyer of Bellevue, in 1842. While doing this he sawed wood for money with which to pay his board. In February of the following year he went to Dubuque for the purpose of gaining admission to the bar, but was denied an examination upon the ground that he had not studied long enough. He concluded himself that further study was required and returned to his old friend, Mr. Goodenow, at Maquoketa. In a short time he engaged in rafting lumber down the Mississippi. On one of the rafts he went to Muscatine, acting as pilot in running it over the Rock Island Rapids. He stopped at Muscatine, hired a horse, went to Tipton with the view of applying for admission to the bar before Judge Williams, who was then holding court there. Arriving at Tipton he found that in changing his clothes at Muscatine he had left his pocket-book behind him. He told Ralph P. Lowe, afterward Governor and Judge of the Supreme Court, to whom he had come for advice with reference to some matter that had arisen between him and his crew, of his situation. Lowe thereupon gave him ten dollars, which was afterward duly paid back. He applied to the court for admission to the bar, a committee was appointed, the examination was satisfactory and a certificate of his admission was duly issued, in March, 1843. The following April he attended the court held at Andrew, the county seat of Jackson County, on the docket of which it is said his name was marked as counsel in the majority of the cases there pending, though he had not been admitted to the bar when they were so docketed. This was the result of the reputation he had established by his ability in the conduct of cases before Justices of the Peace throughout the County. He had become locally famous as a lawyer without in form being one. For the first five or six years he especially devoted himself to the criminal practice and was employed in a large number of trials for capital offenses. It is said that he tried seven or eight murder cases in one year. He became highly distinguished in that line, but after a while tired of it and devoted himself principally to civil cases, in which he became eminently successful. He was associated with J. M. McKinlay and B. W. Poor under the firm name of Smith, McKinlay & Poor. They built up an immense practice. He was the attorney of the Dubuque & Pacific Railroad Company, drew the articles of its incorporation, the stock subscriptions, and procured the right of way in person.

The first case in the fourth volume of Greene's Reports is that of Dubuque County vs. The Dubuque & Pacific Railroad Company, in which it was held that a county had the constitutional right to aid in the building of railroads within its limits, a doctrine that was afterward overruled. He represented the company in that case, and the firm of Smith, McKinlay & Poor appears in connection with thirty-six cases in the volume referred to. It is said that Smith argued all these cases in person. He was connected with the railroad company in the capacity of attorney and sometimes Vice President and President for several years and until it was

completed to Iowa Falls. He then organized the Iowa Falls & Sioux City Company and was one of the four Directors that had the management of the road until it was completed to Sioux City in 1870, and was subsequently the organizer of several other roads. In short, he became a prominent railroad builder and business man. These enterprises naturally disconnected him to a great extent from his profession, though he was occasionally engaged in important cases.

As will be seen by reference to the sketch of Judge Thomas S. Wilson, embodied in the chapter relating to the Judges of the Territorial Supreme Court, Smith was associated with Wilson in the important case of Choteau vs. Maloney, which involved the title of the land upon which Dubuque is located. Wilson and Smith represented the settlers; they had the celebrated Reverdy Johnson of Maryland to contend with before the Supreme Court of the United States. The arguments of both Smith and Wilson before that tribunal were remarkable ones and received the compliments of the Chief Justice. As is well known, the case was decided in favor of the settlers. Smith was also employed and made the argument for Gregoire in Fanning vs. Gregoire in the same tribunal, and the brief filed by Mr. Smith in the case received the approbation of the Judge delivering the opinion. Mr. Smith was also employed to make the argument in the Dubuque & Pacific Railroad Company vs. Litchfield, and in delivering the opinion of the court, Justice Catron quoted freely from Smith's argument. A specimen of Mr. Smith's briefs will be found in connection with the case of Sanders vs. The State, Second Greene, 251.

In one of my interviews with James W. Woods (Old Timber) more than thirty years ago, he said:

Platt Smith, I knew well. When I first knew him he was engaged in rafting lumber from the Pinerias down the Mississippi river. He had some trouble with his crew, and called upon Ralph P. Lowe, of Muscatine, for advice; the result was Judge Lowe advised him to apply for admission, which he did and was admitted to the bar, where he immediately took first rank. If he had been educated, I make no doubt he would have been the ablest lawyer and advocate in Iowa; as it was, no one got away with him. He was a man of large frame, but rather rough and unsocial in his manners. He turned his attention to railroading in the latter part of his life and accumulated considerable fortune.

I met him a number of times at Dubuque and heard him, when he was somewhat advanced in years, make an argument that tended strongly to confirm what I had previously heard of his great natural ability.

Frederick E. Bissell died at Dubuque, June 12, 1867. His wife had died some two weeks previous. At the time of her death he was worn with long watchings at her bedside; this, supplemented by grief at her loss, brought on the illness which resulted in his death, though he was not thought to be seriously ill until near the last. He was born in 1819 in the town of Madrid, St. Lawrence County, New York, and was therefore but forty-seven when he died. He was educated at Potsdam Academy in his County; came west in 1844 at the age of twenty-five

to seek his fortune. Poor and a stranger, he landed in Dubuque. He opened a private school, which he taught with success for several months. At the expiration of the term he entered the office of James Crawford as a law student. Upon his admission to the bar he formed a partnership with Mr. Crawford. Upon the death of his partner he was made administrator of his large estate. He was afterward connected with Timothy Davis in the practice of his profession, and still later with Judge Lincoln Clark.

In 1855 Mr. Bissell and William Mills formed a law partnership. In 1856 O. P. Shiras, afterward the Judge of the United States District Court, became associated with them under the name of Bissell, Mills & Shiras. The firm continued to 1861, when Mr. Mills withdrew from the firm. In 1866 John M. Ballou, a nephew of Mr. Bissell, became associated with the firm under the name of Bissell, Shiras & Ballou, which continued up to the time of his death.

Mr. Bissell gave the best energies of his manhood to the interests of Dubuque. In 1854 he was a member of the City Council, for several years an active member of the Board of Education, and to his efforts is largely due the success of the school systems and accommodations in Dubuque. In 1856 he was the President of the Dubuque, St. Paul & St. Peters Railroad Company. He was also an active member of the Dubuque Central Improvement Company.

Prior to the crash of 1857 he had accumulated considerable wealth. Through the vicissitudes of fortune this was mostly swept away. But this did not dishearten his professional efforts. He continued to rise as a lawyer and was, at the time of his death, considered one of the ripest and ablest lawyers in the Northwest. We doubt if he ever had his superior in the state's history.

In the winter of 1866 he was tendered by Governor Stone the office of Attorney-General, which had become vacant by the resignation of Isaac Allen. He accepted the appointment and was nominated for a full term by the following Republican State Convention. He was triumphantly elected and in the discharge of the duties pertaining to that office evinced that signal ability for which he had become distinguished as a lawyer. So faithful was he in this regard that on his death bed he despatched his partner, Mr. Shiras, to attend to some duties of his office at Des Moines, and Mr. Shiras, as a consequence, was absent at the time of his death. Finding himself rapidly failing, he sent for his old partner, William Mills, and executed a transfer of his authority as executor of his wife's will to Mr. Shiras. Some other business was done, when he fell into a slumber and then peacefully journeyed to that Eternity to which his wife had gone only two weeks before.

During his comparatively brief period as Attorney-General he was called upon for, and delivered, opinions affecting the greatest interests of the State and its institutions, and so highly esteemed was his reputation for profound and accurate legal

learning that they were generally received as excathedra, and when brought into question were always confirmed.

Originally he was of New England extraction. The paternal ancestor of the Bissells in America came with my own paternal ancestor as participators in the founding and settlement of the town of Windsor, on the Connecticut River, twelve miles from Hartford, Connecticut, in 1635. We identified ourselves upon the authority of the "History and Genealogies of Ancient Windsor," compiled and written by my relative, Dr. Henry R. Stiles, New York, 1854. Mr. Bissell became Attorney-General by the appointment referred to while I was a member of the State Senate in 1866. I had occasion several times during the session to confer with him, and thus our personal acquaintance commenced. It was continued in his election to that office when I was Reporter of the Supreme Court and we again met at its session at Davenport in April, 1867, and occupied together a suite of rooms at the old Burtis House. He was a delightful companion, but our further companionship was of short duration, for, as already stated, he died the following June.

Austin Adams, Shubael Adams, Dennis N. Cooley.

Austin Adams looked like a college professor. In personal appearance, he might well have been taken for one, for he had not that austerity of expression which is supposed to belong to a Judge. Both his face and demeanor were of the most amiable quality. The lineaments of the former were as finely drawn as those of a woman and his manners were gentle in all respects and on all occasions. He was, indeed, a gentleman and personally loved by everyone who knew him. He was not lacking, however, in character or firmness. The first was of the highest order and so was the steadfastness of his convictions. He was a lawyer of deep learning and exalted principles, and as a Judge he ranked well with his associates and predecessors.

In figure he was of good height, rather tall and rather slim. His face was rather long, classical in mould, his nose prominent, his forehead high. He might properly be termed a blonde; his complexion was fair, his hair and whiskers of like character and both luxuriant—the former being combed up without parting, the latter cut round slightly under the chin, the upper lip being clean shaven. He wore spectacles. It was this distinctness of countenance and general appearance that gave him the professor-like appearance. In fact, he had been for some years an academic professor before coming to the bar. His dress was in harmony with his person—always a Prince Albert coat, and otherwise neat attire. He was in all respects one of the most lovable judges that ever graced the bench.

He was born in Windsor County, Vermont, in 1826. His parents were both natives of New England and of early New England extraction. He belonged collaterally to the same family as did Samuel Adams, of Revolutionary fame. His

father had received public favors and was for some years a member of the Legislature of Vermont. His uncle, Alvin Adams, was the organizer of the Adams Express Company. His mother was Phoebe Hoar, one of the members of that distinguished Massachusetts family. He commenced life as a farmer's boy and was trained to habits of economy and industry. After his primary education in the common schools, at the age of fourteen he entered Black River Academy, where he remained until his nineteenth year, and then entered Dartmouth College, from which he graduated with honors. His inclinations were for the law and he gratified them by attending court as a spectator whenever opportunity offered.

After leaving college he became the Principal of the Academy at West Randolph, Vermont, reading law in the meantime. He afterward entered the Harvard Law School, from which he was graduated, and was admitted to the bar at Windsor, Vermont, in 1854. In the fall of that year he joined the western tide of emigration and came to Dubuque. Though without friends or acquaintances, he soon made hosts of them and established a successful practice which increased with the years. He had none of the elements of a crafty politician. I always thought he had a distaste for politics, for he had none of its ways and acted upon the principle that the office should seek the man rather than the man the office. He was, however, considered a sound Republican. He was one after the manner of Mr. Lincoln and was a prominent speaker in the first Republican campaign in Iowa. He had a great admiration for Mr. Lincoln, and after listening to one of the debates between him and Stephen A. Douglas, he is said to have remarked: "I have heard the greatest man I ever listened to; he ought to be our next President."

In 1875 he was elected Judge of the State Supreme Court for the term of six years and became its Chief Justice during the term. In 1886 he was re-elected, serving six years more, a part of the time as Chief Justice. His naturally clear and logical intellect, his college training and thorough legal knowledge well fitted him for the position. His judicial life was without a stain and so was his professional life.

He was prompted by a constant desire to make himself useful and to advance the cause of humanity. For many years he was a Regent of the State University and for many years one of the lecturers before the Law Department of that institution. From the time he went to Dubuque until that of his death he was actively interested in the upbuilding of the public schools. The Young Men's Library Association was started in his office in 1856, to which he contributed a large portion of his books, and for its benefit delivered a course of lectures. In one way and another he was constantly engaged in the education and uplift of the community. He strove for exact knowledge in all fields and manfully stood for what he believed to be true.

In addition to his legal accomplishments, he was a wide general reader and well versed in literature. His literary tastes were very strong. His nature was highly aesthetic. He delighted to indulge in metaphysical researches. In fact, he was a poet of no mean order, as I ascertained from some specimens sent me by his widow after his death. He died when he was sixty-four years of age, at Dubuque, in 1890. His religious views were broad, his faith in the immortality of the soul strong, his reverence for the Almighty Power profound. That he attached but little importance to creeds and less to what a man professes than what he really is and does is shown by the following lines from his poetical manuscript:

Take down the book Aurelius wrote,
 Or some old Roman grand,
 And learn from them how best we may
 The storms of life withstand.

* * * * *

Some seek for God in chapels,
 And some in minsters grand;
 But God is where the godlike is
 O'er all the sea and land.

There is indeed no God in him
 Who is not himself divine;
 To each one God must be within,
 Within his inmost mind.

* * * * *

The vernal flowers which deck our path
 Are destined soon to pass away,
 Almost as soon as April tears
 Are followed by the smiles of May.

Our dearest friend, whose charming life
 We thought was heaven's special care,
 Has passed away almost as soon
 As winged birds upon the air.

The stately elms which rear their heads
 Above the home our childhood knew,
 Begin to show in many ways
 That e'en their days were numbered too.

Each earthly thing which takes on form,
 Through which the spirit can appear,
 Proceeds forthwith to put it off,
 For in no form does God inhere.

Perfection lies in nothing made
 The finite form should not endure,
 At most it merely can suggest
 The absolutely true and pure.

And yet we love the transient world,
 For in its transience we adore
 The all-producing Cause behind,
 Which had such wealth of forms in store.

Processions grand from eldest time,
 Have moved with endless varying show,
 While we look through the gauzy veil,
 The world's eternal side to know.

* * * * *

The funeral obsequies were held in the Universalist Church of Dubuque. An address of rare character was delivered by its pastor, the Rev. Amos Crum, which, at the unanimous request of the bar, was published in the Dubuque Daily Times of October 21, 1900, a copy of which Mrs. Adams was good enough to send me with other clippings in March, 1901. This prompts me to say a word concerning that accomplished lady. Her maiden name was Mary Newberry. Her ancestors were prominently identified with New England history for many generations. It is said that five of them had been Governors. She was highly educated herself and a graduate of the Emma Willard Seminary. She was married to Mr. Adams when she was nineteen and during the whole of their married life they studied science, history, philosophy and poetry together. She was one of the original members of the Association for the Advancement of Women, and of many other like associations. She is said to have been an accomplished speaker and addressed various associations throughout the country. At the Columbian Exposition of 1893, at Chicago, she was Chairman of the Historical Committee that represented the State.

After coming to Dubuque Mr. Adams for a time was associated in the practice with William T. Lovell, and afterward successively as a member of the legal firms of Cooley, Blatchley & Adams, Adams & Robinson, Adams, Robinson & Lacy, and after his retirement from the bench he formed a partnership with Alphonse Matthews, which continued to the time of his death. On the announcement of the death of Judge Adams the press throughout the State paid him the highest tributes and a public meeting was held at Dubuque, expressive of the great respect in which he was held.

Shubael P. Adams was a native of Medford, Massachusetts, where he was born in 1817, of honorable New England ancestry. When Shubael was but two years old the family removed to Lincoln County, Maine, where his mother died two years later. When eighteen years of age he went to Waltham, Massachusetts, to learn the machinist trade, which he did and worked several years at it, studying medicine and attending medical lectures in the meantime. He later attended medical lectures in Boston and Pittsfield, Massachusetts, receiving at the latter place the degree of M. D. in 1845. Soon after, however, his natural preference drew him from medicine to law and he seriously and studiously entered upon the study of the latter at Lowell, Massachusetts, and was admitted to that bar in 1849.

In 1845 he had represented Lowell in the Legislature. In 1853 he was elected a member of the Constitutional Convention, and in 1857 elected again to the Legislature. In this same year he came to Dubuque and entered upon the practice of his

profession. He was subsequently appointed Provost Marshal for the third congressional district of the State with rank of Captain of Cavalry and held this position until the close of the war. In 1866 he was appointed on the commission to lay out a reservation for the Chippewa Indians in Minnesota, after which he devoted his attention uninterruptedly to his profession. He was for a number of years attorney for the Chicago, Dubuque & Minnesota Railroad Company and of the Chicago, Clinton & Dubuque Railroad Company. He was regarded as a most useful citizen and a lawyer of marked ability. He was for a time associated with and a member of the firm of Smith, McKinlay, Poor & Adams; after that with DeWitt C. Cram. This firm continued until 1862, when Cram became Major of the Sixth Iowa Cavalry and Adams was appointed Provost Marshal, the duties of which William Graham says he discharged with great energy and singular prudence. He further says in a communication to me: "Adams was a good man, whose influence was always exerted on the right side."

It is not shown, nor do I believe, that there was any relationship between him and Judge Austin Adams; and in appearance and most of their leading characteristics they were strikingly dissimilar, for Shubael was rather short and heavy set, with features a little irregular, and he was rugged in appearance and demeanor. He died greatly respected at Dubuque in 1894.

Dennis N. Cooley came to Dubuque and entered upon the practice in 1854. He was a native of Grafton County, New Hampshire, where he was born in 1825. He was a descendant on either side of soldiers of the Revolution. His grandfather, Aaron Cooley, was a Major in that war, and his grandfather on his mother's side, a wagon boy. When Dennis was but two years of age his father died, leaving a small estate and a large family of children. He worked on the farm and attended the common schools during the winter. Through his own efforts in teaching he was able to gain an academical education. His early labors tended to give him a rugged constitution. From 1847 to 1849 he engaged successfully in the mercantile business and acquired considerable means, enough to pay for his legal education, upon which he entered in 1850. After three years' study he was admitted to the Vermont bar and came to Dubuque, as before stated. For a time he was a partner with Benjamin M. Samuels under the firm name of Samuel & Cooley, later of Cooley & Allison; after that of Cooley, Blatchley & Adams, and later of Cooley & Eighmeyer.

In 1864 he was appointed Commissioner to South Carolina, by President Lincoln. In 1865 he was appointed by President Johnson, Commissioner of Indian Affairs. After leaving that office he engaged in the practice at Washington. At the end of four years he returned to Dubuque. He then turned his attention to banking and became President of the First National Bank, a position he held until his death in 1892.

He was a man of ability and took great interest in public affairs, and educational matters. In 1873 he was elected on the Republican ticket to the State Senate by a large majority, although the district was strongly Democratic. He served with efficiency in the Fifteenth and Sixteenth General Assemblies. He was a President of the Board of Directors of Cornell College for several years. He was also President of the Northwestern Agricultural and Mechanic Association. In 1873 he was appointed Commissioner to the Vienna Exposition. He was regarded as an able lawyer, occupied a high position at the bar, and would have attained greater rank had he continued to devote his energies to the profession.

I used to meet Mr. Cooley quite frequently in the early days, at courts, in conventions and elsewhere. He was then a man of striking appearance and courtly, rather aristocratic manners; of medium height, he was stoutly built, cleanly shaven, fair and full faced. He had agreeable features, an oval face, and a shapely head firmly set by a short neck on ample shoulders. He bore himself with an air that plainly indicated that he would be a formidable combatant to deal with. In his early life he had considerable political ambition which was partly satisfied by the many offices of public trust he held.

David S. Wilson, Joel S. Blatchley.

David S. Wilson was a brother of Judge Thomas S. Wilson. In the sketch of the latter I stated that I was unable to give anything of his pedigree, as he had failed to say anything of it himself in the autobiographical narrative attached to the sketch, but since then I have been authentically advised that their father was a Revolutionary soldier, and for twenty years United States Receiver of Public Money, at Steubenville, Ohio, where David was born in 1823. His father died when he was six years of age, leaving him to be cared for and instructed by his mother. His brother, Thomas S., having received the appointment as one of the judges of the Territorial Supreme Court, he joined him at Dubuque in 1841, and began the study of law under him, but soon before he had reached his majority, became the editor of the *Miner's Express*, an old-time organ of the Democrats at Dubuque, and one of the earliest newspapers published in the State. He acquired an interest in the concern and held the editorial department and conducted the paper with success for several years, until 1845, when he sold his interest and returned to his legal studies.

Mr. Wilson possessed great elements of popularity and good fellowship, and had become so well known and generally liked, that in 1845, when he had just reached his majority, he was elected to the Legislature and served in the House of the Seventh and Eighth Territorial Legislative Assemblies and took an active part in the re-submission of the constitution upon which the State was admitted unto the Union. Several references to Mr. Wilson have fixed the time of his election in 1846, but reference to the official registry will show that the Seventh Territorial Legislative

Assembly convened at Iowa City, May 5, 1845, and the Eighth, December 1, 1845.

Upon the breaking out of the Mexican War, in 1846, he was commissioned by the last Territorial Governor, James Clark, to raise a company. The company did not get into service for that War, but was sent to Fort Atkinson to take charge of the Winnebago Indians. Here the company remained until the removal of the Indians to their reservation in Minnesota. He then returned to Dubuque, was admitted to the bar and almost immediately elected Prosecuting Attorney of Dubuque County, a position which he filled with ability for two terms. While stationed at Fort Atkinson he had devoted his leisure moments to his legal studies, which enabled him to gain such an early admission to the bar after his return. He opened an office at Dubuque and followed his profession closely until the breaking out of the Rebellion. In the meantime, in 1857, he had been elected to the State Senate, in which he served with ability and distinction for four years. He had always been a Democrat and was elected on that ticket, but on the breaking out of the Civil War he became one of the most prominent leaders of what was known as the War Democrats, and firmly supported Mr. Lincoln's administration in its efforts to suppress the Rebellion. During the extra session called by Governor Kirkwood, in 1861, to place the State on a war footing, he was requested by the Legislature to deliver an address on the "Right of a State to Secede from the Union." The effort was a masterly one; it was published by the authority of the Legislature and circulated by thousands throughout the State.

In 1862 he was commissioned Colonel, by Secretary of War Edwin M. Stanton. He became Colonel of the Sixth Iowa Cavalry, which was raised by his personal exertion. Just prior to his being mustered into the service, the Sioux Indian outbreak occurred in Minnesota and Colonel Wilson, with his regiment, was ordered to the scene of the trouble. In the Battle of White Stone Hill, August 3, 1863, his horse was shot from under him; but he instantly mounted another and led the charge against the enemy. In the fall of 1863 he built Fort Sully on the Upper Missouri. But this sort of service was not active enough for him and he accordingly resigned and returned home in June, 1864. During the same year he went to California and associated himself with his brother, Samuel Wilson, who was one of the foremost lawyers in that State. He subsequently engaged in the practice at Washington. After a few years he returned to Dubuque, and in 1872 was appointed Circuit Judge to fill a vacancy caused by the death of Judge Barker, which office he held until August of that year, when he was appointed District Judge to fill a vacancy caused by the death of Judge Brayton. In the fall of 1874 he was elected by the people, without distinction of party, to that office and served with ability and general satisfaction until 1878. He died in Dubuque in April, 1881.

I knew David Wilson intimately; we had both been Democrats, and we heartily

joined the "War Wing," of that party when Fort Sumter was fired upon. He was one of my ardent supporters when we were both comparatively young men, for the position of Reporter of the Supreme Court. I never think of him without feelings of pleasure, for he was one of the most agreeable and charming of men. Though he had been distinguished as an editor, soldier, lawyer and judge, he was delightfully companionable, as everyone will testify who knew him. There was in him that "touch of nature that makes the whole world kin."

Joel S. Blatchley was among the early, but not of the earliest lawyers of Dubuque. I think he came there in the latter forties. He was for a time associated with Henry A. Wiltse, and later a partner of Judge Austin Adams. About the close of the Civil War he removed to California, acquired a large practice, and died in his prime. William Graham says he was an excellent lawyer, and Judge Austin Adams, in the conversation I had with him, referred to in the sketch of Mr. Samuels, says that he was a man of rather timid characteristics, but for his age, one of the most learned and clearest headed lawyers he had ever seen. And here I cannot refrain from relating a portion of that conversation, which should have properly gone into the sketches of Samuels or Platt Smith, but which I had until now overlooked. This relation of Judge Adams, which I noted at the time in the memoranda book which I quote from, is as follows:

While I was making my way to Dubuque I fell in with and inquired of, a stranger I met as to the lawyers in that part of the State. He said that Ben Samuels and Platt Smith were head and shoulders above any others. On learning from him that Samuels was only thirty years or so old, I inquired as to how it was that so young a man could be so high. His response was, "It don't make any difference, Samuels is head and shoulders above everyone else and Platt Smith next." I think the tribute as to Samuels was deserving, but somewhat overdrawn as to Smith. Smith was a remarkably strong man, but his early education had been very limited and extremely neglected, hence he was lacking in that concentration and analysis that early discipline tends to formulate.

Judge Winslow T. Barker also had a high opinion of Blatchley. He said that when Blatchley heard a false statement of law or logic to the court or jury, he would begin to rub the palms of his hands together, and that "when Blatchley begins to rub the palms of his hands together, the other fellow had better look out." He regarded Blatchley as one of the best read lawyers of the Dubuque Bar.

William Graham, William Mills, James Burt.

William Graham was born in Orange County, New York, in 1831. His father was an influential farmer of that County, which he served, as a member of its Legislature, and in the execution of other public trusts; his mother was a woman of scholarly attainments—both were descendents of Scotch-Irish families, of rigid Presbyterian faith. The son, William, of whom I am writing, received his preliminary education in the public schools of Orange County and the Academy of his native town, Montgomery. He subsequently entered Union College, Schenectady,

from which he graduated with honors, in a class ranking in scholarship, it is said, higher than any other previously graduated at that famous institution.

After his graduation he entered upon the study of law in the office of John J. Monell, a distinguished lawyer of Newburgh, where he remained for three years, and was admitted to the New York Bar in 1856. In September of that year he came to Bellevue, Jackson County, Iowa, forming a partnership with J. B. Booth, who had been a Judge of the District Court, and of whom upon his death, Mr. Graham delivered an eloquent memorial address before the Supreme Court, which will be found in Vol. XXV (Vol. IV of Stiles), of the Iowa Reports. This partnership with Judge Booth continued until the death of the latter in 1869. In the meantime Mr. Graham served as Mayor of Bellevue, having been elected in 1861, and through his careful management and economy, the City's indebtedness was discharged and its affairs put on a paying basis. In 1862 he declined to be a candidate against John F. Dillon, for District Judge, and afterward, in like manner declined to run against Judge Richman. In 1867 he declined the nomination for State Senator, when a nomination would have been equivalent to an election. The same year he removed to Dubuque, and in a measure kept up his practice in Jackson County, attending nearly every session of its court, virtually as long as he continued to practice. He had been somewhat active in politics and was one of the leaders of the Democratic party in that part of the State, but when he came to Dubuque it was with the purpose of eschewing politics, in order that he might give his undivided attention to the practice, which he did with slight interruptions hereafter referred to. He gradually rose to distinction as a lawyer in the Northeastern part of the State. He successfully practiced his profession eleven years while residing in Jackson County. My last correspondence with him was in 1916 when he was still in the harness, in his eighty-fourth year, making 49 years of practice in Dubuque County, and a continuous one in both counties, of 60 years. So that for length as well as ability of service, he is entitled to stand in the very front rank.

While, after his removal to Dubuque, he abstained so far as he was able to, from active participation in politics, he was nevertheless regarded as one of the sages and leading spirits of the Democratic party. In 1873 he was elected City Attorney of Dubuque, by an overwhelming majority. In 1885 he was appointed Assistant United States District Attorney, by President Cleveland, and after the expiration of this office he was retained by the government, as Special Counsel in the prosecution of some important cases. In 1876 he was the nominee of the Democratic party for Judge of the Supreme Court, but with the remainder of the ticket was borne down by the generally prevailing Republican majority. I may say in this connection that while a resident of Jackson County he served two terms as President of the Board of Education, and was for four years, Chairman of the Democratic Central Committee. At the beginning of this latter service his party held but one county office;

at its close, the Republicans held but one—the result was largely attributable to his efforts.

He sustained many relations of honor and trust. He was a member of the American Bar Association, of the State Bar Association, and of the Dubuque County Bar Association. For thirty years he was a member of the Board of Trustees of Lenox College, Hopkinton, Iowa, and received from that institution the honorary degree of LL. D. He was Secretary and Director of the German College and Seminary of Dubuque for more than a quarter of a century. He was also prominent in the affairs of the Presbyterian Church, and one of its elders. He had traveled extensively at home and abroad, and had a wide acquaintance with public men. He had frequently been the representative of his church in its presbytery, synod and general assembly, and three times commissioned by the highest body to represent it in the Councils of the Alliance of the Presbyterian Churches of the World. His life both political and private was untarnished and he bore the respect of all who knew him.

From what has been said, it will readily be seen that Graham was no ordinary man. He was, indeed, a remarkable one. The man who has practiced successfully at the bar for a period of more than half a century and discharged so many trusts along the line acceptably and without a stain, could be no ordinary man. No man, lacking in exalted principles, however able, and no ordinary man however honest, could have such a career.

To his other accomplishments were added literary ones. He was a classical scholar, a wide reader, he talked finely and wrote with elegance. Exemplifications of this are seen in his remarks at the memorial proceedings in the Supreme Court, on the announcement of the death of John B. Booth, to be found respectively in the appendix of the Twenty-First and Twenty-Fifth Iowa Reports, while his remarks at the Dubuque Bar meeting on the occasion of the recent death of Judge Oliver P. Shiras, deserve to be ranked among the highest order of memorial compositions and personal delineations.

Viewed from a purely personal standpoint, he was a gentle, lovable, kindly man. His nature was essentially reverent, not only for worthy things of the present, but for men and deeds of the past. This was exemplified through all the years, in his contributions and efforts towards preserving the early men and events of Jackson, Dubuque and Clinton Counties; and I take pleasure in saying that I am under great obligations to him for data he has furnished me—frequently writing me in his own hand, after he had become an octogenarian, lengthy communications concerning men of whom I desired to know. I deeply regret my limitations debar me from including all his contributions.

In 1858 he married Miss Harriett Watson, daughter of Malbone Watson, one of the Judges of the Supreme Court of New York. Of their children, Malbone W.

Graham, D. D., was for fourteen years a Missionary of the Presbyterian Church in South Africa, and at this writing, a minister of that church in California; William Graham, Jr., is a shoe merchant of St. Louis; Henry L., a real estate dealer of South Dakota, and Helen, the wife of G. G. Davis, of the same State.

Mr. Graham, in his eighty-fifth year, made a tour of California and the Pacific Coast, appearing on several public occasions. At this writing he is still living and in active practice in his eighty-sixth year—the acknowledged nestor of the Iowa Bar. He is probably the most remarkable man of his age now living in the State.

William Mills was one of the leading lawyers of northeastern Iowa. He was born in County Antrim, Ireland, in 1808, and died in Dubuque, Iowa, in 1879. At the age of eleven years, he was brought to America by his parents who settled at Toronto, Canada. When he was sixteen years old he became a clerk in a store at Washington, Pennsylvania, and after reaching manhood engaged in mercantile business on his own account, and also to some extent in boat building, but becoming dissatisfied with his occupation, sold his interest and began the study of law. He was admitted to the Bar of that State, and was for some years a successful practitioner. In 1855 he removed to Dubuque, and on November 29th of that year, was admitted to the Bar of Iowa. He soon formed a partnership with Frederick E. Bissell, afterward Attorney-General of Iowa, and the next year O. P. Shiras, afterwards Judge of the Federal District Court, became a partner of the firm of Bissell, Mills & Shiras, which obtained a large and lucrative practice. On the dissolution of that firm he entered into partnership with his son, William Wirt Mills, who died in 1867. In the fall of that year Mr. Mills and William Graham formed a partnership which continued until 1871, under the firm name of Mills & Graham. The same year, 1871, his son, Charles M. Mills, having been admitted to the bar, the firm of Mills & Son was formed, which continued until the death of the father in 1879.

William Mills was active in the councils of the Democratic party, and being a ready and effective speaker, stumped the State for Buchanan, in 1856, and for Douglas in 1860. He was a War Democrat during the contest for the Union, and a member of the Second Democratic State Convention in 1861, and a candidate on the Union ticket that year. In 1869 he was elected to the Legislature as a Democrat, and did effective and valuable service as a representative. In 1868 he was a candidate for Congress against the late United States Senator, William B. Allison, and ran largely ahead of his ticket.

In the early seventies he was stricken with a lingering and painful disease which necessitated his withdrawal from active practice, and which finally terminated his life at the age of seventy-one years.

The following proceedings were held in the District Court of Dubuque County, on May 19, 1879.

On motion of Judge Austin Adams, the following Resolutions of the Bar were, by the Court, ordered to be spread upon the records:

Resolved, That in the death of our Brother Mills we have lost one who was an example in professional honor, courtesy and faithfulness to every obligation imposed by the calling to which he was so sincerely devoted. That the purity of his private and professional life, his unswerving integrity and gentlemanly conduct were so marked as to endear him to every member of the Bar. That as a further mark of our respect for the deceased, a copy of these resolutions be presented to his friends, and that we attend his funeral in a body.

Fred O'Donnell,
O. P. Shiras,
H. B. Fouke,
George Crane,
M. M. Trumbull,

Committee.

I became acquainted with Mr. Mills, as I did the most of the other Dubuque lawyers of that time, during my eight years of attendance—from 1867 to 1875—on the semi-annual sessions of the Supreme Court of Dubuque, as the Reporter of its decisions, and I think he fully deserved this beautiful tribute.

James Burt was born at Schenectady, New York, in February, 1810, and spent his youth there. He was educated at Union College, under the famous Dr. Eliphalet Nott, and graduated in the class of 1827 with high honors, having for his classmates many who attained distinction, such as Preston King, William W. Campbell and Rufus W. Peckham, who were Judges of the Supreme Court and Court of Appeals, the latter being father of the late Judge Peckham, of the United States Supreme Court, Chief Justice Hubbell, of Wisconsin, President Wood, of Bowdoin College, and others.

After graduation he studied law and was admitted to the Bar of the Supreme Court of his native State, and settled at Franklinsville, Cattaraugus County, in western New York, about 1832, where he became popular and influential. He represented that County in the Legislature and was for several years District Attorney, and proved an able and successful prosecutor.

In his early life Judge Burt was a Democrat of the School of Van Buren and Silas Wright, but afterward affiliated with the Republican party.

In the year 1848 he removed to Dubuque, which was his home for the remainder of his life. His first appearance in the Supreme Court is noted in Second Greene, at the June term, 1850, when he appeared as a partner of the late Governor Hempstead; and at other times he was associated with the late Judges Barker and Wilson, and with T. W. Angel and others. With the exception of serving one term as Alderman of the City, he held no official position in Iowa until 1862, when he was elected District Judge, and was re-elected in 1870. He served one term as Mayor of Dubuque after retiring from the bench, and occasionally appeared in the District and Supreme Court, but lived a very quiet and peaceful life till the end came in August, 1886, when, full of years and honors, he fell asleep.

On the occasion of his death, the following Resolutions were spread upon the records of the District Court:

This Bar has learned with profound sorrow of the death of one of its oldest and ablest members, the Hon. James Burt. As an advocate, he was among the foremost and the best, and as a counselor, he was reliable and safe. As a judge, he was learned and upright. As a citizen and friend, he fulfilled all the various duties of those relations. His life was full of integrity and kindness, and we point with pride to the magnificent and unblemished record he has bequeathed to us. As a mark of respect, we will attend his funeral in a body, and present to the relations a copy of these resolutions and request their publication in the City papers. As a lasting memorial to his memory, a committee of this Bar will request that these resolutions be spread upon the records of the State and Federal Courts. The committee consisted of J. B. Powers, S. M. Pollock, H. B. Fouke, S. P. Adams, D. N. Cooley.

Judge Burt well deserved the eoncium embodied in these resolutions. He was a sound and well-read lawyer. As a barrister, he excelled in cross-examination, though never severe or overbearing in his manner, and his kindly disposition endeared him to every member of the Bar. His influence was always exerted on the side of right, and the example of his clear and upright life was a powerful influence for good in the community where he resided.

DeWitt C. Cram, Frank M. Robinson, John M. Ballou, A. J. Van Duzee.

DeWitt C. Cram, I knew well, but regret to say that I am wanting in data respecting the early portion of his life. I met him on my first attendance upon the Supreme Court held in Dubuque, in 1867, and this acquaintance continued through the course of many years. He was a gentleman of lovable qualities and natural refinement. He was a graduate of Dartmouth College, and his education had been thorough. He had read widely and was a learned and able lawyer. He was a native of Vermont, and after his graduation, became Principal of the High School at Troy. He there studied law under David L. Seymour, a well-known lawyer and statesman. Under this guidance, he acquired a thorough knowledge of the fundamental principles of the law which enabled him throughout his entire career to successfully grapple with any question that came before him. Of him, his compeer, William Graham, says:

In his briefs and in his arguments before the Supreme Court, the results of his fine legal training were manifest, and I have often regretted that he was not authorized to frame the opinions instead of preparing briefs for that august tribunal.

I am unable to say in what year he came to Dubuque. It must have been along in 1857. He obtained an excellent practice, and always had a high standing in the profession. He was a patriot as well as a student. He became a valiant soldier in the great Civil War, and was Major of the Sixth Iowa Cavalry. His

military record was excellent. I have heard several of his fellow soldiers speak of him and his services in the highest terms. When the United States Court for the Northern District of Iowa was organized in 1882, Major Cram became its first District Attorney, and continued to act in that capacity until February 14, 1883, when M. D. O'Connell, of Ft. Dodge, was appointed District Attorney, with Major Cram as Assistant, and so continued until the political change caused by the election of Grover Cleveland as President, in 1884, which resulted in the appointment of T. P. Murphy, of Sioux City, as District Attorney, and William Graham, of Dubuque, as Assistant. When the expiration of their terms of service came, President Harrison, in 1889, re-appointed M. D. O'Connell District Attorney, and Major Cram as Assistant, and this position Major Cram retained until his death in 1903. Some years before this event friends began to notice, and himself, to realize that his sight was failing. It continued to fail until he became practically blind. For several years he might have said with Milton:

These eyes though clear
 To outward view of blemish or of spot,
 Bereft of sight their seeing have forgot,
 Nor to their idle orbs doth sight appear
 Of sun or moon, or star throughout the year,
 Or man or woman. Yet I argue not
 Against Heaven's hand or will, nor bate a jot
 Of heart or hope; but bear up and steer
 Right onward.

Yet through this period, from 1882 to 1903, he held and administered with efficiency the offices respectively of United States District Attorney and Assistant United States District Attorney, down to his death. His professional brethren, the judge and officers of the court all loved, respected, and were ever ready to assist him. Upon his death, the Dubuque County Bar Association adopted appropriate resolutions to his memory, which were spread upon the records of both the State and Federal Court. In presenting the resolutions to the Federal Court, William Graham, who had known him intimately through all the years, and who had been a witness to his toils, his triumphs and the progress of the sore affliction which closed his eyes to the rising sun, said:

I hazard little in saying that no matter who has filled, or who may fill the place of United States Attorney in this District, none has filled it, nor will anyone fill it with more signal ability, with clearer perception of its duties and requirements, or with greater fidelity to the interests of the Government, than did Major De Witt C. Cram.

Frank M. Robinson was a native of Windsor County, Vermont. He was a graduate of Dartmouth College. He came to and entered upon the practice at Dubuque about 1856. In a few years afterward he formed a partnership with Austin Adams, which continued for some fifteen years, and until Mr. Adams became one of the judges of the State Supreme Court. He subsequently became associated with J. B. Powers and Benjamin W. Lacy, under the firm name of Pow-

ers, Robinson & Lacy. He was more of an office lawyer than a court lawyer. In the law relating to real estate, he had few superiors. He was a sound and able lawyer, and for a long period occupied a prominent position at the bar. His professional career may be said to have been successful in more respects than one, for he left a large estate at his death in 1885.

John M. Ballou was a nephew of the distinguished Frederick E. Bissell. I am not certain of his nativity, but think he was born in the State of New York. He came to Dubuque in the early sixties. Upon the death of Mr. Bissell in 1867, with whom Oliver P. Shiras had been associated under the firm name of Bissell & Shiras, John M. Ballou and A. J. Van Duzee were taken into the firm, the style of which then became Shiras, Ballou & Van Duzee. This firm continued but a few months, when Mr. Ballou left it, and David B. Henderson was taken into it, and thus was formed the noted law firm of Shiras, Van Duzee & Henderson, which continued in active practice until the appointment of Mr. Shiras as United States Judge of the Northern District of Iowa, in 1882, and the election of Mr. Henderson to Congress in the same year.

Mr. Ballou served with ability as Assistant United States District Attorney under United States District Attorney James T. Lane, and subsequently removed to San Diego, California—upwards of thirty years ago—where he continued to live to the time of his death, which occurred some two or three years ago. John was esteemed a royal good fellow, bright, good looking, full blooded, active and accommodating. He was a young man when I became acquainted with him and was comparatively so when he removed to California. What his career was in the latter State, I am unable to say.

A. J. Van Duzee, of whom mention has already been made, was a learned and able lawyer in a general sense and a remarkably fine office lawyer—careful, exact and of the strictest integrity. In preparatory work he was a highly efficient member of the firm to which he belonged. Upon its dissolution from the causes above mentioned, he was appointed by Judge Shiras, Clerk of the United States Court for the Northern District of Iowa, in which he continued to serve with marked efficiency until his death, in November, 1912.

George Crane, Winslow T. Barker, D. E. Lyon, H. B. Fouke.

George Crane was born in Butler County, Ohio, in 1829. He died at Duluth, Minnesota, in 1911. He was graduated with honors from Miami University in 1851, and subsequently from the Cincinnati Law School. Desiring further and more practical knowledge, he entered the office of Salmon P. Chase. Mr. Crane was admitted to the Cincinnati Bar in 1854, and came to Dubuque and entered upon the practice in 1856. In 1858 he became a partner with Benjamin M. Samuels and William B. Allison, under the firm name of Samuels, Allison & Crane.

This partnership continued for a number of years, until 1867, when Mr. Allison withdrew on account of his absorbing duties as a member of the National Congress. Prior to this event, T. P. Rood had become a member of the firm, and after the withdrawal of Mr. Allison, the firm became Crane & Rood. I knew Mr. Rood well. He was a gentleman of extremely prepossessing appearance both in person and manners. Had he lived, I think he would have become prominent in his profession, but he was cut off, it may be said, in the very bloom of youth.

Mr. Crane was an industrious and hard-working lawyer and was considered one of the ablest in the State. He was for many years Attorney for the Illinois Central Railroad, and also Assistant United States District Attorney. His professional course was, however, to some extent, interfered with by his appointment, in 1880, as Postmaster of Dubuque, which was probably brought about through the influence of his old partner, Mr. Allison, who had justly taken rank as one of the foremost statesmen of the nation. In 1889 he was again appointed by the President, Postmaster of Dubuque—thus serving two terms in that office.

George Crane was a natural born gentleman, who will be long remembered for his upright character, his lovable traits and amiable disposition.

His wife was a daughter of Judge John J. Dyer, the State's first Federal Judge, and a niece of the distinguished Benjamin M. Samuels. At this writing, April, 1913, she still survives, living at Duluth, Minnesota, and through her I have obtained by correspondence, some data relating to the life of Mr. Crane, embraced in what I have above written. She also kindly furnished me data concerning her mother, her father, Judge Dyer, and her uncle, Samuels, which I did not have when I wrote the sketches of those gentlemen, but which I shall make use of in this connection rather than in remoulding the sketches referred to. Her mother, before her marriage to Mr. Dyer, was Miss Lucy Samuels, a sister of Benjamin, and a daughter of a Virginia planter, who lived on his broad acres, lying in the Valley of Virginia, between Staunton and Winchester, in the old Virginia style, with a retinue of slaves, and poor whites almost as dependent as the negroes themselves. Here, surrounded by his friends and dependents, he dispensed a liberal hospitality and educated his children in the ideas and beliefs he had been accustomed to, and of the soundness of which he never had a doubt. This throws an added light on the son, Benjamin.

