

HISTORY OF HANCOCK COUNTY

Year	Population	
1830	483	Bentley
1840	9,946	Bowen
1850	14,652	Carthage
1860	29,061	Dallas City
1870	35,935	Elvaston
1880	35,352	Ferris
1890	31,907	Hamilton
1900	32,215	La Harpe
1910	30,638	Nauvoo
1920	28,623	Plymouth
		Pontoosuc
		Warsaw
		West Point

CENSUS STATISTICS OF THE COUNTY—1840-1880-1920

From an old record in the county clerk's office may be found one of the United States Census reports for the Sixth Federal Census—that of 1840—from which it is found that at that date the County had a population of 9,912, divided as follows: White males, 5,135; White females, 4,762; Colored persons, 15.

For the enumeration periods of 1880 and 1920, the government reports give these figures:

Townships	1880	1920
Appanoose	846	661
Augusta	1,894	1,750
Bear Creek	1,189	886
Carthage	2,686	2,767
Chili	1,418	1,430
Dallas City	1,144	1,274
Durham	1,098	694
Fountain Green	1,254	857
Hancock	1,130	668
Harmony	1,246	924
La Harpe	1,898	1,949
Montebello	1,977	2,402
Nauvoo	1,399	990
Pilot Grove	1,229	889
Pontoosuc	789	533
Prairie	1,229	...
Rock Creek	1,444	...
Rocky Run	855	577
Sonora	1,399	821
St. Albans	1,280	1,079
St. Mary's	1,538	1,583
Walker	1,612	922
Warsaw	3,105	2,031
Wilcox	588	327
Wythe	1,135	635

Population of Cities and Villages—1920:	
Augusta	1,085
Basco	267

(See last chapter.)

CHAPTER V

COURTS, BENCH AND BAR

HANCOCK COUNTY JUDICIARY—CIRCUIT COURT IN HANCOCK COUNTY—APPELLATE COURTS—OTHER PROMINENT JURISTS—EARLY LAWYERS—OTHER ATTORNEYS OF NOTE—LAWYERS OF 1880—PRESENT-DAY ATTORNEYS—NOTABLE CIRCUIT COURT CASES.

HANCOCK COUNTY JUDICIARY

This relates especially to the judges of the Circuit Court from 1829, the year of the organization of the county, to the present time. As to the judges for the first twenty-five years of this period but little, if anything, is known by persons now living, and any sketch of their lives must be based upon such histories and sketches of those times as are accessible.

The editor has known personally the judges of the Circuit Court who have presided in this county from time to time of Judge Joseph Sibley. Parts of the following brief notices of the judges who preceded Judge Sibley are taken from Gregg's *History of Hancock County*, and other works, and parts are contributed by the editor.

Richard M. Young—Judge Young was the first judge who occupied the Bench (the splint-bottomed chair) in the county of Hancock, as well as in perhaps a dozen other counties in the northwestern part of the state. He occupied the bench of the Fifth Judicial Circuit at the

time Hancock was organized in 1829, and it became his duty by law to issue the order for the independent organization of the county.

In view of the fact that Judge Young was the first judge of the Circuit Court who presided in this county, it is proper to give a somewhat extended account of his life. The following account is taken from Vol. 1 of *Courts and Lawyers of Illinois*, published by The American Historical Society of Chicago in 1916.

"Richard M. Young, who was the first Circuit Judge to hold court in Chicago after the organization of Cook County in 1831, was a Kentuckian by birth, but while Illinois was still a territory took up his residence at Jonesboro in Union County and was admitted to the bar September 28, 1817. In the Second General Assembly, 1820-21, he represented Union County. He was commissioned judge of the Third Judicial District January 19, 1825, but two years later was legislated out of office. The Fifth Judicial Circuit was created by act of January 8, 1829, to include all that portion of the state north of the Illinois River and on being made judge of the new circuit he removed to Quincy, and from that point had to ride over all Northern Illinois as far as Chicago to attend the different courts. His duties were arduous not so much for the volume of business to be done in any particular county as for the number of counties he had to serve, the distance apart of the several county seats and the absence of modern conveniences for traveling. It is said he held a court session in Fort Dearborn in 1831 and the following year in the house of James Kinzie. The court sessions held by Judge Young in the first years of Chicago's history were events of great importance not only to those especially interested in the proceedings of the court, but to the citizens in general. 'When circuit court was in session,' said Thomas Hoyne in speaking of the 'Lawyer as a Pioneer,' 'probably every member of the bar was in attendance. There were no district telegraphs nor telephones, and during the term time the lawyers kept no office hours. Besides, the entire number was only twenty-seven.'