Judge Dyer was also a Virginian of the same vicinity. He came as a comparatively young lawyer, with his family, to Dubuque, in 1845, where he continued to reside until his death in 1855. He was highly esteemed as a judge, and was regarded as one of the most prominent and influential citizens of the Dubuque of that time. He built the large and pretentious house occupied by the Sisters of Charity at the corner of Main and Thirteenth Streets, with its tall pillars or columns like those seen at Mt. Vernon, and here he and his family dispensed the same liberal

hospitality, to which they had been accustomed in the Valley of Virginia. Mrs. Dyer survived her husband for nearly forty years, and died at the residence of her son, in Minneapolis, about 1894.

Winslow T. Barker, I knew well. We were members of the Eleventh General Assembly, he of the House, and I of the Senate. We were thrown much and daily together for a good part of the session as members of the Joint Committee of the House and Senate to investigate the alleged diversion of the Swamp Land Indemnity Fund. The sessions of this Committee commenced on the 16th of January, 1866, and were continued until the 17th of March, when it made its report that will be found among the State's documents of that session. In our daily association through this protracted period, we became intimately acquainted, and that acquaintance gave me a high opinion of the ability and character of Judge Barker. He was born in Saint Lawrence County, New York, in 1825, and died at Dubuque in 1872, at the age of forty-seven and in the very prime of his usefulness. Dubuque has rarely lost a citizen whose death was more sincerely mourned than his. At the session of the Supreme Court following that event, resolutions of the Dubuque Bar, setting forth his fine qualities of head and heart, were presented, and by the order of the court, were spread upon its records. These resolutions were presented by William Graham as its representative; and in presenting them, Mr. Graham addressed the court in language so eminently fitting and true concerning the life and character of Judge Barker, that I am constrained to adopt the following portion of his address in place of anything I might be able to say:

The advantages of his early education were only such as were offered by the common schools of his native county, but he was afterward enabled by his own exertions to enter the Potsdam Academy. His legal studies were begun in the office of the Honorable John L. Russell, a well-known and able lawyer at Canton, New York. After his admission to the bar he entered into partnership with a Mr. Sawyer, commanded a rapidly increasing business, and in the years that elapsed before his removal to this State he was looked upon as one of the most promising young lawyers in that part of New York. In 1855 he removed to Iowa and settled in Dubuque, which from that time was his home. There he encountered a bar at least the equal of any in the State, and soon proved himself the peer of any member of it, and from the time he was admitted until his untimely end he was recognized as one of her leading lawyers. His ability as a lawyer was so clearly demonstrated that he was made a member of the Code Commission which prepared the Revision of 1860, many of the important provisions of which were inserted through his instrumentality. In 1870 he was elected District Attorney for the Ninth Judicial District, the duties of which office were never better performed than while he occupied it. In 1866 he was nominated by his party for Attorney-General against the late lamented Bissell. He was also a member of the Legislature of 1866, and although in the minority, he was one of the acknowledged leaders of the House. In 1866 he was elected Circuit Judge, a position he filled with signal ability to the time of his death, his last judicial act being the trial of the most important jury case ever had in this State, involving nearly half a million dollars and many new and intricate questions of law.

As a lawyer he was clear headed and sagacious; as an advocate he possessed the rare faculty of seizing the strong points of the case, and enforcing them upon the attention of the jury in concise yet cogent terms, in arguments as clear as crystal, and with wonderful aptness of illustration. As a Judge, his almost intuitive

perception enabled him to comprehend from the beginning the nature of the case and the scope of the testimony. He heard with patience, examined with great care, and decided what he conceived to be the law with entire disregard of results. It was as a trial Judge that his great abilities shone forth most conspicuously. The State never had a better *Nisi Prius* Judge. He gave close attention to the trial of every case, hearing with patience, but deciding with rapidity the interlocutory questions that arose upon points of pleading, practice, or evidence, and charging the jury in as clear and compact, and yet full and explicit, instructions as were ever given by any court. He never allowed any question of expediency or personal consideration to influence his judgment. The most appropriate inscription for his tombstone would be the words that most fitly characterize him in his last great office, "An upright Judge."

In asking the Court to turn aside for a moment from the pressing demands of the living, while we pay the grateful tribute of friendship to the dead; in recalling the genial friend, the eloquent advocate, the learned Judge, we dwell only on the brighter side. It were not becoming to speak of the faults or failings of the dead—"de mortuis nihil nisi bonum." In the beautiful cemetery where he sleeps his last sleep, the wayward wind may fling dead leaves upon his grave, or the unsightly weed may force its way through the turf that covers it, but loving hearts will bring, and kind hands lay upon it, the chaplet of flowers, the wreath of immortelles.

Delos E. Lyon was a good specimen of a New England radical, for he was a radical on every subject he believed in and espoused. He was slim, wiry, and of an extremely nervous and active temperament. These characteristics made him somewhat eccentric in thought and action. He was easily excited and his advocacy and arguments were characterized by emphatic and nervous gesticulations. He was a man of strong and earnest convictions, and conspicuously earnest in the expression of them. He was a native of Cattaraugus County, New York, where he was reared and received his early education. He studied law and was admitted to the bar in Buffalo, in 1857. He came to Dubuque and entered upon the practice in 1858. He early was a partner of Judge Burt, who had been an intimate friend of his father's, in New York, and of William T. Angel, also from western New York—a good man and an excellent lawyer, who died not long afterward. After Judge Burt went on the bench Mr. Lyon was alone in the practice until he formed a partnership with H. B. Fouke, under the firm name of Fouke & Lyon. Both of these men were able and efficient lawyers and built up a large and lucrative practice. This partnership continued until Mr. Fouke's death. Afterward he was in partnership with D. J. Lenehan, and from that time he was alone until his son was admitted to the bar and became associated with and succeeds him. He was a radical anti-slavery Republican. Had he lived in other than a Democratic community, such as Dubuque was, and probably is, he would doubtless have been more highly honored politically. As it was, he was once City Attorney of Dubuque, and afterwards United States Collector of the Port of Dubuque. He was also a member of the Governor's military staff during the war, from which he rightly derived the title of Colonel that was accorded him.

Through the kindness of William Graham, I am just in receipt of a copy of the Dubuque Telegraph-Herald (April, 1913) announcing the death of Colonel Lyon

at Dubuque on the 10th of the present month. In referring to him, that paper says:

He bore with him the characteristics of a New Englander—all of its strength of convictions and its thrift. He became one of the city's foremost lawyers as well as one of its leaders of thought. It is easy to conceive that he would have been highly honored politically in any but a community hostile to his political views.

He was highly esteemed by the old settlers, and upon his death, a meeting of the early settlers was called and appropriate resolutions commemorative of his character, and services were adopted by it, and as a further mark of esteem to his memory, the association attended his funeral in a body.

Henry B. Fouke was a strong man both physically and intellectually. He was tall, ruggedly built, with black bushy hair, a black mustache, and a resolute face and bearing. His whole appearance indicated strength. He was a native of Virginia, and subsequently came to Illinois and was a student at the famous school of Mount Morris, where such men as Shelby P. Cullum, Robert R. Hitt, and other intellectual young men of that time were students, with whom Fouke stood abreast in scholarship. He studied law, was admitted to the bar and commenced practice at Dixon, Illinois, in 1860. He studied with the eminent lawyer, William Barge, of that place, and was for a time a partner with him. In 1866 he came to Dubuque and attained recognition as one of the ablest trial lawyers of the State. He was afterwards a member of the firms of Smith, Fouke & Chapin; and Fouke & Lyon. The State of Iowa had few more resourceful lawyers than Mr. Fouke, or few who enjoyed a larger practice. He was an ardent Democrat and was on the ticket of that party for presidential elector in 1872. He was afterwards elected District Attorney for the Tenth Judicial District and was an able and successful practitioner. He declined a nomination for Congress at a time when he would have been successful. He died in 1892 of pneumonia in the very prime of manhood, greatly regretted by his fellow members of the bar, and hosts of friends.

I deem it proper to add that with his accomplishments as a lawyer, he possessed to a considerable degree those of a scholar with a thirst for knowledge, and a taste for literature. I am reminded of this by a single circumstance. We generally met at every term of the Federal Court at Des Moines, and being congenial, became, in course of time, quite intimately acquainted. We stopped at the same hotel, then the Savery House, kept by James Savery and wife. We often talked of books we had read, and on this particular occasion Macaulay's essays came under review. We were both familiar with most of them. I said I thought the finest I had read was that on Warren Hastings; he thought that on Ranke's History of the Popes was superior to it, and asked me if I had ever read either the essay or the history, and as I was frank to tell him that I never had, he advised me by all means to read both, as they would give me in a comparatively short compass a complete early history of the Christian religion—the development of Romish supremacy, the creation of Popes, the successive abuses and reformation of the

Church, and the final establishment of Protestantism under the leadership of Luther. I followed his advice and cordially recommend it to the gentle reader, if he has not already read the productions referred to.

B. W. Poor, Samuel M. Pollock, James H. Shields, Myron Beach, John D. Jennings and incidental mentions of some of his compeers.

Bushrod Washington Poor was born at Berlin, in the State of Vermont, in 1818. He was descended on his father's side from one of the earliest settlers of Massachusetts, and on his mother's from sturdy Scotch-Irish immigrants, who settled in Vermont. His grandfather was a soldier in the Revolution, and took part in the capture of the British army under Burgoyne at Saratoga. His father was a great admirer of Bushrod Washington, who for more than thirty years was one of the distinguished Judges of the Supreme Court of the United States, and declined the office of Chief Justice that it might go to John Marshall. As a token of his admiration, the son was named after this Judge. He was reared on his father's Vermont farm and secured the advantages of an academical education. He was admitted to the Vermont bar in 1844. He removed to Lowell, Massachusetts and became associated with Benjamin F. Butler, who was at that time the leading advocate of that city. He remained there seven years, then came to Dubuque in 1852. His ability and the thorough preparation of his cases attracted the attention of Platt Smith, who had come to be one of the foremost lawyers of the Northwest, and he was offered and accepted a partnership in the firm of Smith & McKinley, which then became Smith, McKinley & Poor. This firm was for many years prominent in the litigation of northern Iowa. In 1857 Mr. McKinley withdrew from the firm to engage in railroading, and Shubael P. Adams and Major DeWitt C. Cram became members of the firm, which took the names of Smith, Poor, Adams, & Cram. Not long afterward Mr. Smith left the firm to engage in railroad work, and the firm of Poor, Adams, & Cram continued until the second year of the Civil War, when Mr. Adams became Provost Marshal of his Congressional District, and Mr. Cram entered the army as Captain of Cavalry. From this time Mr. Poor was alone in the practice. In 1870 he was appointed Judge of the Circuit Court, to fill a vacancy caused by the resignation of David S. Wilson. In this position he served acceptably and well. He was soon after appointed Register in Bankruptcy and filled that office for some years. This retired him from active practice, and his impaired hearing prevented his re-entering it again to any great extent.

His career at the bar was a long and successful one. His name appears frequently in the reports covered by that period—first, perhaps, in 4th G. Greene at the May Term, 1853, and the last in the 86th Iowa, at the October Term, 1892. Upon this occasion an eloquent tribute was paid him by one of the lawyers, who had himself been the Chief Justice of that tribunal. His pro-

fessional and judicial life was without a blemish, and as a citizen he was held in the highest esteem. Mr. Poor died in Dubuque in 1903, at the age of eighty-five. Upon its occurrence, a meeting of the Dubuque Bar Association was called, and a committee appointed to draft appropriate resolutions, consisting of Judge J. B. Powers, Judge D. J. Lenehan, and P. J. Nelson. The resolutions were by the Court, ordered to be spread upon its records, and beautiful tributes were paid to the deceased by Mr. Graham and several other members of the bar.

Samuel M. Pollock, I knew more intimately that I knew Judge Poor. Once seen, he would hardly be forgotten. He was a pronounced brunette, with hair, eyes and brows as black as night. When I knew him he wore his hair somewhat long, and with his dark complexion and smoothly shaven face might well have passed for an Indian chief of the highest order if he had been attired in appropriate toga. In short, he was a man of striking and handsome appearance, medium in height and strongly built. He was a refined and educated gentleman, an able lawyer, an heroic soldier.

He was born in Ohio in 1829. His legal as well as his academic education was thorough. He came to Dubuque and engaged in the practice in 1855, and achieved distinction in his profession in a comparatively short time. In 1859 he was elected Judge of the City Court, which had concurrent jurisdiction in civil cases with the District Court. He subsequently resigned this position and resumed the practice, which he pursued with diligence and success, until the breaking out of the rebellion. In 1862 he was commissioned Lieutenant Colonel of the Sixth Iowa Cavalry, of which David S. Wilson was Colonel. The regiment was mostly engaged on the frontier with the Indians, and Colonel Pollock participated in several severe conflicts with the savages. Upon the resignation of Colonel Wilson, he was promoted to the Colonelcy of the regiment, and subsequently breveted a Brigadier General for gallant services. He served until the close of the war, and when his regiment was mustered out of service in 1865, he returned to resume the practice in Dubuque. He and J. H. Shields formed a partnership, under the firm name of Pollock & Shields, and built up a large and lucrative practice. This partnership continued until 1879. He was for a time associated with H. T. McNulty. In the nineties he removed to the State of Washington, and settled in Tacoma, where he died a few years afterward.

James H. Shields was the son of General John G. Shields, one of the early and distinguished settlers of Dubuque, of whom I shall take occasion briefly to speak. The grandfather of James H. Shields was James Shields, who was one of the earliest settlers of Kentucky, a companion of Daniel Boone, and a participant in many of the fierce struggles between the whites and Indians, which characterized the early history of the "dark and bloody" ground.* James' father,

* History of Dubuque, 1880, page 878.

John G. Shields, when but six years of age, came with his father's family, slaves and household effects to the territory of Missouri, and settled upon a large farm near Bowling Green, in Pike County. In the fall of 1828, when he was but seventeen years of age, he, with a companion, set out for the Galena Lead Mines, which were then becoming famous. The spirit of adventure was now aroused in him. At that time the stock and farm products of Missouri found a market on the lower Mississippi at New Orleans, and it was the custom for the larger farmers to build each year a flat boat and load it with the accumulated stock and produce of the year and float it to the New Orleans market. The nearest neighbors of the Shields family in Missouri were the Emersons, the head of which was Edward Emerson, who had removed there from the Shenandoah Valley, Virginia, about the time the Shieldses did. In 1830 young John Shields and John H. Emerson started with two boats lashed together and loaded with products for the New Orleans market, and thus commenced the partnership of Emerson & Shields, afterward long and well known in the Dubuque lead region and throughout northern Iowa and the lumber regions of Wisconsin and Minnesota. It engaged in a general mercantile business, dealing in lumber and pork packing. General Shields and Jesse P. Farley were the pioneers in steamboating, and placed many boats on the Mississippi River. He was one of the most useful men of early Iowa. He was appointed Major General of the State Militia, to resist the Indian raids. He served four years in the State Senate, when the Dubuque District comprised the thirteen northeastern counties of the State. Among his compeers in that body were James M. Love, James W. Grimes, William G. Stewart, and Shepherd Leffler. He won the respect and confidence of all who knew him. He died when he had scarcely reached his prime, at the age of forty-five, in 1856.

His son, James H. Shields, was born in Pike County, Missouri, in 1842, and came to Dubuque in infancy with his parents. He was highly educated, having received a two years' course in Alfred University, at Allegany, New York, and afterward graduating from Union College, Schenectady, in 1862. The following year he was admitted to the bar and entered upon the practice, and during the same year was elected City Attorney and held that office for two years. Some years afterward he was again elected to that office, and held it for three years. In 1867 he entered into a partnership with Judge Winslow T. Barker, an association which continued until the latter was elected Circuit Judge. He was afterward a partner with Judge Samuel M. Pollock, as stated in the preceding sketch. After the dissolution of this firm, which lasted eight years, he continued in the practice alone. He was a close student, a well-read, able lawyer, and as a man and citizen, he enjoyed the public esteem in a high degree. He served in a number of offices of public trust and in each and all with marked efficiency. In 1882 he was elected, without opposition, District Attorney for the Ninth District, composed of the Counties of Blackhawk, Buchanan, Delaware, Dubuque, Grundy, and served four

years in this office. In 1889 he was elected to the State Senate, and served in the Twenty-third and Twenty-fourth General Assemblies. He was a Democrat in politics, and one of the most influential leaders of his party. In 1892 he was chosen a delegate to the Democratic National Convention at Chicago, and made Chairman of the Iowa Delegation. In the same year he was the nominee of his party for Congress, but was defeated by Colonel Henderson. In the later years of his life he devoted himself largely to business interests.

Myron H. Beach commenced practice in Dubuque, in 1856. He was born in Seneca County, New York, in 1828. He was highly educated, a graduate of Hamilton College. Soon after his arrival in Dubuque he entered into partnership with Lincoln Clark, whose term as Representative in Congress had recently expired. When Judge Clark removed to Chicago, George Grey—a Scotchman, and a writer on the *Signal* of Edinburg—was admitted to the firm, and subsequently L. C. Hurd became his partner. During the seventies Mr. Beach removed to Chicago and enjoyed a lucrative practice, and became a recognized authority on Insurance Law. In the winter of 1910 he suffered a severe attack of illness. He did not afterward return to the practice, and I am told by William Graham that he is now (May, 1913) living with his son at San Antonio, Texas, and though in his eighty-fifth year, is alert and sound of mind, but feeble in body. His Alma Mater conferred on him the degree of Doctor of Laws some years ago. He was a soldier during the war and was commissioned Lieutenant of Company A, Forty-fourth Iowa Infantry. He served for a number of years as a member of the Board of Education of Dubuque.

John D. Jennings was one of the young lawyers attracted to Dubuque in the "Fifties." Among his compeers were John S. Coval, William C. Friend, Fred Gottschalk, Henry S. Jennings and Henry S. Munson. Coval was for a time associated with General John Hodgson, but died in the early "Sixties." Friend and Henry S. Jennings (who I think was a brother of John D.) came from Pittsburg, and were for a time partners—first in the firm of Wiltse, Friend & Jennings, and after that in the firm of Vandever, Friend & Jennings. When Vandever went into the army, Friend returned to Pittsburg, and practiced law there until his death, while Jennings, after a brief partnership with Eugene Cowles, who came from Jackson County, also returned to Pennsylvania. Munson removed to Chicago about the time of the commencement of the Civil War, where he secured a lucrative practice. Fred Gottschalk was a German, and commanded the first company of Iowa troops that went to the front—a company almost exclusively of Germans. After the war he removed to St. Louis and engaged in practice there.

John D. Jennings, of whom I come now to speak further, figured largely, as well as usefully, in the early history of the State. He was born in Pittsburg, Pennsylvania, in 1824, and came to Dubuque in 1851, and entered upon the practice

of his profession. He was for a time one of the editors of the *Miner's Express*, and for a while a legal partner with Henry T. McNulty, under the firm name of McNulty & Jennings. In 1859 he was elected to the House of the Eighth General Assembly. In 1861 he was elected to the Senate and served through the Ninth and Tenth General Assemblies. I was a member of the House while he was serving as Senator in the Tenth General Assembly, and I know that he was regarded as one of the most painstaking, industrious and useful members of that body. That was his reputation and standing at the time. While in the Senate, he received in the Democratic caucus the entire Democratic vote for United States Senator. He was prominently identified with the educational interests of Dubuque, and was twice President of its School Board. He was City Auditor of Dubuque, and brought the records of that office out of chaos and confusion. He was married in 1851 to Julia St. Vrain, of St. Genevieve, Missouri, a descendant of Felix St. Vrain, whose life and tragic death is interwoven with early western history. St. Vrain was a brother-in-law of Senator George Wallace Jones, of Dubuque, United States Agent for the Confederate Tribe of Sacs and Foxes, including Black Hawk's band. He spoke their language and was adopted by them as a friend and brother, but was finally slaughtered by those to whom he had been a friend. The famous Indian Treaty, which included the Black Hawk purchase, was certified by him as United States Agent, and by Antoine LeClaire, United States Interpreter, on behalf of the tribe.*

Jeffrey M. Griffith, William J. Knight.

Jeffrey M. Griffith was born in Montgomery County, Maryland, in 1829. He was admitted to the bar and commenced practice in Baltimore in 1850. He came to Dubuque and entered upon the practice in 1854. In 1857 he took into partnership William J. Knight, who had just been admitted to the bar, and the firm of Griffith & Knight for a good many years, and to the time of Mr. Griffith's death continued to be one of the best known and strongest legal firms in the State. Before his partnership with Mr. Knight, he had been associated with M. B. Mulkern.

Mr. Griffith was a man of remarkably fine ability, and took pronounced leadership at the bar. As a trial lawyer, especially, he might be matched with the best of the profession, not only in Iowa, but in the nation. In the famous "Oats" cases, he particularly signalized himself. He met single-handed some of the ablest members of the Bar of Indiana and Cincinnati. His opponents afterward retained him to recoup their losses from the Illinois Central Railroad Company, which he did, and then the Railroad Company retained him to recover their damages from the General Government. The firm of Griffith & Knight became the attorneys of the Illinois Central Railroad Company, and the Chicago, Milwaukee & St. Paul

* *Annals of Iowa*, Vol. 4, 531-532.

Railroad Company. Mr. Griffith was an indefatigable worker, and possessed that rarest of all qualities, an indomitable spirit. Mr. Griffith, I think, accumulated a larger fortune from his practice than any other lawyer in that part of the State. He died before the zenith of his powers and career had been reached—in the prime of life, at Paris, France, in 1882, while he and his wife were in the course of a European trip.

The people of Dubuque were decidedly the most hospitable in the State, and there was no term of the Supreme Court held there that we were not invited to more than one banquet given by some member of the bar. I recollect one of those occasions at the home of Mr. Griffith. The house was elegant in its furnishings, not the least of which was his splendid private library. I thought his wife was one of the most beautiful and queenly women I had ever seen. The refreshments were of the choicest and most bountiful character, and the incident was long remembered by those who were in attendance. His sudden death in Paris was the result of accident, and cast a gloom over every portion of Dubuque, where he had become so widely known, and his animated and animating figure so familiar. He was a Democrat in politics, and was the candidate of his party for Congress in 1876, but his personal strength was not sufficient to overcome the prevailing Republican majority in the district. Had he been elected, it is beyond question it would not have taken long for him to have made a decided mark in that body.

William J. Knight, who, as we have seen, became the partner of Mr. Griffith, was scarcely inferior to him as a lawyer, though not nearly so striking nor brilliant. His nature led him in the more quiet lines of the profession. He was born in Ireland in 1828, came to Dubuque when but a boy, where he was educated and admitted to the bar when scarcely of age. He studied law with Mr. Griffith, and it was doubtless because the latter discovered his natural and rare abilities that he offered him a partnership. He well fulfilled the expectations that were entertained of him. He rose to high rank in his profession and was distinguished for the deliberation and accuracy of his opinions. It was doubtless these qualities, combined with his great and conscientious industry, that drew attention to him as a fit person to be one of the commissioners to prepare the Code of 1873—an office which he performed with singular efficiency. The same qualities induced his party to make him its nominee for Judge of the Supreme Court in 1875. He was three times Mayor of Dubuque. In 1879 he was elected to the House from Dubuque, and served with marked efficiency in the Eighteenth General Assembly. In 1885 he was elected to the Senate, and served in like manner in the Twenty-first and Twenty-second General Assemblies.

After the death of Mr. Griffith, he continued to be the legal representative of the Illinois Central and the Chicago, Milwaukee & St. Paul Railroad Companies. In the latter part of his life these absorbing duties drew him to a great extent from

the general practice. As is well said of him by one of his fellow townsmen and professional brethren, William Graham, "He was a man of great industry, strictest integrity, fine executive ability, thorough and accurate in his knowledge of law, and forceful in the presentation of his views, both to court and jury." His intense application to the duties placed upon him undoubtedly shortened his life. As was said at his funeral—he fell, "cut like a diamond with its own dust." He died sincerely lamented at Dubuque in 1908.

*Joseph B. Powers, Benjamin W. Lacy, Edward McCeney, Frederick O'Donnell,
John H. O'Niell.*

Joseph B. Powers and myself were fellow Senators of the Eleventh General Assembly in 1866. We were then both young. He died in 1905, and I am left to say a few words regarding him. He was a splendid man, a useful legislator and an able lawyer. He was then a resident of and represented Blackhawk County, while I represented that of Wapello. He was regarded one of the conservative, safe and sane members of the Senate. He was wise and practical, and was always listened to with attention.

He was born in Worcester, New York, in 1827. He received an academical education, and after studying law and being admitted to the bar, came to Iowa in 1859. He attained an excellent standing at the bar in a comparatively short period, and was elected City Attorney for Cedar Falls, Blackhawk County. He was chosen one of the first Trustees of the Iowa Soldiers' Orphans' Home. In 1865 he was elected to the State Senate, and served in the Eleventh and Twelfth General Assemblies—in the last as Chairman of the Judiciary Committee, his appointment to which evinces the regard in which his legal abilities were held. At the close of his term in the Senate, he was elected District Attorney for the Ninth Judicial District, and at the end of his term was re-elected to the same office. In the Seventies he removed to Dubuque, and became known as one of the leading lawyers of that part of the State. He first became associated with Frank Robinson and Benjamin W. Lacy, under the firm name of Powers, Robinson & Lacy. After the retirement of Mr. Robinson, Glenn Brown was taken into the firm, which then became Powers, Lacy & Brown. After retiring from that firm, Mr. Powers continued in the practice alone until his death.

Benjamin W. Lacy was a native of eastern New York. He studied law in Washington with his uncle, Judge Willoughby. After coming to Dubuque, he entered the office of Adams & Robinson, and was afterward admitted to the firm. A daughter of Mr. Robinson became his wife.

In 1880 he was elected Judge of the Circuit Court of the Ninth Judicial District, but resigned in 1884 to enter the firm of Powers, Robinson & Lacy, referred to in the preceding sketch, and after the death of Mr. Robinson, he and Mr. Powers

continued together in the practice, later receiving into the firm Mr. Brown, as stated in the sketch of Mr. Powers. After the retirement of Judge Powers, he and Mr. Brown continued together, subsequently receiving into the firm Frank R. Lacy, a son of Judge Lacy. Judge Lacy became interested in banking and business, and gradually withdrew from active practice. He was for some years President of the Iowa Trust and Savings Bank. He died in 1912.

Edward McCeney was a native of Maryland. He came to Dubuque about 1855. On the resignation of Samuel M. Pollock as Judge of the City Court of Dubuque, he was elected to fill the vacancy. He also served as City Attorney for six years. Later he became a partner of Fred O'Donnell. This partnership continued until Judge McCeney's death. He was a lawyer of decided ability and a superior citizen in all respects. But few men have enjoyed the confidence of the people more generally, but the modest estimate he placed upon himself and upon the value of his services interfered greatly with his official advancement and accumulation of wealth. He died in middle age, greatly regretted by his brethren of the bar and the community at large.

Frederick O'Donnell was a native of Illinois. He was a soldier in the Civil War. At the close of his military service, he entered and graduated from the law department of the Michigan State University. He came to Dubuque along in the Sixties. I became acquainted with him soon after that, during my attendance on the sessions of the Supreme Court at Dubuque. He had just entered into partnership with Judge Thomas S. Wilson—a partnership which continued for many years. He was then a lithe dapper, and brilliant young fellow, felicitious of speech and a general favorite with the ladies. He soon became known as an active and skillful lawyer, and had a successful career as both lawyer and judge until his retirement.

After his long association with Judge Wilson, he formed a partnership with Judge Edward McCeney, above mentioned, which continued until the death of the latter, and afterward with his brother, Herbert O'Donnell. Added to his legal accomplishments were those of a natural orator. These latter gifts, seconded by inclination, led him into politics, in the course of which he was frequently honored. In 1870 he was elected to the House of the Thirteenth General Assembly; in 1872 to that of the Fourteenth General Assembly, and in 1878 to that of the Seventeenth General Assembly—in all of which he took a leading part, especially in that of the Fourteenth, in which the final contest for the new capitol building took place. Among his associates in that body were many strong men, with whom he took honorable rank. He also received the honor of being nominated by the Democratic party as its candidate for Lieutenant Governor in 1873, and in 1878 he was its candidate for Congress in his District against his Republican opponent, Thomas Updegraff, who was elected. It appears from Fairall's Manual of Iowa Politics

that there were three candidates in the field—Updegraff, Republican, receiving 12,823; O'Donnell, Democrat, 10,836; and Spangler, Greenbacker, 5,406. He was for some time a member and President of the Board of Trustees of the Asylum for Feeble-Minded Children. He was twice elected Mayor of the City of Dubuque. In 1891 he was appointed by the Governor, Judge of the District Court, to fill the vacancy caused by the resignation of Judge David J. Lenehan, and was continued in this position by successive elections for fifteen years, until 1906, when he retired from the bench and the practice.

After a period of thirty years, we happened to meet at the annual gathering of Iowans, held at Los Angeles in 1912. He was recognized and called upon for a speech, and among all those that were made on that occasion, none surpassed it in point of merit and none equaled it in eloquence. It was evident that his gift of oratory had not declined in his advancing years. He was a highly useful man, and left his impress upon the laws and jurisprudence of the State.

Dubuque has been noted for the number of its highly gifted men, and few were more richly endowed than *John H. O'Niell*. He was a native of Ohio, and came to Dubuque in 1857. He had been a member of the Ohio Legislature and one of the most noted orators of that State in the presidential campaigns of 1848 and 1852. In like manner he became noted in Iowa. His command of language was remarkable. It is said that he could speak impromptu for hours without making a mistake in grammar or pronunciation, always using the right word in the right place. In the felicity of his speech and grace of delivery, he only lacked the vigor of personality to have made him a successful rival of Ben M. Samuels as an orator.

Personally, O'Niell was one of the most fascinating men I have ever known. He was charmingly companionable, witty and convivial. He remained in Dubuque some fifteen years, removing to St. Louis, thence to Chicago where he died. It is said that his convivial habits seriously interfered with his professional success and shortened his life.

Thomas M. Monroe, Henry T. McNulty, John Deery, Michael Mullern, Henry T. Utley, John Doud, Jr., Alonzo Cragin.

Thomas M. Monroe was a Virginian by birth. He came from near Washington to Dubuque in 1855. He was an able and well-read lawyer, and soon took a high position at the bar. He was a man of note, a radical Democrat in politics, and the candidate of his party for Supreme Judge in 1864, but was defeated by the Republican candidate, Chester C. Cole. (Cole had been a Democrat, but came over to the Republicans on the outbreak of the Rebellion.) Mr. Monroe was also the candidate for Elector, on what was known as the Straight Democratic Ticket in the Presidential Campaign of 1872, in which the regular or Liberal Democratic ticket was headed by Horace Greeley for President, the Straight ticket being

headed by Charles O'Conner for President, while General Grant was the Republican candidate. Mr. Monroe was what might be properly termed a fine citizen. He was not only a lawyer of ability, but actively interested in public affairs, especially those relating to transportation problems. He took an active part in the endeavor to secure a water line connecting the Ohio River and Chesapeake Bay, but it was unsuccessful. Ill health broke him down and he died in very straightened circumstances.

I can say from personal acquaintance that he was a highly interesting and accomplished gentleman. The last time I saw him, we went together to hear Edwin Forrest. It was not long before the death of that great actor, which occurred in 1872. He was making a tour of western cities, and had a three nights' engagement at Dubuque, in which he played King Lear, Jack Cade, and Richelieu. We heard him in Lear. Mr. Monroe said he had heard Forrest many times when he was in his prime, but that then, in the part of Lear, he not only surpassed any of his previous performances, but of any actor he had ever seen. Forrest was then an old man. I went to each performance, and heard him as Jack Cade and Richelieu as well as Lear. In the two former he showed his years to disadvantage, but his personification of the old King was the most life-like, and greatest performance I have ever seen. He not only acted the part of the aged and heroic Lear, but was Lear himself. I have never seen anything approaching it. In our conversation between acts and after the performance, I felt better acquainted with Mr. Monroe than I ever had before.

Henry T. McNulty was a native of Maryland; he came to Dubuque from Ohio during the fifties. It was not long after his admission to the bar before he made himself felt. He was a hard fighter and an industrious worker. Of Irish descent, he exercised great influence with men of that nationality. There was rarely a jury of that day in Dubuque that did not have some of them upon it. He was a formidable antagonist in jury trials.

He served efficiently as City Attorney of Dubuque, which I think was the only public office he held. He died in Dubuque in 1890.

John Deery was a native of Ireland. After coming to America, he spent some years in Maine and also in the City of Boston. He came to Dubuque in 1857. He was a well educated man, and had been engaged in newspaper editorial work, but entered upon the practice of the law soon after coming to Dubuque, and successfully followed it for many years, and until his failing health obliged him to retire. For a long time he was a partner with Thomas M. Monroe. His career was not only successful, but highly honorable. He was a member and regular attendant at the annual meetings of the American Bar Association, and took great interest in the advancement of the profession. In a letter from William Graham

of April 19, 1913, he says: "Our old friend, John Deery, is failing, but goes out still." It is evident that he is near the end of a long and eventful life.

Michael B. Mulkern was a native of Ireland and a graduate of Trinity College, Dublin. He came to Dubuque and entered upon the practice during the fifties. He was for a while associated with J. M. Griffith in the practice. When Judge Thomas S. Wilson retired from the district bench in 1862, he and Mr. Mulkern entered into partnership. This association continued during the remainder of Mr. Mulkern's life.

He had an excellent standing in the profession, and was active in political life. He served as Alderman of the City of Dubuque, and also as Counsel for the Board of Supervisors of Dubuque County. In 1869 he was elected State Senator, and served in the Thirteenth General Assembly, but died soon after the close of the first session.

Henry T. Utley was a native of central New York, and came to Dubuque and entered upon the practice about 1857. He formed a partnership with Judge David S. Wilson and John Doud, Jr. The firm enjoyed a large practice, and its name of Wilson, Utley & Doud is found frequently in the Reports of that period. In the early part of the Civil War, the firm dissolved, Wilson entering the army and Utley returning to New York. He had served as District Attorney in Oneida County before coming west, and after his return was again elected to the same office. He was an able as well as industrious lawyer.

John Doud, Jr., who has been mentioned in the preceding sketch as a member of the firm of Wilson, Utley & Doud, came from northern New York to Dubuque. He was highly educated, a graduate of Williams College and of the Albany Law School. He was a learned lawyer and a careful practitioner. Owing to a hesitancy of speech and a nervous bashfulness that he was never able fully to control, he perhaps did not pass for being the excellent lawyer he really was. After the war he and Colonel David S. Wilson resumed their former partnership, which continued until the latter went on the bench. Not long after that event, Mr. Doud removed to Fort Dodge, engaged in real estate business, and it is said amassed a handsome competence. He died in the latter nineties. Both Utley and Doud were consistent Democrats throughout their lives.

Alonzo Cragin was reared in the State of Vermont, where he was born in 1829. He was a graduate of the Albany Law School, and came to Dubuque in 1858. He confined himself mostly to office work, excelled as a business lawyer, and was for many years Referee in Bankruptcy. About twenty years ago he removed to Joplin, Missouri, engaged in banking, and recently died there.

Louis G. Hurd, Joseph C. Longueville, Daniel J. Lenehan, Monroe M. Cady, Alphons and Matthew Matthews, Henry Michel, Robert W. Stewart, Glenn Brown, John J. McCarthy.

For data respecting these members of the Dubuque bar, most of whom are of a somewhat later date than those previously mentioned, I am almost wholly indebted to its Nestor, William Graham, to whom I have so frequently alluded, and to whom the Dubuque bar, as well as myself, is greatly indebted for reliable data, respecting its early members.

Louis G. Hurd was a native of Ohio, but came from Illinois to Dubuque. He was first associated in the practice with Myron H. Beach, and afterward with Francis B. Daniels. When Mr. Shiras became District Judge of the United States Court, and Mr. Van Duzee became its Clerk, by appointment of Judge Shiras, Hurd and Daniels joined Mr. Henderson, the remaining member of the old firm of Shiras, Van Duzee & Henderson, and the new firm became Henderson, Hurd & Daniels. Subsequently, George W. Kiesel was added to the firm. After a few years, Mr. Daniels went to Chicago as Assistant Counsel for the Pullman Palace Car Company, and I am told, succeeded John S. Runnells as Chief Counsel of that Company, after Mr. Runnells' appointment as President. Upon this, Daniel J. Lenehan took the place of Mr. Daniels in the firm. Later, Colonel Henderson retired, and the firm of Hurd, Lenehan & Kiesel continued, enjoying a large and deservedly lucrative practice.

Mr. Hurd was a man of marked ability, and applied himself closely to the profession for upwards of forty-five years—with his head as clear and his wit as sparkling and trenchant as if the years had made no impression upon him.

Joseph C. Longueville came with his parents to Iowa when he was an infant. He had a natural thirst for knowledge, and was determined to secure an education. By dint of perseverance, he obtained both a collegiate and legal one. He was admitted to the Dubuque Bar in 1870, and soon took rank as a vigorous trial lawyer. The conflicts of the bar were to him a delight, and a hard-fought trial an enjoyment. He was for a time associated in the practice with Judge Lenehan, and afterward with J. J. McCarthy. During the latter part of his life, he was alone in the practice. His name figures frequently in the legal proceedings of that time. He died while still in his prime, before he had reached his sixtieth year.

Daniel J. Lenehan was a native of Brooklyn, New York, whence he was brought to Iowa when but two years old. He was educated and admitted to the bar in Dubuque, which was his place of residence from childhood. He made rapid progress in his profession and soon commanded a good practice. He became a member of the firm of Longueville & Lenehan. His talents attracted attention, and he was elected City Counselor; then County Attorney, and afterward Judge of the District Court of the Tenth Judicial District. This position he

resigned in 1882, to enter into partnership with D. E. Lyon. He afterward became a member of the firm of Henderson, Hurd, Lenehan & Kiesel. He was a lawyer of decided ability, and maintained a successful practice for many years.

Monroe M. Cady came to Dubuque about the time Judge Lacy came. He was a native of Massachusetts, highly educated, a graduate of Union College, Schenectady, New York. He studied law in Troy, afterward in New York City, where he was admitted to and for a short time engaged in the practice at Oswego, New York. In 1871 he became a partner of William Graham; this association continued for more than seventeen years. Upon its dissolution, Cady devoted his time to Patent Law, in which he became an expert. He was esteemed a good lawyer, a Republican in politics, and was honored by the nomination of his party for District Judge, but the district being then Democratic, he was defeated with the rest of the ticket.

Alphons and Matthew C. Matthews were brothers, and natives of Dubuque. *Alphons* studied law with Pollock & Shields, and also had a course in the law department of the State University. He was admitted to the bar when scarcely of age, and soon took high rank in his profession. He was elected County Attorney in 1883 and by re-elections served until 1891. In that office he displayed unusual ability. He served on the Board of Education for several years, and also as one of the Regents of the State University. He was a partner of Honorable Austin Adams from the time the latter retired from the bench of the Supreme Court until his death. He was a vigorous and formidable opponent in any case, an ambitious and hard-working lawyer, that would doubtless have attained still greater prominence had he not been cut off in the very prime of his usefulness. He died in 1909.

Matthew C. Matthews was also a graduate of the Law Department of the State University. Soon after coming to the bar, he was elected County Attorney, and several times re-elected to the same position. He was subsequently elected Judge of the District Court, and was twice re-elected. After a service of twelve years in that capacity with marked efficiency, he retired from the bench to resume his position at the bar. He was not only an able lawyer and jurist, but an orator of no mean ability.

Henry Michel was a native of Dubuque, and came to the bar about the same time as did the Matthewsese. He was a Republican in politics, but was elected to the office of County Attorney, though the County itself was strongly Democratic. He subsequently allied himself with the Progressives. His personal character and decided abilities as a lawyer gave him such a conspicuous standing that he was the nominee of that party for Supreme Judge in 1912, but shared the fate of the remainder of the ticket. It was thought that his election would have been a distinct gain to the bench.

Robert W. Stewart was another native of Dubuque. He was a graduate of its High School and subsequently of the Law Department of the University of Michigan, at Ann Arbor. He was a man of both force and talents, took an active part in civic matters, was three times elected Mayor of Dubuque, and rendered the City valuable service. In the midst of active work and with flattering prospects, he fell a victim to Bright's Disease, and died in the prime of life.

Glenn Brown was a native of western New York. He came to and commenced the practice in Dubuque in the early eighties. He was associated with J. B. Powers and Benjamin W. Lacy under the firm name of Powers, Lacy & Brown, which continued as Lacy & Brown after the retirement of Judge Powers, later as Lacy, Brown & Lacy, and still later as Brown & Lacy. He took but little part in politics, but manifested great interest in educational matters, and rendered efficient and valuable service in that behalf on the Board of Education. Of him Mr. Graham says: "He was a lawyer all the time."

John J. McCarthy was born in Clayton County and reared there on a farm, which he aided his brothers in cultivating after the death of their father. He graduated from the State University and subsequently took a post graduate course in the University of Virginia. He commenced practice in Dubuque, in which he was engaged until the time of his death, which occurred in 1905. He was a citizen of exemplary life and character. He had a natural thirst for knowledge, was a hard student, and gained in his comparatively brief period a fine reputation both as a lawyer and as a man. His legal attainments attracted attention, and he was early recognized as one of the ablest among the younger members of the bar. In 1886 he was elected City Attorney, and held that office for six years, rendering valuable service to the City in several critical emergencies that occurred. "Scorning absolutely to temporize, holding in the loftiest esteem the obligations of his profession and his duty to the public, it is conceded that his was the best administration the City ever had in this position. His tenure of the office of City Attorney was his only experience in public affairs, though had he been inclined to seek public favor, there is not a position within the gift of the people that would have been denied him. His attainments were recognized by the profession of the State, and his counsel was sought in important cases."

He was one of the organizers of the State Bar Association, and a member of the American Bar Association. He was honored in being made Vice President of the Iowa Bar Association in 1900, and its President in 1901. He enjoyed the confidence and intimate acquaintance with many of the leading lawyers of the State and Nation. As a citizen, he could be always depended upon in an important crisis. His great ambition was success in his profession, and he turned a deaf ear to frequent supplications for him to enter the field of politics and become a political leader. His professional career extended over a period of twenty years, and was

a highly honorable one from every point of view. Considering his age and his accomplishments, he may be regarded as one of the most remarkable lawyers in the history of the State.

Dennis A. Mahoney, Joseph B. Dorr, M. M. Ham, Marcus C. Woodruff, With Other Incidental Personal Mentions.

All of these men became noted editors, and some of them played important parts in the comparatively early history of the State. I can give only a brief mention respecting them.

Dennis A. Mahoney stands out as a historic figure of the time in which he lived, a portion of which was of a stirring character. He was born in the County of Cork, Ireland, in 1821, and when ten years of age emigrated with the family to America, settling in Philadelphia, where he received his early education. He read law for three years there under the notable Charles J. Ingersoll, and at the end of that time came, in 1843, to Dubuque, continuing his law studies there with Davis & Crawford. During the winter of 1844-5 he taught school in Dubuque, and in the latter year established an academy in Jackson County, at a place subsequently called Garry Owen. Here he was Postmaster and Justice of the Peace. In 1847 he was admitted to the bar before the Supreme Court at Iowa City, and commenced practice. In 1848 he was elected to the House from the Legislative District, composed of Jackson and Jones Counties, and was made Chairman of the House Committee on Schools, and drafted the bill which became the Public School Law of Iowa during that session.

Having returned to Dubuque in 1849, he became the editor of the *Miner's Express*. In 1852 he, in connection with H. Holt, A. A. White, and W. A. Adams, established the *Dubuque Herald*, of which he was the editor. It was then a weekly and tri-weekly paper, but became a daily during the same year, and is said to have been the first daily paper established in Iowa. In 1854 he was appointed State Printer. In 1855, in consequence of failing health, he sold his interest in the *Herald* to Col. J. B. Dorr. In 1858 he was again elected to the General Assembly, and was the most influential Democratic leader in that body.* In 1859 he was elected Treasurer of Dubuque County to fill a vacancy.

* Note—When a very young man Charles Aldrich visited Iowa City while the Legislature was in session and in an address before the Pioneer Law Makers' Association in 1882, which will be found in its published proceedings for that year, and also in volume 2 of the Third Series of the *Annals of Iowa*, 204, gave the following graphic description of Mr. Mahoney, in which, however, he erred in supposing him to have been old, for he was then but thirty-seven, having been born in 1821; but his delicate condition of health so impressed Mr. Aldrich:

"I remember Dennis Mahoney, of Dubuque, quite an old man, afflicted with some nervous disorder which caused his head to shake, giving his eyes a very curious and unsteady appearance. But when he spoke, deprecatingly of certain trivial and undignified proceedings then on foot, everybody listened attentively, and the House accepted his advice."

In 1860 he purchased the Herald and resumed journalistic labors, in the course of which he became one of the most distinguished as well as notorious editors in the State. He did not belong to the War Wing of the Democratic party, and during the war pungently criticised the acts of the administration, declaring some of them to be unconstitutional and indefensible. His writings in that line aroused a storm of indignation. Excitement was the spirit of the times, and Democratic leaders, especially Democratic editors, who faltered in respect to any of the measures adopted for the suppression of the Rebellion, were suspected of disloyalty and denounced as traitors, and sometimes with threats of violence. Under these conditions he was arrested on the 14th of August, 1862, by the United States Marshal for Iowa, taken to Washington and confined for three months in the old Capitol Prison. He repeatedly demanded a trial, but never came to one, and it is not known what was the character of the charges upon which he was arrested. He was released in November following his arrest. A large portion of the people in his District felt that this proceeding was wholly unwarranted, and a flagrant violation of the rights of a citizen. So strong was this feeling that while he was in prison, he was nominated by the Democrats of the Third Iowa District for Representative in Congress, and though defeated by William B. Allison, he carried Dubuque County by a majority of 1,457 votes. The year following his release, in 1863, he was elected Sheriff of Dubuque County, and in 1865 re-elected to the same office. In 1866 he went to St. Louis and became Chief Editor of the St. Louis Times. In 1871 he returned to Dubuque and assumed the editorship of the Daily Telegraph, and retained the editorial charge of that paper up to the time of his death. He took a deep interest in public affairs, and especially in the advancement of the public schools. He was a member of the first Board of Education of Dubuque. After his release from confinement at Washington, he published a book entitled, "Prisoner of State," in which was vividly set forth the causes of his arrest and the experience of his imprisonment.

Personally, he was a man of amiable traits, but emphatic in his views, and there is not the least doubt but that in those he expressed in the early part of the war, and which led to his denouncement, he was entirely sincere. By reason of the facts I have briefly adverted to, he became, perhaps, the most conspicuous, as well as one of the most forceful, political writers of that time. He died at Dubuque in 1879.

Joseph B. Door, I was better acquainted with than with Dennis A. Mahoney, for unlike the latter, we belonged to and acted with the War Wing of the Democratic party, and my brother-in-law, Aaron Pinney, became a captain in Col. Door's regiment. Col. Door, in common with Mr. Mahoney, also played an important part in the history of that time, and as editor, citizen, and soldier, exercised great influence during that period. He was born in Erie County, New York, in August,

1825. He was a fine writer, a wise statesman, a pure patriot, and as a valiant soldier, while in the service of his country, yielded up his life while encamped with his regiment near Macon, Georgia, during the Civil War.

He received his education in the common schools of his native County. When twenty-two years of age, in 1847, he came west and settled in Jackson County, and in the following year became the editor and proprietor of the "Jackson County Democrat." Two years afterward he established the "Western Democrat and Common School Journal," said to have been the first educational journal published in the State. After a residence of five years in Jackson County, he removed to Dubuque and was associated with Dennis Mahoney in the Editorial Department of the "Dubuque Herald." In 1855 he purchased the interest of Mahoney, and became sole proprietor of the "Herald." This he continued to edit and publish until 1860 or 1861, when he sold and transferred back to Mr. Mahoney his interest in the "Herald," and entered the military service. In the summer of 1861 he assisted in raising the Twelfth Iowa Infantry, and was made its Quartermaster. Though he was not required in this position to engage in action, he distinguished himself for his valor at the Battle of Shiloh. The commanding officer in his official report thus spoke of him:

Quartermaster Dorr, though his position did not require him to go into action, volunteered to do so, and, throughout the day, behaved in a brave and gallant manner, daringly if not recklessly exposing his person to the enemy. He made himself very useful in carrying messages, and in spying out the positions and movements of the enemy, and firing on them as occasion offered.

In the spring of 1863 he was commissioned Colonel of the Eighth Iowa Cavalry, and served with distinction until his death in the spring of 1865, caused by the exposure and hardships through which he had passed. Captain Stuart, in his history of "Iowa Colonels and Regiments," says that as a soldier, he was brave to rashness, and that his love for his men was unbounded. The latter characteristic is well illustrated in the following communication addressed by him to the Adjutant General of Iowa, Nathaniel B. Baker. It had reference to the valor displayed by some of his soldiers in battle:

I take the greater pleasure in incorporating their names in this report, because the enlisted soldier, whose gallantry wins promotion for his commanding officer, rarely reaps any other reward than the consciousness of having done his duty. He bleeds and dies for his country; he wins her battles, and crowns her standard with glory. At last, he occupies six feet by two of his native soil, often that of foreign soil, and leaves no void behind, except in the hearts of those who called him father, son or brother.

It is hardly necessary to say that he was adored by his soldiers, and the news of his death produced a genuine and sincere sorrow among the people of Dubuque, where he had been so long and favorably known.

He was a high type of manhood—brave, energetic, wise and practical. His death was a serious loss to the State and to the service. For the details of his

military services, the reader is referred to Ingersoll's "Iowa and the Rebellion," Stuart's "Iowa Colonels and Regiments," and the army reports on file in the office of the Adjutant General.

As will have been seen, his early training was along editorial lines, and his experience quite extensive in that behalf. As a writer, associated with Mr. Mahoney and subsequently as Editor-in-Chief of the "Herald," he displayed rare ability, and under the guidance at different times of these men, the "Herald" became one of the chief organs of the Democratic party in the State and Nation; and, it may be said, it has not degenerated under the hands of their successors.

Moses M. Ham proved himself a worthy successor of Mahoney and Dorr. He was born in York County, Maine, in 1833. He sprang from Revolutionary ancestors. His father's family removed to the State of New York while he was quite young. He received his early education in the common schools, afterward in preparatory academies, and then entered Union College, Schenectady, from which he was graduated in 1855. Migrating westward, he first settled in Jonesville, Michigan, where he became and continued for two years Principal of the public schools. He then secured a position on the "Detroit Free Press," and thus commenced his long and distinguished editorial career. In 1863 he came to Dubuque, and securing an interest in the "Herald," he was associated with Stillson Hutchins and Patrick Robb. Upon the death of Mr. Robb, which occurred two years later, and the removal of Mr. Hutchins to Washington, he became associated and a joint partner with D. D. W. Carver, a man of newspaper experience, who had been for many years associated with A. B. F. Hildreth in the establishment and publication of the Charles City Intelligencer. From this time Mr. Ham was editor of the "Herald," for thirty-five years, and under his editorial management it continued to be one of the leading Democratic papers of the Country. It was able in all respects, and especially in its commercial reports. It may be remarked that this latter feature was largely attributable to the efforts of James R. Scott, its commercial reporter, who was associated with the "Herald" in 1857, and who had peculiarly fine talents in gathering up the details respecting all the grounds of commercial transactions.

Mr. Ham not only occupied a high position as a writer, but also in the councils of the Democratic party, in which he was through the course of many years, an influential leader in both state and national politics. He was a delegate to several of its national conventions, and was for sixteen years a member of its national committees. He enjoyed the confidence of Samuel J. Tilden and President Cleveland, and by the latter was tendered the position of Assistant Postmaster-General, which he declined. He, however, accepted that of Postmaster of Dubuque and held this office for eight years. He was for four years a State Senator, for

a number of years a Regent of the State University, and for a long time a member of the Dubuque Board of Education.

He was a trenchant and versatile writer, a keen and discriminating observer of public affairs; a man of high character, spotless integrity, and diverse accomplishments. He had the confidence and respect of everyone who knew him. He seemed to me not a robust man, but rather a worn one who needed the open air and recreation. Close confinement and incessant intellectual labor had told on him. Later he became a victim of locomotor-ataxia, resulting in the paralysis of his lower limbs. At the last he could only get about in an invalid's chair, but until near the end, which came in the latter part of 1902, he retained full possession of his vigorous intellect, and continued writing for the press.*

In 1859 Mr. Ham married Miss Helen M. Tucker, of Jonesville, Michigan, a highly accomplished lady who died in 1870, leaving a son, Clifford A. Ham, who after service in the Philippines during the Spanish War, returned there and for several years was one of the Collectors of Customs in those Islands; and a daughter, Miss Helen M. Ham, of Dubuque.

In 1874 he married one of the most attractive women of Dubuque, Miss Rebecca Wells, a niece of Judge Thomas S. Wilson. I had the pleasure of her and her sister Sarah's acquaintance. They lived together before the marriage, dispensing a generous hospitality, to which their presence always lent a long remembered charm. Mrs. Ham died suddenly after a short period of happy married life. Mr. Ham was succeeded in the editorial management of the "Herald" by his son of the former marriage, Clifford D. Ham.

Specimens of Mr. Ham's writings, and his taste for historical research will be found in an article entitled, "The First White Man of Iowa," which Charles Aldrich pronounced the best biographical sketch of Julian Dubuque that had ever been written, appearing in Vol. II, third series of the Annals of Iowa, p. 329; and in another article entitled "Who Was Peosta?", appearing in the same volume of the Annals, p. 470. In his various writings he contributed largely to the early history of Iowa, and in its Historical Department will be found a file of the "Herald" for more than forty years, presented to it by Mr. Ham and his partner, Mr. Carver, and which constitutes a valuable source of information for the historical student of Iowa. There will also be found there files of the "Express and Herald" during the time it was published by Mahoney & Dorr, the gift of the widow and son of the gallant Colonel Dorr.

Marcus C. Woodruff, I became acquainted with while he was Chief Clerk of the House of the Twelfth General Assembly. He was then and had been what is

* Annals of Iowa, Third Series, Vol. 5, 636.

known as a newspaper man. Coming in 1855 from Erie County, New York, where he was born in 1831, he first located at Iowa Falls. In 1863 he became the editor and proprietor of the "Iowa Falls Sentinel." This paper he conducted until 1870, when he purchased an interest in and became the editor of the Waterloo Courier, which he conducted until 1873. In 1874 he entered a larger field of journalism by purchasing a half interest in the Dubuque Daily Times, the leading Republican paper of that part of the State. His editorials displayed fine ability. He had the editorial management of that paper for nine years, and under it that journal became one of the leading organs of the Republican party. Upon the creation of the Board of Railroad Commission during the administration of Governor Gear, Ex-Governor Cyrus C. Carpenter, Peter A. Day and James W. McDill were appointed Commissioners. When Governor Carpenter resigned, on being nominated for Congress, Governor Gear, without waiting for any recommendations, appointed Mr. Woodruff in his place. He served in this position for three years. He was one of the earliest promoters of the Dubuque Northwestern Railroad, which afterward became the Chicago Great Western. With his subsequent career I am not familiar. I can say from personal acquaintance, that he was a genial and accomplished gentleman.

The sketches of George Wallace Jones, Thomas S. Wilson, Lincoln Clark, William Vandever, Oliver P. Shiras and David B. Henderson will be found elsewhere by reference to index.

CHAPTER XXX.

CLAYTON COUNTY.

Samuel Murdock and Reuben Noble.

Samuel Murdock and *Reuben Noble* were the two first lawyers who settled in Clayton County, the former coming there in August, and the latter in October, 1843. They practiced together there for fifty-three years and became distinguished as lawyers and judges from one end of the State to the other. Their names became familiar, not only to the lawyers of their generation, but to those of the succeeding one, for Heaven so bounteously lengthened out their lives that they lived through both. During my professional career the thought of Clayton County was always closely associated with their names—they were nearly the same age, there being only four years' difference, and died within a few months of each other, leaving behind them a spotless reputation and a fragrant memory.

Samuel Murdock was of Scotch extraction, though his parents were born and reared in the County of Armah, Ireland. They emigrated to America in 1812, settled near Pittsburg, where Samuel was born in 1817. When he was ten years of age the family removed to Ohio and settled in the vicinity of Cleveland, where he was reared and received his early education. Having studied law and been admitted to the bar, he left Ohio for the farther West in 1841. He first came to Davenport, remained there a few days, and then, shouldering his pack, went on foot, following an Indian trail, to Iowa City, which had been fixed as the site of the capital of Iowa. Here he entered the law office of Curtis Bates, and later that of Gillman Folsom. Before making a final settlement he determined to explore the country farther, and came to Dubuque, where he had letters of introduction to some of its principal men. Hearing of the beautiful country and scenery of Clayton County, he proceeded there, arriving at Garnaville on the ninth of August, 1843. Here he determined to make his future home and staked a "claim," to which he afterward added and obtained the title. Here through the succeeding years he developed and adorned one of the most beautiful farms in the State.

He surrounded his garden and yards with the fir, the spruce and the pine, and from their splendid growth the place was called the "Evergreens." Enclosed by its beautiful trees were seen growing extensive orchards of fruits, selected by him

from all parts of America, together with grapes of every kind and description, while flowers and shrubs bloomed by the side of every walk, and from the time he began his work on this farm and through all the years he was considered the best grape and tree grower in the State, and his voice, pen and labor were engaged in disseminating useful knowledge on both the subjects of agriculture and horticulture.*

His varied accomplishments, his ability as a lawyer, and his warm and cheerful personality soon gained for him an extensive practice and a wide popularity. He was elected a member of the House, representing Clayton, Dubuque and Delaware Counties, and served in the Seventh Territorial Legislative Assembly which convened at Iowa City, May 5, 1845; and of the Eighth Territorial Legislative Assembly which convened at the same place on December 1, 1845. He remained in this body until Iowa passed into a State. In 1848 he was elected School Fund Commissioner and held that position for four years. He was not only the first lawyer who settled in Clayton County, but he was the first judge of the Tenth Judicial District, which embraced ten counties, and through it he traveled, generally on horseback, and in company with other lawyers, swimming rivers and wading sloughs. In 1868 he was elected to the House of the Thirteenth General Assembly, and distinguished himself by his wide knowledge and general efficiency.

Though a learned lawyer, his researches were not confined to his profession. His thirst for knowledge prompted him to trench in other fields. He read much, remembered well, discriminated accurately. He had a great taste for natural history, and anthropology, and his researches along these lines were of no ordinary character. He wrote a number of articles on "Prehistoric Races," and on the "Mound Builders of the Mississippi Valley." Specimens of these articles will be found in the October, 1886, number of the Iowa Historical Record, and in that of January, 1888. He had written much on these subjects before that; in 1878 a series of articles on "Prehistoric Man," which at that time brought attention to him and the condemnation of a number of orthodox writers and some pulpit orators who thought the world was made in six days about six thousand years ago. He was not only versed in archaeology and anthropology, but to a considerable extent in geology and astronomy. As a miscellaneous writer on these and biographical subjects, he had but few, if any, superiors in the State, and in bringing to light by his writings and individual efforts, the remains of the Mound Builders and other prehistoric races that once inhabited the Mississippi Valley, he was its most conspicuous factor. He was appointed by the Governor, to represent Iowa's Department of Anthropology, in the Centennial Exposition in 1876, at Philadelphia. Pursuant to this appointment, he gathered and there exhibited some of the most curious and interesting specimens of prehistoric man ever collected on this Continent. His fine collection of prehistoric stone implements was purchased by the State, and is now in the Historical Department. He also had a large geological collection which he

* History of Clayton County, Chicago, 1882.

had gathered himself. Withall, he was a man of great tenderness and exquisite fancy, which tempted him to throw off some fugitive pieces of poetry of no mean order, as the one dedicated to his old Scottish friend, Professor Craig, to be found in the History of Clayton County, before alluded to, page 627, will fully evince. He was also the author of many other really beautiful poems, among which are: "Garnavillo," "The Indian Queen," "The Glow Worm," "Pilgrim's Return," "The Maid of the Wapsie," "The Woodpecker's Nest," etc., all of which have been published in the different journals of the State.

That he was the author of most of the biographical sketches, as well as the scientific and miscellaneous articles contained in the History of Clayton County, the following letter will indicate, as it will also indicate his cheerful willingness to assist me in the present work:

Elkader, Iowa, July 16, 1885.

Honorable E. H. Stiles.

My dear Mr. Stiles: Yours of June 24th was duly received, and but for circumstances would have been answered sooner.

The work you propose is a noble one, and I know of no one more competent than yourself to accomplish it.

I will cheerfully aid you in any manner you may suggest. I have been looking around to find you an extra copy of our Clayton County History, but have failed to find one thus far, and it is so far as our Bench and Bar is concerned, indispensable to you. I have but one copy, and if one cannot be found, I will loan it to you. Most of its biographical sketches were written by myself for its pages, together with its scientific and miscellaneous articles.

Crosby is still living and his postoffice is Garnavillo. Let me hear from you again, and as I came here in 1841 and remained ever since, and during all that time co-mingled with courts, legislatures, etc., I may be able to give you some particulars you could not get from others.

Yours, etc.,

Samuel Murdock.

From what has been said, it will be seen he was not only a learned and successful lawyer, but a man of extraordinary talents—it might properly be said, a genius. Of him, the learned and highly accomplished Alonzo Abernethy said, at the 1898 Pioneer Law Makers' Association meeting:

He was tender hearted in the extreme, a friend of the poor, a friend of the children, whom he delighted to gather around him, while he held them entranced with delightful and instructive stories of the wonders displayed in the heavens or hidden in the mysterious clefts of the rocks. Always a successful attorney, he leaves but little of this world's goods behind, because of his unselfish character and propensity to give.

The following tender tribute of one of his accomplished daughters gives a glimpse of his sunny disposition:

It was in my father's home that his worth was best known. His patience, his forbearance under all trials, his self-denials, his tender indulgence of his children, made him the idol of his family. Every child in the village knew him and loved him; and the small boys always knew where they could get "show" money when they failed everywhere else. He would pay them for the commonest stone they might bring him for a geological specimen, if he knew they wanted to attend some new attraction. One of father's favorite poems was "The Boys," by Oliver Wendell

Holmes, and the following lines from it always seemed applicable to him in my mind:

"You hear that boy laughing? You think he's all fun;
But the angels laugh, too, at the good he has done;
The children laugh loud as they troop at his call,
And the poor man that knows him laughs loudest of all.

"Yes, we're boys, always playing with tongue or with pen;
And I sometimes have asked, shall we ever be men?
Shall we always be youthful, and laughing and gay,
Till the last dear companion drops smiling away?

"Then here's to our boyhood, its gold and its gray!
The stars of its winter, the dews of its May!
And when we have done with our life-lasting toys,
Dear Father, take care of thy children, The Boys." *

He had a great reverence for the pioneers and took a prominent part in all proceedings, including the Pioneer Law Makers' Association, to preserve their memory and their deeds. His last public service in this behalf was at the semi-centennial gathering at Burlington, in October, 1896, where he delivered the principal address on "Pioneer's Day." He died the following January. The last time I met him was at Des Moines, at one of these gatherings. He was the same mild, lovable and interesting man that he had always been. He had a fine head, light or sandy hair, and a florid complexion. He was of medium height, and while his face was expressive of his fine character, he would hardly be called a handsome man. And this brings to my mind an anecdote he related to me the last time I saw him. It concerned Rufus Choate and the great Chief Justice Shaw, of Massachusetts, who was a very homely man. On a certain occasion, Mr. Choate thus addressed the Chief Justice: "In coming before your Honor, I feel as does the Hindu in approaching his idol. I know that you are ugly, but I know that you are great." This remark, though remindful, is not quite so graceful as that of Justin Butterfield, one of the accomplished lawyers of the Illinois Bar, to His Honor, Judge Pope, of the United States District Court, when he, Butterfield, was defending the Mormon Prophet, Joseph Smith, against an indictment that had been found against him. A large number of ladies were seated on either side of Judge Pope. Butterfield, bowing to the Judge, and waving his hand to the ladies, said: "May it please Your Honor, I appear before the Pope, in the presence of angels, to defend the prophet of the Lord."

It was urged by some of Judge Murdock's political opponents, that his tenderness induced him to swerve too much from the strict side of legal justice to that of mercy, in the punishment of criminals. George Graham, of Dubuque, once told me that he had frequently heard this illustrative incident: One of the persons who had urged against Judge Murdock the objection referred to, and taken the stump against

* Pioneer Law Makers' Association, Proceedings of 1898, pages 121-122.

his re-election on that ground, was himself indicted for a felony, brought before the Judge for trial, and convicted by the jury. Here was a chance for the Judge to show his political enemy, who had abused him, that he was capable of being severe in his punishments. So, when the prisoner was brought before him for sentence, he said to him that he felt that the aggravating circumstances connected with the commission of the crime, made it his duty to impose upon him the full penalty of the law, which was eight years in the penitentiary. Here the prisoner implored the Judge for leniency on the ground that his wife and children were dependent upon him alone for support. Upon this, the Judge reduced the sentence to five years. Whereupon loud sobbings of a woman were heard, and the Judge, turning to the Clerk, asked him who that woman was, and was told that it was the prisoner's wife. The Judge was moved, and reduced the sentence to three years. Just then the cries of children were heard, and the Judge again inquired whose children those were, and was informed that they were the prisoner's children. These cries, mingled with those of the mother, completely carried the Judge away, and he ordered the Clerk to enter a sentence of one year and a half against the prisoner.

To me these compassionate qualities of Judge Murdock would be a recommendation of fitness for a judge, for nothing has been so distasteful in my long experience, as to see a judge moved by feelings of resentment, or who subjected torturing humiliation by denouncing a prisoner in the course of his sentence. Judge Murdock's action, if not rigid justice, was something better and more amiable, and on a par with that of Dr. Bentley, the once celebrated head of Trinity College, England. The thief who robbed him of his plate, was seized and brought before him, with the very articles upon his person. In the course of the arraignment, and while the counsel for the College was expatiating on the crime and denouncing the prisoner, Doctor Bentley interposed, saying:

Why tell the man he is a thief? He knows that well enough, without thy information.

Then turning to the culprit, said:

Hark ye, fellow, thou seest the trade thou hast taken up is an unprofitable trade, therefore, get thee gone, lay aside an occupation by which thou mayest gain nothing but a halter, and follow that by which thou mayest earn an honest livelihood.

Having said this, he ordered him to be set at liberty against the remonstrances of the bystanders, and insisting upon it that the fellow was duly penitent for his offense, bade him go his way, and never steal again.*

A similar display of compassion was that of Lord Mansfield, who, on one occasion ordered a jury to find that a stolen trinket was of less value than forty shillings, in order that the thief might escape the greater punishment due to grand larceny.

* Memoirs of Richard Cumberland, page 16. London, 1867.

The jeweler, from whom the things had been stolen, was so mortified by the Judge's leniency, that he exclaimed: "What, my Lord, my golden trinket not worth forty shillings? Why, the *fashion* alone, cost me twice the money." Moving his glance from the vindictive tradesman to the jury, he said with solemn gravity: "As we all stand in need of God's mercy, let us not hang a man for fashion's sake."*

Judge Murdock was frequently referred to as Clayton County's Grand Old Man. He merited the appellation.

He left surviving him, his widow and two gifted and highly educated daughters, one of whom was, for a number of years, and perhaps is yet, pastor of Unity Church, Cleveland, Ohio. Of him, this daughter truly wrote:

He was an indefatigable and always eager worker. In addition to his law practice, he was constantly at work upon some scientific, historic or biographic article. Of his many articles upon various topics, those, I think, relating to archaeology and geology were of most interest, and may be considered the best of his work in this direction. But every part of the natural world interested him. He was passionately fond of science, and I have often felt that he ought, in justice to himself, to have devoted his entire time to scientific pursuits. * * * This interest for him was more than an intellectual one. The beauty and poetry of it all awakened a reverence in him which he would have hesitated to call religious, but which may well be considered one of the essential elements in the spiritual life. Everything in nature, from a stone to a star, was for him an object of wonder and mystery. Nothing pleased him more than to explore the depths of earth to open mounds, or to examine the various strata of rocks. The geology of his State was a subject he was never weary of discussing, and the discussion always related itself to man and his origin and destiny.

Reuben Noble was of English extraction. His grandparents were English. His father, Henry Noble, was a native of Maryland, whence he removed to Mississippi, about 1795. He was the father of twelve children. Reuben was born near Natchez, Mississippi, where he lived until he was twelve years of age, when on account of the anti-slavery sentiments of his father, the family removed to Jersey County, Illinois. Here he worked on his father's farm until he was eighteen years old. He then resolved to make the law his profession, studied the books and was admitted to the bar on attaining his majority. He immediately determined to follow the Star of Empire, and went to Fair Play, Wisconsin, and entered upon the practice of his profession, in 1842. In the following October he removed to Clayton County, Iowa. In 1844 he was married to Harriett C. Douglas, with whom in his early years, he had become acquainted, in Illinois. He continued to practice at Garnavillo until he removed to McGregor, in 1857. This place continued to be his home until his death in 1896, about six months after the death of his old friend and associate, Samuel Murdock. I became acquainted with him in the early sixties. I afterward almost invariably met him at the semi-annual sessions of the Supreme Court at Dubuque. The first time I saw him was in the midst of an argument he was making. I was attracted by his appearance, as well as the manner

* A Book of Lawyers, by John Cordy Jeaffreson, London, 1876, page 322.

and force of his argument. There was something pleasing about the man, about his face, expression and general bearing. They bespoke spiritual, as well as intellectual force. He was an attractive combination of tenderness and strength. He was a highly endowed and gifted man. He was also a lawyer of great ability. Thomas Updegraff, who had known him intimately through the course of many years, paid him the following tribute after his decease:

Mr. Noble really was a great man, and a great lawyer. He was a born leader of men. He was easily the leader of the bar in northeastern Iowa from 1850 until two or three years before his death, when his faculties began to fail him. He was a peacemaker by nature, and the greatest settler and compromiser of disputes whom I ever knew, and to a very large extent he infused the same spirit into the bar in northeastern Iowa. About 1858 he was well off in this world's goods, for those times. He became involved with some others in a large land purchase; the land depreciated, and left the purchasers very largely in debt. For thirty years from that time he devoted every dollar he could spare from a frugal living, until every cent of that debt was paid. I have never known in all my life such a sacrifice to be made to free from debt.

Of him, the accomplished Alonzo Abernethy, in a paper read before the Pioneer Law Makers' Association, at the reunion of 1898, said:

There are men whose lives stand out in bold relief among their fellows. As one tall tree towers above all others of the forest, they lift their heads far above those who surround them. Such men leave a lasting impression upon all with whom they associate. Their influence is never negative, always positive. They "stamp improvement on the wings of time." They are not content to travel in the old ruts, but seek for better paths in which to journey. They are ambitious, but their ambition is not ephemeral; rather the result of mature reason. Such a character was Reuben Noble.

Concerning him, Judge Murdock writes:

From the first day Mr. Noble commenced practice he faithfully labored in his profession, and as the settlements enlarged and new counties were formed, he extended his practice to them until it was probably the largest of any lawyer in the State. As a Judge his keen discriminating powers of right and justice made him an able and impartial one.

Of him, Judge Charles T. Granger thus writes me:

He was a man of fine natural endowment. He was especially strong as a trial lawyer, and took much of his legal learning as it were, by absorption. As a jurist, he brought to his assistance a strong sense of natural justice. He was a very companionable man, and a marked and prominent character in the State.

By reason of his heritage and early environments, he had something of the courtly manners of the South. He was not a close student of books, but of men and motives. He had a natural legal mind, and under its touch, some of the most difficult problems were brought to a solution. He had a great affection for the past and for his compeers in the making of the State, and took a lively interest in perpetuating their memory. He was one of the organizers of the Pioneer Law Makers' Association of Iowa, and was made its President at its first session at Des Moines in 1886. He was again made its President at the reunion of 1894. He attended and took an active part in all its sessions.

By reason of his talents as a lawyer, coupled with his pleasing manners, he rapidly grew in public favor. In 1850 he was elected Prosecuting Attorney, but refused a re-election that was tendered him. In 1854 he was elected as a Free Soil candidate to the Legislature and to the Speakership of that body, and was again elected its Speaker at the extra session of 1855. In the visit of the Pioneer Law Makers' Association, at the reunion of 1896, to the House of Representatives, Judge Noble, in the course of his remarks to that body, referred to the character of legislation when he was Speaker of the House at the time above referred to, from which I am constrained to make the following excerpt because it is highly typical of the man:

The motto then was such as Lord Mansfield gave a young man who was seeking for light and knowledge in regard to his duty, in another country, when appointed Judge. He said to Judge Mansfield, "I am inexperienced, I don't know as I know the law sufficiently to be a Judge, but I have got to act, I have got to perform my duty." Lord Mansfield replied, "Young man, the law is nothing but the logical deductions of the human mind as applied to the business and the social relations of men. Now when you know what the law is, follow it, but when you don't know what the rule of law is, do what is right, and you will hit the law nine times out of ten." We acted on that principle.

In this position he made friends throughout the State, and from that time forward stood in the front ranks of its principal men. In 1856 he was chosen one of the Republican electors of the State at large, but declined the nomination. During the same year he was strongly urged to accept the Republican nomination for Congress, and would have been triumphantly elected had he accepted, but he declined and threw his influence in favor of Timothy Davis, who was elected. During the Civil War he was a strong supporter of the Union and adhered to the Republican party, but at the close of that struggle he became dissatisfied with some of its measures, and expressed his dissatisfaction in so decided a manner that it brought him into disfavor with some of the leaders of the party. As a result, he was nominated by the Democrats against William B. Allison for Congress and made an able campaign, but was defeated by the overwhelming Republican majority that prevailed. In 1868 he was the Democratic nominee for Supreme Judge. In 1874 he was elected Judge of the District Court, and re-elected in 1878. In 1879 he was again the Democratic candidate for Supreme Judge, but was again defeated by the uniformly prevailing adverse party majority.

Eliphalet Price and Realto E. Price.

Eliphalet Price was a familiar name to Iowa people of fifty years ago. He was one of the strongly marked individuals of the early period. His accomplishments were varied, his life strikingly eventful. He was not only one of the first lawyers of Clayton County, but one of the most voluminous magazine, newspaper and miscellaneous writers of his time. The early *Annals* and the press fairly teemed with his productions. His life has been so remarkably well sketched by Judge

Samuel Murdock* that it would be in vain for me to endeavor any improvement upon it, and I shall only venture to give a brief outline of his career. Of that relating to the legal profession, I can give but little, nor have I been able to find but little. In the sketches of Clayton County lawyers, with which Judge Murdock was kind enough to furnish me, Price is noted as the first lawyer that came to Clayton County after Murdock and Noble came. In speaking of Noble, he says:

Previous to Noble's arrival this bar followed the Judge from court to court, and some of the lawyers had a considerable practice in our county. After his arrival, he, Eliphalet Price and the writer of this, for several years constituted the bar of this county; and until the arrival of the Honorable E. H. Williams, O. H. Stephens, E. Odell, J. O. Crosby, J. T. Stoneman, Judge Baugh, Honorable B. T. Hunt, A. J. Jourdan and others.

He was born in Jersey City, New Jersey, in 1811, acquired the rudiments of a common school education, and when eighteen years of age, was taken by his father to New York, and bound as an apprentice to learn the trade of a printer. Here after a time, he organized a strong society or club of apprentices, with constitution and by-laws, the object and effect of which were to teach tyrannical masters that apprentices had rights which they were bound to respect. At the end of two or three years he was released from his indenture, and in 1831 went to Philadelphia, and became the editor of the Market Exchange. His witty and spicy articles, which Judge Murdock says were more mirth provoking than those of Ward or Nasby, soon brought him into notice. In a comparatively short time, however, he went to Washington and wrote for papers there. General Jackson was President, and such men as Clay, Webster, Calhoun and Adams were at the Capitol. He remained through two sessions of Congress, heard these distinguished men from time to time discuss great national questions, and formed an acquaintance with some of them that ended only with their lives. In 1832 he left Washington for the far West; traveled on foot to Pittsburg, embarking on a steamer there for Cincinnati. Thence he went to New Orleans, where he found the cholera epidemic in full force. He was without money, among strangers, with a fatal disease raging around him. He looked for something to do, went to a steamer lying at the wharf which was being loaded for Galena. The clerk, feeling sick, requested him to take his place and check the goods delivered while he went to the drug store for some medicine. The Captain appeared, and was told of the situation; he followed the clerk to the drug store and found that he had just expired with the fatal disease. As a result, young Price was employed to fill his place and he went on the boat to Dubuque, and began prospecting in the lead mines of that locality. In 1836 he went to Clayton County, where he and Robert Hetfield purchased a saw mill that had been erected on the little Turkey River. He soon sold his interest to Hetfield, and secured a tract of land on the north side of the Turkey River, on which he built a cabin and

* Third Series of Annals of Iowa, Vol. 8, page 32.

converted the land into a farm. Here he became known to every settler and wayfarer that came to that part of the country. He was generous to a fault, and would divide his last dollar with a stranger. He became widely known for his open-handed hospitality. The maiden name of his wife was Mary D. Cottle, a lady of culture and a hospitality equal to his own. Their marriage took place in 1839, and upon this farm they reared a family of eight children. One of his sons fell at the Battle of Tupello, another died from wounds received in the Battle of Fort Donalson, another went to Colorado Springs and became Postmaster there, another to San Jose, California, and another, who will be hereafter mentioned, became a lawyer in Clayton County.

Eliphalet Price resided in Clayton County thirty-eight years, until failing health obliged him to seek a more favorable climate in Colorado, where he died some years ago. He was originally a Whig, and afterward an ardent and active Republican. He was violently opposed to the extension of slavery, and his voice and pen were constantly used against it. Upon the breaking out of the Civil War he exerted all his forces in support of the government, encouraged enlistments, and even his own sons to enter the army in defense of the Union. Judge Murdock says he was a natural born orator, and capable of exerting great power over his audiences—at one moment convulsing them with laughter, and in the next exalting them to the highest state of feeling. That he was a man of fine fancy and vivid imagination, is clearly shown by his writings, some of which are enumerated in the sketch of Judge Murdock before alluded to. This sketch was prepared by Judge Murdock for the Pioneer Settlers' Association of Clayton County; it was afterward published in a local newspaper from which it was happily incorporated by Charles Aldrich into the *Annals of Iowa*:

In fiction he was a prince of literature. * * * In 1845 he wrote and published the thrilling and melancholy story of the Mysterious Grave, founded upon no fact whatever; but because the statement that the words "Erin, an exile bequeaths thee his blessing," were found in the grave, the story was copied into Irish papers, and many a poor Irish mother wept over it as perhaps the grave of a lost and wandering son. But his most successful story, that called forth the greatest and most numerous encomiums and was read at every campfire in the army, and in every cottage where the English language was spoken, was *The Drummer Boy*. It was first published in the *Chicago Tribune*, and for tenderness of expression, for ingenuity of theme, for elegance of style and diction, for converting the ideal into reality, for claiming the reader's attention and calling from him emotions of sympathy and patriotism, for the ease of deception and for its perfect and consummate delusion, it is his masterpiece. No one doubted but that the story was true and the poor little "*Drummer Boy*," like Charlie Ross, was found in every cottage and hamlet in the land. No story of modern times had a wider circulation. * * * John G. Saxe, the poet, traced out the author, complimented him highly, and converted the story into one of his finest poems.

He was a constant contributor to the newspapers of the day, and all of his articles were characterized by a racy, chaste, and elegant style of thought and composition. He took an active part in the organization of Clayton County, and was

the first Justice of the Peace within its limits. He was the first Clerk of its County Commissioners, and its first School Fund Commissioner, and was for a time, Judge of its Probate Court. In 1850 he was elected from the Counties of Clayton, Fayette, Winneshiek and Allamakee to the State Legislature, in which he took an active and leading part, especially in the organization of the public school system of the State. In 1852 he was appointed by President Fillmore, Receiver of the Land Office at Des Moines, and held the office during that administration. In 1855 he was elected Judge of the County Court of Clayton County. During his term of office he caused the roads of the County to be resurveyed, established guide and mile posts along them; remodeled the County records and gave names to the streams and townships. He was for many years the President of the Old Settlers' Association of the County, organized the first meeting and delivered before it a most eloquent address. He was among the first to organize movements in aid of railroad construction. He had a tall and graceful form and was altogether commanding in appearance. I am gratified in being a humble factor in perpetuating his memory.

Realto E. Price was the eldest son of Eliphalet Price. He was a native of Clayton County, where he was born in 1840. He was well educated in the common schools and later, at the Upper Iowa University, at Fayette. He read law for two years with Murdock & Hunt, and for nearly a year in the office of Odell & Updegraff, and was admitted to the bar in 1863. He formed a partnership with B. T. Hunt at Elkader, which continued for a number of years and until Mr. Hunt was elected Circuit Judge. He then formed a partnership with Marvin Cook under the firm name of Price & Cook, which continued for several years. He had a fine standing at the bar, eschewed politics, and built up a successful practice. His brother, who is mentioned in the preceding sketch of his father, as having died from the effects of wounds received in battle, was a Major in the Eighth Iowa Cavalry and was specially mentioned for gallantry by the Commanding Officer.*

Elias H. Williams, Elijah Odell, James O. Crosby.

Elias H. Williams, I did not become acquainted with until after he became one of the judges of the Supreme Court of the State. We met at one of its sessions at Dubuque, and soon established a friendly acquaintance, as we were both reared in Connecticut and had many things in common with that State. He had been the Judge of the District Court of the Tenth Judicial District for a number of years, from 1858 until 1866, and in 1870 was appointed by Governor Merrill, Judge of the Supreme Court to fill a vacancy. He was a fine District Judge and would probably have proved an able Supreme Judge had he remained on the bench, for he was not only a finished scholar, but an able lawyer and jurist. He stood very

* Stuart's Iowa Colonels and Regiments, page 644.

high with all the lawyers of his district, which was one of the most important in the State.

He was born at Ledyard, in the State of Connecticut, in 1819. His ancestors were among the most ardent patriots of the American Revolution. He belonged to a strong race and was a good representative of it. After receiving a thorough preliminary education, he entered Yale College, from which he was graduated with the highest honors. He was subsequently a teacher for a few years—a portion of the time in South Carolina, where he imbibed a strong feeling against the institution of slavery. He gained a thorough legal education, was admitted to the bar, engaged for a time in the practice, and in 1846 came to Clayton County and settled at Garnavillo. Here he entered upon the practice of his profession, and in a comparatively short time established a high reputation as both a scholar and a lawyer. He was stalwart in build and strong in constitution. He had a frame and a will of iron, coupled with an active and aggressive temperament. He was fond of manual exercise. These qualities tended to relax his professional labors sufficiently for him to engage in farming upon a large tract of land which he entered near Garnavillo, and which he converted into a beautiful and productive farm. He did not scruple to labor, but frequently joined his "hands" and worked shoulder to shoulder with them. In this he took unbounded pleasure, but it did not result in withdrawing him from the active practice of his profession. He managed to successfully operate both lines. His career as a successful farmer did not detract from his reputation as a lawyer of great ability.

In 1851 he was elected the first County Judge under the new system of County government. Affairs were in a deplorable condition when he took the office, but through his characteristic determination, the old and outstanding debts were soon paid off by a just system of taxation, new roads were made, new bridges built, and at the end of his term he delivered the County Government to his successor in a redeemed and prosperous condition, and returned to his farm honored and respected by the people for his able management of their affairs. In 1858 he was elected and served as District Judge, and was later appointed Supreme Judge, as before stated.

In addition to his successful farming and legal practice, he actively engaged in the promotion of railroad enterprises, and was the most influential factor in securing the building of the Chicago, Milwaukee & St. Paul Railroad through Clayton County, and the construction of the road up the Valley of the Turkey River. He was also at the head of the Company that built the Iowa Eastern Railroad to Elkaer, and it is said, furnished most of the means for that purpose.

As before indicated, he was on the Supreme Bench but a short time, resigning for more congenial pursuits. He did not believe in long opinions, and those he delivered while on the Supreme Bench are strikingly brief. He died in 1891. His

wife, whose maiden name was Hannah Larabee, was a sister of Governor William Larabee.

Elijah Odell was born in Indiana in 1821. He received an academical education, studied law, was admitted to the bar and began the practice at Rennselaer, Indiana, in 1846. My personal acquaintance with him was neither intimate nor extensive, and most of what I have to say was communicated by Judge Murdock and others of his associates. He married a sister of the distinguished Iowa lawyer, Thomas Updegraff. In 1854 he removed from Indiana to Binghamton, New York, where he opened an office, and acquired a considerable practice in a comparatively short time. In the following year, however, he came West and settled in Clayton County, living successively at Gañavillo, Elkader, Guttenburg, locating permanently at McGregor in 1858. He was a student and a man of learning. He read the books and was familiar with adjudged cases. As a result, he was always thoroughly prepared in the trial of his causes. He understood men, knew how to play upon their feelings, and his efforts before juries were characterized by great vigor and influence. He was a man of strong will power, positive force, and an aggressive adversary in the trial of a cause. On this subject Judge Murdock says:

When the battle was on he asked no quarter and gave none; his adversary was then his natural enemy. This excited many antagonisms, but those who knew him well could not long entertain resentment. The contest over, he was himself again, and brim full of good feeling. In the day of trouble among his friends he was a tower of strength and a well-spring of sympathy. He often fell into that error, so common with and almost inseparable from great decision of character and strong will power, of not yielding a proper regard to the feelings and opinions of others who obstructed the pathway to his purposes, but none could be more quick than he to make amends when his attention was aroused, and few men had quicker sympathies or more abounding generosity.

He was undoubtedly a man of fine talents and, had he lived, would have doubtless accomplished a still higher rank in the profession. He died at the age of fifty-three, at McGregor, in 1875. The venerable Judge Chester C. Cole, in speaking of Mr. Odell, said that he regarded him as a man of fine talents, and that the court always listened to him with marked attention on account of his familiarity with the decisions, the scope of his legal learning, and his highly vigorous manner of statement.