"In 1835 the Fifth Circuit was limited so as to place Cook County in the Sixth Circuit, but as an associate justice of the Supreme Court in the next decade Judge Young frequently held court in Chicago. He had the reputation of being a shrewd and judicious counsellor and was associated with Judge Breese and Ford in the

defense of Theophilus W. Smith, upon his impeachment before the Senate in 1832-33. On December 14, 1836, Judge Young was elected over five competitors United States senator from Illinois for the six-year term, 1837-43. While in the Senate he became greatly interested in upholding the credit of the state, which was at that time seriously threatened, and in 1839 in company with ex-Governor Reynolds he made a visit to Europe in order to effect the sale of bonds to carry on the public improvements of the state, but was not successful. He failed of re-election to the Senate, and on January 14, 1843, was chosen an associate justice of the Illinois Supreme Court. He resigned that office January 25, 1847, and was appointed commissioner of the General Land Office at Washington to succeed General Shields. He was succeeded in turn by Justin Butterfield on June 21, 1849. In 1850-51 he was clerk of the House of Representatives at Washington and for a number of years was a claim agent in Washington City.

"The close of his life was disastrously clouded by insanity. He has been described as a tall, fine looking man, and one of those persons who would attract the attention of the stranger at once by his gentle and courteous manner and dignified bearing. He did not possess great executive power and did not dispatch business rapidly, but everything which he did was accomplished thoroughly and without mistakes."

Henry Asbury, Esq., of Quincy, in his "Sketches of the Bench and Bar," published in the *Quincy Whig*, says of Judge Young:

"Judge Young resided here for many years. He was a gentleman in all his aspects—perhaps the most profound of our judges and lawyers, but for his day and time, and in the absence of modern facilities and great libraries, his attainments were of such a character as to command for his memory our high respect. He was an honest man, and died in poverty at Washington city some years ago, though he had been Judge of the Supreme and Circuit Courts in Illinois, a Senator in Congress, and Commissioner of the General Land Office. His open-handed generosity left him poor in his old age."

CIRCUIT COURT IN HANCOCK COUNTY

The first sessions of Circuit Court in Hancock County were held at private houses on the rapids, and later sessions in the log cabin court-

house in Carthage, in which the bench was a splint-bottomed chair, the lawyers, juries and clients occupying the slab benches.

James H. Ralston—Judge Ralston succeeded Judge Young on the circuit by legislative election on February 4, 1837. He resigned on August 31, 1839, and removed to Texas, returning, however, soon afterwards to Quincy, Illinois. In 1840 he was elected to the State Senate. In 1846 he went with the army to Mexico as Assistant Quartermaster, by appointment of President Polk. After the war he settled in California, where he died, having been lost in the Sierra Nevada mountains.

Peter Lott—Judge Lott was from New Jersey, and was appointed by the Legislature to succeed Judge Ralston, and held the position until 1841. He resided for a short time at Carthage, but removed to Quincy. After his judgeship he served as circuit clerk in Adams county for several years. Later he removed to California, where he was appointed superintendent of the U. S. Mint at San Francisco. From this position he was removed in 1856 by President Buchanan. He had served as captain in the Mexican war. It is stated that he died at Tehuantepec, Mexico, where he was holding the position of U. S. consul.

Judge Lott was a well educated man. He had been a classmate at Princeton with Hon. Samuel L. Southard, the eminent New Jersey Senator, and had studied law in his office. He is remembered as jovial, witty, companionable and fond of fun, not fond of study, and yet a good lawyer.

Stephen A. Douglas—Judge Douglas held five terms of the Circuit Court in Hancock County, being the May and October terms of the years 1841 and 1842, and the May term of 1843.