James O. Crosby was for many years a prominent figure in his part of the State. He frequently attended the sessions of our Supreme Court at Dubuque, and it was on these occasions that I met and became somewhat acquainted with him. He was a person that would attract attention in almost any assemblage. He was tall and commanding, and carried with him an air that betokened consciousness of his own power. I heard him in argument and participated in some of his conversations. I learned much concerning him through his associates. He was a man of varied accomplishments and readily indicated their possession to the keen observer. He was

without extraordinary early advantages, but a natural student. By dint of this latter faculty, he delved in different directions of learning and came to be regarded as a man of wide knowledge. In short, he was not only a fine lawyer, but a man of scholarly attainments. He was an omnivorous reader, had an insatiable thirst for knowledge, was fond of philosophical research, and it is said, read Bacon and Locke with as much delight as he did Smollett and Fielding. From Judges B. T. Hunt, Samuel Murdock and Charles T. Granger, the testimony is unanimous that Mr. Crosby was a strongly marked individual and a highly accomplished man. His acquisitions were not only enlarged by traverse in judicial and literary fields, but also by travel and observation. He toured the most important portions of his own country and of Europe. He was made President of the Iowa Commission at the World's Columbian Exposition at Chicago in 1893, in which he practically applied some of the wide knowledge he had obtained. He manifested an active interest in the leading political questions of the time, but was not an aspirant for official honors. In argument and speech, he was remarkably clear, analytical and strong.

I am informed that he is still living at an advanced age. In a communication recently received from Judge Charles T. Granger, he gives me this information concerning him:

James O. Crosby, who is now considerably more than eighty years of age and admirably well preserved, came into northeastern Iowa when a young man, and has been one of its most brilliant and successful lawyers. He is a man of wonderful versatility, who has enriched his mind by extensive reading and travel, and as a conversationalist he has few superiors. At this advanced age he retains his interest in legal affairs, and is a regular attendant on international, national, state and county legal associations. In a recent visit with him I was astonished and charmed at the minuteness of his detail of the different proceedings.

Of him, Judge Murdock thus writes (one would almost think extravagantly):

There is no trade or calling that he does not to some extent understand; there is no branch of practical knowledge that he is not familiar with, and no branch of science that he has not investigated.

He was born in Warren County, New York, and received his education at Seneca Falls and the Fredonia Academies; studied law and was admitted to the bar in the State of New York. He removed to Clayton County and settled at Garnavillo, in 1854.

Thomas Updegraff, Benjamin T. Hunt, John T. Stoneman.

Thomas Updegraff was a native of Tioga County, Pennsylvania, where he was born in 1824. He was a man of exalted character and achieved a high reputation as a lawyer and it may be properly said, as a statesman. He ably represented his County in the State Legislature, to which he was elected in 1877, and his District in the Congress of the United States, to which he was elected in 1878; again in 1880; again in 1892; again in 1894; again in 1896. He displayed signal ability and was highly distinguished for the value of his services and the purity of his prin-

cles. He was a natural born gentleman, pleasing in address, vivacious in movement, and attractive in conversation.

His early education had been quite liberal, and he entered upon his legal studies well equipped. He became prominent as a lawyer, and potent before both court and jury. During his term in the State Legislature he was Chairman of the special committee and drew the bill for the creation of the State Board of Charities, which became a law. His high character, coupled with his splendid abilities, gave him great influence with the people of his County and that part of the State, as well as in the official positions which he held. Of him, Judge Charles T. Granger thus writes me:

Thomas Updegraff was too well known to require especial mention from me. He was highly successful in every department of life in which he engaged and possessed of a forceful personality. He had a legal equipment that made him strong before the court, and back of it an integrity that gave him strong moral support. His impulsiveness made him a figure of interest before a jury or any other audience, and his consistent course of life caused him to be dubbed "Honest Tom."

He was undoubtedly one of the rarest men that have appeared in that part of Iowa.

He came to Clayton County when quite a young man, and in 1856 was appointed Clerk of the District Court. He was admitted to the bar and commenced practice at McGregor in 1861, where, after a long and useful life, he died in October, 1910.

Benjamin T. Hunt, I knew intimately. We served together in the State Senate in 1866, had adjacent seats, boarded at the same place, and were much together. I can see him as plainly as if he stood before me—round bodied, full and somewhat florid faced, and rather majestic in bearing. He was of good height, deep chested, plethoric, and carried the visible indications of a man that liked good living. He was one of the most companionable and interesting men I have ever known. He had touched the world on many sides and knew it well. He was an intuitive student of human nature. He also knew that well, and how to play upon its different chords. He was always splendidly dressed, and his commanding appearance attracted attention wherever he went. But his majesty was on the outside, for within he was a most kindly and convivial gentleman. He was an epicure, liked good things to eat and drink and was fond of amusements. We boarded on the east side of the river and he liked in the evenings, to go over to the other side, for a game of billiards or to attend a show, and I generally accompanied him. The return to our lodgings was usually crowned with oysters or some other epicurean refreshment. But beneath all his love of pleasure and good living, there was a well-balanced mind, a keen and discriminating judgment. He was one of the strongest men in the Senate. He was a keen observer of its proceedings, and when he had

anything to say, his remarks were received with great attention. He exerted a decided influence on the legislation of that session. He was not only a splendid lawyer, but had a fine stock of common sense. When we parted at the end of that session it was the last time I saw him. He was then forty-nine, and died in his prime at Elkader, in 1873.

As a lawyer, he stood at the head of his profession. It is said that he was one of the most skillful cross-examiners, and was often employed in cases for no other purpose than to cross-examine some particularly hard witness. He never grew angry with or insulted his subject, but in an easy, magnetic way, extorted from him such admissions as he desired. He had a fine sense of legal ethics, the *esprit de corps* of the profession. His honor and integrity were without a blemish.

He was born in the State of New York, in 1817, went while a young man, to Fairfield, Van Buren County, Ohio, where he taught school for a time and there, it is said, learned the trade of shoemaker and followed that occupation for several years, studying law in the meantime, under the direction of a leading lawyer of Fairfield, where he commenced and continued to practice until 1857, when he came to Prairie du Chien, Wisconsin. After practicing there for a year or two, he came to McGregor and became a partner with C. F. Remick. In 1860 he came to Elkader and formed a partnership with Judge Murdock, and when that partnership was dissolved, he formed one with his former student, Realto E. Price, under the firm name of Hunt & Price, which continued until he was elected to the Circuit Court bench in the fall of 1868. He was an able judge, and had he lived, would have, in my opinion, attained very high rank as a jurist.

John T. Stoneman was born in Chautauqua County, New York, in 1831. He received an academical preparatory education, then entered Williams College, from which he graduated. His legal education was acquired by reading law with a distinguished lawyer of Covington, Kentucky, and at the Albany Law School. He located at McGregor, in 1856, where he practiced with great success until his removal to Cedar Rapids in 1882. He was a finished scholar and one of the most distinguished lawyers of the State. He was of English and New England extraction, and a brother of George Stoneman, a highly distinguished General of the Civil War.

He had a remarkably fine presence, a command of choice language, and to his profound learning as a lawyer, were joined the gifts of a polished orator. In 1876 I happened to be in the State Senate while he was addressing that body. My acquaintance with him was so slight that I did not at first recognize him, but my attention was drawn to him by his noble bearing and the elegance of his address.

In politics, he was originally a Whig, and after that, allied himself with the Democratic party. He was the first Recorder of the City of McGregor, being

elected in 1857, and in 1863 was elected its Mayor. In the presidential campaign of 1868 he was on the Democratic ticket as one of the candidates for presidential elector. In 1870 he was the Democratic candidate for Congress in the Third District, against W. J. Donnan. In the same year he received the full Democratic vote of the Thirteenth General Assembly, for the United States Senate, to fill the vacancy caused by the death of James W. Grimes. In 1872 he was again the Democratic candidate for Congress, against Mr. Donnan, and greatly reduced the previous Republican majority. In 1875 he was elected to the State Senate and served in the Sixteenth and Seventeenth General Assemblies. His superior abilities made him competent to fill any office within the gift of the people, and he would, doubtless, have been more highly honored had not his party, through nearly all the years, been in a hopeless minority.

Judge Charles T. Granger, in speaking of him, thus writes me:

John T. Stoneman was one of the prominent early lawyers of Clayton County, and a good one. He excelled as an advocate and his legal acquirements were excellent.

His career in Cedar Rapids fully sustained his previous standing and reputation as a lawyer. In his latter years he was Judge of the Superior Court of that City for some time.

The sketch of Leander O. Hatch will be found elsewhere by reference to the index.

CHAPTER XXXI.

ALLAMAKEE COUNTY.

Charles T. Granger, Leander O. Hatch, John T. Clark, Liberty E. Fellows, Henry Dayton, Samuel H. Kinne.

Charles T. Granger was probably the most highly distinguished lawyer and jurist in the history of Allamakee County during my day. He is still living at an advanced age. I saw and spent an afternoon with him only a short time ago at Long Beach, California, where he was sojourning for the winter. He is verging close to eighty—in his seventy-eighth year—but time seems to have made no ravage on his intellectual strength and clearness. His life has been an eventful one. Born of humble parentage, left a motherless orphan when a mere child, reared as a laborer on the farm, with limited means of early education, but acquiring enough by dint of perseverance to teach a country school, reading law from books borrowed during the time, entering the army as a Captain, almost at the outbreak of the Civil War, leading his company in many hard-fought battles, serving to the close of that great conflict, then completing his law studies and afterwards entering the practice with his preceptor, he attained judicial distinction of the highest order, serving as District Attorney for four years, as Circuit and District Judge seventeen years, and finally as Judge and Chief Justice of the Supreme Court of the State for twelve years, making in all, a judicial service of thirty-three years, including the period he was District Attorney. That he was a soldier of valor and intelligence, is the unanimous testimony of his commanding officers and comrades, and is well exemplified by his "Recollections" of the bloody battle of Pleasant Hill, Louisiana, given at the request of Colonel William T. Shaw, the Commander of Shaw's Brigade (of whose staff Captain Granger was then a member) and appearing in Vol. III, of the third series of the Annals of Iowa, p. 416.

Among other battles in which he and his company participated were those of Yellow Bayou, Tupelo, Nashville, Mobile, and that which resulted in the capture of Fort De Russy, besides numerous minor engagements. That he was a judge of keen discernment and lucid expression, may be verified by reference to but a single opinion of his rendered as the decision of the Supreme Court, to be found in the

Iowa Reports, and also in the third volume of the third series of the Annals of Iowa, p. 284, in the course of which the ownership of aerolights which fall to the earth is interestingly discussed. All of his opinions are characterized by a strong sense of justice and by the evident desire of their author to go to the very foundation of sound and thorough inquiry.

Knowing as I do, that in Iowa there are always competent aspirants, and that rotation in office is the general rule, I could hardly understand how it was that Judge Granger had been so long and continuously kept in his judicial service, but when I examined into the causes of this and became more thoroughly acquainted with him, the matter became clear. The bases of his character were unswerving integrity and devotion to duty. Coupled with these were the superb characteristics of patience, willingness to hear, fairness and unfailing magnanimity. It was these qualities that endeared him to the people, and determined them not only to keep, but promote him in office. I had seen him a number of times at Long Beach, and the more I saw of him, the higher was my estimation of his fine qualities. He was without the least vanity or self-conceit. He was rather tall and slender in person, and his amiable and interesting face bespoke the kindly feeling within. He had a high, bald head, and lustrous blue eyes. He must have been handsome as a young man, and the years had not destroyed his personal attractions. His voice was soft and pleasant—in harmony with his character; his memory vivid, his conversation interesting. In one of our interviews, I said that to me autobiographies were far more interesting than what was said by one of another, and earnestly requested him to give my stenographer a brief outline of his career. I told him that a number of his distinguished compeers had done this for me, and he finally yielded to my request and gave to my stenographer the sub-joined narrative, which, from its modest simplicity and total absence of self-exploitation, justifies what I have said respecting him. So reluctant was he, to in any wise vaunt himself, that he was not going to refer to the numerous battles in which he and his regiment engaged, until I specifically asked him to do so. This is the short and simple story:

My full name is Charles Trumbull Granger. I was born in Monroe County, in the State of New York, 1835. I left the State of New York so early in my life that I have no recollection of it. My first recollection was living in Lake County, Ohio, in the Mormon town of Kirtland. I lived here until I was twelve years of age. My mother died in Kirtland, and I went to live with my sister near Norwalk, in Huron County, Ohio, where I remained little more than a year. Owing to some trouble with my brother-in-law, I ran away at the age of thirteen, and went to Illinois, where my home was until I was twenty years of age. My father had preceded me to Illinois and I went to him. I lived on a farm in Illinois with my father until I was twenty years of age. I was married the first time at that age and in 1854 we removed to Allamakee County, Iowa. In 1855 I returned to Lake County, Illinois, where I lived on the farm until the spring of 1860. In 1859 I entered the Academy at Waukegan, Illinois, and in all was in the Academy for about nine months, teaching school during the winter, and part of the time reading law on the farm with books borrowed from a lawyer's office in Waukegan. In March, 1860, I returned to Iowa and entered the law office of Hatch & Wilbur, composed of L. O. Hatch and Richard Wilbur. In Sep-

tember, 1860, I was admitted to the bar upon examination in open court, presided over by Judge E. H. Williams. In October, 1860, I went to Mitchell County, Iowa, where I engaged in teaching school until 1862, when my wife died. About the first of August I received a recruiting commission from Governor Kirkwood, and aided in recruiting what was afterward Company K, of the Twenty-seventh Regiment of Iowa Infantry, and was chosen Captain of the Company, and served in that capacity to the close of the war. I had been elected Superintendent of Schools, an office I resigned when I entered the army. James I. Gilbert was the Colonel of the regiment. I was in quite a number of minor engagements and in 1864 was with General Sherman in his campaign from Vicksburg to Meridan, Mississippi, and on our return to Vicksburg I was one of the ten thousand that is said to have been loaned to General Banks for the Red River expedition, and in that expedition with the Sixteenth Army Corps under General A. J. Smith, and participated in the battle of Pleasant Hill, April 9, 1864, and in numerous minor engagements (there was nearly a continuous fight), to the close of that expedition. We then returned to Memphis, and in July, 1864, under command of General A. J. Smith, we made the expedition to Tupelo, Mississippi, where we fought that battle on July 14th, and the battle of Old Town Creek on the following day. On our return from there we went to St. Louis and made an expedition after General Price across the State of Missouri, and returned to St. Louis and in the last days of 1864 we were sent to Nashville, and took part in the battle of Nashville, December 15-16, 1864, and followed Beauregard across to the Tennessee river, where we remained until the early Spring of 1865 when we were taken to New Orleans, and thence through the Gulf of Mexico to Dauphin Island, and thence to Mobile, and took part in the engagement at its surrender. Thence we went to Montgomery, Alabama, and from there to Clinton, Iowa, where we were mustered out on the 8th of August, 1865.

I then returned to Mitchell County, Iowa, where I remained until October and then returned to Waukon, Allamakee County, and entered into partnership for the practice of law with my former preceptor, L. O. Hatch, a partnership continued to January 1, 1869, at which time Mr. Hatch removed to McGregor, Iowa, resigning the office of District Attorney. I was then appointed District Attorney to succeed him, and served in that capacity to January 1, 1873. In the fall of 1872 I was elected as Circuit Judge, for the district embracing the counties of Allamakee, Winneshiek, Howard, Chickasaw, Fayette, and Clayton. I served as Circuit Judge for fourteen years, and in 1886 I was elected District Judge when the judicial system of the State was changed by the abolishment of the Circuit Court, and served as District Judge to January 1, 1889, a position I then resigned, having been elected to the Supreme Bench of the State, in which capacity I served to January 1, 1901. The length of my judicial service as Judge was twenty-nine years in all. The Supreme Court at that time was composed of Justices Beck, Rothrock, Robinson, Reed and myself. Judge Reed having been elected a member of Congress, resigned his office as Judge about March, 1869, and Judge Josiah Given was appointed his successor. Judge Beck remained on the bench about three years, when L. G. Kinne became his successor. Of Judge Kinne I want to say that he was a very painstaking, laborious man, and a good jurist.

As a man Judge Given was one of nature's noblemen. As a jurist he was reasonably painstaking, careful and correct. Where Judge Given particularly excelled was as a trial Judge. He had great executive force, was quick in his conclusions and I think it may be truthfully said that his first conclusions on a legal proposition were his best, and, generally, correct. He had a very sunny disposition. He was not what was called a plodder, but a man of very keen perceptions. Without going into details, I may say that my estimate of Judge Deemer is a very high one. He was not only a man of acute perceptions, but one that went to the bottom of every investigation. The next change was the retirement of Judge Rothrock, Judge Ladd, of O'Brien County, who is still on the bench, taking his place. He is a man and a jurist of decided ability. The next retirement was that of Judge Robinson, succeeded by Judge Sherwin, of Mason City. My opinion of Judge Robinson is that he never passed in the public judgment for what he was really worth, for he was a very painstaking, laborious man, and an able Judge. He was patient in investigation, and difficult to move—perhaps too

difficult—when he had formed his conclusions. He was a man without very great warmth or personal magnetism, but taken all in all, I considered him a rare man.

Judge Waterman came to the bench as the successor of Judge Kinne. On the Supreme bench he was an incessant worker and really a strong and able jurist. He resigned before the close of his term to engage in a partnership with Joseph R. Lane, who I think was fully as great a lawyer as his father, James T. Lane.

Since the close of my judicial service I have not been engaged in active business, and aside from caring for my personal interests and being associated with business interests largely managed by others, I have been enjoying myself, traveling about some, spending my winters in Arkansas, and at Long Beach, California, in which latter place I am holding the present interview with Mr. Stiles.

I was married a second time in 1868, to Miss Anna Maxwell, of Waukon, Iowa, and two children were born to us, Ula A. and Rollo S. My wife by the second marriage died on the 17th day of August, 1890, and my daughter the following May, so that my son is the only living member of my immediate family.

During this interview with Judge Granger and subsequently through written communications, he gave me considerable information respecting some of the early lawyers of his judicial district, when he was on the Circuit and District bench, of which I shall make use in speaking of the persons concerned.

Leander O. Hatch was one of the first, if not the first, notable lawyer that settled at Waukon, for it did not become the County seat until 1853, and he settled there early in 1854, when, it is said, there were not more than half a dozen houses there.* He was prominent while in Allamakee County, but may well be placed in connection with Clayton County, where he became equally distinguished. As, however, the first fifteen years of his professional life were spent in Allamakee County and interwoven with its early history, and especially as he was the preceptor and afterwards the partner of Charles T. Granger, I decided to place him there. I did not become acquainted with him until his removal from Waukon to McGregor, in 1869, whither he went to form a partnership with Reuben Noble. He, with Noble and James O. Crosby, were nearly always in attendance at the sessions of the Supreme Court at Dubuque, during my association with that tribunal as Reporter of its decisions, and through this I became personally acquainted with those gentlemen. I listened with interest to Mr. Hatch in his oral arguments, and read with like interest, his written briefs. He was a lawyer of great ability, and universally so recognized. His partnership with Mr. Noble lasted until the election of the latter to the judgeship of that District. The firm was one of the strongest in the State, and was engaged in cases of the highest importance. Later he, himself, became District Judge and displayed on the bench qualities in keeping with the high order of those he had displayed at the bar. He was elected in 1882, re-elected in 1886, and again re-elected in 1890, and died while on the bench, in 1894.

Judge Charles T. Granger thus spoke of Judge Hatch:

* Allamakee County was organized in 1849. The first county seat was Columbus, then Waukon.

In my opinion, the State of Iowa never produced a lawyer or jurist of finer discrimination than Leander O. Hatch. Nature seemed to have endowed him with acute perceptions, and I think he could state a legal proposition as clearly as any man I ever knew. He was not an incessant worker, but when he did work he was able to accomplish much in a brief space of time. As a trial lawyer he was forceful, and in an argument to the court upon a legal proposition I have never known his superior. He was on the bench about ten years and was an able Judge. He was a resident of Clayton County during his Judgeship, and died there.

Of him, another of his contemporaries says:

I practiced with and against him for many years. He was thoroughly a master of his profession. For keenness of analysis, clearness of statement and accuracy of reasoning he was unsurpassed by any of his associates.

He sprang from a New England ancestry. His parents went from Massachusetts to the wilds of Ohio, and settled in Trumbull County, where Leander was born in 1826. Here he lived and here he labored, from the time he was old enough to work, in clearing and bringing the farm into cultivation. His early education was obtained through the district school, and later in the Farmington Academy, supplemented by reading such books as came within his reach, and which an instinctive thirst for knowledge prompted. For several years he taught school, studying law from borrowed books in the meantime. In 1849 he was admitted to the bar, and after practicing for a while in Ohio, came to Iowa.

John T. Clark was one of the earliest and ablest lawyers of that part of Iowa. His name will be found in connection with reported cases during his period. But as to when he came to Allamakee County, and respecting his nativity and early life, I have but little data. Of him, Judge Granger, in the interview alluded to, said:

John T. Clark was a man of fine natural ability, a successful practitioner, one who stood high in the front ranks of lawyers in northeastern Iowa. He died quite a good many years ago.

That he came early, rose rapidly and had the confidence of the people, is attested by the fact that he was chosen by them as their delegate to the Constitutional Convention of 1857, the work of which was to draft a new constitution for the State. He had for his associates some of the most distinguished men of the Commonwealth. It is doubtful whether a more illustrious body ever assembled within its borders.

Mr. Clark was not only chosen to be a fit associate of these men and partake of the important work they had to perform, but in that work he took an active and leading part. Twenty-five years afterwards, on January 19, 1882, an anniversary reunion of the surviving members of that historic convention was held at Des Moines. Judge Francis Springer, who had been the President of that Convention, was chosen President of the Reunion. The lovable, lamented and illustrious Judge George G. Wright delivered the address of welcome, in the course of which he thus significantly referred to Mr. Clark:

Politically the convention was divided into fifteen Democrats and twenty-one

Republicans. On the side of the majority those most prominent in debate were the three Clarks (W. P., John T., and R. L. B.), while James F. Wilson, as also John Edwards and J. A. Parvin, were not by any means silent voters.

At this reunion Mr. Clark, (though not able to be present), and seven other members of the Convention, were still living, and were thus referred to in the address of Judge Springer:*

We observe with feelings of disappointment and regret the places made vacant by the absence of members who are still living. There are eight of them. They are the senior member from Lee, Mr. Patterson; the junior member from Des Moines, Mr. Robinson; the member from Jones, Mr. Parvin; Clark, of Johnson; Clark, of Allamakee; the member from Keokuk, Mr. Hollingsworth; the member from Delaware, Mr. Peters, and the gallant John Edwards, of Lucas. We regret that all but two of them are kept away by illness and physical infirmity.

When and where Mr. Clarke died, I am unable to say.

Liberty E. Fellows was a native of Vermont, where he was born in 1834. He came to Allamakee County in 1857, settling at or near Lansing. He engaged in farming, taught school, studied law, was admitted to the bar and commenced practice in 1862. He subsequently became distinguished as a public man, one of the ablest and best known lawyers of his part of the State, and for many years one of its ablest judges. Judge Granger thus spoke of him:

Liberty E. Fellows, of Lansing, was one of the very able lawyers of north-eastern Iowa, a successful practitioner and for some fifteen years or more a District Judge of rare ability. He died during the summer of 1912.

In the early part of his political career he was a Democrat, and was one of the very few of that party elected to the House of the Eleventh General Assembly in 1865. At the close of his term in the House he was elected on the same political ticket, in 1867, to the Senate and served in the Twelfth and Thirteenth General Assemblies. He was not only a leader of the "Corporal's Guard" of his party, but a highly active and influential member in both bodies. For twelve years he was on the Board of Trustees of the Hospital for the Insane at Mt. Pleasant, and for a number of years a Regent of the State University. In January, 1889, he was appointed by the Governor, Judge of the District Court to fill the vacancy occasioned by the resignation of Judge Granger, upon the election of the latter as Judge of the Supreme Court. At the subsequent election Judge Fellows was elected by the people and was continued in his judicial office by three or four successive re-elections.

Our personal acquaintance began in 1866, while we were fellow members of the Eleventh General Assembly, and was continued by our occasional meetings at the semi-annual sessions of the Supreme Court at Dubuque. He was a gentleman and a scholar and fully deserved the high measure of success he attained.

* The addresses of both Judge Springer and Judge Wright will be found in the Third Volume of the Third Series of the Annals of Iowa, pages 33 and 36.

Henry Dayton was not one of the earliest, but one of the early lawyers of the County. He was admitted to the bar in 1862. He first settled at Lansing, and afterward removed to Waukon. He was a native of Saratoga County, New York, where he was born in 1836. He was a well educated man, a collegian, a graduate of the Fort Edward Collegiate Institute, New York. He maintained a successful practice at Waukon for many years, and attained considerable prominence in public affairs. He must have been a man of considerable popularity as well as strength, for he was elected in the fall of 1871 on the Democratic ticket, and served in the House of the Fourteenth General Assembly, and on the same ticket was re-elected in the fall of 1873 and served in the Fifteenth General Assembly.

Samuel H. Kinne came to Lansing and entered the practice in 1857. I find his name among the early lists of practising lawyers, and in connection with reported cases. He did not, however, as I am informed, continue to confine himself exclusively to his profession, but distributed his forces by diverging somewhat into successful business lines. He also attained considerable prominence in public affairs. For three terms he was Mayor of Lansing, and in the fall of 1871 was elected to the Senate of the Fourteenth General Assembly, and in the fall of 1875 was re-elected, serving in all eight years in the Fourteenth, Fifteenth, Sixteenth and Seventeenth General Assemblies. He was a Democrat of the old school, and while he served in a Legislature that was overwhelmingly Republican, he was placed on some of the most important committees, performed his duties in an efficient manner, and was highly respected by his compeers. During the Civil War he allied himself with what was known as the "War Democrat," and heartily supported all measures for the supression of the Rebellion. In 1872 he was a delegate to the National Democratic Convention, which nominated Horace Greeley for President. He was of New England and Revolutionary stock. Born in the State of New York in 1832; he was admitted to the bar of that State in 1856. He was a well educated and cultured gentleman.

CHAPTER XXXII.
COUNCIL BLUFFS.

Orson P. Hyde, George P. Stiles, D. C. Bloomer, A. C. Ford, Hadley Johnson, D. W. Price, A. V. Larimer, W. C. James, J. P. Cassady, Frank Street, J. D. Test, R. L. Douglas, C. E. Stone, Grenville M. Dodge, George F. Wright, Winfield S. Mayne, Spencer Smith.

Orson Hyde was, I think, the first lawyer of prominence in Council Bluffs, or Kaneshville. As is well known, the place was principally settled by the Mormons. Orson Hyde was a Mormon and a leader, not only at the bar, but of his people. He both preached and practiced. Of him James W. Woods (Old Timber) thus wrote me nearly forty years ago:

Orson P. Hyde was a leading Mormon, a very able man and an eloquent speaker. I heard him preach, and I think but few could excel him in some of his oratorical flights.

D. C. Bloomer, of whom I shall have something more to say, contributed from 1872 to 1874 to the Second Series of the Annals of Iowa a number of articles entitled, "The History of Pottawattamie County," for which both that County and the State are greatly indebted to him, and from which much of the particular data contained in this chapter are gleaned. From that history it is apparent that Hyde exercised great influence in the community. The first term of the District Court was held on the 5th of May, 1851, James Sloan presiding as District Judge.*

At that term Hyde was one of the first attorneys admitted to practice.

In 1848, Hyde established the *Frontier Guardian*, which continued to be published until 1852. It was edited by Hyde himself, assisted during a part of the time by A. C. Ford, and was primarily devoted to the defense and spread of the doctrines of the Mormon Church. It generally favored the Whigs in politics, but the political mantle, both of Hyde and his followers, sat rather loosely on their shoulders, and their influence was commonly cast in favor of whichever party seemed

* Judge Sloan was a native of Ireland and a Mormon, and many anecdotes are told of his eccentricities and mother wit while on the bench, but he resigned after holding office about a year and Judge Bradford was appointed by the Governor to succeed him, who in turn was succeeded by Judge H. S. Riddle, who came on the bench as the Mormon rule was passing away.

likely to show them the most favors. Hyde presided over the Mormon Tabernacle, in which the followers of his religion gathered on the Sabbath. There are many other particulars relating to Orson Hyde contained in the contributions of Mr. Bloomer, before referred to. Not long after the last period mentioned, Hyde removed to Salt Lake City and became a part of the Mormon community there.

George P. Stiles must have come to Kanesville in 1848 or 1849. Of him *James W. Woods* (Old Timber) says:

George P. Stiles came to Iowa in an early day. I first met him in 1851. He was a large man with a fine physique and much magnetic influence. He was a good scholar, an able lawyer and a strong advocate. He ultimately settled at Council Bluffs. He was appointed in 1855 by President Pierce as one of the Supreme Judges of Utah. He subsequently went to Colorado and was twice Mayor of Denver.

The name of the town was changed from Kanesville to Council Bluffs on the 19th of January, 1853, and the election of the mayor and other city officers was held in the new City the following spring, on April 13, 1853, and George P. Stiles was elected the first city attorney. The little acquaintance I had with Mr. Stiles was contracted in Washington, D. C. Something over forty years ago I was waiting at the door of the Senate Chamber for that Body to open, in order to send in my card to Senator Grimes. Another solitary person was waiting also for the Senate to open. We naturally got into conversation, and it developed that my companion was George P. Stiles. We had several little visits together in the city while we remained. I think he was then a resident of Denver. A. C. Ford, whose name has been mentioned, and Stiles were partners for some time, and both removed to Denver in the early fifties. They were both regarded as very able lawyers.

Dexter C. Bloomer, who has been already mentioned, and who has contributed so much to the history of Pottawattamie County, was one of the most diligent and useful of Iowa men. It was always a pleasure to meet him. He was a natural-born gentleman, a native of Aurora, Cayuga County, New York, where he was born in 1816. His parents were Quakers, and he carried the gentle blood of that stock in his veins and displayed it in his disposition and acts.

When he was seven years of age the family removed to Cortland County, New York. In 1828 he removed to Seneca Falls, where he received a good common school and academic education. For several years he taught school, then studied law, was admitted to the bar and entered upon the practice. In 1838 he was appointed Clerk of Seneca Falls, holding that office for three years. In the same year he became the Editor of *The Courier*, Whig paper, of Seneca Falls. From 1849 to 1853 he was the postmaster of that place. Prior to that time he had established a successful practice in his profession and had an excellent clientage. At the expiration of his term as postmaster, in 1853, he removed to Mt. Vernon, Ohio, and became the Editor of *The Western Home Visitor* at that place, but after

occupying that position for two years, he located in Council Bluffs in 1854, and entered upon the practice of his profession. This he successfully followed for several years, but his interest in public affairs, and the duties of the many official positions to which he was called, finally absorbed his time and attention, and to them he gave the best forces of his life. He did as much, and perhaps in some respects more, than any other individual, to promote the interests of Council Bluffs and its people. He took great interest in the promotion of the public schools and libraries, and under his supervision and through his influence, many of the public schools of the city were built. In 1859, when the City was organized into an independent school district, he was chosen President of the Board. Before the organization of the Republican Party, he had been an Anti-Slavery Whig, and after the dissolution of that Party, he became one of the organizers of the Republican Party, and took an active and ardent interest in the political movements of the day. He was a clear and cogent speaker, and in the Presidential Campaign of 1860, was one of the most potent orators of his Party. In 1861 he was appointed Receiver of the General Land Office, with Frank Street as Register. Mr. Street held his office for eight years, and Mr. Bloomer his for a considerably longer period. At the City Election of 1866, he was elected President of the School Board. At the end of that term he was re-elected to the same position. At the next election he was again re-elected. In 1856 he was a member of the City Council. In 1857 he was the Republican candidate for Mayor; in 1858 the Republican candidate for County Judge; in 1859 the Republican candidate for Representative. The City at that time was strongly Democratic, and though he ran ahead of his ticket, he was defeated in each of these nominations. Subsequently he was twice elected as Mayor of Council Bluffs. For forty years he was a warden of St. Paul's Episcopal Church.

He possessed a fund of rich and varied information and was a rare converser. His character was a symmetrical one, well developed in every direction. His nature was geniality and kindness personified, though no man was ever more fixed and settled in his opinions upon questions involving right and wrong.*

He died at Council Bluffs in 1900.**

Hadley D. Johnson was not only one of the early leading lawyers of the Western Slope, but also one of its important factors in public affairs. From an article appearing in the *Omaha Herald*, and reproduced in the April, 1883, Number of the *Old Annals of Iowa*, page 44, we learn much of Hadley D. Johnson, and from that article the following data are gleaned: After living in Council Bluffs, or Kaneshville, for some years, he removed to Omaha, and after that lived in Salt Lake City, Utah, for a considerable time. When he had passed the three score and ten

* Charles Aldrich in Vol. 4, Third Series, *Annals of Iowa*, 398.

** His wife, Amelia Jenks Bloomer, was the accredited originator of the Bloomer dress. She was a contemporary and coworker with Susan B. Anthony, Elizabeth C. Stanton, and Abby Keeley.

years' mark, he removed to the Territory of Washington, where it is supposed he died many years ago.

He came to Kaneshville in 1851. He was strongly imbued with the idea of the future Pacific Railroad, and actively sought the location of the initial point of the Railway, where it was finally located. In 1852 he was elected as a Democrat to the State Senate, and made the journey to Iowa City on horseback, and alone, in the winter season, finding very few stopping places between the Missouri River and Winterset. It is said that the Senatorial District was composed of forty-four counties, but most of the people lived in Pottawattamie and two or three others. The question of railroad construction and the fixing of the main lines was an absorbing one. The Territory of Nebraska was not yet organized, and the question as to its boundary lines, when it became organized, became intensely interesting. In the article referred to, there is a brief account given by Mr. Johnson, himself, in a paper furnished by him to the Omaha Herald, of the holding of a meeting and the selection of a delegate or representative to go to Washington in connection with the matter. He says:

Arrangements were made for holding an election for a delegate, among other places, at Sarpy's trading house, whereupon a number of the citizens of Council Bluffs moved over, camped on the rock-bound shore at the old Traders' Point ferry, held an election and unanimously decided that I should go to Washington, which I did at my own expense. Going to Washington again, traveling (in the company with B. R. Pegram) overland to the Mississippi, we took a steamer bound for St. Louis, thence I went by other steamers to Cincinnati, thence by rail to Washington. My plan was to organize two Territories, which, being submitted to General A. C. Dodge, then Senator from Iowa, and to Honorable S. A. Douglas, was by them approved, and you know the rest, except this you do not know: that my resistance to the Missouri plan of making the Platte river the boundary between the Territories, was so persistent and so successful, that I proposed and fixed the present boundary at the 40th parallel. Here again was work and good fortune accomplished only after my threat (backed by power to execute it) that unless they consented to this boundary there should be no Territory organized at that time, so rather than lose the opportunity of opening the country west of them the Missouri people consented to my plan. This action of mine was in pursuance of an original design to make the Platte Valley and the north side of that stream the route for the great national highway.

From all this, it is clear that he was a man of both enterprise and action. For a time he and J. P. Cassady were law partners under the firm name of Johnson & Cassady, and will be found in connection with the Supreme Court Reports of that period.

Daniel W. Price came to Council Bluffs in 1854. He was one of the ablest lawyers in that part of the State, and acquired a large practice. His name will be frequently found in the Supreme Court Reports. As a jury lawyer, he had few superiors, and as a public speaker, he was noted for his powers of oratory. Speaking of the year 1854, D. C. Bloomer, in one of his articles, says: "The legal profession was this year strengthened by the addition of D. W. Price, A. V. Larimer, and

R. L. Douglas, who each entered upon the practice and won for themselves honorable positions in the community.”

In 1856 Mr. Price was elected a member of the Constitutional Convention of 1857, his District then composing nearly the entire northwestern part of Iowa. His competitor was D. E. Brainard, of Harrison County. At the reunion of the surviving members of that Convention, held at Des Moines on the 19th of January, 1882, Mr. Price was present and made an eloquent address on that occasion. He died in 1887.

A. V. Larimer, as before indicated, came to Council Bluffs about the same time that Price and Douglas came, in 1854. Mr. Larimer was a lawyer of fine ability. He was a Democrat in politics and a leader in political affairs. In 1856 he was elected County Judge, to serve until the spring election to fill a vacancy caused by the resignation of Joseph Hall. In the fall of that year he was elected Representative, and served in the House of the Sixth General Assembly. At the County Democratic Convention of 1862, Mr. Larimer was appointed a delegate to the State and Congressional Conventions. A resolution of the County Convention denounced “abolitionism and secessionism as twin enemies of our glorious Union.” Mr. Larimer, like Mr. Douglas, was a notable lawyer and public man of that day. I had forgotten to mention that in 1855 he was elected Prosecuting Attorney of the County. This was before he was elected County Judge.

He was a native of Bellefonte, Penn., where he was born in 1829. In 1876 he removed from Council Bluffs to Wyoming but ten years later returned to Iowa, settling in Sioux City, which became his home until his death. He died in Chicago, where he had gone for medical treatment in 1905. He was well educated and a graduate of Allegheny College.

William C. James was a native of Elmira, Ohio, where he was born in 1830. He came to Council Bluffs in 1853 and resided there continuously until his death. He was a thoroughly self-made man. In his early years he had worked both as a carpenter and brick mason; it is said that he erected the first brick house in Council Bluffs, in 1855. He was endowed by nature with a good mind and an ambitious desire to make some figure in the world. He studied law, was admitted to the bar, and came to be regarded as a lawyer of ability. By hard study he had made himself familiar with the underlying principles of the law, and especially to that relating to real estate. He was elected County Judge in 1856, served several years as Alderman, and was twice Mayor of Council Bluffs. He was a Democrat in politics, and in 1877 was a candidate of that party for Lieutenant Governor. He was a man of great public spirit and enterprise, and thoroughly devoted to the interests of Council Bluffs. One who knew him well, says:

He was generous to a fault and there was no limit to what he would do for a friend. Throughout his career he bore the reputation of a scrupulously honest man.

From my personal knowledge of Judge James, I can readily endorse this statement. For many years he was a member of the firm of Montgomery, Reed & James, composed of B. F. Montgomery, Joseph R. Reed, and W. C. James. Mr. James died at Council Bluffs in 1899.

Jefferson P. Cassady, one of the early and notable lawyers and public men of Council Bluffs, was born in Fayette County, Indiana, in 1828. He fitted himself for the bar, came to Iowa in 1851, and settled in Fort Des Moines, now the City of Des Moines. Here he was elected to his first official position, that of Deputy Treasurer and Recorder of the County, the two offices being united. At the end of his term, in 1853, he removed to Council Bluffs and entered upon a successful practice. In 1858 he was elected County Judge, serving with efficiency in that position for four years. Of this service D. C. Bloomer says:

The election of Judge Cassady began a new era in the management of county affairs. A careful economy marked his administration. The expenses of the county were rapidly reduced; waste and extravagance were carefully avoided; the resources of the county were closely husbanded, and every possible effort made to place its finances in a better condition. The charges of corruption and personal favoritism in the county judge's office now wholly ceased, and the people generally were well satisfied that their interests would be safe in the hands of Judge Cassady.

Nothing more forcible than this could be said of Judge Cassady's ability and integrity.

In 1861 he was elected one of the Board of Directors of the Council Bluffs & St. Joseph Railroad. Upon the establishment of a branch of the State Bank of Iowa at Council Bluffs, in 1860, he was elected one of its directors. In 1864, upon the organization of the Fairview Cemetery Association, he was elected one of its first directors. In 1865 he was elected Vice President of the Council Bluffs & St. Joseph Railroad. In 1866 he was one of the commissioners for the erection of the new courthouse. In the fall of 1867 he was elected to the State Senate, and served with marked efficiency in the Twelfth and Thirteenth General Assemblies. He was a Democrat in politics and in 1872 was the candidate of his party for Auditor of State.

From what has been said, it is apparent that much of Mr. Cassady's life was devoted to public affairs, which naturally interfered to a considerable extent with the close pursuit of his profession. He was one of the most useful and conspicuous public men of early Iowa.

Frank Street was a contemporary with the early lawyers that have been named. He was a man of influence and action, both as a lawyer and public man. I am not able to state the precise time when he came to Council Bluffs, but from the best information I can gather, I think in about 1852. He took an active part in politics, was one of the organizers of the Republican Party in 1856, and a delegate to the first Republican State Convention, held in that year. In 1857, at the

first election held under the new character, he was elected Recorder of the City of Council Bluffs. In the fall of that year he was the Republican candidate for Senator against W. H. M. Pusey, the successful Democratic candidate. In 1859 he was appointed by the Council, City Attorney of Council Bluffs. In the Presidential Campaign of 1860 he was prominent among the public speakers on the Republican side. In 1861 he was appointed Register of the United States Land Office at Council Bluffs and held that position for eight years. This, however, did not, as it would seem, interfere with his activity in politics, for in 1863 he was one of the delegates to the Republican State Convention, and in 1864 he was chosen as one of the aldermen of the City.

James D. Test was another of the early lawyers of Council Bluffs, and became notable as such as well as a man of public affairs. I met him a number of times, but have very little data concerning him. He occupied a number of public offices; was one of the early aldermen of Council Bluffs in 1856, and in 1854 was elected to the State Senate, and served in the Fifth and Sixth General Assemblies with signal efficiency. I know that in the early period of my professional life he was regarded as a man of decided ability and influence.

R. L. Douglas was a very able lawyer, whom I frequently met at the State Supreme Court and the Federal Court. According to Mr. Bloomer, as stated in the foregoing sketch of Mr. Price, he came to Council Bluffs in 1854. He was not only a good lawyer, but a widely useful man in public affairs, and sometimes what seemed to be in subordinate capacities. In 1861 Mr. Douglas was elected a member of the first County Board of Supervisors, and was chosen chairman of that body, E. F. Burdick, Clerk of the District Court, acting ex-officio. In 1864 he was a member of the City Council, and again in 1866. In the same year he was elected President of the Council Bluffs & St. Joseph Railroad Company. In the fall of 1868 he was elected Judge of the new Circuit Court.

The new Judge gave careful attention to the probate business of the county, which had, under the old system (of county court) been very loosely administered, soon placing it in a condition of order and regularity hitherto sadly wanting. And in other respects the business of the court was ably conducted by the new Judge.

C. E. Stone may be ranked as one of the notable lawyers of the early period, and as a contemporary of those mentioned, but concerning his early life and career I have scarcely any data. I find that in 1858 he was elected City Attorney of Council Bluffs.

Caleb Baldwin, Samuel Clinton, George Snyder, Robert Percival, B. F. Montgomery, Lewis W. Ross, Joseph R. Reed, William F. Sapp, Joseph Lyman.

Caleb Baldwin was in his day perhaps better known to all the people of Iowa than any other of its citizens. This was attributable to both his mental caliber

and his great physical proportions. Respecting the latter, Judge George G. Wright says:

He was a man of immense stature, weighing in his prime 340 pounds, yet of proportions admirable and most commanding and impressive, among the largest, if not the largest man ever in public life in Iowa or elsewhere. This was to him a constant source of embarrassment—yet it is not to be denied that often therefrom he commanded the most profound respect and attention.*

What was said of Dr. Johnson might well have been said with greater weight of him; that, "He was massive in intellect, prodigious in memory, and weighed three hundred pounds."

Dr. Shaffer used to tell this anecdote. Dr. Shaffer was one of the organizers and first secretary of the State Agricultural Society—Judge Claggett, elsewhere mentioned, and Caleb Baldwin were also among the organizers, and Judge Claggett was elected its first president. When the meeting at Fairfield, at which the Society was organized, was closed, Dr. Shaffer, as secretary, said to the Judge: "What shall I say about the meeting through the press, Mr. President?" "Well," said Claggett, impressively, "say to the world that at a large and respectable meeting, the State Agricultural Society was formed." "But," said the Secretary, "isn't that stretching it a little?" "Not at all," said Claggett, "for Baldwin makes it *large*, and you and I make it *respectable*."