In 1841 an act went into effect, reorganizing the judiciary of the state of Illinois. This act having been passed by the legislature, was returned by the Council of Revision with objections thereto, but reconsidered and then passed by both houses by the constitutional majority, and became a law on February 10, 1841.

This act repealed all former laws establishing circuit courts and authorizing the election of circuit judges, and provided that there should be appointed by joint ballot of both branches of the General Assembly, at the session then being held, five additional associate justices of the Supreme Court, who, in connection with the chief justice and the then associate justices, should

constitute the Supreme Court of the state. By the same act the state was divided into nine judicial circuits and it was provided that the chief justice and eight associate justices should perform the circuit duties in the said circuits. (Session Laws of Illinois, 1841, pp. 173-4.)

By joint vote of the two houses on February 15, 1841, Thomas Ford, Sidney Breese, Walter B. Scates, Samuel H. Treat and Stephen A. Douglas were chosen as the additional supreme court justices. (A note to this effect will be found in 2 Scam., which is Vol. 3 of the Illinois Reports. In this volume the name of Douglas is spelled with double "s.")

Judge Douglas was assigned to the Fifth Judicial Circuit, and so it is that he held the term of the Circuit Court in this county above mentioned. In August, 1843, he resigned as judge to take a seat in Congress. Judge Douglas found the docket loaded with unfinished cases; but his dispatch and ability were such that he soon cleared the docket. Of Judge Douglas' career as a statesman, in the House of Representatives, in the Senate, and as a candidate for the presidency, it is unnecessary to speak. This is all well known to the reader. Senator Douglas was a man of the people, over whom he possessed an unusual magnetic influence. He became the recognized leader of a great party, and when the great Rebellion came, he at once took strong Union ground, and prepared to stand by the Government as administered by his great compeer. His influence and force of character greatly strengthened the hands of President Lincoln. His death occurred June 3, 1861.

Jesse Burgess Thomas—Judge Thomas succeeded Judge Douglas in 1843 as judge in the circuit which included Hancock County, and held three terms of the Circuit Court in this county, the October terms of 1843 and 1844, and the May term of 1844. Judge Thomas did not hold the May term, nor the special June term, 1845, but by exchange between judges, Judge Richard M. Young held the May and June terms in Hancock County.

While the reason for this exchange on the part of the two judges does not appear from the records, it is suggested by the fact that the trial of those who had been indicted by the grand jury for the murder of Joseph Smith was to take place at the May term. The trial of this case did take place at the May term, 1845, terminating in a verdict of not guilty, on May 30th, and the discharge of the defendants under

that indictment on that day. On the same day Judge Young made an order for a special term of the Circuit Court to begin on the first Tuesday after the fourth Monday of June, and Judge Young held that special term.

At the time of the trial of Joseph Smith, James H. Ralston was prosecuting attorney, David E. Head was clerk, and M. R. Deming was sheriff. At the special June term, 1845, M. R. Deming, being then in custody on indictment for murder, was removed from office by order of the court, and George W. Stigall, coroner, thereafter acted as sheriff. (Mr. Head had the reputation of being one the best clerks in the state. His two daughters are now living in Carthage.)

Judge Jesse B. Thomas was appointed by the governor, in place of Judge Douglas, on August 6, 1843, as one of the justices of the Supreme Court. He was elected as such by the General Assembly on February 17, 1845. And again on January 26, 1847, he was elected, and the next day he was commissioned supreme judge by the Legislature, in place of Judge Young, who had resigned. As supreme judge, it may be said that he was *ex-officio* circuit judge.

The constitution of 1848 provided for Supreme and Circuit Courts and the election of separate judge for these courts, and thus put an end to the system under which the Circuit Courts had for some years been held by the justices of the Supreme Court, and the tenure of this office by Judge Thomas terminated. He died in 1850.

Judge Thomas was a nephew of Jesse B. Thomas, who was prominently identified with the early history of this state.

This uncle was a lawyer, born at Hagerstown, Maryland, in 1777. His parents moved to Kentucky in 1779. Judge Thomas moved to Indiana in 1803. He moved to Kaskaskia, Illinois, in 1809, where he was appointed territorial judge. He was president of the constitutional convention of 1818. Judge Thomas and Gov. Ninian Edwards were elected to the U. S. Senate from Illinois in 1818, being the first two senators from this state. Judge Thomas served as U. S. Senator until March 3, 1829. He was chairman of the committee of conference on the Missouri Compromise, and is supposed to have been the author of that compromise, although its able and strenuous advocate was Henry Clay.