The principal events of his life may be thus chronologically stated: He was a native of Washington County, Pennsylvania, where he was born, in 1824. He entered Washington College and was graduated therefrom in 1842. He studied law and was admitted to the bar, and in 1846 came to Fairfield and entered upon the practice of his profession there. He was elected Prosecuting Attorney of Jefferson County to succeed Ezra Drown, and was twice re-elected to the same office. In 1856 he became Judge of the District Court of his District, and presided with marked ability. In 1857 he and Samuel Clinton removed to Council Bluffs and became partners there in the practice. In 1859 he was elected one of the judges, and became Chief Justice of the State Supreme Court, a position which he honored until 1864. He declined a re-election and resumed the practice. In 1865 he was appointed by President Lincoln United States District Attorney for Iowa. In 1874 he was appointed one of the judges of the Court of Commissioners of the Alabama Claims, and was serving in that position at the time of his death, which occurred at his home in Council Bluffs, in December, 1876, at the age of fifty-two, and when he was in the prime of his intellectual power.

He was a man of great public spirit, and evinced a constant desire to promote the interests of the State in every direction. As we have already seen, he was one of the organizers of the State Agricultural Society, and after his removal to

* Annals of Iowa, Third Series, Vol. 1, 210.

Council Bluffs, he became President of the Pottawattamie County Agricultural Society, which held its first exhibition at Council Bluffs in October, 1858.* In 1863 he was one of the founders of the State Orphan Asylum, his name appearing first.** In the early days of the war, he acted as an aid to Governor Kirkwood, "and it was through his prudent management that the first volunteers were enlisted."*** Judge Baldwin was naturally a statesman, and fitted for great affairs. He and Judge George G. Wright were long and intimate friends—from the time they were very young men. Judge Baldwin was Judge Wright's right-hand man in the latter's victorious contest for the United States Senate with William B. Allison in 1870. Though six years afterward I was a supporter of Mr. Allison, in the contest just mentioned, I was an ardent supporter of Judge Wright, and co-operated in my feeble way with Judge Baldwin and others of Judge Wright's supporters. Judge Baldwin was the supreme leader in this canvass, and to him we looked for advise and direction. Judge Wright has given of Judge Baldwin a brief and graphic sketch in the reference before alluded to, of which I can do no better than adopt the following extracts:

He was as tender hearted as a child, and as gentle in manner and in his association with the world as the most refined lady in the land. And yet, strangely enough, he was an acknowledged leader of men, followed by politicians and people as few others ever were in our conventions and political contests, whether in nominations, platform, legislative assemblies or elsewhere. He was my chosen friend and leader when I received my nomination for the Senate in 1870, as he was after that of Senators Allison and Kirkwood. * * * His judgment of men was intuitive and almost uniformly correct, few deceiving him, and I remember very well that more than once in the contest of 1870, above referred to, though I thought I knew my friends and supporters, he often satisfied me, after a seemingly most casual meeting of some supposed friend, that I was mistaken. * * * With marked ability to judge men, he was always ready to accommodate himself in speech and manner to their varied dispositions and positions. He was as much at home with the plain farmer as with the learned attorney; with the humblest mechanic as with the man of largest means; with the "hale fellow well met" as with the most accomplished and fastidious divine. * * * In society he was a favorite, for he was so kind, so gentle, so cordial, and in the evening circle, for instance, could with other affable qualities, so deftly touch the lightest keys of the piano, with his immense hands, that he was sought for and always in demand. He could bring music also out of other instruments, for in the old band of Fairfield, say, in 1850, I remember that he blew the largest French horn, and with wonderful effect. With that he fairly made "the very hills to tremble." He had the keenest sense of the humorous; and whether the incident bore upon himself or otherwise, it was alike enjoyed, unless some stranger, or one for whom he had little respect, made his size the occasion or excuse for the story or joke. * * * Some man who in his judgment had no right to propound the inquiry once asked him. "How much do you weigh?" "I weigh a ton, sir!" and the manner in which he said it closed the conversation at once.

I am here tempted to break in upon Judge Wright's narrative by relating an anecdote that was told of him and which it is said he relished. He had gone to

* Annals of Iowa, July, 1872.

** Annals of Iowa, April, 1865.

*** Annals of Iowa, January, 1873.

see a person on some important business. It was before the day of elevators. Arriving in Chicago, he ascended, what seemed to him, numberless stairways, to the ninth floor of the building, where, after a prolonged effort, he arrived in a state of perspiration. The door he sought, being opened by an attendant in response to a knock, Baldwin, much out of breath, pantingly inquired: "Is God in?" He thought he had gone high enough to see him.

But to resume the sketch of Judge Wright:

As a Judge he was almost uniformly distrustful of his own conclusions. He was so anxious to do right, to declare the very law, so fearful that he would make a mistake or give reasons for his conclusions which attorneys would criticize or deem insufficient, that he would hesitate and turn the question over and over in his own mind and with his associates; not because he did not have his own views, but because he wanted to be sure that he was in no danger of doing something wrong or reaching an untenable conclusion. His perceptions were unusually quick—his first conclusions perhaps as correct as those reached after reading and investigation; and yet in all cases alike he desired and courted support. He talked more readily than he wrote. In a few sentences, when in consultation, I have known him to state with admirable clearness his views on the question in hand, but upon going to his table to commit it to paper, would labor sometimes long and earnestly to give a like clear expression of what we all well understood but which he had difficulty in saying with the pen. * * * He believed in good, plain Anglo-Saxon, without much polish or amplification; and when he was done, quit. What a rare virtue this is, whether in lawyer or judge! His opinions, I think, give abundant evidence of this. And yet notwithstanding his timidity and hesitation in reaching results, he was a very tower of positiveness when the conclusion was settled and the work over. Of such a man I need not say that he was among the most pleasant, affable and genial in the consultation room; for while he had his views he was equally tolerant of those of others, never dogmatically insisting upon his own conclusions, knowing, as an intelligent lawyer and judge, that others might be right and he wrong. Few men had warmer friends or were more reliable as a friend. He had the most absolute contempt for the shyster or quack or pretender, and avoided and decried them in every way in his power. Young men he loved, and the worthy he was ever ready to help. He had not much ability in acquiring property, caring more for a happy home, the comforts of life and the education of his children than for great wealth. As a lawyer, he was successful from preparation, the confidence of court and jury, which he had beyond most men, and the absence of all tediousness on the trial, whether in taking testimony or argument. * * * Iowa has had few men taken in all the relations of life—the home circle, church, at the bar, his connection with State institutions, filling as he did so many positions and the very highest; and indeed in all his life work—of whom the State, his friends or his family should be more justly proud. When the work of frescoing the ceiling of the magnificent Hall of Representatives in our new Capitol was in progress it was deemed most appropriate to include among the portraits of State and National worthies that of one of our Iowa jurists. When this was suggested no other name was mentioned except that of Caleb Baldwin. Notwithstanding the portrait was copied from another, it is a very correct likeness of the man to whose precious memory it most appropriately stands as an imperishable monument.

As a piece of history, I note the fact that during the Indian troubles on the Northwestern border, which commenced in 1858, Baldwin, who was one of the Governor's aids, was commissioned by the latter to take command of the troops organized by the State for the protection of the settlers. Colonel N. Levering, to whom the State is greatly indebted for extensive contributions to the Old Series of

The Annals of Iowa, entitled, "Recollections of the Early Settlement of Northwestern Iowa," in the number appearing in October, 1871, thus amusingly refers to the incident: "The State troops at first were placed under the command of Caleb Baldwin, of Council Bluffs, the Governor's aid. His corporeal being too much of the oleaginous character to race Indians, his excellency, no doubt thought himself that a 'lean man for a long race' was preferable," and A. W. Hubbard, of Sioux City—afterwards Judge and Congressman—was given the charge. Notwithstanding his corpulency, Judge Baldwin had a really handsome face, and his whole presence reflected aesthetic taste as well as physical and intellectual power.

When it is remembered that he died while in the very zenith of his usefulness, and remembering also what he had accomplished, he may well be regarded as one of the greatest men Iowa has produced. Taking him all in all for the time in which he lived, it may be appropriately said: "There were giants in those days."

Judge Caleb Baldwin was succeeded by his son, John N. Baldwin, who, though not excelling his father in solid traits, possessed talents of a more brilliant and shining character. He was highly gifted, a man of genius, a captivating orator and learned lawyer. He took early rank at the bar, and his splendid powers gave him more rapid advancement than any other young lawyer in the history of the State. He was an ardent Republican, and exercised great influence in the councils of his party. He was made an Elector at Large in the Presidential Campaign of 1890, was Chairman of the Republican State Convention of 1894, "delivering an address that stands as a model of its kind."* In the National Convention at St. Louis, in 1896, he nominated Wm. B. Allison for President in a speech that thrilled the Convention. In 1901 he was appointed General Solicitor of the Union Pacific Railway Company, whereupon he removed from Council Bluffs to Omaha, where he died in the very prime of his life, in 1908.

Of Samuel Clinton I have but little to relate, because I have no data concerning his birth, parentage, and early history. I did find, however, that he was one of the young and early lawyers with Caleb Baldwin, of Fairfield, and that he succeeded the latter as Prosecuting Attorney of Jefferson County, and that he in turn was succeeded by Charles Negus; that he came with Caleb Baldwin to Council Bluffs in 1857, forming a partnership there under the firm name of Clinton & Baldwin, which in a few years became prominent throughout the State, and will be frequently found in the Iowa Reports of that period. They must have become well established in Council Bluffs as early as 1858, as General Grenville M. Dodge relates in his sketch of Colonel William H. Kinsman, that in the spring of 1858 he, Kinsman, entered the law office of Clinton & Baldwin, Council Bluffs.** In

* Volume 8. Third Series, Annals of Iowa, 559.

**Annals of Iowa, Third Series, Vol. 5, 241.

March, 1861, he was elected President of the Council Bluffs School Board, * and during the same year raised an artillery company, of which he became captain.** He was not only an able lawyer, but prominent and public-spirited citizen. I met him once at an early day at Council Bluffs, but my recollection is too indistinct to give any personal description of him.

George Snyder was a lawyer of decided ability and versatile talents. He settled at an early day in Burlington; removed to Council Bluffs, where he practiced law for about three years, at the end of which he returned to Burlington. While at Council Bluffs he was elected and served as City Attorney in 1857, but resigning, returned to Burlington, and Caleb Baldwin was appointed in his place. James W. Woods (Old Timber) says that "He was a fine scholar, a brilliant man, a well-read lawyer, and an altogether good fellow." A fuller notice of him will be found in connection with the sketches of early Burlington lawyers.

Robert Percival and *B. F. Montgomery* were prominent lawyers of Council Bluffs through the sixties and seventies. I knew both of them well, but have little data concerning Mr. Percival. I heard him argue several cases before the Supreme Court while I was Reporter. He was a strong and learned lawyer, and his arguments were characterized by force and clearness. He was a Democrat in politics, and did not refuse to make himself useful in subordinate positions, for he served as a member of the Board of Supervisors of Pottawattamie County in 1870. In 1880 he was the Democratic candidate for Congress against W. P. Hepburn, but, owing to the large Republican majority, was defeated. In 1883 he was a delegate to the Democratic State Convention, and was a member of the Committee on Resolutions.*** He was a man of high character and solid endowments, who left his impress on the affairs of his time.

B. F. Montgomery was a man of versatile gifts. If he had not been a fine orator and a popular public speaker, he would have been a learned lawyer. The former gifts brought him into requisition on nearly every public occasion of importance, and also drew him actively into the political field. He was a handsome man, of commanding appearance, brilliant qualities, and self-confidence. These qualities and requirements had the effect to somewhat distract his attention from the steady line of his profession, but, notwithstanding this, he was for some years a highly successful lawyer and ranked well in the profession. He was a Democrat, prominent and popular. In 1870 he was the Democratic candidate in his district for Congress against Frank W. Palmer, and made an exceedingly strong canvass, but was defeated by the predominant Republican majority prevailing in the district.

* Annals, January, 1873.

** Annals of Iowa, Third Series, Vol. 4. 579.

*** Fairall's Manual Iowa Politics.

He was born in Huron County, Ohio, in 1835. He was admitted to the bar, and commenced practice in London, Ohio, where he remained until 1860, when he removed to La Crosse, Wisconsin, where he entered upon the practice of his profession and continued it with success until his removal to Council Bluffs, in 1868. Here he became one of the political editors of "The Dubuque Daily Times," keeping up his practice at the same time. I have referred to his participation in politics and to his nomination for Congress in 1870. In the fall of 1875 he was the Democratic candidate for State Senator, but failed at an election. His opponent was George F. Wright. In 1872 he was a delegate to the Baltimore National Convention, which resulted in the nomination of Horace Greeley for President. In 1876 he was a delegate at large to the St. Louis Convention, which nominated Mr. Tilden for President. Later in life he devoted himself to farming and stock raising, in which he took great interest.

Lewis W. Ross, I was acquainted with through the course of many years, and, by the way, it should be remembered that in these recollections I am, for the most part, writing of those only with whom I was more or less personally acquainted. We were fellow members of the State Senate in 1866—the Eleventh General Assembly. We had five conspicuously tall Senators in that body, of whom he was one. He was, I should say, upwards of six feet in height, and of a commanding and noble appearance. He was one of the strongest men of that Senate. He was highly educated, a graduate of Miami University. As a lawyer he was deeply learned. He exercised great influence in shaping the important legislation of that session, and was regarded as authority upon legal questions. In his life and character he was an exemplar. His majestic person, his high and massive forehead, his mild and beneficent face were in perfect harmony with his nature. He served in the Senate of the Tenth as well as that of the Eleventh General Assemblies, and left a lasting impress upon some of the legislation of that period.

He was born in Butler County, Ohio, in 1827, and came to Iowa in 1856, first settling in Cass County, and removing to Council Bluffs in 1861. He was elected State Senator in 1863. His district embraced the counties of Fremont, Mills, Cass, and Pottawattamie. In 1864 he was elected a Trustee of the State University, and re-elected to that position in 1868. In 1874 he was made a member of the Board of Regents of the State University, and served in that capacity for six years. In 1881 he was appointed Chancellor of the Law Department of the State University. In all of these positions he displayed extraordinary ability and fitness.

He was not only a profound and successful lawyer, but a legal writer of ability. He was the author of "An Outline of Common Law and Code Pleading," and "An Outline of the Law of Real Property." He took a deep interest in all matters pertaining to the history of the State. Iowa has produced but few more

useful men that Lewis W. Ross. He died at his home in Council Bluffs in 1902.

Joseph R. Reed might well be accredited to Dallas County, where he commenced his professional career, but as the greater part of his active civil life was spent while he was a resident of Council Bluffs, I have concluded to place him there. His career was a highly honorable, smooth and useful one. He was a native of Ashland County, Ohio, where he was born in 1835. He was admitted to the Ohio Bar and came to Iowa in 1857, locating at Adel, in Dallas County, where he entered upon the practice, and continued in it until he entered the service early in the Civil War. He recruited in Dallas County some of the men that constituted a part of what is known as "Dodge Battery," which became the Second Battery of light artillery, and in which he served with conspicuous valor until the end of the war.

After his return from the army, and in the fall of 1865, he was elected to the State Senate from the Twenty-First District, composed of the counties of Dallas, Madison, Adair, and Guthrie. We were fellow members of the Eleventh General Assembly. Our seats were near each other. We had frequent consultations and became intimately acquainted. He was a quiet, but effective, member of that body. Not long after the close of his senatorial service, he removed to Council Bluffs. He subsequently became Judge of the District Court of that district, later a Judge and Chief Justice of the Supreme Court, and later still, Chief Justice of the Court of Private Land Claims, to which he was appointed by President Harrison. In this capacity he served with signal ability for a number of years, and I believe as long as that court existed. To accept this latter position, he resigned that of Judge of the State Supreme Court, and the vacancy thus occasioned was filled by the appointment of Judge Josiah Given, of Des Moines. As will be seen, a good portion of his active life was devoted to the discharge of public duties. He was a well-rounded man, and honored every position in which he was placed. While he was on the district bench, I tried an important case before him. It was the State versus James Tuttle, who was indicted with Joseph Wolf for murder. Wolf was the son of a client of mine, John S. Wolf, one of the great railroad constructors of that time, and was at the time of the murder constructing a branch of the Chicago, Burlington & Quincy Railroad Company to Shenandoah, in Mills County. The work was impeded by the frequent visitations of the men engaged in it, to a saloon opened on the line, and young Wolf and Tuttle, who were brothers-in-law, went out for the purpose of suppressing the saloon which supplied the men with liquor; and in the course of this mission a quarrel ensued, in which one of the habitués of the saloon was killed. Tuttle and Wolf were jointly indicted. A separate trial was ordered, and Tuttle, who had fired the fatal shot, was first tried. Major Albert R. Anderson, the District Attorney, conducted the prosecution. The case was tried at Glenwood, in Mills County, Judge

Reed presiding. John Y. Stone was associated with me in the defense. The charge was murder in the first degree. The jury, after being out all night, returned a verdict of manslaughter. We ascertained that the jury, during their deliberation, had sent out for a law book, the Code of Iowa, and that the sheriff had brought it to them. The jury apparently wanted to look up the law themselves, instead of relying upon the instructions of the court. I prepared and filed a motion for a new trial upon this ground, and the motion was very properly sustained. At the next term the prosecution was dismissed by the district attorney. The trial was a long and warmly contested one. Many difficult questions arose in its course. From the beginning to the end Judge Reed held the balance with an even hand, and disposed of the questions, as they arose, with great clearness. From my observations in that case, I made up my mind that during my somewhat extended experience I had never seen an abler trial judge. As a Judge of the Supreme Court, he was equally able and his opinions will be found invested with that deliberate clearness which strongly characterized the man.

William F. Sapp I knew well. We served together in the Eleventh General Assembly in 1866—he in the House and I in the Senate. We were both ardent supporters of Governor Samuel J. Kirkwood for the United States Senate, and actively co-operated in that behalf. Colonel Sapp was a very popular man by reason of his sociable manners, his good nature, his readiness and force in debate. He was tall and commanding in person, with black hair, rather dark complexion, a fine forehead and oval, cleanly shaven face, except the upper lip, which was ornamented with a luxuriant dark mustache. He had an ardent temperament, and was highly successful both as a politician and a lawyer. For many years he was prominent in both capacities, and was a man of decided talents and high character. As a stump speaker he was highly popular and effective. He was an able lawyer and an advocate of great force and influence.

He was a native of Ohio, where he was born in 1824. He received an academic education, read law with Columbus Delano, former Secretary of the Interior, was admitted to the bar and entered upon the practice at Mt. Vernon, Ohio, in 1850. He was originally a Whig in politics in which he took an active part as a young orator in the presidential election of Zachary Taylor, in 1848, and Winfield Scott in 1852. In 1854 he was elected Prosecuting Attorney for Knox County and again in 1856. Upon the dissolution of the Whig Party he became a Republican and supported John C. Fremont for the presidency in 1860. During that year he came to the Territory of Nebraska, settling in Omaha. Here he was elected to the Legislative Assembly of the Territory, subsequently he was appointed Adjutant General and in 1862 Lieutenant Colonel of the Second Regiment of Nebraska Cavalry, organized to defend the frontier against hostile Indians. He was in command of the Post of Fort Kearney during a portion of his military service.

In 1864 he removed to Council Bluffs and entered into partnership with Samuel Clinton under the firm name of Clinton & Sapp. This partnership continued for several years. In the fall of 1865 he was elected to the House of the Eleventh General Assembly. In 1869 he was appointed by President Grant United States District Attorney for Iowa, and served with efficiency and distinction in that position for four years. In 1876 he was nominated and elected to Congress. His opponent was Lemuel R. Bolter and the canvass was a strenuous one. In all of his official positions he served with marked ability. At the close of his congressional period he resumed the practice, which he continued until the time of his death.

Joseph Lyman was prominent as a lawyer, judge, congressman and public man. I became acquainted with him in 1865, during the session of the Tenth General Assembly. It was soon after his return from the war, in which he was a heroic soldier and brave officer. As I call him to mind at that time, he was a spruce-looking, light-haired, light-complected young man, full of life and gaiety, tempered with dignity and decorum.* I think he was then studying law under Judge George G. Wright, and the following year was admitted to the bar and entered upon the practice at Council Bluffs. His rise in the profession was rapid. He became a partner with William F. Sapp, and in a comparatively short time was regarded as one of the prominent lawyers of Council Bluffs. As already indicated, he had been a soldier. He enlisted as a private in Company E of Colonel Asbury B. Porter's Regiment, the Fourth Iowa Cavalry. The following year he was promoted to the Adjutancy of Colonel Thos. H. Benton's Regiment, the Twenty-Ninth Iowa Infantry, and in 1864 he was promoted to Major of the regiment, and participated in many severe engagements. He was conspicuous for his bravery and his commanding talents as an officer. He served for a time on the staff of General Samuel A. Rice, and on that of General Frederick Steele. It is said that his promotion as major was at the request of every captain of the regiment. He served throughout the war.

In his profession he was a hard and untiring worker, and duly reaped the rewards of his industry. In civil life, while at Council Bluffs, he was, in 1869, collector of internal revenue. In 1883 he was elected Circuit Judge of his district, and in the general election of 1884 was elected to Congress. In the fall of 1886 he was re-elected to that position. He was a man of high character, and distinguished for his fidelity and efficiency in every position in which he was placed. He was a native of Oakland County, Michigan, where he was born in 1840. He was of New England and Revolutionary stock, his grandfather being a captain

* He was one of the committee in charge of the banquet and dance given at the Savery House, in Des Moines, on the celebration of the entrance into Des Moines of the Des Moines Valley Railroad Company (now Rock Island), in August, 1866. Hussey's Account of it, Vol. 8, Third Series, Annals of Iowa, page 130.

in the War of the Revolution. When Joseph was an infant the family removed from Michigan to Ohio and thence, in 1857, to Pottawattamie County, Iowa. He was reared on his father's farm, received a common school education, and was one of the pioneer school teachers of Pottawattamie County. He died at Council Bluffs when but fifty years of age, in 1890. It may be properly said that while his life was not lengthy, it was full of well-deserved honors.

Thomas H. Benton, Jr., Lysander W. Babbitt, William H. M. Pusey, Thomas Officer, John W. Chapman.

Thomas H. Benton, Jr., was one of Iowa's most useful men in the territorial and early state period. He was a nephew of Thomas H. Benton, the United States Senator from Missouri. Like his uncle, he was a native of Tennessee, born in 1816. His father was Samuel Benton, a man of considerable distinction. When Thomas was seventeen the family removed to Texas, at that time an independent republic. During their residence there, their father served one term in the Texan Congress. He died in 1846. His son, Thomas, the subject of this sketch, received an academic and collegiate education. In 1839 he came to Iowa, locating in Dubuque. Here he taught school and subsequently was a merchant. When Iowa became a state he was elected the first State Senator from Dubuque District, in 1846, and served in the First General Assembly. His associate was Theophilus Crawford. In 1848 he was elected on the Democratic Ticket Superintendent of Public Instruction. His opponent was James Harlan, who had been the Whig candidate for that office at the previous election, held void on the ground that there was no law authorizing it. In speaking of this event, Charles Negus, in an article on the early history of Iowa, in the October, 1873, *Annals of Iowa*, says:

Harlan was again the Whig candidate while the Democrats selected Thomas H. Benton for the position. Benton had been a member of the Senate for the past two sessions and in the deliberation of that body had proved himself to be an able debater; he was popular throughout the State, and was thought to be a match for Harlan in a political canvass. They commenced the canvass soon after the adjournment of the Legislature and traveled together all over the State. The contest was so close that it was doubtful for a long time which was elected, but upon the official counting of the votes it was found that Benton had a majority of seventeen.

The Whigs made a great clamor over the result, claiming that the election had not been a fair one, and that Harlan had been cheated out of the office; but no contest was entered and Benton qualified, and proceeded to the discharge of his official duties. He was the first man to be elected to this office after the admission of the State into the Union. At the end of the term he was re-elected to the same position, serving in all six years with great advantage to the State and its schools. At the end of his second term he was again tendered the nomination, which he declined. In 1858 he removed to Council Bluffs. Here his high quali-

ties as a scholar and educator were brought into requisition by his being elected Secretary of the Board of Education under the new constitution, that of 1857. This office he held for two terms and until he entered the military service in the great Civil War. He was made Colonel of the Twenty-Ninth Iowa Infantry in August, 1862. He participated in many engagements and proved a brave and efficient officer. He was breveted Brigadier General in 1865 for meritorious services. Stuart, in his *Iowa Colonels and Regiments*, in speaking of Benton, says: "No officer in the army had a more honorable record than he. Great confidence was always placed in him by his superior officers." In 1865 he was the Democratic and Anti-Negro Suffrage candidate for Governor, but was defeated by Wm. M. Stone, the Republican candidate for that office, by a majority of about 17,000, which was a much reduced one over the preceding election for that office. He was a supporter of President Johnson and was by him appointed Assessor of Internal Revenue. For a number of years he was engaged in banking at Council Bluffs.

As to his ability as a public speaker, I can confirm what Negus has said of him, for it was my fortune to follow and endeavor to answer him in a public discussion while he was running for Governor in the fall of 1865. His personal appearance was striking. He was tall, fully six feet in height, and had a shapely figure. He had the self-confidence and many characteristics of his distinguished uncle, which were quite visible in his speech and action. He did much in giving shape to the early affairs of Iowa, and should be remembered as a noble man and heroic patriot. He died at St. Louis in 1879.

Lysander W. Babbitt was a unique and stirring character in both the early and later history of Iowa, and took a prominent part in the events of Council Bluffs. He was a native of New York, where he was born at Ovid, Seneca County, in 1812. His father was a blacksmith, and he had decided mechanical talents himself. He learned the gunsmith's trade and followed it for a short period in his native State. When about twenty-two years of age he removed to Cleveland, Ohio, where he continued his trade until 1836, when he came to Burlington, Iowa, and pursued his calling there with success for several years. As will be seen, he came to Iowa before it was organized as a territory and while it was yet a part of Michigan Territory. In 1838 he was appointed by General A. C. Dodge, then General of the Territorial Militia, adjutant of a regiment to maintain order along the border. Three years afterward he was elected City Recorder of Burlington. At the end of his term, in 1844, he removed to Knoxville, in Marion County, making the journey with an ox team. Here he engaged in milling and mercantile pursuits. In 1848 he was elected to the House of the Second General Assembly, representing Marion, Polk, Dallas, Jasper, Story, Madison, Guthrie, Warren, Boone, and all of the counties of that tier to the Missouri River. In 1850 he was

re-elected and served in the House of the Third General Assembly. Before his removal to Knoxville he had traversed the upper valley of the Des Moines River, and it is said by Governor Gue, in his history of Iowa, that during this exploration he camped at the mouth of the Raccoon River; where the City of Des Moines is now situated, and predicted that the future capital of the State would be located in that vicinity. According to this view, while a member of the Legislature, he introduced a bill to remove the capital from Iowa City to Des Moines, then a mere village, laid out where he had camped six years before. At the close of his second term in the Legislature he was appointed by President Pierce, in 1853, Register of the United States Land Office at Council Bluffs (then Kanessville) and removed to that place. This office he held until 1856. In 1857 he became owner and proprietor of the Council Bluffs Bugle, one of the leading Democratic papers of the State, and which, under his control, became widely, and during the Civil War, notoriously known by reason of its radical opposition to the efforts of the administration to suppress the Rebellion by waging war. He believed that peace could be secured and the slavery question settled by compromise, and he continued to cry "peace, peace, when there was no peace," nor any reasonable hope of thus restoring it. In this fervent belief he was not alone, for there were other eminent Democrats in the State who honestly maintained the same belief, and it was re-echoed by the Democratic Party in its National Convention at Chicago in 1864. Speaking of Mr. Babbitt and his paper, D. C. Bloomer says:

The Bugle insisted that the only way to preserve the Union as it was through peaceable means. It denounced all interference with slave property and to the last opposed the Emancipation Proclamation policy of the President. But strong as was its opposition to the War, it must in justice be said that the columns of the Bugle never contained anything to discourage enlistments in the army or throw any real obstacle in the way of the Government further than a general opposition to its political courses and tendencies. In looking over its files before me there is nothing to show that it rejoiced over Confederate victories or was at all anxious to spread before its readers the record of Federal defeats, but its denunciations of the administration and its measures were bold, decided and unremitting to the last.

But notwithstanding the course of Mr. Babbitt and his paper, the people of Council Bluffs never lost faith in his real patriotism, and continued to bestow their marks of confidence and honor upon him. In 1859 he had been the candidate of his party for Lieutenant Governor, but was defeated by Nicholas J. Rusch, the Republican candidate. In 1860 he was elected Mayor of the City, and in 1861 he was again elected Mayor. In 1862 he was elected a member of the City Council. In 1863 he was elected delegate to the Democratic State Convention. In 1869 he was elected a member of the City Council, and again in 1870. In all he served nine different terms as a member of the City Council. In 1867 he was elected on the Democratic Ticket to the Legislature, and served in the House of the Twelfth General Assembly.

In 1870 Mr. Babbitt disposed of his interest in the Bugle, of which he had been the editor for fourteen years. This, I believe, ended his newspaper career. He had been closely identified with the interests of Iowa and an influential leader of the Democratic Party for nearly fifty years. In 1881 he removed to Arkansas, where he died in 1885.

William H. M. Pusey and *Thomas Officer* were leading and important factors in the early affairs of Council Bluffs. They were brothers-in-law and came to Council Bluffs in 1856; they made extensive purchases of property, erected a number of buildings, and commenced the business of banking in one of them in the spring of 1857, in which they were highly successful. "This was due to the confidence with which they were always regarded by the public, and to their careful and conservative methods in the transaction of business. Their house went safely through the Panic of 1857, and its reputation for more than forty-three years remained of the highest character."

Mr. Pusey was born in Washington County, Pa., in 1826. He was an educated and cultured gentleman and a graduate of Washington and Jefferson College, Pa. He studied law and entered the practice in Springfield, Illinois, becoming a close friend of Abraham Lincoln, whose agent he afterward became in some business transactions in Iowa. Mr. Pusey and Mr. Officer died within a few months of each other, in 1900. In politics he was a Democrat, and an influential leader in his party. In 1857 Mr. Pusey was elected State Senator, and served with efficiency in the Seventh and Eighth General Assemblies. In 1882 he was elected to Congress over Albert R. Anderson, the Republican candidate. His election was to many a surprise, as the district was normally Republican, and Major Anderson was a strong man of extraordinary parts. The result showed both the popularity of Mr. Pusey and the confidence the people reposed in him. I had the pleasure of meeting Mr. Pusey a number of times; he possessed magnetic force and drew to him many personal friends and admirers. He was large, somewhat corpulent, highly genial, witty, and overflowing with good fellowship, and, as the following incident will show, of outspoken independence. While absolute prohibition was at its height in Republican politics, I heard Mr. Pusey make a speech in a Democrat Convention assembled at Des Moines. Some portions of it were highly humorous in character, derisive of the radical prohibition element in the Republican Party. He said that among the great people where he was born and reared, every independent household had a mint bed, and indulged in the occasional and temperate enjoyment of a mint julep, and that he would prefer the same condition of things in Iowa to the desolation, which the Radicals were seeking to enforce in Iowa. It brought down the House with a roar, and perhaps was one of the factors in increasing the popularity which elected him to Congress. He served one term in that body, but even during that short time established a repu-

tation for strong, common sense and practical wisdom in legislation. He was, in fact, a very good personification of these elements.

As I have before stated, he was a personal friend of Abraham Lincoln, and when, near the close of the campaign which elected him President, Mr. Lincoln visited Council Bluffs, he became the guest of Mr. Pusey by whom he was met and taken in an open carriage on a sightseeing tour over the City and its adjacents, and the next evening a public reception was given to him at the residence of Mr. and Mrs. Pusey, which was largely attended.

Thomas Officer, to whom reference has been made, was also a native of Washington County, Pa., where he was born in 1822. Like Mr. Pusey, he was a graduate of Washington and Jefferson College, and was educated for the ministry at the Princeton Theological Seminary, but his failing eyesight compelled him to relinquish all hope of following the ministry, and he removed to Iowa, becoming associated with Mr. Pusey in the banking business, as before stated. His highly practical talents and fine character made him early recognized as one of the leading business men of western Iowa. He took a great interest in the cause of education, "organized the first school in Council Bluffs, and was an important factor in establishing the State institution for the deaf and dumb in that City. From the pioneer days until his lamented death, no citizen of Council Bluffs has been more influential in whatever pertained to the growth and progress of that enterprising City." What I have said of him in the preceding sketch of Mr. Pusey, obviates the necessity of my saying more here. It is doubtful whether the Western slope has ever had two citizens who contributed more to its prosperity.

John W. Chapman.

As I think of the past,

When I remember all
The friends so linked together,
I've seen around me fall
Like leaves in wintry weather,

but few come more pleasantly before my mind than John W. Chapman. To me he was always exquisitely agreeable, so full was he of life and light, of sprightliness, of good fellowship and good cheer. In short, he was one of the most delightful of men. His bonhomie was unfailing and perpetual. His very presence always threw a cheerful light upon any social circle into which he entered. If he ever felt depressed no one knew it, for his way was always light and airy. During the eight years that he was United States Marshal of Iowa I used to meet him frequently while attending the Federal Court at Des Moines. We always stopped at the same hotel—The Savery House—belonged to the same junto of good fellows, and as such, we carried on conversational seances, visited places of amusement, played cards and indulged in other congenial recreations. I think he was beloved by every man who knew him and his taking off was widely and most sincerely mourned.

Notwithstanding these charming personal qualities, he was a man of strong traits of character and inflexibility of purpose; and his purposes were always high and honorable. He was a native of Pennsylvania where he was born in 1835. When he was eight years of age he came with his family to the Territory of Iowa, settling on a farm in Des Moines County, where John was reared. When twenty-five years of age he went to Nebraska, and in a comparatively short period, was elected to the Legislature of that Territory. He distinguished himself as a speaker of great wit and force. His way to eminent political preferment seemed a plain and open one, but his love for Iowa was stronger than his ambition, and in a short time he returned there, settling at Council Bluffs. Here he entered upon newspaper work and became one of the editors and proprietors of the Council Bluffs "Nonpareil." He proved a trenchant and versatile writer. He actively engaged in politics, was elected Treasurer of Pottawattamie County and served four years in that capacity. He was subsequently appointed United States Marshal for the State of Iowa and, as before indicated, served with great efficiency for eight years in that position. He died in the prime of life, leaving a void in both public and private life that has scarcely been filled. His life-long friend, Spencer Smith, thus wrote of Mr. Chapman after his death:

He was a man of superior judgment, broad views and great strength of character, qualities that gave him prominence at all times and places. His genial nature gave him social popularity in the community in which he moved. His acquaintance was not confined alone to Iowa; he was fairly well known as a man of ability by many of the leading statesmen of the country. He was a strong, terse, vigorous writer, with positive convictions upon public questions and had much originality of expression. He sought to make the "Nonpareil" a moulder of public opinion, rather than a reflector of it.

I endorse all that Spencer Smith has said of him. I have referred to his perennial animation and his apparent freedom from any mental depression. I once had a conversation with him on this enviable quality of his. He remarked that you could not always correctly judge of a man's mental condition from his appearance, and that there were frequently men that made others laugh, who were subject to fits of melancholy themselves, and to illustrate this, he told me the following story, which I have always very distinctly remembered: He said that when he was a boy there was a comedian of international fame who was so funny and mirth provoking that he made the people of London and New York laugh with a zest whenever they heard him. His name was Gramaldi. He said that while he was once playing in New York, a man at one of the hotels was taken sick; the doctor was sent for, came, felt of his pulse, looked at his tongue and went through the other ordinary preliminaries, and seeing nothing wrong, asked the patient what seemed to be the matter with him. The patient, with mournful eyes, looked at him and despondently said, "Oh, Doctor, I am suffering from a terrible fit of mental depression!" "Oh," said the doctor, "You get up and go and see and hear Gramaldi. He will give you a good laugh and you will be all right." With sombre coun-

tenance the patient looked into the doctor's eyes and said, "Oh, Doctor, I am Gramaldi."

In person, Mr. Chapman was above medium height, rather slender and somewhat delicate in build. He had a lithe and graceful figure, light complexion and light or sandy hair. His manners were pleasing and his personality altogether attractive. What D'Alembert said of Montesquieu, the supposedly grave author of *The Spirit of Laws—L'Esprit des Lois*—might be well said of him. "Without bitterness, without satire, full of wit and brilliant sallies, no one could tell a better story, promptly, vividly, without premeditation; and he was always more willing to listen than to talk; he learned as much from conversation as from books."*

General Grenville M. Dodge.

It is a comparatively easy matter to biographically sketch an individual with an ordinary history and about whom but few have written; it is quite different and far more difficult to write of one with an elaborate and extraordinary career, about whom many have written. Such is my difficulty in endeavoring to write a sketch of General Grenville M. Dodge. I shall, therefore, attempt only a brief epitome embracing some of the salient and important incidents of his life.

His mind was naturally constructive, both in military and civil affairs. During the Civil War he became what may be properly termed one of the great generals of the Union Army, and after that, one of the greatest civil engineers and railroad constructors of the country. He was born at Danvers, Essex County, Massachusetts, in 1831. His primary education was gained in the common schools of the vicinity which were held only during the winters. In the meantime he was engaged in gardening, marketing the products in Salem, and a portion of the time as clerk in a store at South Danvers, also in the postoffice of which his father, Sylvanus Dodge, was for some years the postmaster. When fifteen years of age he was sent to the Academy at Durham, New Hampshire, and at the end of his period there, was entered as a student in the scientific department of the Norwich University, of Vermont, from which he was graduated as a civil engineer subsequently, in 1850, and in the following year from the famous Military Academy of Captain Partridge. From this it will be seen that his education was practical, scientific and military. Equipped with his diploma as a civil engineer, he proceeded without delay westward, locating for a time at Peru, Illinois, becoming engaged in city and land sur-

* Every educated lawyer has heard of, even if he has not read, Montesquieu's famous work and most of us would naturally suppose that he was an exceedingly grave man, but that he was not continuously so and had a decidedly humorous side is charmingly shown in his "Persian Letters" and the introduction thereto of John Davidson, to be found in the Universal Classics Library of M. Walter Dunne; Washington and London, 1901.

veys. During the closing weeks of that year, 1851, he was employed by the Illinois Central Railroad Company in making a survey for its line between Dixon and Bloomington. His skill, his remarkable judgment and ability to control men soon discovered themselves and at the end of his service with the Illinois Central, he was employed as a civil engineer, by the Chicago & Rock Island Railroad, and was entrusted with the survey of the Peoria branch. Upon the final location of the Mississippi and Missouri River Railroad (now the Chicago, Rock Island & Pacific), which crosses the State of Iowa from Davenport to Council Bluffs, he was employed by that Company, as assistant engineer during the construction of the road from Davenport to Iowa City. It is said by Governor Cyrus C. Carpenter, that "Early in his connection with these surveys, he wrote a letter to his home in Massachusetts, prophesying the building of the Union Pacific Railroad, and indicating the very route, upon which eighteen years afterward he was chiefly instrumental in locating it." From that time this project became an ever present subject in his active and prophetic mind. Accordingly, in 1853, he made a reconnoissance west of the Missouri River and up to the valley of the Platte for the purpose of determining in his own mind the line which the Great Union Pacific Railroad of the future should take. These explorations continued for a period of eight years, from 1853 to 1861. The result was that he became so well satisfied with the course the road should take, and that its starting point would be at Council Bluffs, on the Missouri River, that he had in the meantime, in 1854, made Council Bluffs his permanent residence. Here, though without relaxing his engineering projects, he engaged in freighting across the plains, also took a prominent part in the growth and prosperity of Council Bluffs. He engaged in banking and was one of the organizers of the banking house of Baldwin & Dodge, in 1856, which was afterwards merged into the Pacific National Bank, of which he became the president, and which later became the Council Bluffs Savings Bank, of which his brother, N. P. Dodge, became the president.

His natural military instincts had been accentuated by his training at the Norwich University at the military school of Captain Partridge, and in 1856 he organized and drilled a military company known as the Council Bluffs Guards, of which he became captain, and which maintained its organization until the breaking out of the Civil War. When this event was inaugurated by the firing on Fort Sumter, and the call for troops, he tendered his services and that of his Company to Governor Kirkwood. The Governor did not think it prudent to withdraw any troops from the western border of the State, but he appointed Captain Dodge a member of his staff and sent him to Washington to obtain arms and ammunition for the equipment of Iowa troops, in order that they might be in position to repel any invasion of the southern border. Despite the failure of the Congressional delegation to secure arms and ammunition, for which Captain Dodge had gone to Washington, he,

nevertheless, succeeded in procuring an order for 6,000 stand of arms and the necessary ammunition. During his stay and efforts at Washington, the Secretary of War was so emphatically impressed with the military capacity of Captain Dodge, that he was tendered a captaincy in the regular army, which was declined. The secretary, of his own accord, then wrote Governor Kirkwood, recommending that Captain Dodge should be given the command of a regiment. Immediately upon his return from Washington, he was appointed Colonel of the Fourth Iowa Infantry, and using his Council Bluffs company as the nucleus, he entered upon the work of enlisting and organizing the regiment, which he succeeded in doing, and reported, with his regiment and a battery that he had been authorized to organize in connection with it, and known as Dodge's battery, to General Fremont, at St. Louis, in August, 1861.

The limits of this sketch will not permit me to enter into the details of the many engagements in which General Dodge participated and bore a conspicuous part.

For full descriptions of the different engagements in which General Dodge participated and the great variety of his valuable services during the War the reader is referred to the articles of Governor Cyrus C. Carpenter contained in Volume 1, Third Series, *Annals of Iowa*, pages 161 and 302; Stuart's *Iowa Colonels and Regiments*, Des Moines, 1865, page 109; the historical address of General Dodge himself at the Camp Fire of the Crocker Brigade, appearing in Volume 4, Third Series, *Annals of Iowa*, page 77; and Gue's *History of Iowa*, Volume 4, page 76. Following the Atlanta campaign in which General Dodge distinguished himself, at the special request of Generals Grant and Sherman he was appointed Major-General.

He has contributed largely to the military, biographical and civil history of Iowa by his numerous contributions, many of which have from time to time appeared in the "Annals of Iowa," the periodical of the State Historical Department.

At the close of the war he was appointed Chief Engineer in the construction of the Union Pacific Railroad, thus realizing his early dream. In 1866 he was nominated by the Republicans of his district for Congress, and overwhelmingly elected. He declined a renomination and devoted his energies to pushing forward the construction of the railroad. He drew the plans for and supervised the construction of the great iron bridge that spans the Missouri; and to his genius and untiring efforts, the people of Council Bluffs are indebted for that City being made the initial point of the great railroad.

As before stated, he had a highly constructive intellect and proved himself one of the greatest civil engineers and railroad builders of his time.

I first met General Dodge at St. Louis in May, 1865, while he was in command of the Department of Missouri. He was not at first sight striking in appearance, though on close observation, it could readily be seen that his inherent genius glowed through his fine eyes and expressive countenance. He was what might be termed small in stature and, as I recollect, slightly stooping in shoulders. He was structured more after the form of Napoleon than that of Hercules.

During the progress of his numerous business enterprises, he resided for a number of years in the City of New York, where he became widely known and highly honored. He was made Commander of the Military Order of the Loyal Legion, president of the Society of the Army of the Tennessee, and when the remains of General Ulysses S. Grant were, on the 27th of April, 1897, transferred to the magnificent tomb which had been prepared for him in New York, and was to be dedicated for the occasion, General Dodge was chosen and acted as Grand Marshal and Master of the Ceremonies. General Dodge has made many contributions to the historical department of Iowa which are known as the Grenville M. Dodge Collection. In this collection there has been placed the large and fine equestrian portrait of General Dodge, executed by the distinguished painter, Charles A. Whipple, at the request of the members of the General's staff and aids-de-camp, on the dedication before referred to, and by them presented to the General. General Dodge never lost his affection for the people of Iowa, and in the latter part of his life returned to and established his office in Council Bluffs with whose history and development his name and memory will be perpetually associated. There he died in 1916.

George F. Wright, Winfield S. Mayne, Spencer Smith.

George F. Wright, Winfield S. Mayne and myself entered upon the practice of our profession about the same time in adjoining counties—Wright and Mayne at Keosauqua, and I at Ottumwa, in 1857. It will thus be seen that we were neighboring young lawyers at the outset of our professional career.

George F. Wright was a native of Warren, Washington County, Vermont, where he was born in 1833. He was reared on a farm and received his education in the common schools and at the West Randolph Academy. Austin Adams, the former well-known Judge of the Supreme Court of Iowa, was one of his tutors. George came to Keosauqua in 1855. He was then twenty-two years of age. He entered the law office of Wright, Knapp & Caldwell, the firm being composed of J. C. Knapp, George G. Wright and Henry Clay Caldwell. Upon the election of George G. Wright as one of the judges of the State Supreme Court, George F. Wright was taken into the firm, the style of which became Knapp, Caldwell & Wright. As I understand it, the subject of this sketch was not related to Judge George G. Wright, but was a nephew of Judge Knapp. In 1868 Mr. Wright

moved to Council Bluffs where he became a partner of Judge Caleb Baldwin, under the firm name of Baldwin & Wright. This firm became the most prominent one in that part of the State, and did a large and lucrative business. Mr. Wright proved himself to be a lawyer of decided ability and a business man of wide executive capacity. In 1875 he was elected to the State Senate and served in the Sixteenth and Seventeenth General Assemblies; was re-elected and served in the Eighteenth and Nineteenth General Assemblies. He was a member of the judiciary committee and left a durable impression on the laws and jurisprudence of his time. He became interested in various enterprises, became president of the first street railway company of Council Bluffs, was one of the organizers of companies for the manufacture of coal illuminating gas in various towns, and one of the organizers of the Omaha & Council Bluffs Railway & Bridge Company.* He was one of the most useful men in the history of Council Bluffs, of high character and undoubted integrity. He died at Council Bluffs in 1906. He was succeeded in the practice by his son, George S. Wright.

Winfield S. Mayne was the son of Emanuel Mayne, one of the early county judges of Van Buren County. He is mentioned in connection with my sketch of Augustus Hall. Winfield was born in Ohio in 1833, and was educated in the private academy of the Rev. Daniel Lane, at Keosauqua, afterwards entering the Wesleyan University at Mt. Pleasant, from which he was graduated in 1856, having the honor of being the first graduate of that institution. He read law in the office of Wright & Knapp and entered upon the practice at Keosauqua, where he remained until 1872, when he removed to Red Oak, Iowa, and became the partner of the late Judge Smith McPherson. After remaining here some three or four years he removed to Council Bluffs and was admitted into the firm of Baldwin & Wright, referred to in the previous sketch, which then became Baldwin, Wright & Mayne. While in Keosauqua he was for a time the law partner of W. A. Work, who afterward removed to and became a distinguished lawyer in Ottumwa. Judge Mayne was regarded as a sound and able lawyer and maintained a high rank in the profession. For very many years he was Referee in Bankruptcy, or Judge of the Bankruptcy Court, and served with ability and general satisfaction in that capacity until he had passed his eighty-second year. He was a man of high character, perfect integrity and a genial, lovable gentleman.

Spencer Smith was one of the young lawyers of Council Bluffs when I first met him some forty-five years ago; it was, if I remember rightly, on the excursion of the Iowa Editorial Association through Kansas and Missouri, to accompany which we had been invited. He was then a bright, sparkling, young man, a slim, good-looking, airy fellow, highly intelligent, and a favorite with the ladies, and I think gen-

* Annals of Iowa, Volume 8, Third Series, page 157.

erally on account of his piquancy and attractive personality. My acquaintance with him was not closely continued and I have not much data concerning his early life, save that he came to Council Bluffs when he was very young—a mere boy, as I am informed, and so to speak, grew up with it. He read law with my old friend and associate in the Eleventh General Assembly, Honorable Lewis W. Ross, commenced practice at Council Bluffs in the early 60's, and attained a high standing in the profession. He was frequently honored and received many marks of the public confidence. For six years he was a member of the Railroad Commission of the State and served in that position with signal efficiency. He was an intimate friend of John W. Chapman, and I am informed, frequently contributed to his paper, the Council Bluffs Nonpareil. That he was a pungent and vivacious writer is clearly evinced in the tribute he paid to the memory of Mr. Chapman on the death of the latter, a portion of which will be found elsewhere in connection with my sketch of Mr. Chapman. I am informed that he is still living and in the enjoyment of a serene, successful and well-spent life.

CHAPTER XXXIII.

BLACKHAWK COUNTY.

Horace Boies, H. B. Allen.

Of all the public men who have graced the history of earlier Iowa, *Governor Boies* was probably the freest from all sorts of ostentation. While somewhat acquainted in the early period of our professional lives, I came to know him more intimately in his closing years, while he was spending his late falls and winters in the same part of California that I am mine. He was the embodiment of simplicity, in character, speech and manners. Everything about him was perfectly natural. He had been one of the great and successful lawyers of the State; for two terms one of its greatest and most popular governors, elected in 1889 and re-elected in 1901 in the face of the usual overwhelming Republican majority, as the first Democratic Governor elected in Iowa for nearly forty years—since Stephen Hempstead, elected in 1850. All of those intervening, except Governor Grimes, who was elected in 1854 as the Whig candidate, were Republicans. When Mr. Cleveland was nominated for the presidency by the National Democratic Convention, Governor Boies was practically offered the nomination for Vice President, which he declined. In 1896 he was prominently brought forward by leaders of his party as a candidate for the presidential nomination, and in the National Democratic Convention of that year received a flattering vote and would probably have been nominated but for the appearance of Mr. Bryan on the scene and his dramatic speech, which resulted in his own nomination. After Mr. Cleveland's second election, and while he was forming his cabinet, he offered to Governor Boies the position of Secretary of Agriculture, which was declined by the Governor on the modest and very extraordinary ground that he did not consider himself capable of properly filling that position.

And yet, with the glory of all these successes and honors, illuminating his career, he was as modest and unassuming as a child. The more I saw of him the deeper I became impressed with the loveliness of his character. His mild benignity was charming and inspired the love and admiration of all who knew him.

Let it not be inferred, however, that he was lacking in the sterner traits, in inflexibility of purpose and heroic qualities, for in these respects he was highly endowed. His strong will was predominant, and the courage of his convictions en-

abled him to surmount obstacles in his pathway and reach the heights. His life and its incidents furnish a fine example of a self-made man rising from obscurity to distinction. No young man can read these incidents without receiving inspiration and courage.

As the autobiographical narratives of such men are, from my point of view, more interesting than biographies written by a third person, and as I was deeply impressed with the rare qualities I have briefly depicted, I asked his permission to have my stenographer accompany me in one of my visits to him and receive from him a brief account of his life. This request was cheerfully granted. The result was the narrative which follows, taken down in shorthand at his cottage at Long Beach, California, November 14, 1914. He was then in his eighty-seventh year, but his mind vigorous, his memory of incidents wonderful, as will readily appear from the paper itself, his dictation to the stenographer unhesitating and clear as a limpid stream. Its details were so full that I at first purposed to abridge it, but the appeal of its "idyllic simplicity" was so strong, and so fully verified what I have said concerning him, that I could not forbear taking the space to give it in full, as follows:

"I was born on the 7th day of December, 1827, in a log house in western New York when it was a very new country. We were practically without schools in that country in my very early days. Later, when I was a boy of seven or eight years old, there was a schoolhouse built where I could go to school in the summer season and also in the winter season for terms of three months each, until I was ten years of age. At ten years of age I had to stay at home in the summer to help my father on his farm, and from that time on until I was sixteen years old, my schooling was confined to the winter term of three months. Those were district schools where the teachers boarded around with the families. A little before I was sixteen years old my father was unfortunate enough to lose about one-half of his farm (his farm prior to that consisted of 110 acres). He had signed a note as surety for an uncle, for several hundred dollars which he had to pay, and the result was, he could not pay for his farm and lost one-half of it. I had an older brother, six years my senior, who at that time was of age, or a little more, who was engaged to be married to a girl of the neighborhood. They had planned to leave for the West the year following, but were not ready to go at that time. The farm was so small it could not employ all of us and I tried to persuade my parents to allow me to go West and allow my brother to remain at home that season. They objected to that very seriously; said I was too young to take such a journey. They wanted me to find a place where I could work out in that neighborhood, but to that I objected as seriously as they did to my going away. We had a good many arguments over the subject, but I was unable to change their minds. One morning my father sent me out to do some work on the farm alone. While at work I was thinking over the subject and the tears began to run down my cheeks. Father came up behind me

without my noticing him, and as I turned to look at him, he saw the tears and said to me, 'What is the trouble with you?' I said, 'Father, we cannot all of us stay on this farm; someone has got to get out, and Dayton is not ready to go. I want you and mother to let me go West. I don't want to stay here and work out.' He stopped a moment and then said, 'Well, if you feel that way, I won't make any further objection to your going, provided you will promise me to go to a family, a Mr. and Mrs. Berry, that I knew here in New York, who have moved to southern Wisconsin,' and he told me where they lived—about 75 miles west of Racine. Wisconsin was at that time a Territory. I said, 'All right, I am willing to do that,' so he went back to the house and talked with mother, and they both agreed to that plan. The only means father had of furnishing me any money to go with, was to sell some hemlock lumber—the only thing he had to sell. In a few days mother got my little bundle of clothes, which consisted of one extra suit, tied up in a red bandana handkerchief and father took a load of lumber and we went to Buffalo. He sold the lumber, I think for \$5.00. Then we went down to the wharf to see what the passage would cost. We found that steerage on the fastest boat on the Lakes would cost \$6.00, and a passage on a propeller (which was much slower) would cost \$4.00. Mother had prepared a box of food for me and I had to take the slower boat at \$4.00, which left me with one dollar in my pocket besides the steerage passage ticket. I got on the boat. We stopped at the principal ports along the Lakes, and we were seven days going from Buffalo to Racine. I found when I got on the boat that every berth in the steerage cabin was filled with women and children; there was no place for me, consequently I was compelled to find a place where I could sleep on the upper deck. There was a large coil of rope on the deck that stood up perhaps two feet from the floor—the rope they tied up with when they stopped—the inside of it was about four or five feet across and I climbed into that, with my little bundle for my pillow. That made my sleeping place on through the whole journey, and when we got up around the straits of Mackinac the weather was so cold that I awoke a good many mornings with the frost over me, but I managed to get through and go ashore at Racine, having 75 cents of my dollar in my pocket, and within 75 miles from the family that I had started to reach. I bought my dinner before I started and that left me with 50 cents. The afternoon of the day I landed I walked 15 miles and put up at a little wayside inn. The next morning after I had paid my bill I had 10 cents left, and was then 60 miles from my destination. I knew I could not make the 60 miles on 10 cents, so I inquired of the man where I stayed if he knew where I could find work. He asked me where I was going and I told him the little village I had to reach to get to my friends. He said, 'There was a man along here yesterday inquiring for help, and he lives on your way at the little village of Rochester, about 20 miles from here.' So I started off, and when I got there I inquired for and found the man. He said he wanted some help, and asked me if I knew how to handle a team. I told him I did. I remembered that father

had told me when I hired out to be sure and make the man agree to do my washing and mending, so I said to him, 'What wages are you willing to pay?' He asked me what I wanted. I said I didn't know the customary wages there and would have to leave it to him. He said he thought \$12.00 per month would be fair for me, so I went to work. He owned a farm and a little frame house and had his sign out for the entertainment of travelers. It was a wet and cold spring. His house stood on a little elevation, and his cellar had partly flooded with water. I very soon found that when it rained and he did not want his team to work in the field, he wanted me to dig in making a ditch to drain his cellar. Well, I started the ditch, working on rainy days, and as I got near the cellar, of course, the ditch grew deeper and deeper, so that my head was below the surface of the ground. The ditch was narrow and in digging, I would have to throw the dirt up higher than my head, and thus, could not avoid rubbing against the side of the ditch. The result was, being put in there on rainy days, that every ounce of mud that would stick to me from the top of my head to the bottom of my feet was loaded onto me until it would fall off of its own weight. I stood that pretty well up to about a week before my month was out and then I took cold and began to cough severely, but I managed to get through until my time was up. Then I said to the man, 'I want to go on now, to my friends that I have started to meet, and I will have to take my wages and start.' He counted out ten silver dollars. I said, 'Mr. Dunkin, you promised to pay me \$12.00 per month.' He said, 'Yes, I know I did, but my wife says your clothes were so awfully dirty that she would have to charge you \$2.00 for doing your washing.' Of course, I had to take what he was willing to give me.

"I started for my friends and had then 35 miles, I think, to walk. I reached there before night, but completely exhausted. I found the family to consist of an old gentleman and his wife. His wife was a large, fleshy woman. Their house was a log house, a double house with two rooms only, and one story high. A married daughter lived in one end and the old father and mother in the other end of that house. In the center of the roof above they had a little place for a single bed. I had been in the house but a very short time, just long enough to tell them who I was and where I came from, and I was coughing hard, when the old mother, who had kept looking at me, said, 'How long have you had that cough?' I said, 'A week or more, and I hope it isn't going to make me sick.' She said, 'My boy, you are sick already, and just as soon as I can get you something to eat, I want you to go upstairs and get to bed and stay there until I tell you to get up.' A ladder led up to the upper room and I climbed up and got into bed. The old mother went out and gathered burdock leaves. They had a big fireplace and she heated these leaves just as hot as she could and brought them up and covered my lungs with them. For three weeks that old mother climbed that ladder, day and night, and kept me covered with those burdock leaves and I went through a regular siege of

pneumonia, but I came out all right at the end of the three weeks. The old father, as I have said before, had a little farm, but he said he would not want any help until harvest time, but that during harvest time he would want me to help him. One of his neighbors, a Mr. Roberts, had a break team consisting of five or six yolk of oxen and a very large plow. He made a business of breaking land when he had someone to drive his oxen, and I hired out to him to drive his oxen. I found him to be a very kind old man. He took a liking to me and I worked for him all that summer until the harvest time, and then went back to help my old friend, Berry, through his harvest, and after that was finished, went back to old Mr. Roberts to help him as long as there was any work. Along quite late in the fall I got a letter from home (I usually got one about every month, which was as often as the mails came to that country) saying my mother was very sick, and they were afraid she wasn't going to live, and that she wanted me to come home. I had already made arrangements to go with the son of the man I worked for, over into Iowa to hunt for fur that winter, which was the only kind of work there was for anyone to do, but as soon as I got my letter and told the old gentleman I worked for, what word I had received, he said to me, 'If your mother is sick and wants you, you must go home.' The result was, he paid me my wages, and I took the fastest mode of getting home, which was by stage to Racine and the trip around the Lakes to Buffalo. I got home and found mother still in bed, but improving.

"I was anxious to go to school and learn something more than I had ever been able to in the little district school. There was an academy four miles from my father's farm, which was the best school anywhere in that neighborhood. I went over to the Professor of the academy and told him I wanted to come to school, and asked him if there wasn't something I could do around the premises to pay my tuition. He said, 'Yes, if you will ring the bell of the school, that will pay your tuition and pay for the use of a room for you to sleep in, and your mother can fix up your food, so that you can get along without any expense.' So I made that arrangement with him, and mother prepared a box of food and I went over to the academy. That was the winter when I was seventeen years of age. I had a little girl friend whose name was Adela King, that I had met in our district school, and she had lived in one of the little villages there and had had a much better chance of getting an education than I had, and was very much farther advanced in her studies. We became very warm friends when she was twelve, and I a boy of fourteen. Her people had moved away from the village where they had lived, to an adjoining farm. When I went to the academy we were in the habit of exchanging letters every week. One evening after I had been at the academy about two or three weeks, after school had closed, as I expected a letter from her, I went down to the postoffice which was half a mile from the academy, to get my letter, and I walked right back as quickly as I could. The academy stood back quite a little way from the street on which it was located. As I walked into the grounds I met one of the students

and he said to me, 'Young man, you'll catch it when you see the old Professor.' I said, 'What is the matter?' He said, 'Some boy got hold of the bell rope and rang the bell out of proper hours. The old Professor lives across the street and he came over here in a towering rage and asked where you were, and no one could tell him. He'll give it to you when he sees you.' 'Well,' I said, 'I will go right over and explain to the Professor where I was.' I went over. He was working in his garden across the street. I said to him, 'Professor, I understand that someone rang the bell when I was away and I came over to explain where I was.' He kept right on with his work and didn't answer me. I told him I had expected a letter and went over to the postoffice to get it, and came right back as quickly as I could walk, and that it was while I was gone that the bell was rung. He did not make any reply to me at all, but kept right on with his work. After the next morning exercises were finished and before dismissing the classes, the Professor, who was sitting up on his raised seat, said: 'Someone got hold of the bell rope last night and rang the bell when it ought not to have been rung. I want to know who it was. If it was anyone here in the school, I want him to tell me, or if anyone knows who it was, I want him to tell me.' There was no expression from anybody. I think he repeated his request once or twice, but got no response, and that seemed to anger him very much. Then he said, 'I employed a party to take care of that bell, and I expect him to attend to his business,' and he used some pretty severe language about my neglect. I stood it as long as I could, then I raised up from my seat and said, 'Professor Burney, I explained to you last night where I was and what it was that called me away.' He said, 'Young man, you interrupt me again and you'll walk Spanish.' I replied, 'All right, Professor, I'll walk Spanish without any further interruption,' and I gathered up my books and left the school. I went home and went back to the district school. The old Professor was Superintendent of the district schools. It was not a very great while before he came over to visit our school, and after school had adjourned he came to where I was and said to me, 'My boy, I guess you had better come back to school.' I said, 'Not while you are there.' That ended that experience. I went home and soon after went to Wisconsin again, and from that on until I was twenty-one years of age, I spent most of the years in the West. I attended one term of the Wisconsin University—a preparatory course—that had just been started at that time, and I had an opportunity to attend one term of a select school before I was twenty-one. The truth about it is that I had practically no education.

"All of my years in the West were devoted to an effort to prepare a place for my little girl friend whom I always expected to marry. When I was twenty-one I went back to New York, found her and persuaded her to marry me, expecting to take her West and go on a farm to make a living. We had been married but a very short time when she said to me one day, "I don't want you to be a farmer all your life, I want you to do something else.' I said, 'What do you want me to do?'

She replied, 'I want you to study law.' 'Well, now, my girl,' I said, 'I cannot study law and take care of you.' She said, 'You don't have to take care of me, I will take care of myself.' She had been teaching different terms in the district school before that. I said, 'If you think you can take care of yourself, and I can manage in any way to read law, I am willing to try.' So we agreed upon that arrangement. An old uncle of mine had had some business with a lawyer who lived some ten or fifteen miles from where we lived, and he wanted me to go and see that lawyer and arrange if I could, to read law in his office. I did so, and made the arrangement. I had a few dollars saved and found a boarding place, and I stayed in his office until the next haying and harvesting season of that country, and as the wages were much better at that time than any other part of the year, and my funds had run low, I said to the lawyer that I would have to go out and work through the hay and harvest time to replenish my money. He lived a little way out of the village in which his office was located, on a little farm, I think of 5 or 6 acres, and he had a span of horses and a couple of cows. He said to me, 'If you will come down and take care of my horses and cows, I will board you until you get through with your studies.' I was very glad to do that, so I went to him and stayed for two years from the time I first went into his office.

"The prior practice of that country of admitting students to practice was on a certificate of a practicing lawyer with whom they had read, stating that the student had read in his office for five years, and that the lawyer considered him capable of being admitted to practice. There was no examination of the students. Very recently it had been changed, and students had to appear before the general term of the Supreme Court and submit to an examination. The general term consisted of four district judges. When I had finished my two years' reading, which had been just as severe as I could possibly make it, I thought to myself I would take a chance and take the examination. I went to Buffalo at the general term and took the examination. The class consisted of thirteen students. It so happened, that in taking my seat, I was very near the foot of the class—I think there was only one student below me. The judges gave us a very severe examination. The first one occupied the entire afternoon of one day. We were called back again that evening to take a further examination; then they adjourned over until the following afternoon. After occupying the afternoon, they adjourned until evening, and had an evening session. In asking questions, the common practice of the judges was to start at the head of the class, and among other ways of putting their questions, they would suppose a case and ask a student what his advice to a client would be if he came to him with such a case. The student at the head of the class would give his opinion, and they would pass it down the line until it came to me. The result was, that with a great many questions I heard the opinions of the other students thereon before they reached me, and that was a wonderful help, because I thought

I could pick out the answer that was the most reasonable; and I went through the examination in that way. They then adjourned over one day before announcing their decision. Before the day was over, the Clerk of the Court came to me and said, 'Young man, you are all right.' I said, 'What makes you think so?' 'Well,' he said, 'I heard the judges talking about you.' We went in at the appointed hour to hear the decision of the judges, and the result was that nine of the thirteen were rejected and four were admitted. I was fortunate enough to be one of the four, but I always attributed that to my location in the class, instead of to my knowledge of the law.

"The lawyer that I had read with had moved away from the little village where he had lived. My old uncle, of whom I have spoken, loaned me \$15.00, and with that I bought a second-hand edition of the Digests of the New York Reports, and Cowan's Treatise on Justice Court Practice, and I took the lawyer's place and hung out my shingle as a lawyer. I stayed there a year or more. My practice, of course, was confined to Justice Courts and not very much at that.

"I then moved nearer to the City of Buffalo, to the town of Hamburg. There I came in contact with a couple of much older lawyers, but my practice became much better than it had been where I had lived before. After I had been there, I think about a year or two years, the old Whig party, to which my father belonged and to which I had belonged, was going out of existence and the Republican party coming in. I joined the Republican party. One day some friends of mine went to the convention which nominated the member for the Assembly. Nothing had been said to me about proposing my name as a candidate, but they succeeded in getting me nominated without my knowledge. The first thing I knew about it was when they came back and told me that I was nominated for the Assembly of New York. I was elected and went to Albany and attended the session, but the Democrats controlled the State and the Legislature, and before the second term came they changed my Assembly district by taking off a Republican township and putting on a Democratic one. This changed the political preponderance of the parties, and for the second term I was defeated. That was the end of my political life in New York.

"I remained in New York fifteen years after I was admitted, the main part of that time in the town of Hamburg, about twelve miles out of the City. Part of the time I was in the City and practiced there. During that time I lost my wife, and three years after her death I married Miss Versalia M. Barber. She was a thoroughly educated woman and a very great help to me.

"It was the inspiration alone of my girl-wife that turned my thoughts from the humble, but always honorable calling of a farmer's life to that best and most alluring of all the learned professions of men (the law), and the patient toil and willing help of my second wife that enabled me to overcome to some extent the meager education of my early years.

"To these good women with reverent remembrance of each, I cheerfully accord the credit of whatever success has come to me in my long and not wholly uneventful life.

"Before we were married, the parents of my second wife moved West to Iowa. When the time came for us to be married, and often before that when we were engaged, I visited her at her western home in Waterloo, Iowa. On one of my visits there I formed the acquaintance of a leading Iowa lawyer, Mr. H. B. Allen. Waterloo at that time was the leading inland town of that part of the State. I met Mr. Allen again at the time of our marriage, and I think, within a year of that time he and his wife came down to New York and visited us. He proposed that I come to Iowa and become a member of a firm to be composed of himself and myself. We agreed upon terms, and I went to Iowa in the spring of 1867. He had an extensive practice already built up. The old firm had been Bagg & Allen. Bagg had been elected Judge of the Courts and that had left Mr. Allen without a partner until my association with him. Mr. Allen was not a healthy man and the hard work of the firm very naturally fell upon me, and in that way I soon became acquainted, and our practice was very successful. We earned money quite fast for those years. Henry B. Allen now lives in South Pasadena, California. A young man whose name was Carlton F. Couch, read law in our office. We became very much attached to him and when he was admitted to practice, took him into the firm which was thereafter known as Boies, Allen & Couch. He proved a very able and efficient partner.

"During that time the agitation for Statewide Prohibition in Iowa started. There was a very large amount of money invested in distilleries and breweries, which would naturally be very seriously injured, if not destroyed, by Prohibition. Prohibitory Amendment of the Constitution was the first proposal and I opposed it on that ground. I took the position that if they were going to pass a law of that kind, they should make some provision for paying the men whose money had been invested in such property just as legally as any money had been invested in other kinds of business, and that such business ought not to be destroyed without compensation. The debate became so warm that I made a few public addresses upon that subject. The amendment carried by a very large majority, but was afterwards held to have not been legally adopted. But at the first opportunity, the Legislature of the State passed a Prohibitory law just as broad as the amendment. That changed my politics. I joined the Democratic party and voted with it.

"In the fall of 1889 I was nominated for Governor. I have no recollection that I had ever heard a human being speak of my nomination for Governor of the State, and no such thought had entered my own mind. The State was overwhelmingly Republican, the majorities ranging from 80,000 to 100,000 at various times. I had occasion to go to Portland, Oregon, to meet a daughter of mine who had

spent the winter in California, and was returning home by Portland. On my way back to Iowa with her, I happened to pick up the morning papers as we were going along, and noticed in one of them that I had been nominated for Governor, by the Democratic party of Iowa on a local option platform. It was a very great surprise to me, but I thought to myself that it was quite an honor anyway to be nominated for that office and that I would make the best showing I could. When I got home I spent my entire time in the canvass from the time it opened until it closed. I was elected by over 6,000, and on my second nomination I was elected by a little larger majority.

"Before I got through with my second term, I had all the Governorship I desired. I wanted to get out of it, and I published such a statement in the Democratic papers. The convention met and discussed the question of their candidate for the next election. They didn't seem to find anybody they were satisfied with, and they sent for me to come to the convention. I went. To shorten the story, I yielded, much against my will, to their insistent urging that it was a duty I owed my friends to accept. From causes not necessary to analyze, I was defeated.*

"You ask me in regard to my name being connected with the Presidential nomination. All I can say about that is what I have learned from others. I was not present at their conventions where my name was mentioned as a candidate. I have been told that at two different national conventions my name was suggested as a candidate for the Presidency, and that there was a considerable vote in favor of my nomination. I have been told that on the last occasion when Mr. Bryan was nominated, I was the leading candidate until he made his speech to the convention, which I have always understood to have been the reason for his nomination. This was at Chicago.

"At the time of Cleveland's nomination for his last term, was when my name was first mentioned for the Presidency. I was not at that convention. My name was next brought forward at the Chicago convention, as above stated. I know that while that convention was in session I got a telegram from a leading Democrat from Iowa, asking me if I would accept the nomination for Vice President. I answered that I did not want that nomination. I have been told that one of Cleveland's managers came to the Iowa delegation and assured them that if they would throw their vote to Cleveland for President, I could have the nomination for Vice President. After Cleveland's election and when he was forming his Cabinet, he offered me the position of Secretary of Agriculture. I wrote and thanked him for the offer which was very kind, but assured him that I did not consider myself fitted for or capable of filling a position of that kind, and hence declined it.

* Governor Gue in his History of Iowa, Vol. 4, page 24, ascribes the cause of Governor Boies' defeat to the abandonment of prohibition by the Republican party and the passage of the local option law for cities, which reunited the Republicans and carried the election in their favor.

“At the close of my second term as Governor I was sixty-six years of age. During the four years that I held the office my oldest son had taken my place in the firm and had acquired a very excellent reputation. His untimely death soon after was an overwhelming sorrow. I considered him a better lawyer than myself. I remember when he died that Judge Horace E. Deemer, who was Chief Justice of the Supreme Court at that time, wrote me a very kind letter. I shall always remember one sentence of it. He said there was no lawyer in the State of Iowa who made a better appearance in the Supreme Court of that State than my son. I have another son, Herbert B. Boies, who was recently elected one of the District Judges of the district where he lives.

“In the ordinary sense, I was never a politician, nor had I any taste for politics, but I feel under very great obligations, not only to the Democratic party, but to the people of the whole State of Iowa, for the manner in which I have been treated by them.”

As Governor Boies has referred to his son, E. L. Boies, who died soon after the close of the Governor's second term, I cannot refrain from adding what Henry B. Allen, the early partner of Governor Boies, and to whom he has referred in the foregoing narrative, thus writes me concerning him:

He was one of the brightest of the members of the Blackhawk County Bar. In knowledge of law he stood second to no one in the State. Always courteous and affable to his associates, forcible, frank and honest in his address to the Court, logical and convincing in his pleas to the jury, he won the respect, admiration and favor of all. In the presentation of his arguments to the Supreme Court of the State, his familiarity with the law and the facts, his deliberate and masterly arraignment of them, no less than his forensic eloquence, drew from the members of that high tribunal the heartiest meed of praise. Admired and beloved by everyone who knew him, his untimely death is deeply deplored by Bench and Bar alike to this day.

The eminence of Governor Boies himself as a lawyer is attested by the consensus of public opinion, the Court Records and Law Reports of his time. Of him, Henry B. Allen, above referred to, and most excellent authority on the subject, says:

Governor Boies was a man of excellent character, unimpeachable integrity, industrious, very strongly imbued with the correctness of his own opinions and one of the best trial lawyers, I consider, in Iowa. He was very cordial and sociable with acquaintances, but he was not what we call a good mixer; among strangers he was reticent, reserved and rather diffident.

Governor Boies is again, at this writing, sojourning at Long Beach, in this month of March, 1915, in the eighty-eighth year of his age, still in possession of his mental faculties, his complexion fresh, his face beaming with its wonted kindness, his shapely form unbent, his vitality wonderfully preserved by his daily walks—exemplifying, as Douglas Jerrold says, “How beautiful can time with goodness make an old man!”

Henry B. Allen.

Henry B. Allen was one of the early lawyers of Waterloo, and one of the ablest, not only of Blackhawk County, but of the State during his time. He came to Waterloo in 1857, the year after I came to Ottumwa. He is now living in South Pasadena, where we are both spending our latter days. He is, at this writing (1915) in his eighty-fourth year, but still physically robust and in full possession of his vigorous mental faculties. He was born and reared on his father's farm in Lewis County, New York; was educated in the schools of that vicinity; taught school for a while; studied law with Judge Brown, of Lowville, New York. His health having become seriously impaired from too long and assiduous study, he determined to recuperate his lost energies on a farm, which he purposed to establish on land to be secured by public entry in the far West. The meanderings of this quest, which I gathered from his own lips, and the lines of which I will relate, were varied and illustrate the difficulties that sometimes stood in the way of the settlers desiring a location on the public lands. He left home and arrived, after a tedious journey, incident to that period, at Dubuque, Iowa, in 1855. He had the means to enter and pay for a quarter section of government land. He found none, however, subject to entry near Dubuque. Not to be disappointed in his purpose to obtain an Iowa farm, he arranged with an emigrant from Indiana, who, with his family, was in pursuit of the same purpose, to make a trip of exploration together. Leaving his family in camp, the Indianan and Mr. Allen started on their westward journey in a light covered wagon which served both as a living and sleeping tent. Passing through Delaware and Buchanan Counties, they finally reached the infant village of Waterloo, forded the Cedar River, and landed at a log house then called The Sherman Hotel. The house was too full to accommodate them and they were obliged to find shelter in the home of a newcomer who, there being no other room, gave them permission to sleep on the floor. They found no land in Blackhawk County subject to entry and they further proceeded on their way over what seemed to be endless and uninhabited prairies until they reached Cerro Gordo County. Here they found and each located a quarter section of beautiful and fertile land about two miles from where Mason City now stands. To perfect these locations, they proceeded to Decorah, in Winneshiek County, where the United States Land Office was located. After a three days' journey they reached that point to find that the land they had selected, had already been entered. Disgusted and discouraged about the farming proposition, though invigorated by the novel experience and out-of-door life, Allen returned to Dubuque on a Mississippi steamboat. To replenish his purse he taught school in a log house in Dubuque County during the following winter, canvassed the County on horseback as Deputy Assessor in the spring. His health had become restored as the result of these varied experiences, and he returned with renewed ambition, to the profession he had selected, and en-

tered the law office of Judge Pollock, of Dubuque, to properly prepare himself for the practice in Iowa. Dubuque was overstocked with lawyers, and besides he had become enamored with Waterloo on his first visit there in 1855, and so impressed with the natural advantages it possessed for a large, flourishing and important city (though then only a village of some 500 inhabitants) that he determined to fix upon it for a permanent location for the practice of his profession, which he accordingly did. To quote his own words:

So in the first week of January I started for Waterloo in a four-horse stage coach with the snow from two to three feet deep, and the mercury down to twenty degrees below zero. When, on the second day out, we arrived in Waterloo the mercury stood at twenty-six degrees below and did not rise above that point for six days thereafter.

Here he opened an office and laid the foundation of the professional eminence he attained, of which the reports of the State Supreme Court and the records of Blackhawk County and many adjacent counties will stand as perpetual memorials. In the spring of 1857 he formed a partnership with Judge Sylvester Bagg, who had been a leading lawyer in and recently came from Elyria, Ohio. The firm name was Bagg & Allen; this partnership continued for some ten years; to it was subsequently added O. C. Miller, when it became Bagg, Allen & Miller. After the dissolution of this firm, Mr. Allen formed a partnership with Horace Boies, as is related in the sketch of that gentleman, under the firm name of Boies & Allen. This firm acquired a very large practice and continued for about ten years. During this period C. F. Couch was added to the firm, when it became Boies, Allen & Couch.

But the talents of Mr. Allen were not confined to his professional career. He proved himself a financier and comprehensive business man of the first order, as will presently be seen. In 1876, while a member of the law firm of Boies, Allen & Couch, the Board of Directors of the First National Bank of Waterloo, of which Mr. Allen had been a small stockholder and director from its organization in 1865, discovered that the bank was on the verge of insolvency through the speculation and maladministration of its cashier. In this emergency the Board appealed to Mr. Allen to take the cashier's place and hold the bank together until some suitable person could be found to relieve him. He reluctantly consented to spend half of each day in the bank and do the best he could to save it. Upon examination, he found it in a woeful condition, destitute of cash resources, and a large portion of its discounts worthless or doubtful. Instead of a half of each day, he devoted almost literally day and night to save the situation and the stockholders from loss and liability. He succeeded in doing it. In a year or two he got it on its feet and in fair working order. He restored the public confidence, depositors rapidly increased, expenses were lessened, doubtful loans collected or secured, bad ones charged off, and net earnings began to warrant small dividends. But in the meantime, many of the discouraged stockholders desired to sell their holdings. Times were hard, and they needed the money invested in their business. In the meantime, also, Mr. Allen had

made up his mind that if the bank were carefully and honestly managed, it could be made to pay fair dividends; and he accordingly from time to time, as his means would permit, purchased stock of those desirous of selling, until he had acquired about two-thirds of the bank's capital. He had been made its President, and became so deeply interested that he could not afford to entrust the management to other hands. He so advised his law partners, Boies and Couch, and withdrew from the firm. Thus ended his successful career as a practicing lawyer.

He remained President of the bank for twenty-five years. Under his guiding hand it was brought into a flourishing condition; its semi-annual dividends reached as high as 15 per cent, and were added to the surplus and undivided profit funds, until the proportion of these funds, combined with the bank's capital, reached the highest of any bank in the State of Iowa, and fifth in the United States. The capital of the bank was increased from \$50,000 to \$150,000, and the increase paid out of the surplus and undivided profits, leaving a surplus sufficient to comply with the requirements of the National Banking Laws. The original par value of the stock doubled, and in 1903 he sold the larger part of his increased holdings for \$200 per share, and came to California to recuperate the failing health of his wife. To illustrate his sagacity and foresight, as well as the breadth and variety of his practical accomplishments, I will relate that during his professional career both he and his law partner, Horace Boies, who afterwards became the distinguished Democratic Governor of Iowa, early, and from time to time, invested the savings of their extensive practice in lands, which were then going at low figures, and which amazingly increased in the rapid growth of that part of the State; and during his presidency of the bank, Mr. Allen added quite largely to his real estate holdings, and engaged extensively in farming and stock breeding. He established dairy farms and farms for breeding thoroughbred Short-horn cattle and trotting horses. The most extensive of these was one of 1,100 acres adjacent to the City of Waterloo, devoted to the breeding and sale of high-bred speeding horses. In this fold were kept fifty brood mares of rare lineage, and stallions descended from the most famous American trotters. It was called "East Park Stock Farm," and was known throughout the country.

After coming to California, he affectionately devoted himself to the comfort, pleasure and improvement of his wife—driving through its different parts, enjoying its varied picturesque landscapes, inhaling its sunshine and the fragrance of its flowers. Under these combined influences, her health was improved and her life prolonged until 1913.

After her death, and to relieve its consequent depression, though then more than eighty years of age, his unquenchable spirit of enterprise prompted him to engage in buying, improving, operating and selling ranches ranging from 15 to 8,500 acres, in Los Angeles, Riverside, Orange, Kings and Fresno Counties. All of these en-

terprises were crowned with success. The unvarying successes of his business life may be largely attributable to the following maxims, derived from himself and in his own language: "I have not run in debt. I never borrow to lend. And I never buy by creating indebtedness. This has been my policy for over fifty years, and I still strictly adhere to it." These maxims, though sometimes necessarily varied by circumstances, deserve to be classed with some of the wise sayings of Benjamin Franklin in his "Poor Richard's Almanac."

Daniel Webster once said that, "The history of most good lawyers may be briefly written—they worked hard, lived well and died poor." It is evident that the last condition of this statement is not exemplified in Henry B. Allen.

In person, when I first saw him, as a young man, nearly fifty years ago, he was rather above medium in height, well rounded; features prominent and strongly marked; his step firm and vigorous—all denotive of determination and power. Now, in his eighty-fourth year, this remarkable old man bears a strong resemblance to what he was then. He reminds me of some old castle, still undismantled, its turrets erect, its ramparts unbroken.

The offsprings of Mr. Allen's marriage were a son and daughter. The son died some years ago. The daughter was highly educated, studied medicine, became a successful practitioner in Waterloo, and a prominent member of the State Medical Board. She married J. E. S. Heath, now a prominent lawyer of Los Angeles, and is devoting herself to the comfort and solace of her father's declining years, with whom she and her husband live, at Mr. Allen's spacious residence and grounds in South Pasadena.

Carlton F. Couch, Sylvester Bagg, J. B. Powers, H. C. Hemenway, William H. McClure, O. C. Miller.

Carlton F. Couch, who has been referred to in the sketches of Governor Boies and Henry B. Allen, was, from all I knew and learned of him, not only one of the best lawyers and judges, but one of the rarest men as an individual in his part of the State. For a correct estimate of him and his various qualities, it seems to me that the best and most reliable sources of information are what those who had long and intimately known him say, and on that theory this sketch will be mostly constructed.

Of him, Gov. Horace Boies, who had been for many years associated with Mr. Couch, says:

His whole life was an open book, daily read and perfectly understood by those associated with him. In all his business relations with men he was the very soul of honor. He never knowingly wronged a human being. Every mistake of his life, if any were made, was a mistake of his head and not of his heart. His sympathies embraced the whole human family. His friendships were lasting as the period of his life. Nature designed him for a comforter of men. Wherever he went, with whatever circle he mingled, joy went with him and sadness fled away. He seemed

to live for others. Unaccustomed to personal criticism of himself, he was ever a most vigilant and aggressive defender of the good name of his friends. If purer or nobler natures exist, I have never met them. I knew Judge Couch from his early manhood, first as a student in the law firm of which I was a member, then as a clerk and afterwards as a member of the same firm. For twenty years we were in some one of these relations associated together, for eight more he was Judge of the District Court of the Judicial District in which I practiced my profession, and in that capacity I met him constantly. As a student he was attentive to his books, as a clerk faithful in the discharge of his duties, as a practicing attorney loyal to his clients, diligent in guarding their interests and strictly honorable in all his relations to the courts, as a presiding Judge ever courteous towards attorneys and parties alike, but firm in his opinions and so eminently just and impartial in all his rulings that no suspicion of prejudice or unworthy motive on his part was ever in a single instance entertained by anyone so far as I have any knowledge. An industrious life, a loyal friend, a faithful attorney, a just judge, a noble, upright, honorable man are words with which all who knew him well would write his epitaph, and each is but the inspiration of a truth which his daily life made plain to those who knew him best.

Of him, Mr. Allen says:

Mr. Couch was a very excellent character, kind hearted, very sociable, a wit and joker. He was a great favorite in the community in which he lived on account of his urbanity and sociability. As Judge of the District Court he acquired the reputation of being one of the best in the State.

Of him, the Dubuque Times says:

No event has ever occurred in the city of Waterloo that has caused such widespread gloom as did the death of the admired and respected Judge Carlton F. Couch. To say that his death has touched the hearts of the people, and that he will be sadly missed from the business, social and professional circles of which he has been a cherished member, is but giving expression to a feeling that exists in every heart in the community where he lived the greater part of his life, and which has been honored by his noble career.

Judge Couch was born in 1845 in Chautauqua County, New York; he died at Waterloo in 1896. He received an academical education. He came to Waterloo in 1866, and began reading law with Bagg, Allen & Miller, and subsequently with Boies & Allen when that firm was formed, and of which he subsequently became a member. In 1893 he was married to Miss Laura E. Putnam, a successful and highly accomplished teacher in the Waterloo high school, and a general favorite in society. Besides his widow, he left an infant daughter, Margaret. Mrs. Couch subsequently married Malone Joyce, the General Passenger Agent of the Colorado Midland Railroad Company. The family, including the daughter, Margaret, is now residing in Los Angeles, California.

I omitted to say that Judge Couch was a Democrat in politics, and the candidate of his party for Congress against David B. Henderson, Speaker of the National House of Representatives. The strengthened popularity of Judge Couch was so great that he ran far ahead of his ticket and was defeated by only a very slight majority.

For most of the data contained in the following brief sketches, I am indebted to Henry B. Allen. In the spring of 1915 he was interested enough to kindly come

to my home in South Pasadena and grant me a conversational interview regarding some of the early lawyers of Blackhawk County, which was taken down at the time by my stenographer, and from which I extract the data referred to.

Sylvester Bagg, I became acquainted with while he was on the bench some forty-five years ago. He was of striking appearance, large, rather corpulent, light hair, light complexion, and possessed of very sociable qualities. He impressed me as a man of decided ability. Mr. Allen says he came from Elyria, Ohio, to Waterloo, in 1857. Soon thereafter, he and Mr. Allen entered into partnership under the firm name of Bagg & Allen, which will be frequently found in the law reports of his period. He brought with him a large library, office furniture, and an excellent reputation as a lawyer and man. In the spring of 1863 he was appointed post quartermaster, with his office at Sioux City, where he remained until the spring of 1866, Mr. Allen carrying on the practice under the firm name in the meantime. During the absence of Judge Bagg, O. C. Miller studied law in the office of Bagg & Miller, was admitted to the bar, and on the return of Judge Bagg, was taken in as a partner under the firm name of Bagg, Allen & Miller. Mr. Bagg was subsequently elected Judge of the Circuit Court. Of him, Mr. Allen says:

He was a man of excellent character, sterling integrity, generous to a fault, and a favorite with everybody with whom he came in contact. He was a good lawyer, successful practitioner, and made an excellent judge. After he retired from the bench he removed to Minneapolis and entered upon the practice, but died suddenly about two years afterward. His remains were brought to Blackhawk County for burial.

A dispatch to the State Register, announcing his death, and which at the time, I clipped from the paper, states that he was on the Circuit and District Bench nearly fourteen years, and was once or twice a prominent candidate for the Supreme Bench.

J. B. Powers, of Cedar Falls, which was originally the county seat of Blackhawk County, and myself, were fellow members of the Iowa State Senate, in 1866. He afterward removed to Dubuque, and my sketch of him will be found in connection with the lawyers of that place. Of him, Mr. Allen says:

He was a successful practitioner of the firm of Powers & Hemenway and did a large business in Blackhawk County. He was elected District Attorney for his district, and served with marked efficiency. He was affable, pleasant, and a great story teller. He removed to Dubuque, where he died.

H. C. Hemenway, the partner of Senator Powers, was regarded as a sound and reliable lawyer. Of him, Mr. Allen says:

He was a man of excellent moral character, very positive in his opinions, faithful to the interests of his clients, very active and industrious, but more distinguished as an office than a trial lawyer.

William H. McClure impressed me as a unique character the first time I saw him, and this impression would seem to be verified from what follows. In an interview with James W. Woods, familiarly known as "Old Timber," probably the

first lawyer that practiced in Iowa when it was a part of the Territory of Wisconsin, thirty-six years ago, (1881), and which was taken down by my stenographer at the time, he says of McClure:

He first settled at Cedar Rapids, but afterwards removed to Cedar Falls in Blackhawk County. He was a highly gifted man, a fluent speaker and a profound lawyer. He took good rank in Lynn County and also in Blackhawk County. He was a Democrat, well grounded in the faith, but never sought office. He has varied his profession with many other affairs; he had been a banker, engaged in milling and was a Captain in the Union Army during the great rebellion. He was very careless in his personal appearance; if he wore a fine coat he was likely to have a pair of coarse boots or dilapidated hat. He was liberal to a fault, extremely active, and had all the business he could well do, but failed to accumulate much. He was very alert, professionally armed at all points and eloquent when fully aroused. He only lacked application to have become the head of the Bar in his part of the State.

Of Mr. McClure, Mr. Allen says:

William H. McClure resided in Cedar Falls and was one of its first inhabitants. He first engaged in the banking business at Cedar Falls but later entered the practice of law. He was a well-read and well-posted lawyer, very active and made many friends and admirers on account of his cordiality and his versatile ability. He was rather brilliant but very eccentric in his habits of dress. His banking experience was of short duration.

O. C. Miller, who has been referred to in the mention of Judge Bagg as a partner in the firm of Bagg, Allen & Miller, became distinguished as an able lawyer. Of him, Mr. Allen says that after his association with the gentleman named, he formed a partnership with J. H. Preston, a son of Col. I. M. Preston, of Linn County, and that the firm had a very successful career in Blackhawk County. After the firm of Miller & Preston was dissolved, Preston returned to Cedar Rapids, in Linn County, where he was elected District Judge of that Judicial District. Mr. Miller became the attorney for the Chicago & Great Western Railway Company for a district composing several counties in the interior of the State, and also the attorney of the Burlington, Cedar Rapids & Northern Railway Company. In the performance of his duty he had the supervision of the litigation in all the counties embraced in the district. He was distinguished as a railroad lawyer of great ability, and was retained as such until his removal to Los Angeles, California, and in a general sense, he was a good lawyer and successful practitioner.

CHAPTER XXXIV.

CLINTON COUNTY.

William E. Leffingwell, Aylett R. Cotton, Lyman Ellis, Daniel W. Ellis, Joseph S. Darling.

Among the early lawyers of Clinton County, with whom I became acquainted in 1867, widely known for his strongly marked characteristics and his conspicuous talents as a lawyer and forensic orator, was *William E. Leffingwell*, then in the prime of his strength and manhood. He and *Aylett R. Cotton* were the two first lawyers of general prominence in Clinton County. Mr. Leffingwell located at Dewitt in 1845, subsequently removing to Lyons and thence to Chicago. He was prominent all along the line and became as distinguished in Chicago as he had been in Iowa. On the occasion of his death, which I think occurred along about 1885, there was a general meeting of the Chicago bar, in which many of its eminent members and judges paid tributes of a high order to his great ability. Like proceedings were held in the Supreme Court of Iowa. On this latter occasion Judge George G. Wright and Lyman Ellis made glowing tributes to his memory and talents. The remarks of Judge Wright I thought among the finest I had ever heard, and afterward wrote him for a copy of the same. I have before me his reply, dated July, 1885, in which he states he is unable to find the paper or notes on which his remarks were predicated.

In 1882 I had James W. Woods, familiarly known as "Old Timber," come to Ottumwa where I lived, for the purpose of giving me as full and detailed information as he might be able concerning the early lawyers of Iowa. He was the first to practice in its courts at Burlington from the time of its first settlement, and while we were a part of Wisconsin. Mr. Woods remained with me a month. He was considerably past eighty, but his recollection of early lawyers and public men was remarkable, and from him I obtained much information, most of which appears in portions of his narration attached to and made a portion of his sketch. Most of Mr. Woods' narration was taken down in shorthand and transcribed, but in addition thereto he wrote for me at his leisure some independent sketches. Among them was one of Mr. Leffingwell, which I give word for word as it was written:

William E. Leffingwell, or "Bill" Leffingwell, as he was usually called, was not only an early lawyer but an early settler in Clinton County. He was admitted to the bar when very young. He soon came to the first rank in his profession, both as a jurist and an advocate. He was a born orator and at that time had no superior either as a lawyer or public speaker. He was quick and ready at all times and armed at all points. I will give you an illustration of his quick wit: Henry O'Connor, the Iowa Irish orator, politician and lawyer, was a Whig Presidential elector (this was before the formation of the Republican party) and Leffingwell was the Democratic elector. Both were very convivial to the extent of sometimes drinking too much. Leffingwell had been in the country making speeches, took an overdose, lost control of his team which ran away and threw him out of the buggy. He placed himself with his back to a tree. A countryman came along and asked him what he was doing there. Leffingwell said, "Don't you know me?" "No," said the countryman. "Don't you know Henry O'Connor, of Muscatine?" said Leffingwell. "No," says the countryman again. "Well," said Leffingwell. "I am Henry O'Connor, of Muscatine, and I am stumping the State for Fremont." The countryman was a teetotaler and the result was O'Connor lost nearly all the votes in that precinct. Leffingwell was several times elected to the Legislature and was the Democratic leader there. He was President of the Senate in the session of 1852. He was elected Judge of the District Court of his district and was an able and impartial jurist. He removed to Chicago, where he took first rank among the ablest lawyers of that Bar and was engaged in some very important suits in which he received large fees. He was a man of commanding appearance, very popular and as an attractive orator had no superior in Iowa.

The foregoing brief, but personally graphic description renders it unnecessary for me to add anything in that behalf, except to confirm from my own observation what Woods had said concerning the fine abilities of Mr. Leffingwell, and I shall content myself with giving some principal events relating to his public life. He was a Democrat in politics, and for many years one of its most active leaders and persuasive orators. His gifts as an orator, his superior mental activities, combined with his good fellowship to bring him into public notice at an early age. After the admission of Iowa as a State, he was elected by the people of Clinton County to represent them in the House of the First Legislative Assembly that was held under the State organization, which convened at Iowa City on the thirtieth of November, 1846. He served in both the regular and the extra session, which convened January 3, 1848. In 1850 he was elected by the people of Clinton and Scott Counties to represent them in the State Senate, and served in the Third General Assembly, which convened at Iowa City, December 2, 1850. In 1852 he was chosen to represent the people of Clinton and Cedar Counties in the State Senate, and served in the Fourth General Assembly. He had become so strongly popular that he was elected President of the Senate. In 1858 he was a Democratic nominee for Congress in the Second Congressional District—there were then but two Congressional Districts in the State—but was defeated by the Republican candidate, William Vandever, by a majority of 739.* The long rule of the Democrats had come to an end. In 1868 he was again the Democratic nominee for Congress, but was defeated by William Smyth, the Republican candidate. In 1870 he was again the Democratic

* Fairall's Manual Iowa Politics, vol. 2, 22.

nominee, but was defeated by his old professional associate, Aylett R. Cotton. In 1872 he was again the Democratic candidate against Cotton, but was defeated by a small majority, 175, according to Mr. Fairall's Manual, referred to in the note. To go back a little: In 1852 he was one of the Presidential electors, and cast his vote for Franklin Pierce for President. In the fall of 1852 he was elected Judge of the Eighth Judicial District and served a term with ability and general satisfaction.

An amusing incident throwing some light on Mr. Leffingwell will be found in the article of Judge P. M. Casady, entitled *The Naming of Iowa Counties*, appearing in Vol. II, *Annals of Iowa*, third series, 200. One of the counties named in the bill before the Legislature was named Wright. "While the bill was pending," says Casady, "Senator W. E. Leffingwell moved to strike out the name of Wright, stating that it had been suggested in honor of Senator George G. Wright, who was still a young man, and that we did not know what he might yet be guilty of. One senator suggested that it was named for Silas Wright, of New York; a member of the committee stated that the County was named for Gov. Joseph A. Wright, of Indiana. Mr. Leffingwell then remarked that he would withdraw his motion, that he understood the County would not be settled for fifty years."

Aylett R. Cotton was born in Ohio, in 1826, and was there educated. He was for a time a teacher and superintendent of a public school in Ohio. In 1844 the family removed to Iowa, settling at Dewitt, in Clinton County. He subsequently taught in Ohio, and in an academy in Tennessee. He had read law along the line, and on returning to Iowa completed his studies and was admitted to the Davenport Bar, in 1848. The following year he went to California to seek his fortune in the newly discovered gold mines. In two years he returned and entered upon the practice at Dewitt, in April, 1851. In the same year he was elected County Judge, but resigned the office in the following year to accept the appointment of Prosecuting Attorney of Clinton County. After the end of that service he removed to Lyons, and in 1855 he was elected Mayor of that City. In the fall of 1856 he was elected a member of the Constitutional Convention, which framed the Constitution of 1857. He took a prominent part in the proceedings of that body, and left his impress upon some of the provisions of the instrument it framed. In 1866 he was elected to the House of the Twelfth General Assembly, and in the fall of 1869 was re-elected to the House of the Thirteenth General Assembly, and was chosen its Speaker. In 1870 he was elected to Congress and re-elected in 1872. He was an able lawyer and a faithful public servant. He was regarded as one of the most prominent lawyers of the Iowa Bar, and deserved the reputation.

He removed to California in 1883, settling in San Francisco, where he soon took a leading position in the bar of California. He built up a lucrative practice

and became widely and favorably known. He lived to a great age, dying at San Francisco in 1912, in his eighty-seventh year.

In him the intellectual dominantly prevailed over the physical. He was rather small and delicate in stature and appearance. He had a close and logical mind and sifted with great care and accuracy the most difficult questions. He was characteristically a student in the real sense of the term. He was originally a Democrat and in 1855 was the nominee of the regular Democratic Convention for Judge of the Eighth Judicial District, but was defeated by underhanded means and false affidavits alleging that he was a member of the "Know-nothing party." The details of this affair are shown in an amusing article by Judge William H. Tuttle, appearing in the July, 1870, number of the old *Annals of Iowa*.

Lyman A. Ellis, I was long and well acquainted with. For sixteen years he was the District Attorney of his judicial district, and during my period of eight years as Reporter of the Supreme Court, I do not think there was a session to which cases from his district were appealable, that he was not present; and after that I continued to meet him in the State and Federal Courts, in conventions and elsewhere. He was what might be properly termed a strongly marked individual. He had some peculiarities of speech and action that drew attention. He had a mind of remarkable activity, and could be both witty and sarcastic. He was not only a public prosecutor of long experience and great efficiency, but an able lawyer and a formidable adversary in any cause. His continuance in office as District Attorney for the unprecedented period before mentioned, furnishes in itself the high esteem in which he was held by the bar and the people. He was rather tall and slim, of pleasing personality and agreeable manners. He had a wide acquaintance among the lawyers of the State, and they all liked to meet him. When that prince of satirists, Judge Hubbard, was on the bench, he used occasionally to practice on Mr. Ellis. I cannot stop to recount the instances that have been brought to my attention; but in the long run, Hubbard seldom succeeded in coming out ahead.

Mr. Ellis was born on a farm near Burlington, Vermont, in 1835, and was educated in the schools of that State, and finally graduated from one of its law schools. He came west and finally located at Lyons in 1861. He rose rapidly in the profession and in 1865 was elected District Attorney of the Seventh Judicial District, including the Counties of Clinton, Scott, Jackson and Muscatine. He accumulated a large practice outside of that connected with his office and early developed the sterling qualities of a well disciplined and able lawyer. In 1880 he gave up his office of District Attorney and devoted himself entirely to the general practice and conducted a successful one in both the State and Federal Courts. To the end he steadily maintained the reputation of being one of the foremost lawyers in the State.

In addition to his accomplishments as a lawyer, he proved himself a wise and conservative statesman. For many years he was prominent as one of the leaders

of the Republican Party in Iowa. In 1893 he was elected to the State Senate and served with signal ability in the Twenty-Fifth and Twenty-Sixth General Assemblies. He became widely known as a debater of the highest order. He was a bold and vehement speaker. He particularly distinguished himself by his memorable speech against Woman Suffrage. He was a staunch advocate of local option for the sake of controlling the liquor traffic in counties where prohibition had proven a failure, and to his persistency and leadership, the modification of statewide prohibition, and thereby the restitution to power of the Republican Party, which had suffered defeat in the election of a Democratic governor, Horace Boies, was largely due. These incidents occurred in the session of the Twenty-Fifth General Assembly. In the Twenty-Sixth General Assembly he was honored in being made Chairman of the Judiciary Committee, and also a member of the joint committee of the Senate and House to annotate and publish the Code of 1897. He died at Clinton, Iowa, in 1906, leaving behind him an unsullied record and a delightful memory.

He was succeeded by his son, Frank W. Ellis, who became associated with R. B. McCoy, under the firm name of Ellis & McCoy. Frank Ellis inherited many of the fine qualities of his father. His partner was a son of Albert R. McCoy, for many years a partner with Lyman Ellis, and a very able lawyer.

A close relative of Mr. Ellis has furnished me with the following data relating to the family: Mr. Ellis was united in marriage to Mary Buckley, and to them were born six children: Daniel B., an attorney of Denver, Colorado; George B., who has large manufacturing and fruit growing interests in southern California; Charles F., a business man of Los Angeles, California; Frank W., above mentioned; Gertrude May, wife of Garrett E. Lamb, one of the prominent business men and financiers of Clinton; and Lyman M., now engaged in business in southern California.

Daniel W. Ellis was an elder brother of Lyman A. Ellis. He was admitted to the bar in 1854, and located at Lyons, in Clinton County. He was an able lawyer and jurist. He was three times elected Circuit Judge of his Judicial district, and was on the bench for the period of ten years—from 1872 to 1882. He was also a member of the second and third State Boards of Education, in 1861. Not long after leaving the bench he removed to Minneapolis, Minnesota, where he died.

Joseph S. Darling first settled in Jackson County and commenced the practice at Sabula in 1854. He subsequently located at Bellevue, and when the county seat of Jackson County was removed to Andrew he changed his residence to that place, and while living there served one term as County Judge. He subsequently removed to Clinton, in Clinton County, where he practiced with great success for a period of some twenty years, when he went to Arkansas. He was one of the best equipped lawyers in the State and able to compete with any of his competitors. It

was said of him that "He had few equals and no superiors at the bar." I have no data concerning his nativity.

Nathaniel B. Baker, Walter I. Hayes, E. S. Bailey, Nathaniel A. Merrell, A. J. Leffingwell.

Nathaniel B. Baker, the widely known and most distinguished Adjutant General of the United States during the Civil War, was one of the early lawyers of Clinton. So much has been written of him and the details of his service to the State during the great war, for the preservation of the Union, that I shall attempt to give no more than a mere outline of his career. I knew him intimately from 1861 to the time of his death. We were both Democrats—I a very young one—when the great Rebellion broke out, were both classed as "War Democrats," and allied ourselves with the Republican Party in supporting the administration to suppress the Rebellion. I think it might be properly said that he and William F. Coolbaugh, of Burlington, were the most prominent leaders of the "War Democrats" in Iowa.

Much of the data comprising this sketch was extracted from an admirable paper of Lieutenant Governor Gue, read before the Pioneer Law Makers' Association at its reunion in 1892. General Baker was a native of New Hampshire, born at Hillsborough, in 1818. He was highly educated, and graduated at Harvard University in 1839. He studied law with Franklin Pierce, who afterward became President of the United States. He was admitted to the bar and commenced practice in 1842. For some three years he was one of the editors of the *New Hampshire Patriot*. In 1845 he was appointed Clerk in the Court of Common Pleas, and the following year, Clerk of the Superior Court of Merrimac County. In 1851 he was elected to the Legislature; at the end of the term he was re-elected and chosen Speaker of the House. In 1852 the Democratic Party was inclined to give New Hampshire the candidate for President, and Franklin Pierce and Nathaniel B. Baker were prominently named for the place. They were warm friends, and Baker being the younger, generously stood aside and used his influence for Pierce. Baker was chosen one of the Presidential electors, and gave his vote to his old friend and preceptor for President.

In 1854 Baker was nominated and elected by the Democrats, Governor of New Hampshire. He served with distinction, and not long after the close of his term, came West and settled in the new town of Clinton, in 1856. Here he entered upon the practice and soon became distinguished as a lawyer. In the fall of 1859 he was elected to the Legislature, and became one of the most prominent members of the House of 1860. When the secession of the southern states began, in 1861, Governor Kirkwood called a special session of the Legislature, in May of that year, to provide ways and means to equip and send into the field, Iowa's quota of volunteer soldiers. The State had no well-organized militia and it was a source of

anxiety on the part of the State administration to know whether the leaders of the **Democratic Party** would give a cordial support to the necessary war measures recommended by Governor Kirkwood, to place Iowa on a war footing and thus enable the State to sustain President Lincoln and his administration in their efforts to suppress the Rebellion. Some of the leading Democrats who still entertained the hope of compromising with the South, and thus avoid war, were opposed to the war policy of the national administration, but Nathaniel B. Baker hesitated not for a moment, and hastened to assure Governor Kirkwood that, though a Democrat, he would use his utmost influence with his political friends to give the State and National administration a cordial support for the suppression of the Rebellion. He at once used his great influence to bring his party to the support of the most energetic war measures. I should not omit to mention in this connection that R. D. Kellogg, the eloquent, young Democratic member of the House, from Decatur County, ably seconded the efforts of General Baker. Baker was placed at the head of the Committee on Military Affairs and shaped most of the war measures enacted by the historic extra session of 1861. Under his leadership the necessary laws were enacted for putting Iowa on a war footing. Provision was made for the support of the families of volunteers, state bonds were authorized to be issued for \$800,000 in order to provide a war and defense fund, and an auditing board created to supervise the expenditures.

Upon the adjournment of the extra session, Governor Kirkwood appointed General Baker Adjutant General of the State. He proved to be one of the ablest and most energetic of organizing officers in the nation. Under his supervision no state was more prompt in putting its quota in the field, no regiments were better officered or composed of better material, as was demonstrated on every battlefield in which Iowa soldiers were engaged. His office was a model of system and efficiency, and his records give a correct and concise history of the services of every Iowa soldier and officer that enlisted in the Union army. For every Iowa soldier who did his duty, he had a warm affection, which seemed to grow warmer with the lapse of years during all the remainder of his life; and no soldier or soldier's widow, in want or distress, ever appealed to General Baker in vain. "He would," says Governor Gue, "at all times deprive himself of any luxury, and often of necessary articles or the last dollar in his pocket, to aid a soldier in distress. I once saw him take off his overcoat and give it to a poorly clad old soldier in a bleak winter storm."

But his generous deeds were not confined to the soldiers. When the grasshopper scourge swept over the newly settled counties of northwestern Iowa, destroying the crops and leaving the people in a destitute condition, General Baker constituted himself an executive committee and superintended the gathering and distribution of supplies that relieved the pressing wants of thousands of suffering people.

His great accomplishments were not so much due to studious habits as they were to his quick discernment, his power of direction and command to others in carrying out details. He was keen in comprehension, quick and forceful in execution. His subordinates knew and appreciated his innate kindness, and faithfully sought to execute in detail his general commands, even though they were sometimes given with an abruptness bordering on roughness. He was frank, outspoken, sometimes bluff, open as the day. He had no sinister, no Janus-faced qualities. He knew men as if by inspiration and rarely, if ever, made mistakes in his judgment of men and their selection, whether soldiers or civilians, principals or subordinates. He was tall and commanding in appearance, though without the least pretense or vanity. He was ardently sincere in his nature and in everything he undertook.

He was but little past middle life when he died, in 1876, at the age of fifty-eight. His faithful service to the State during a period of unprecedented peril to it and the Nation had drawn to him the affection of the people, and the death of no man in the State was more sincerely mourned than his. After his death a memorial association was organized and funds freely contributed for a monument to his memory in Greenwood Cemetery at Des Moines. Through the efforts of Secretary of War, Honorable George McCrary, Congress, appropriated four brass cannons to be permanently stationed on the four sides of General Baker's last resting place.

Walter I. Hayes was highly distinguished both as a lawyer and judge. He was widely known, and for a time, perhaps one of the most talked of men in the State, on account of his decision in a case pending before him, that the constitutional amendment prohibiting the manufacture and sale of liquor in the State, was unconstitutional. He was denounced by the extremists—after the manner of all extremists through history—for this decision; but he was triumphantly vindicated in its affirmance by the Supreme Court of Iowa. My personal acquaintance with him began about this time and continued until my removal from the State, in 1886. His personality highly interested me and I closely followed his career.

He was born at Marshall, Michigan, December, 1841. His father was a physician, a native of New Hampshire, and a scion of the New England family of Hayes. He early removed to Michigan and became a distinguished public man of that state. Walter was well educated, at an early age commenced the study of law at his native place, was subsequently graduated at the law school of Ann Arbor, was admitted to the bar in Michigan in 1863, and entered upon the practice at Marshall, which he continued until 1866, when he removed to Clinton, Iowa, to become a partner of Gen. Nathaniel B. Baker. This partnership continued under the firm name of Baker & Hayes until General Baker's permanent removal to Des Moines. He then became associated as a partner with Judge George B. Young, who had resigned his position on the bench to resume the practice. The firm of Hayes & Young continued until August, 1875, when upon the almost unanimous recom-

mendation and without regard to party, of the bar of the Seventh Judicial District, he was, though a staunch Democrat, appointed by the Republican Governor, Cyrus C. Carpenter, to fill a vacancy on the bench caused by the resignation of Judge William F. Brannan. In the October following he was elected to that position by the people, without opposition. Through repeated re-elections he served in that capacity for a period of twelve years, and became distinguished as being one of the ablest trial judges that had ever graced the bench of the State. He would, doubtless, have been indefinitely continued on the bench but for his nomination and election to Congress, in 1886. He was three times re-elected to this position as a Democrat and served with great credit to himself and the country in the Fiftieth, Fifty-First, Fifty-Second and Fifty-Third Congresses.

He received many other evidences of public favor and private esteem. Before his removal to Iowa he was, in 1864, a delegate to the Democratic State Convention of Michigan. He was three times elected City Solicitor of Clinton. He was twice a Democratic candidate for Judge of the Supreme Court. In 1897 he was elected to the Legislature to fill a vacancy caused by the death of Nathaniel A. Merrell. He took his seat at the extra session of 1897—one of the most important of all recent years, as it adopted and provided for the publication of the Code of 1897.

While Mr. Hayes came into the House after the general course of legislation had been definitely settled, he was recognized as one of its leading members. He was greatly distinguished as a lawyer, judge and legislator. He pursued a liberal course toward the soldiers of the Civil War. Of 180 bills introduced by members from Iowa during the time he served in Congress, nearly one-third were offered by Judge Hayes. He was also an able supporter of the Hennepin canal, which was carried through Congress while he was a member in that body. He was a man of large ability, greatly esteemed in his county and throughout the State, and prominently identified with questions of the highest importance wherever he served the people.*

He died suddenly at his old home at Marshall, Michigan, on March 4, 1901, while he was attending the funeral of his distinguished uncle, Hon. Charles T. Gorham. He had acted as pall bearer at the funeral and, after returning home, was suddenly stricken with fatal illness and sank into unconsciousness, which finally terminated in death. His sudden demise was a shock to the people throughout the State in which he had been uniquely prominent for so many years that his name had become a very familiar one. The press throughout the State teemed with articles concerning him. In the different counties comprising his old judicial district, bar meetings were held to honor his memory. I have spoken of him in a comparatively general manner. Respecting his more minute characteristics, I shall let others who knew him more intimately than myself, speak, and for this purpose, present the following extracts:

* Annals of Iowa, Third Series, Vol. 5, 77.

Rev. J. K. Fowler, of the First Presbyterian Church, who conducted the services, threw this fine light on the character of Judge Hayes:

If I were to characterize in the manner most satisfactory to myself the impression made by Judge Hayes upon those with whom he came in contact, I would say that he seemed to clear the atmosphere of sham and humbug and even if you had to differ from his views you left him with the sense of a refreshed and invigorated intellectuality.

In the resolutions of the Jackson County Bar, following the death of Judge Hayes, the following expression was given:

He was an able, fearless, honorable, upright Judge, a faithful, able, honorable and loyal representative of the people, and a brilliant, bold, aggressive, and successful practitioner in his profession. Of engaging presence, quick of perception, with a faculty of solving complicated questions almost intuitively, his presence before a court or jury always commanded attention and respect.

Of him, Judge Patrick B. Wolf says:

So faithfully and well did he perform his duties that he was again and again called upon by the Bar and the people of the Seventh Judicial District to continue as its administrator of justice, and he was such until the year 1886, when he voluntarily laid down the robes of the judiciary, to take up that of a representative of the people in the Congress of the United States; and how faithful his services as a Judge must have been is attested when we know that it was practically the same people who called him to the halls of Congress, for his Congressional District embraced his entire Judicial District.

Of him, D. A. Wyncoop, an old member of the Jackson County Bar, says:

I became acquainted with Judge Hayes soon after he came to our State; from that time until his death (save the few years he served on the bench) I was often employed in opposition to him in the trial of causes in this and in other courts; while a formidable antagonist, quick and ready, full of expedients for every emergency demanded by any new turn in his case, he was the personification of honor, the embodiment of fairness and truth; his word to opposing counsel was to him a sacred obligation. I believe I can truthfully say of Judge Hayes he never violated any agreement entered into with counsel pitted against him; he was a past master in the science of attack, an adept in the foiling those of the enemy; he was learned in the science of the law; a good thinker, a profound reasoner, a forceful, persuasive advocate.

He was a man who had many admirers; of the same political faith, together we canvassed our political counties and others in the district he represented ably and well in the Councils of the Nation; speaking often from the same rostrum, meeting and conversing with the same people, I can testify to the confidence and esteem in which he was held by them, amounting I often have thought to the ecstasy of devotion; with all the talent he possessed, there still was a supremacy of heart over brain. It has been said by another, "What the intellect can forge the heart must realize." This I have so often thought of our deceased brother; the impulses of his heart were fuel for his intellect; like divine enthusiasm they descended upon it and baptized it with heroic action, undying zeal.

W. C. Gregory, of the Jackson County Bar, of Judge Hayes, says:

It has been our good fortune to be intimately acquainted with him, and associated with him for over a quarter of a century. As a lawyer, probably no one excelled him in quickness of comprehension and breadth or reach of judgment. Analysis with him was an instinctive mental operation. He did not go to the books to find principles; with the principles already in mind, it was his custom to look for the authorities. That which ought to be the law as he saw it, almost invariably

turned out to be the law. These qualities made him easily a master of all classes of questions, and equipped him for practice in the highest courts, as in the lower courts. They made him equally formidable before a jury or a judge.

In the argument, in the heat of the conflict, he was scrupulously observant of the amenities due the jury, opposing counsel, and the presiding Judge. His deportment to the latter was so respectful that while wrestling against an adverse opinion he was never known to have been the occasion of a scene in court. He was earnest in what he thought right, but never insolent or angry. In course of speech, speaking of the facts he elicited, he kept himself carefully within the record. In the closing argument, opposing counsel never found it necessary to interrupt. If not eloquent, he was always logical. He despised attempts at dramatic effect. His figures of speech were always clothed in the simplest words, so that he was entertaining to everybody who heard him, and easily understood. The secret of his power was in the fact that he never failed to make himself understood. He was one of the most companionable of men. He was always cheerful, met his friends with hearty salutation, and entertained them with bright, sparkling expressions. He was fond of a joke, but never perpetrated one on a friend that caused a sting. The high and the lowly were alike to him. He was no respecter of persons from the standpoint of wealth or position. He lived in touch with the common people. He sleeps amidst the benedictions of the poor and lowly.

G. L. Johnson, of this same bar, says of Judge Hayes:

In all positions of life, public and private, he was utterly regardless of public opinion in the sense that he did not cater to it, nor was he influenced by its manifestations. He formed his own ideas of duty, his own measure of public rights; solved for himself public problems; he never posed for effect, or adopted the low artifices of the demagogue. In all his relations, both in public and private life, he abhorred and despised any and everything that was tainted with hypocrisy, sham or cant.

No individual in any walk of life ever asked bread of him and received a stone. Generous, genial, brave; such was his private and professional life, as I knew it.

The following graphic summary of Judge Hayes is from his old professional associate, P. H. Judge, of the Clinton County Bar, who knew him long and intimately:

Judge Hayes was throughout his long service in the law a strong advocate, a just, capable and fearless Judge. No stain, or hint of stain rests upon his personal, professional, judicial or legislative career. I can truthfully say, that by nature he was a logician, a good orator, and a consummate lawyer. Judge Hayes was a great respecter of the rights of the people, and at all times lent his voice and influence in their behalf to right and remedy their grievances. He was in full sympathy with the men who labor and toil; he was a lover of liberty, a friend of the oppressed, and a strong advocate of universal freedom. He was an ardent and a tireless worker; was industrious, indefatigable and enthusiastic. His pen or brain was hardly ever idle. With such indomitable industry, it was no wonder he accomplished so much and triumphed over every obstacle. His whole object in life seemed to be the betterment of mankind, especially those around him, and those with whom he came in contact. No one can point to a dishonorable political act of his whole life without falsifying the record. It can be truthfully said of him that he continued in the pursuance of the same course he had mapped out from the beginning of his career, until death brought to a close the busy scenes of an active life. It may also be truthfully said that when his lips were sealed in death many of those who in life had unjustly pursued and criticized him hastened to extol his greatness and admit the unjustness of their assaults and criticisms made upon him in life.

He was ever ready and willing to aid and assist everyone in every way and

manner that he could, especially the young lawyers, and through his whole life this was one of his characteristics. Even when on the bench, he never permitted their rights to be jeopardized by the older and more experienced members of the bar.

The following tribute is from the able and beloved Judge William F. Brannan, of Muscatine, whose death occurred not very long ago:

My acquaintance with Judge Hayes commenced when I first went on the bench, about twenty-nine years ago. I found him to be, in social life, one of the most genial and companionable of men, possessed of a keen and lively sense of humor and quickness of wit. As a practicing lawyer I found him possessed of an unusually high order of legal ability, and in trying cases to a jury he was unsurpassed. He never went into the trial of a case without full preparation. He was master of the facts, and if it was a question of law, he had authority in support of his position.

But it was in his capacity as a Judge that he became most widely known. On the bench he was patient, pleasant, with perfect command of his temper, and his rulings on legal questions were terse, short and incisive, and his reasons in support of his rulings carried conviction. In my long experience, I never saw a judge who was his superior on the bench of the District Court.

He was a man of positive character and fixed convictions. There was nothing half-way about him. No consideration could move him to conceal his opinions when his opinion was sought. He never courted popular applause, nor did the fear of losing it tempt him to curry favor by pandering to its demands. The Supreme Court rarely reversed him on any appeal, and this is the best evidence of the confidence that tribunal had in the soundness of his ruling.

The foregoing extracts, combined with my own expressions, will give a pretty clear idea of Judge Walter I. Hayes. In his death the State lost one of its most remarkable men in the history of his time.

Major E. S. Bailey, I first met at a session of the Supreme Court in 1867 or 1868. There was hardly a term of that Court in which cases from his district were heard, from that time until my removal to Kansas City in 1886, that he was not present. Our acquaintance ripened into congenial friendship. I was always glad to meet him, and often recall him from among the hosts of the past with pleasurable emotions. He was one of the most delightful and lovable of men; serene in disposition, pleasing in manner, highly interesting in conversation.

He had been a soldier in the War of the Rebellion and passed through many scenes of the great conflict, but "grim visaged war" had left no visible impression on the placid face that miniaturized the kindly qualities within. He was highly educated, a college graduate, and possessed intellectual endowments and literary accomplishments of no common order, but no man could be more unpretentious of his gifts. He was always the same modest, approachable and kindly gentleman.

As a lawyer, he stood in the front ranks of the profession and was distinguished alike for his skill and ability. Of unimpeachable integrity, he had the confidence of the courts, as well as that of his clients. He was employed in cases of the greatest importance. He was especially well versed in the laws relating to cor-

porations, and was frequently employed in cases involving their construction. For many years he was the legal representative at Clinton of the Chicago & Northwestern Railroad Company, and of the Chicago, Milwaukee & St. Paul Railroad Company. He had a wide and lucrative practice.

He was a native of Ohio, born in 1827. In his veins he carried the blood of the Revolution. His grandfather, Silas Bailey, was an officer in the Colonial Army. From the biblical names given, they must have been a religious people, for the Major's first name, I am told, was Eli, his father's Jacob, and his grandfather's Silas. Great pains were taken in the education of Major Bailey in his youth. He was well tutored in the preparatory schools and graduated from Union College, Schenectady, New York, in 1849. He studied law under James W. Nye, afterwards the distinguished Governor of Nevada, and its United States Senator, was admitted to the bar of New York, in 1855, came West the following year, settled at Dewitt, Clinton County, Iowa, and entered upon the practice. Four years afterwards he removed to Janesville, Wisconsin, engaging and continuing in the practice there until the outbreak of the Civil War, when he enlisted as a soldier in a Wisconsin regiment, was commissioned Major, and afterwards Lieutenant Colonel. Though entitled to the latter rank, he was always perfectly content to be called Major Bailey.

In 1860 he returned to Clinton County, settling at Clinton, where he remained, and died when but little past his prime, at the age of sixty-five, in 1892.

He was a Republican in politics, and though not a partisan, frequently attended the State Conventions of that party. The last time I had the pleasure of seeing him was at the State Convention which nominated Buren R. Sherman for Governor, in 1883. He was appointed by the President of the Convention, David B. Henderson, of Dubuque, as one of the committee to notify and escort Governor Sherman to the stage or platform. I hope to again meet him in the Elysian Fields.

Nathaniel A. Merrell was one of the early lawyers of Clinton County, and for many years a prominent one in that part of the State. He was conspicuous, both as a lawyer and a law maker, and left a deep impression upon the laws and jurisprudence of the commonwealth. He was a prominent leader in the Democratic Party, a man of force and high character. Despite the generally prevailing Republican majority, he was frequently chosen to represent his constituency in the State Legislature. In the fall of 1871 he was elected to the House of the Fourteenth General Assembly. In the fall of 1873 he was elected to the Senate and served in the Fifteenth and Sixteenth General Assemblies. In the fall of 1877 he was elected and served in the Senate of the Seventeenth and Eighteenth General Assemblies. At the close of his Senatorial service in the fall of 1883, he was elected to the House and served in the Twentieth General Assembly. In the fall of 1895 he was elected again to the House and served in the Twenty-Sixth General Assembly.

Through this long experience he became conversant with the course of legislation. He took a prominent part and materially aided in the work of revising the Code of 1873. During his legislative service he was regarded as an acknowledged leader and representative of his party, and he well deserved this confidence. Political considerations, however, did not influence whatever his legislative work; he was far above that; his views were statesman-like, broad, just and practical.

In the politics of the State at large, he was looked up to as a leader worthy of being followed. He had great influence in party councils, and had his party been in the ascendency throughout the State, he would have received its highest public honors. He was well calculated to be a leader, for, in addition to his natural sagacity, and practical wisdom, he had a commanding and inspiring personality. He was robust, erect, tall, with an open face and fresh complexion, that carried a magnetic influence. His old friend, E. H. Thayer, editor of the *Clinton Age*, thus wrote of him on the occasion of his death:

No prominent man in Iowa politics was ever more popular with the masses. He was one of those big-hearted men whom everybody loved and respected. To his friends he was as true as the needle to the pole. A noble man, broad gauged and great, he has gone to enjoy the reward which such men are promised in the "book of books."

As a lawyer, he exhibited the qualities of an able and successful one. He was a forceful advocate, strong, persuasive and had great influence with a jury. As a counselor, his advice might be confidentially relied upon.

He was born in Lewis County, New York, in 1829, reared on his father's farm, subsequently taught school, studied law with his brother, Eliada S. Merrell, a prominent lawyer and judge of Lewis County, was admitted to the New York Bar in 1855, and in the following spring came to Clinton County, settling at Dewitt, where he continued to reside until his death. He was of New England and Revolutionary stock. His parents were natives of Connecticut, who went from that State to New York. His paternal grandfather was a soldier in the Revolutionary War, and his father, a soldier in the War of 1812.

At the legislative session of 1896, he was one of its most active and laborious members, and it was thought that his great exertion in that body impaired his health, which gave way and he died at the close of that year, at the age of sixty-seven. The last time I saw him was while he was a member of the House in 1884.

For much of the particular data embraced in this sketch, I am indebted to the notice in the "*Clinton Age*," hereinbefore referred to.

A. J. Leffingwell was a brother of the highly distinguished William Leffingwell, whose sketch will elsewhere be found. He was born at Sag Harbor, Long Island, in 1832, and when seven years of age, in 1839, came with his parents to Muscatine County. He was educated in the public schools of that County, and in

what was then known as the Iowa State College. He studied law with Henry O'Connor, of Muscatine, was admitted to the bar there in 1861, and became a partner of Mr. O'Connor. This partnership continued until 1867, when he formed a partnership with his brother, Wm. E. Leffingwell, and removed to Lyons, Clinton County, Iowa. This partnership continued, I think, until the removal of his brother to Chicago.

In 1883 he was elected Judge of the Circuit Court and served with efficiency until that Court was abolished, when he was elected Judge of the District Court, and served in that position until his sudden death, which occurred after an illness of only three days, in December, 1887.

I became acquainted with him while he was associated with Henry O'Connor, and afterwards met him at the sessions of the Supreme Court, and elsewhere. He did not possess the oratorical gifts and brilliancy of his brother, William, but he was, nevertheless, a sound lawyer, a pure and able judge, a noble citizen, who left a durable impression on the jurisprudence of the State.

CHAPTER XXXV.

MONTGOMERY COUNTY.

With the leading men of Montgomery County, I had no acquaintance, outside of *Horace E. Deemer, Alfred Hebard, David Ellison.*

Judge Horace E. Deemer was a native of Indiana. He came while a youth, with his parents, to Iowa. He studied law and was a graduate of the Law Department of the State University. He settled and entered upon the practice at Red Oak. His fine talents soon brought him into favorable notice, and in a comparatively short time he established a successful practice. In 1886 he was elected Judge of that judicial district. At the end of the first term he was re-elected for a second one. Attracted by the superlative endowments he had displayed on the District Bench, the Governor in 1894 appointed him, before the close of his second term, a Judge of the Supreme Court to fill a vacancy that had occurred in that bench. He has, therefore, up to the present time, served on that bench for a period of twenty-two years, making in all a continual judicial service on both the Judicial and Supreme Bench of thirty years, and he will doubtless be continued in that position as long as he desires. He has the elements of a great judge, and his appointment to fill a vacancy on the Supreme Bench of the United States was widely favored. Had he received the appointment he would have graced that bench as he has that of the Supreme Court of Iowa. From my point of view, his superior fitness for the position he holds, and the strength of his opinions strongly tend to a renaissance of the period of that Court when it was regarded as one of the strongest in the United States.

He is deeply learned in the fundamental principles of the law and has the somewhat rare faculty of applying them with accuracy to the salient points of controversy. In an interview I had with Judge Charles T. Granger, formerly one of the Judges of the Supreme Court of Iowa, in answer to an inquiry I made respecting his opinion of Judge Deemer, he used this language which was taken down at the time: "Without going into details, I may say that my estimate of Judge Deemer is a very high one. He was not only a man of acute perception, but one that went to the bottom of every investigation." I think this is the universal opinion of the Iowa Bar.

In addition to his legal accomplishments, he possesses literary ones of a high order, as will be seen from his remarks touching Alfred Hebard (*Annals of Iowa*, Vol. III, third series, p. 51); Charles Aldrich (*Annals of Iowa*, Vol. IV, third series, p. 587); Darwin R. Merritt (*Annals of Iowa*, Vol. III, third series, p. 462), and his quite elaborate article entitled, "The Part of Iowa Men in the Organization of Nebraska," (*Annals of Iowa*, Vol. IX, third series, p. 161). Many of his writings are enriched by exalted language that displays scholarly attainments and wide reading.

While Judge Deemer may not be classed among the first generation of Iowa lawyers, he may be properly included in the second.

Alfred Hebard may be said to have been one of the founders of Red Oak. He was a native of Connecticut, born in Windham, in 1810. He was a remarkable, as well as highly educated man, a student of Yale College, from which he was graduated in 1832. He had made civil engineering one of his special studies. After teaching three or four years, he came to Burlington in 1837, while Iowa was yet a part of Wisconsin. He was the first civil engineer of Burlington and laid out and established the grade of its streets leading from the River. After the organization of the Territory he became one of its leading men and represented it in its Third, Fourth and Sixth General Assemblies, and in the First one of the State. In 1853 he ran the first line of the B. & M. Railroad (now the C. B. & Q.) across the State. Several lines were run and the last one surveyed by him became the established line of the railroad. While surveying this line he was strongly attracted by the natural location of what is now Red Oak, and afterwards became one of its founders. To this place he removed from Des Moines County, in 1868, and here continued to reside until his death. He represented the Senatorial District, of which Montgomery County was a part, in the Sixteenth, Seventeenth, Eighteenth and Nineteenth General Assemblies, and exercised a potent influence in framing the laws of that period. In the course of time his name became not only a familiar, but venerated one, throughout the State. During the Civil War he was in the employ of the government in the engineering service in the construction of railroads and bridges, and after the War he was in the employ of the government in like service in the southern states. He was one of the commissioners of the government at the Paris Exposition, and made a tour of Europe. In short, he was one of the most accomplished men of the State. I always thought that there was a striking resemblance between himself and Charles Sumner, both in personal mould and facial appearance. His characteristic traits were of the highest quality. He was an exemplar from every point of view. Much has been said and written of him, and it, therefore, becomes unnecessary for me to do more than make these passing observations. A fine sketch of him, by Dr. William Salter, will be found in Vol. III, third series of the *Annals of Iowa*, p. 47; and much of an autobiographical nature will be found in the following addresses and papers of Mr. Hebard: "The Border War Be-

tween Iowa and Missouri," Vol. I, second series of the Annals, p. 651; "Recollections of Early Territorial Days," Vol. II, third series, p. 212; and in his address before the Pioneer Law Makers' Association at the Second Reunion in 1890, p. 59. His rare and lovable traits of character are aptly portrayed by Judge Deemer, in his remarks touching Mr. Hebard, referred to in the foregoing sketch of Judge Deemer, as well as by Dr. Salter.

One of the early lawyers of Montgomery County was *David Ellison*. In speaking of the earliest bar, W. W. Merritt, in his history of Montgomery County, published in 1906, page 51, says:

The home attorneys were W. L. Boydson, the late Allen Beeson, later of Plattsmouth, Nebraska, David Ellison, now of Kansas City, the late A. P. Morehouse, who became Governor of Missouri, and Martin Van Buren Bennett, subsequently the editor of the "Copperhead," a paper published in Ottumwa, Iowa.

The first term of court of Montgomery County was held on the 17th day of November, 1856, at Frankfort, the original county seat, which remained such until its removal to Red Oak, in 1865. The court adjourned on the following day. The presiding District Judge was E. H. Sears, of Fremont County. Dr. Amasa Bond was the Clerk, and the court was held at his residence. L. C. Cook was the Sheriff. The attorneys present, according to the first history of Montgomery County, published in 1881, page 341, were L. Lingenfelter, of Fremont County; Dr. A. H. East, of Page County, who was a prominent character in the history of that County; D. H. Solomon, of Mills County; and J. A. Hughes and Joseph W. Russell, of Montgomery County. At the next term of the Court which convened on the 6th of April, 1857, the name of David Ellison appears in the roll of the attorneys present. Merritt's history of Montgomery County, before alluded to, in speaking of lawyers who settled at Frankfort when it was the county seat, thus speaks of Mr. Ellison:

David Ellison was a good lawyer and affable gentleman. He was a former student in the office of Judge Gray, of Des Moines. He joined the army and at the close of the war, with the rank of Major, engaged in his profession at Kansas City, Missouri, where he is still living with well earned honors.

David Ellison was of purely English extraction. When but two years of age he came with his parents to America. The family settled on a farm in Morgan County, Ohio. Here he was reared and educated. His brother, Edward, received superior educational advantages, and became President of Scio College. David, on attaining his majority, came to Iowa, settling for the time at Des Moines, and entered upon his legal studies in the office and under the supervision of Judges John H. Gray and W. W. Williamson. After his admission to the bar he removed to and settled at Frankfort, in Montgomery County, where he entered upon and continued in the practice until the breaking out of the Civil War. At the outset he became engaged in raising troops for the defense of the western border and obtained the rank of Major in one of its regiments. At the end of this service he enlisted in

the Sixth Iowa Cavalry. He became Second Lieutenant of Company E, and subsequently was promoted to Captain of Company F, third U. S. Volunteers. Col. David S. Wilson was the first Colonel of the Sixth Iowa Cavalry. He resigned in the spring of 1864 and was succeeded by Col. Samuel M. Pollock, of Dubuque, who had before been Lieutenant Colonel of the regiment. The operations of the regiment were mostly against the Indians on the western frontier. The history of its marches and campaigns will be found in General Sully's reports of operations against the Indians in Dakota Territory. Major Ellison served for a time as Judge Advocate and Ordinance Officer on the staff of General Sully.

It has been my fortune to become acquainted and converse with several fellow soldiers of Major Ellison, and they all unite in praising him as a brave and heroic soldier and officer. At the close of the War he came to and settled in Kansas City, Mo.; and here it was that I met him when I removed to that place. We formed an intimate friendship which continued through the course of many years, as did that between our respective families. The more I saw of him the greater became my attachment and respect. In all the phases of his character he was one of the noblest and best of men. He was the soul of honor, incapable of any sort of meanness, and was held in the highest esteem by the people of Kansas City, to whom he had become widely known. Had he desired public office, he could have had it. To him it was tendered on different occasions, but invariably declined. For the embroilments of politics he had no inclination. He was not fashioned for the vocation. He could not "pretend to see things that he did not."

As a lawyer, he did not attain to the full maturity of his powers, for in middle life his greater energies became so much directed to business lines, that this naturally drew him away from the active practice of his profession. Had he closely applied himself to the practice, he would doubtless have attained an enviable rank. His calm and perfectly judicial temperament and high sense of justice would have made him a model judge. In real estate and investment business, in which he and his son, Garrett, were engaged, he was highly successful and as highly trusted. His son, Edward, entered the legal profession, and for some years has been Dean of the Kansas City Law School. His daughter, Mary, married Harry M. Evans, a highly successful business man, and they are my neighbors in Pasadena, where I am writing this sketch.

In conclusion, I may fittingly say of David Ellison what Edward Everett once said of one of his friends:

Success and worldly advancement raised up no enemies against him. No one envied his good fortune, no one qualified his praise, no one hated, no one maligned him. Detraction was melted into kindness by the loveliness of his character, and no voice but that of respect and affection reached his ear.

He and his wife lived to a great age. She was a sister of the first wife of Thomas C. McCall, of Nevada, Iowa, and as lovely in character as her husband.

The sketch of Smith McPherson will be found elsewhere by reference to the index.

CHAPTER XXXVI.

GLENWOOD.

Daniel H. Solomon, William Hale, John Y. Stone.

These men were the only ones I knew of the early lawyers of Mills County. Of *Daniel H. Solomon*, I have been able to find but little data. He was one of the early settlers, as well as one of the earliest lawyers of Mills County, and took a prominent part in its organization. He was a prominent member of the Constitutional Convention of 1857, and took a leading part in the discussion of some of its measures (*Annals of Iowa*, Vol. II, third series, p. 563), and at the Reunion of the survivors of that body at Des Moines, in 1882, he was present and made an eloquent address. Whether he remained in Glenwood up to the time of his death, I am unable to say. The last time I saw him was at that place some twenty-seven or twenty-eight years ago. In company with John Y. Stone and William Hale, I was invited to dine at Mr. Solomon's house. His hospitality was abundant, and he and his wife gave us a gracious welcome and entertainment. She, I recollect, was a daughter of the distinguished Colonel Hardin, of early Illinois. Mr. Solomon was a gentleman of pleasing manners, companionable and highly entertaining. He had a keen sense of wit and was a delightful raconteur. I have always distinctly recollected this incident which he related: He said that he went on a business mission to St. Louis, and going to the residence of the person he desired to see, he was met at the door, in response to a ring of the bell, by an airy, colored servant, to whom he expressed a desire to see her master. She retired and soon returned, saying that her master desired to know where he was from and what his business was. Whereupon Solomon said, "Tell your master that I am a lawyer from Glenwood, and my name is not Marks." To those who are familiar with *Uncle Tom's Cabin*—and it was familiar to everybody at that time—it will be remembered that one of its characters frequently appears in one part of the book, and on each occasion pompously thus announces himself: "I am a lawyer and my name is Marks." The incident illustrates the quickness of Mr. Solomon's wit. But Mr. Solomon was not only a gracious gentleman, but a learned and able lawyer, well known in the early period of that part of the State.

Of *William Hale*, I have no particular data in regard to his nativity and boyhood. My recollection is that he was born in my own County of Wapello, where he occasionally came to visit an aunt and other relatives. He studied law in Oskaloosa, and I think, with Judge Crookham, for of that eccentric gentleman he told me a number of anecdotes. He must have gone to Glenwood soon after his admission to the bar. I first met him on the convening of the House of the Tenth General Assembly, of which we were fellow members fifty-two years ago from this writing, he being elected from Mills County, and I from Wapello. Two years after, in the fall of 1865, he was re-elected to the House, and I to the Senate, which gave us a mutual opportunity to continue our acquaintance. In the House we co-operated closely in regard to the swamp land title controversy which greatly affected his part of the State. He was devoted to the interests of his constituents, and was a leader in every measure designed to relieve or benefit them. He worked with an ardor that made him conspicuous. He became influential in politics, was most favorably mentioned for Congress, and in 1868 he was one of the Republican presidential electors and cast his vote for General Grant. During President Grant's administration Mr. Hale was, by him, appointed Governor of Wyoming, and died while occupying that position.

He was a good thinker and a good lawyer, and one of the best fellows in the world; bright, witty, good natured and companionable in the highest degree. To me his presence was always a charm. The last time I saw him was shortly before his death. While trying a case at Glenwood I was informed by my associate, John Y. Stone, that Governor Hale was a guest at a hotel at Omaha, and we went together to see him. He was the same frank and charming man. He had not outgrown the personal fascination which attracted everybody who knew him when he was young. I had learned that he was not in good health, but during the interview I remarked that I thought he looked as if he were. He shook his head and replied that he feared he was suffering from an incurable malady. He was a victim of Bright's disease. His untimely death is mourned to this day by those who knew him.

John Y. Stone was a native of Sangamon County, Illinois, born in 1843, of Virginian extraction. His father, with the family, settled on a farm in Mills County, Iowa, in 1856. On this farm John was reared and thoroughly learned the art of agriculture, for which he always continued to have a decided inclination, and with the farming class, the true yeomanry of every country, he was always a favorite. At the outbreak of the Civil War he enlisted as a soldier in Company F, of the Fifteenth Iowa Infantry. Gen. W. W. Belknap and John M. Hedrick were successively Colonels of that regiment. General Hedrick and myself were fellow townsmen, and on different occasions he extolled in the highest terms, as did also General Belknap, the bravery of John Y. Stone as a soldier. The year following

his enlistment he was promoted to Second Lieutenant of his company. He participated in all the battles in which Crocker's famous brigade engaged, and accompanied it in Sherman's March to the Sea. He became a member of the commanding officer's staff, and in the fierce battle before Atlanta, had three horses shot from under him. On all occasions he displayed intrepid courage and was regarded as one of the bravest of the brave.

On his return from the army he studied law in the office of William Hale and became his partner after being admitted to the bar. They established a highly successful practice and became known as among the ablest lawyers of the western slope. I was once associated with Mr. Stone in a highly important case, referred to in my sketch of Judge Joseph R. Reed. It occupied several days and the skilful management he evinced in it from beginning to end placed him in my estimation as one of the strongest trial lawyers in the State.

He had made good use of his opportunities for studying the elementary principles upon which the law is based, and was apt and strong in applying them as occasion required. He was a keen judge of human nature, of men, and the various motives that are likely to influence their conduct. He took quite an active part in politics during the early and middle portion of his life, but relaxed his efforts in that direction as the years advanced, devoting himself to his large practice.

His career, both professional and political, had been highly successful. In 1867 he was elected to the House of the Twelfth General Assembly, and in 1869 was elected to the House of the Thirteenth General Assembly. In the fall of 1871 he was elected to the Senate of the Fourteenth General Assembly, and in 1875 he was again elected to the House, and again in 1877, and was made Speaker of the House of the Seventeenth General Assembly. In all of these legislative bodies he was a prominent leader and exercised great influence upon the legislation of that period. In 1876 he was a delegate to the Republican National Convention, from 1876 to 1880 he was a member of the National Republican Committee, and in 1884 he was again a delegate to the Republican National Convention. In 1888 he was nominated and elected Attorney-General of the State; at the end of that term he was renominated and re-elected, and at the end of that term again renominated and re-elected. He served in that high capacity with great credit to himself and the State. He would have ably filled any office within the gift of the people. As already indicated, he largely withdrew from active politics in later life, devoting himself to and gratifying his natural inclination in the cultivating and bringing into bearing, it is said, the largest apple orchard in the State. I do not know whether he be living; if he is the stirring events of his long and diversified career must furnish him with a gratifying retrospect in his declining years. It is pleasant to think and write of these men, and as I do, my remembrance expands like the circle on the water.

CHAPTER XXXVII.

GENERAL SKETCHES.

James H. Rothrock, LaVega G. Kinne, L. L. Ainsworth, Philip P. Bradley, John B. Booth, John Hilsinger, P. Cad Bryan, Lewis Todhunter, Hugh W. Maxwell, Gideon S. Bailey.

James H. Rothrock and *LaVega G. Kinne* were both distinguished judges of the Supreme Court of the State. In personal appearance they were similar, rather large of stature and robust in person. While they were opposites in this respect, they were opposites in politics, for Judge Rothrock was a Republican of the old school, while Judge Kinne was a Democrat and a dominant leader of his party. Both of them led strenuous lives of useful public service. Neither of them lived to a great age—Judge Rothrock dying when he was seventy, and Judge Kinne in his prime, at the age of sixty.

Judge Rothrock was a native of Pennsylvania where he was born in 1829. The family removed to Ohio in 1838 and made a farm out of the wilderness. On this farm he worked and was reared, attending school during winter months only. He managed, however, to fit himself for entrance to the Franklin University at Athens, where he received his higher education. He subsequently adopted the law as his profession and was admitted to the Ohio Bar in 1854. He commenced the practice in Highland County, of that State, and was soon elected Prosecuting Attorney of that County and served one term. He came to Iowa in 1860, settling at Tipton in Cedar County. In 1861 he was elected to the House of the State Legislature of the Ninth General Assembly. He became a leading and influential member of that body and favorably known to the people throughout the State. Rush Clarke, of Iowa City, was Speaker of the House, but by reason of indisposition, was unable for a time to serve, and Rothrock was elected Speaker pro tem. His kindly ways and prompt decisions made him exceedingly popular with the members. He served in the extra session of 1861, and was subsequently tendered by Governor Kirkwood, the Colonelcy of the Thirty-Fifth Iowa Infantry. This appointment he declined, preferring to accept that of Lieutenant Colonel of that regiment and entered the service. In the fierce and disastrous charge on Vicksburg, May 22,

1862, he led his regiment with such skill and conspicuous gallantry as to win the general favor of his comrades. He subsequently became the victim of a severe attack of typhoid fever, which left him in a condition which obliged him to resign. Upon his recovery he resumed his law practice in partnership with Hon. William P. Wolfe, and here I desire to say a word of Mr. Wolfe. I served with him as a fellow member of the Tenth General Assembly in 1864. He was a very active and efficient member. He had a useful future before him, for in 1867 he was elected to the State Senate, serving in the Twelfth and Thirteenth General Assemblies; in 1870 he was elected to Congress; in 1881 again elected to the House of the State Legislature, and re-elected in 1883, and was chosen Speaker of the House and served with ability and general satisfaction; in the fall of 1894 he was elected Judge of his Judicial District, and continued to occupy that position until his death in 1896.

The firm enjoyed a successful practice. In 1866 Colonel Rothrock was elected District Judge of his District, serving nine years on that bench, when he was appointed Judge of the Supreme Court of the State to fill a vacancy, and was continued in that position by repeated elections until 1896 when he declined a further election and retired. His judicial service on both benches extended over a period of thirty years. He died in a few years after his retirement at Cedar Rapids in 1899. The last time I saw him was in a casual meeting on a railroad train not very long before his death. He was on the way to some health resort.

Judge Rothrock was a noble man, as well as an able and faithful servant to the State. He was a learned and industrious judge, and his opinions will bear a favorable comparison with those of his time. His character was of the highest order, while his kindly personal traits and accommodating disposition attached to him everyone with whom he became acquainted. His death was universally lamented.

Judge LaVega G. Kinne, who, as before indicated, died in his prime, was one of the most laborious and serviceable men to the State. I have said that he was a Democrat and a dominant leader of his party; as such, however, he was a statesman, rather than a politician. His views and policies were broad and patriotic. In view of the general overwhelming Republican majority that prevailed in the state during his time, his political successes were marked. This was owing not only to his superlative activities, but to his high character and usefulness. He was a close friend and political ally of James B. Weaver after the latter left the ranks of the Republican Party.

He was born in New York near Syracuse in 1846. He was a graduate of both the literary and legal department of the University of Michigan. He adopted the law as his profession and entered upon and continued in the practice for some time at Mendota, Illinois. In 1869 he came to Iowa, locating and entering the

practice at Toledo in Tama County. In 1886 he was elected Judge of the District Court of that district, and was re-elected without opposition in 1890, and served in that capacity until he was elected as the Democratic candidate, Judge of the Supreme Court in 1891.

In 1876 he was a delegate to the Democratic National Convention and again in 1884. For many years he was Secretary and Chairman of the Democratic State Central Committee, and was twice candidate of his party for Governor, first in 1881 and again in 1883, running far ahead of his ticket on both elections. He was President of the State Bar Association, lecturer in the law department of the State University, one of the inaugurators and influential members of the Board of Control, and wrote a valuable article entitled *Origin, Growth and Development of the Board of Control System in Iowa* (*Annals of Iowa*, Vol. VI, p. 321). Enough has been said to show that he was a man of great diversities and various accomplishments. At the close of his service on the Supreme Bench he removed to Des Moines, where he died in 1906.

L. L. Ainsworth, of Fayette County, was a rare man. I knew him well. He was not only one of the ablest lawyers and most persuasive advocates in his part of the State, but one of the wisest and wittiest of men. His humor was perennial. His innate facetiousness, it was difficult for him to conceal and displayed itself on almost every occasion.

He was one of the organizers and a life-long adherent of the Pioneer Law Makers' Association, of which he was a highly valued member. Its published proceedings teem with his addresses and observations, all of which are interesting and lighted by his wit and wisdom. In the proceedings of the Reunion of that association, of 1894, page 46, will be found a most valuable historical address made by him on that occasion in which he describes with the greatest interest and vivacity, the members and doings of the Senate of 1860 and of the House of 1872, in which he gives vivid glimpses of many of his associates in those bodies. As illustrating the readiness of his wit and the play of his humor, I give the following extract from his remarks at the Reunion of 1890:

I thought nobody would think I ought to make a speech, but there was one thing I wanted to explain to you gentlemen, that Judge Wright spoke to me of before, and that was that when I became a politician, whenever I wrote I should write so people could not read it and then it would never knock me on the head afterward. That is the way Judge Wright comes to write so that people cannot read it.* There is another thing. It was true when I came to this State that Judge Wright and my friend, Judge Johnstone, and my friend, Griffith—all of those men were the old men. We boys, Duncombe and I, were taught to look up to them as the old men of the State, and now, while it is said that every year makes about as much difference with each man, Duncombe and I have about caught up. They are not the old pioneers to the extent that they were then, because in the crowding

* As is well known it was almost impossible to decipher Judge Wright's handwriting.

in the activity of life the young men came forward as the men are now coming forward, and go to doing the business which the older men have retired from. Now my friend, Powers, today is complaining because he has not had passes since 1860. The reason is he has got so old people think he is not worth having them given to him. There is another little thing that Colonel Scott had trouble about; that is what he will have on his tombstone. I will tell you what I have concluded, while he was talking, to have on mine: "Here lies a fellow that did a good many good things, but was so modest nobody ever found it out."

The personal elements referred to, made him deservedly popular. He was one of the few Democrats who, in the face of overwhelming majorities, succeeded in being elected to office. In 1860 he was a member of the State Senate and one of its ablest ones, as he was that of the House of 1872. In the Senate he took a prominent part in the codification of the laws, and in both the Senate and the House he was an influential member of the Judiciary Committee. He was not only elected to those Bodies as a Democrat, but was among the first Democratic Congressmen that had been elected from Iowa for many years. He was elected to that Body in 1874.

Everybody liked him for his generous ways, his frank and open disposition, his great common sense, his kindness of heart and charming companionship. He was one of the most delightful men to be with that I have ever known. He was rather slight of stature and not of robust appearance. The last time I saw him was at Kansas City, where he had come on some business not long before his death, I think, in 1900. He and my law partner, Ex-Governor Thomas T. Crittenden, had served together in Congress. He called upon us and we had a most delightful visit. He was a man long and deservedly to be remembered, not only as a charming individual, but for his services to the State and her people. During his legislative service he made a durable impression upon the laws and institutions of the Commonwealth.

He was born in New Woodstock, New York, in 1831, and died at West Union in Fayette County in 1902. He was educated in the common schools at his birthplace and in the Oneida Academy at Cazenovia, New York. He was admitted to the bar of New York in 1854, came West, stopping at Belvidere, Illinois, where he practiced his profession until the following year, when he came to and settled in Fayette County. His rise in the practice was rapid. The personal traits I have pointed out combined with his high character and spotless integrity, drew to him a wide and profitable clientage. He became well known throughout the entire State as a lawyer of eminence and a man of superlative and varied qualities. He was not only a fine trial lawyer and a resourceful tactician, but in many respects had the accomplishments of a scholar. He was familiar with the Bible, a wide reader, had one of the best private libraries in that part of the State, and frequently illustrated his speeches and conversation from scriptural and literary sources. He was always a friend of the people and they were always his friends. J. W. Dixon,

who served with Mr. Ainsworth in the Senate, during my long association with him, often referred to Mr. Ainsworth as one of the ablest members in that Body, and one of the most attractive men he had ever met. He had a host of warm personal friends throughout the State and his death was widely lamented.

Philip P. Bradley, John B. Booth, John Hilsinger.

These men belong to Jackson County. For data relating to Bradley and Booth, I am largely indebted to the venerable and venerated William Graham, of Dubuque, and James W. Woods (Old Timber).

Philip Bradley was one of the most prominent Democratic political leaders of his time. He was a native of Connecticut, where he was born in 1809, and located at Andrew, in Jackson County, in 1839. He was a good lawyer and a man of talents. He was very companionable and a good story teller. In 1845 he was a member of the Territorial Legislature, and of the State in 1846, 1847, 1848, 1849, and again in 1858 and 1877. He contributed largely in shaping the laws and policies, and laying deep and strong the foundations of the State. He was mainly instrumental in making Ansel Briggs Governor in 1846, became his Private Secretary, his confidential adviser, and was a trusted leader of his party through all the years. He was elected County Judge in 1861 and served one term. In 1852 he was a delegate from Iowa to the Democratic National Convention at Baltimore, and voted for General Cass until his nomination was hopeless, when he transferred his vote to Stephen A. Douglas until on the final ballot he cast it for Franklin Pierce. He was a member of the Committee on Resolutions in this Convention. He was a genial gentleman of polished manners, and was an adroit and skilful politician. During the first session of the Legislature while Bradley was Senator, the Democrats had six majority in the Senate, and the Whigs, six majority in the House of Representatives, so that neither party could command a majority on joint ballot, and the situation was still further complicated by the fact that three Democrats and one Whig refused to support their caucus nominees for Senators or Judges of the Supreme Court. During the joint convention after the Whigs had failed to elect their men, a proposition was made to Bradley that if he would furnish half a dozen votes to elect M. D. Browning, a Whig, from Burlington, Senator, they would, in turn elect Bradley to the United States Senate. The offer was declined, but Phil persuaded enough Whigs to vote with the Democrats to adjourn the Convention, and the Senate would not afterward agree to hold a joint convention, and the election of senators went over to the next Legislature, although Governor Briggs called a special session in expectation that the Democratic nominees could be elected. If Bradley had accepted the offer the early political history of Iowa might have been written differently. He died in 1900.

John B. Booth settled in Bellevue in 1851, and soon took first place among the members of the Jackson County Bar. According to data furnished me by

William Graham, who originally settled in and was for many years a leading lawyer of Jackson County, Booth was born in Orange County, New York, in 1792. He was admitted to practice as an attorney when he arrived at his majority and settled at Goshen, and three years later received his certificate of admission as counselor at law. When he was admitted to the bar, Ambrose Spencer was Chief Justice of New York, and his license to practice as a solicitor in Chancery, was signed by the great Chancellor Kent. In 1829 he was appointed one of the judges of the Common Pleas Court, and in 1830 became surrogate of his native County, which position he held for about eleven years. He was a man of ability, thoroughly grounded in the fundamentals of the law, a hard fighter and a tireless worker. Soon after he had been licensed to practice as an attorney, he was selected by the celebrated Aaron Burr, who had a large practice in that region, as his correspondent, and in that capacity attended to the local details of his business in that vicinity until he went on the bench. He early entered political life and was one of the famed Albany Regency which controlled the fortunes of the Democratic Party in that State for so many years. This connection brought him into terms of intimacy with the leading Democratic politicians of New York. Judge Booth was interested in the Erie Railroad from the time of its inception; was one of its incorporators, and also for many years one of its most active directors. At one time when it seemed that the enterprise must be abandoned, he with six other of the directors, each built a mile of the road at their own expense, and thus secured its extension to Middletown and saved the life of the corporation. Soon after coming to Bellevue, Judge Booth was appointed Judge of the District Court to fill the vacancy caused by the resignation of Judge W. E. Leffingwell, but after one year's service, resigned and returned to the practice of his profession, which he continued up to the time of his death, which occurred in 1869. The day before his death he concluded the distribution of a large estate, and the distribution sheet, prepared by him, was clear and accurate, and written as legibly and firmly as any he had prepared forty years before. The Iowa Bar has had few equals and no superior in either equity or probate law. He was quaint and peculiar in his manners, and every member of the bar had some good story to tell at his expense, but he was not often worsted by any of them in a lawsuit. His success was largely attributable to the fact that no fee was large enough to induce him to accept the prosecution or defense of a case that he believed after examination he either could not or ought not to win. The maxim most frequently on his lips was that "it is the lawyer's first duty to keep his clients out of lawsuits." His aid and counsel were always at the disposal of the younger members of the bar, and with all his peculiarities, few persons ever had a kinder heart. When his death was announced to the Supreme Court, Judge Dillon, then Chief Justice of that Tribunal, paid a touching tribute to his memory.

John Hilsinger and myself were fellow members of the Senate of the Eleventh General Assembly—fifty years ago. He was one of its ablest members; practical, a close observer of the proceedings, and what may be properly termed level headed in all respects. No important measure passed without having received close consideration at his hands. He seldom spoke, but when he did, it was to the point. By force of these qualities he established himself as one of the most influential members of that Body. He was a lawyer of decided ability and a man of exalted character. I remember him distinctly as he then appeared. He was not much, if any, above medium height; his figure well rounded, muscular and robust; his complexion dark, his hair, beard and eyes black. The tout ensemble of his person carried the impression of manliness and strength.

He was a native of New York, born in 1835, adopted the profession of law, was admitted to the New York Bar at Ithaca in 1857, in 1858 came to Iowa, finally settling at Sabula, in Jackson County, where he continued to reside until his death in 1906. He established a good practice and became the recipient of various marks of public esteem. Among other public favors conferred upon him were that of principal of the high school of Sabula for two years; Mayor for three years; Postmaster from 1861 to 1885, a position which he resigned on the election of President Cleveland. In the fall of 1863 he was elected to the State Senate, serving in the Eleventh and Twelfth General Assemblies; for several years a prominent member of the County Board of Supervisors; City Attorney of Sabula most of the time from its organization in 1863, and in 1884 he was one of the delegates to the Republican National Convention, which resulted in the nomination of James G. Blaine. From what has been said, it will be seen that he was a citizen of wide and beneficent influence.

P. Gad Bryan, Lewis Todhunter, Hugh W. Maxwell.

These men were among the early and prominent lawyers of Warren County.

P. Gad Bryan was one of the best known men of his time, and altogether a charming one. I early became acquainted with him, and it was a pleasure to be in his company, for he was a delightful companion, a natural born humorist, liked good stories and none could tell better ones than himself. The first time I saw him was in the Democratic Congressional Convention for the first district—there were then only two districts in the State—held at Des Moines in 1860. He had a strong support himself for the nomination, but that of Judge Chester C. Cole was so superior that he gave way to it, taking the platform after Cole's nomination, in which he cheerfully expressed his acquiescence in the result, and eloquently urged the support of the nominee. He was then thirty-five years old. I remember him distinctly as he then appeared. The last time I saw him was in 1875, shortly after his removal to Des Moines. He had then reached the age of about fifty,

but was still in the prime of his manhood and retained much of his youthful appearance. He, Peter A. Dey and myself spent the evening together and it is one of the delightful ones that retain a fast hold upon my memory. He displayed the same vivacity, wit and humor of his earlier years. He was not above medium in stature and exhibited some of the characteristics of his Irish ancestry. He had a pleasing face, somewhat ruddy cheeks, sparkling eyes and a lively expression of countenance. Like two other distinguished lawyers of Iowa, Judges Samuel F. Miller and John F. Dillon, he had at first been a physician, but relinquished the profession of medicine for that of law.

He was born in Coshocton County, Ohio, in 1825. When he was fourteen years of age the family removed to Georgetown, Ill., where he worked on the farm, receiving his early education in the common schools of the County. In 1846, having decided to become a physician, he entered upon the study of medicine and graduated from the Wabash Medical College in 1848. He immediately commenced the practice of medicine at Darwin, Illinois, and continued in it there until his removal to Indianola, Iowa, in 1850, and established himself as one of the physicians of Warren County. He had studied law along the line of his medical profession, and was so well qualified that he was admitted to the bar at Indianola in 1852. Thereupon he abandoned the medical profession, adopted that of the legal one and entered upon the practice. He soon became noted as a successful and resourceful lawyer and this reputation grew as the years increased. His attractive personality, his superior mental endowments coupled with his wit, humor and good fellowship had so established him in the public favor that in 1852 he was elected to and served in the Fourth General Assembly representing Marion, Warren and Madison Counties. In 1854 he was elected and served in the House of the Fifth General Assembly. Not long after his legislative service which had been marked by signal ability, he was elected District Attorney of his District embracing several counties, and at the close of that term was re-elected for another. He distinguished himself as an able and fair prosecutor. He built up a highly successful practice and was known as one of the leading lawyers of the State. His witty repartees, his humorous allusions and his easy manners enabled him to exercise great influence with the jury and made him a favorite with the people. Judge Charles C. Nourse, once a distinguished judge, Attorney-General, and a great lawyer of Iowa, now residing near me in California, in his eighty-seventh year, recently told me this incident illustrative of his humor. Bryan and Todhunter were trying a case at Indianola as opposing counsel, in the course of which Todhunter had himself placed on the stand as a witness for his client. Bryan, who had a high sense of professional ethics, in his opening speech criticised this action on the part of Mr. Todhunter in a manner that greatly irritated the latter, and in his speech following that of Mr. Bryan, he said that the animadversions of the latter were unjust; that he

had been a citizen of good standing for many years in that community, and for twenty had been a consistent member of the Methodist Church. Referring to this in his closing speech, Mr. Bryan said:

Mr. Todhunter says he has been a consistent member of the Methodist Church for twenty years. Why, I once belonged to the Methodist Church myself. They took me in on six months' probation and I behaved so well that they let me out at the end of three.

In 1861 he enlisted in the Civil War. He was elected Captain of Company A of the First Iowa Cavalry, and was with his regiment in the Battles of Milford, Prairie Grove, McGuire's Ford, Van Buren, Arkansas, and in various engagements in western guerrilla warfare. He was promoted to Major of his regiment in 1862, and Lieutenant Colonel in 1863. He left his regiment in 1863 to become Chief of scouts for Mississippi, Louisiana and Arkansas, in which capacity he served to the close of the War.

In 1868 he was the Democratic candidate for Congress against Frank W. Palmer, the Republican one. His election to the previous offices mentioned had been in the face of overwhelming Republican majorities, but he nevertheless was defeated in the Congressional election by Mr. Palmer. In 1875, seeking a wider field, he removed to Des Moines, entered the practice there and established a successful one. He was twice City Solicitor of Des Moines, and enjoyed other public favors. He lived to a great age, dying in his eighty-sixth year, at Des Moines in 1910. He had made hosts of friends along the whole line of his life.

Lewis Todhunter was one of the early lawyers of Warren County, and a prominent member of the Constitutional Convention of 1857 and took a leading part in that Body.

He was born in Fayette County, Ohio, in 1817. He came to the little village of Indianola and entered upon the practice in 1852. He became a well-known and successful lawyer and a model citizen. He early enjoyed public favors that were drawn to him by his intrinsic merits and high character. Among these were repeated elections to the offices of County Attorney, County Recorder, County Treasurer, and as we have seen, was elected to that most important of bodies, the Constitutional Convention of 1857 representing a district composed of the Counties of Warren, Madison, Adair and Cass. He was a recognized leader in moral reforms and an unswerving advocate of laws prohibiting the sale of intoxicating liquors.

While troops were being raised in Iowa he was appointed Quartermaster of our Forty-Eighth Regiment of Infantry, and later promoted to the rank of Captain and Assistant Quartermaster. This promotion resulted in his being sent to the Army of the Potomac, with which he remained until the surrender of Lee. He served under General Ingalls, and was with Grant at Appomatox.

He was an influential member of the Pioneer Law Makers' Association and regularly attended its sessions. The last time I saw him was at one of these gatherings, the Reunion of 1898, at Des Moines. He was then in his eighty-second year and his tall and venerable form was bent with the years that rested upon it. He had been able, however, to prepare and bring with him a very interesting paper which was read before the Association. In it was contained a list of the members of the Constitutional Convention of 1857 accompanied with notes respecting the nativity, age, length of residence in the State, calling and political affiliation of each member. This contribution of that faithful old patriot, and which well illustrates his ardent desire to preserve by this last effort this portion of the early history of the State, I feel constrained to here present as a fitting memorial of him, which I feel sure will be read with interest:

Edward Johnson, a native of Pennsylvania, was at the time of the convention from Fort Madison, Lee County; was 41 years old; a resident of the State 19 years; a lawyer by profession; a Democrat.

William Patterson was a native of Virginia; was at the time of the convention from Keokuk, Lee County; was 54 years old; a resident of the State for 19 years; a pork packer; a Democrat.

Squire Ayres was a native of Pennsylvania; was at the time of the convention from Bonaparte, Van Buren County; was 56 years old; a farmer; a Democrat.

Timothy Day was a native of Ohio; was at the time of the convention from Winchester, Van Buren County; 53 years old; 12 years in the State; a farmer; a Republican.

M. W. Robinson was a native of Ohio; was at the time of the convention from Burlington, Des Moines County; 42 years old; in the State 18 years; a farmer; a Democrat.

J. C. Hall was a native of New York; was at the time of the convention from Burlington, Des Moines County; 47 years old; in the State 18 years; a lawyer; a Democrat.

D. P. Palmer was a native of New York; was at the time of the convention from Bloomfield, Davis County; 40 years old; in the State 10 years; a Democrat.

James F. Wilson was a native of Ohio; was at the time of the convention from Fairfield, Jefferson County; 28 years old; in the State 3 years; a lawyer; a Republican.

R. L. B. Clark was a native of Connecticut; was at the time of the convention from Mount Pleasant, Henry County; 37 years old; in the State 6 years; a lawyer; a Republican.

George Gillaspay was a native of Kentucky; was at the time of the convention from Ottumwa, Wapello County; 42 years old; in the State 16 years; a farmer; a Democrat.

John Edwards, a native of Kentucky; was at the time of the convention 42 years old; in the State 3 years; from Chariton, Lucas County; a lawyer; a Republican.

Amos Harris was a native of Ohio; was at the time of the convention 34 years old; in the State 8 years; from Centerville, Appanoose County, a lawyer, a Democrat.

Daniel H. Solomon was a native of Virginia; was at the time of the convention 27 years old; 3 years in the State; from Glenwood, Mills County; a lawyer, a Democrat.

D. W. Price was a native of Kentucky; was at the time of the convention 30 years old; in the State 3 years; from Council Bluffs, Pottawattamie County; a lawyer; a Democrat.

David Bunker was a native of Indiana; was at the time of the convention 46 years old; in the State 17 years; from Richmond, Washington County; a farmer; a Republican.

Jeremiah Hollingsworth, a native of Indiana; was at the time of the convention 47 years old; 16 years in the State; from Richmond, Keokuk County; a farmer; a Republican.

James A. Young, a native of Virginia, was 41 years old; 8 years in the State; from Oskaloosa, Mahaska County; a merchant; a Republican.

H. D. Gibson, a native of Tennessee, was 37 years old; 12 years in the State; from Knoxville, Marion County; a merchant; a Democrat.

Lewis Todhunter, a native of Ohio, was 37 years old; 7 years in the State; from Indianola, Warren County; a lawyer; a Republican.

J. A. Parvin, a native of New Jersey, was 49 years old; 18 years in the State; from Muscatine, Muscatine County; a farmer and engineer; a Republican.

William Penn Clarke, a native of Maryland, was 39 years old; 12 years in the State; from Iowa City, Johnson County; a lawyer; a Republican.

George W. Ells, a native of Connecticut, was 48 years old; 2 years in the State; from Davenport, Scott County; a bookseller; a Republican.

Robert Gower, a native of Maine, was 53 years old; 16 years in the State; from Gowers' Ferry, Cedar County; a farmer; a Republican.

Aylett R. Cotton, a native of Ohio, was 30 years old; 12 years in the State; from Lyons, Clinton County; a lawyer; a Democrat.

Hosea W. Gray, a native of Pennsylvania, was 40 years old; 19 years in the State; from Marion, Linn County; a farmer; a Republican.

J. C. Traer, a native of Ohio, was 30 years old; 11 years in the State; from Vinton, Benton County; a banker; a Republican.

Harvey J. Skiff, a native of New York, was 36 years old; 7 years in the State; from Newton, Jasper County; a banker; a Republican.

Thomas Seely, a native of New York, was 33 years old; 3 years in the State; from Guthrie Center, Guthrie County; a farmer; a Republican.

William A. Warren, a native of Kentucky, was 45 years old; 23 years in the State; from Bellevue, Jackson County; a mail contractor; a Republican.

A. H. Marvin, a native of New York, was 49 years old; 2 years in the State; from Monticello, Jones County; a farmer; a Republican.

J. H. Emerson, a native of Virginia, was 49 years old; 16 years in the State; from Dubuque, Dubuque County; a real estate dealer; a Democrat.

John H. Peters, a native of Connecticut, was 28 years old; three years in the State; from Delhi, Delaware County; a lawyer; a Democrat.

Alpheus Scott, a native of Massachusetts, was 32 years old; 4 years in the State; from Strawberry Point, Clayton County; a real estate agent; a Republican.

Sheldon G. Winchester, a native of New York, was 26 years old; 5 years in the State; from Eldora, Hardin County; a druggist and bookseller; a Republican.

John T. Clark, a native of New York, was 40 years old; 3 years in the State; from Waukon, Allamakee County; a lawyer; a Republican.

Francis Springer, a native of Maine, was 44 years old; 18 years in the State; from Columbus City, Louisa County; a farmer; a Republican.

The following professions were represented in the convention, to-wit:

Lawyers, 14; farmers, 11; pork packer, 1; merchants, 2; bookseller, 1; bankers, 2; mail contractor, 1; real estate dealers, 2; druggist and bookseller, 1.

Nativity of members as follows: Ohio, 7; New York, 7; Virginia, 4; Kentucky, 4; Connecticut, 3; Pennsylvania, 3; Indiana, 2; Maine, 2; Maryland, 1; Massachusetts, 1; New Jersey, 1; Tennessee, 1.

At the time of the meeting the country was greatly excited over the Kansas troubles. In the convention were members of both parties who were rabid politicians, and who, soon after we were organized, made long speeches in the endeavor to instruct the people as to the true policy.

On the final vote seven Democrats voted against the adoption of the Constitution, as follows: Ayres, Emerson, Gibson, Hall, Harris, Peters and Solomon.

Francis Springer was elected president; W. Blair Lord, reporter; Thomas J. Saunders, secretary; Elsworth Bates, assistant secretary; S. C. Trowbridge, sergeant-at-arms; Francis Thompson, doorkeeper.

There are now but nine of the members living, as follows: R. L. B. Clark, aged 80 years; William Penn Clarke, aged 82 years; Daniel H. Solomon, aged 69 years; Lewis Todhunter, aged 80 years; Aylett R. Cotton, aged 73 years; J. C. Traer, aged 73 years; H. J. Skiff, aged 79 years; Francis Springer, aged 85 years, and John H. Peters, aged 69 years.*

Mr. Todhunter died not long afterward, at Indianola, in 1902.

Hugh W. Maxwell was one of the early lawyers of Warren County. He was for nine years the Judge of that Judicial District, and presided to the general satisfaction of the bar and the people. He was a native of Illinois, where he was born in 1827. In 1852 he came to and commenced practice in Indianola, Warren County. He developed excellent ability as a practicing lawyer there, and in 1866 was elected Prosecuting Attorney for the Seventh Judicial District. Upon the resignation of Charles C. Nourse as District Judge, Mr. Maxwell was appointed to fill the vacancy, and at the expiration of that term was elected for another, and at the end of that, again re-elected. Some time after the close of his Judicial service he removed to and entered upon the practice at Carthage, Missouri, which was then a growing place, that offered him some inducements. Early in 1888 he removed to Tuscon, Arizona Territory, and entered upon the practice there. On the twenty-sixth of November of that year I received from him a letter dated at Tuscon, in which he requested my assistance in getting the President to appoint him United States Judge from that District. I cheerfully complied with his request, but he failed to receive the appointment, probably for the reason that the delegate to Congress from that region was a Democrat and did not give Judge Maxwell his support. The reason of his removal from Carthage, where it seems he was well established, to Tuscon, was his gradually failing health. He was consumptively inclined and thought the dry atmosphere of Arizona would tend to strengthen his health and prolong his life. But in the end, it failed, and he returned to Des Moines, where, after two years of lingering, he died, in December, 1894. He had a wide circle of

*Note.—None of the members of that convention are now living. 1916.

friends in Central Iowa, who honor his memory as an irreproachable citizen, an able lawyer and just judge.

Gideon S. Bailey.

Gideon S. Bailey was at the time of his death, the most historic individual of the early period in Iowa. He lived to a great age, dying in his ninety-fifth year. He was the last survivor of the public men of the Territorial period. During a portion of that period he was United States Marshal; a member of the House of the First and also the Second Territorial Legislature; a member of the Council of the Third and Fourth; a member of the First Constitutional Convention in 1844; a member of the Senate in the Seventh and Eighth General Assemblies of the State Legislature. He declined the governorship of the Territory, tendered to him by President Polk. In all of these positions he served with such fine ability that he became highly influential in the public affairs of both the Territory and State. As illustrative of this, I give the following excerpt from the address of L. L. Ainsworth respecting the proceedings and members of the Eighth General Assembly, delivered before the Pioneer Law Makers' Association at its reunion of 1894: "I believe in fact in that body there was one gentleman, pure, patriotic, honest and able, who did more for the Legislation of 1860 than any other man in the Legislature. I refer to Gideon S. Bailey, of Van Buren County, a man who had served for four sessions in the Territorial Legislature; a man who had been a member of the First Constitutional Convention; a man who never permitted a bill to pass through that Senate unless he had carefully criticised it, and yet a man who was not popular with us because we thought he scolded too much, just as the obdurate child frequently thinks his parents scold too much, and yet, as the parent makes the child walk in the correct path, so Gideon S. Bailey did more to make that Senate walk in the correct path than any other man in it."

"He was born in 1809, near Louisville, Kentucky; he died at Vernon, Van Buren County, in 1903. His early youth was spent in Indiana. There were no public schools at that day, but he improved every opportunity to learn, and at eighteen, was himself, teaching school. With a little help from his father, and by splitting rails and doing other work for his board, he secured the means to study medicine. In 1832 he began the practice of his profession in Charlestown, Ill. The Lincoln family was among his patrons, and he attended Abraham Lincoln's father in his last illness. In 1837 he came to Iowa and settled at Vernon on the claim that became the farm where he lived for over sixty-six years. During the Civil War he was arrested by the military authorities for alleged disloyalty and immured in the Gratiot Street Prison in St. Louis. When this came to the knowledge of his excellent friends, the late Judge George G. Wright and Gen. W. W.

* Annals of Iowa, Vol. 6, page 316.

Belknap, they promptly secured his release. Relating the transaction more than twenty-five years afterward, the old Doctor laughed about it as a good joke—the idea that he could have been disloyal!”* And well might have everyone else laughed at the idea.

The End.

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