Norman H. Purple—This distinguished jurist was appointed by the governor one of the jus-

tices of the Supreme Court on August 8, 1845. By a different assignment of the justices of the Supreme Court to circuit duty Judge Purple became judge of the Circuit Court of Hancock County, and presided at the terms of that court held in October, 1845 and 1846, in May, 1846, and April and September, 1847 and 1848.

Judge Purple was a resident of Peoria. It is said that he resigned from the Supreme Bench for the alleged reason that the salary was insufficient. He is said to have been a good lawyer and judge.

In 1849 Judge Purple published a compilation of all the general laws of Illinois concerning real estate, which volume contained 553 pages, and was published by C. M. Woods, printer, Quincy, Illinois. This was a valuable book in that day, and was much used by the profession.

In 1856, Judge Purple published a compilation of all the statutes of Illinois of a general nature, in force January 1, 1856, showing not only what the laws were at that time, but also containing references "to the times of their original enactment, and the contemporaneous history of those periods, by which to determine the intention of the Legislature." This compilation was known as Purple's Statutes and was published in two volumes, designated as "Part I" and "Part II." (The editor has a set of these statutes, purchased by his father at Quincy in the latter part of the year 1856, a few weeks before his death.)

William A. Minshall—Judge Minshall resided at Rushville in this state, and was elected judge of the Circuit Court in 1849, succeeding Judge Purple, and presided at the April and September terms of the Circuit Court of this county for the years 1849 and 1850. He came to this state from Tennessee at an early day. He attained distinction as a lawyer and had a good practice. At one time he was a member of the Legislature. He was a member of the constitutional convention of 1847-8.

Onias C. Skinner—Judge Skinner resided some years in this county, coming here a little before the close of the Mormon War. He lived first at Nauvoo and afterwards at Carthage, where he became well known and built up a good reputation and a large practice. He took his seat on the bench of the Circuit Court in 1851, and continued to hold that position until 1855. Judge Skinner held all terms of the Circuit

Court of this county from and including the June term, 1851, to and including the June term, 1855, except the October term, 1851, which was held by Judge David M. Woodson, by exchange with Judge Skinner, and the October term, 1854, which was held by Judge Pinkney H. Walker, by exchange with Judge Skinner.

David M. Woodson, who held the October term, 1851, in exchange with Judge Onias C. Skinner, was elected circuit judge in another circuit in 1848 and remained on the bench until 1867. He lived at Carrollton, Illinois.

Judge Walker lived at Rushville. He did not succeed Judge Skinner as judge in this circuit, as Mr. Gregg states in his history, but was judge of the Circuit Court in the adjoining circuit. He was a Kentuckian, but came to McDonough county in his youth and afterwards removed to Rushville.

By act of the General Assembly, in force February 12, 1851, the Fifteenth Judicial Circuit was created, to be composed of the counties of Adams, Hancock, Henderson and Mercer, and Hancock county was not again in the same circuit as Schuyler until 1877.

The editor met Judge Skinner once in connection with a sale of real estate made February 2, 1877, by the editor, as master-in-chancery of the Circuit Court of this county, in a chancery case in which Judge Skinner was complainant and Anna McManus and others were defendants. The editor had described the case in the sale notice as Onios C. Skinner vs. Anna McManus, *et al.* Upon going to the offices occupied at that time by Bryant T. Scofield, George Edmunds and William C. Hooker, the editor met there and was introduced to Judge Skinner, a man of splendid personality and strong intellectuality, who at once administered to the editor a severe reprimand for not printing the title McManus, *et als.*, instead of *et al.*, for the reason that there was more than one defendant designated by the abbreviation. The editor was bold enough to explain that "*et al.*" was the correct abbreviation for the plural as well as the singular. whereupon Mr. Hooker, who was a splendid Latin scholar, said, in his brief, emphatic way: "Judge Skinner, the young man is right. '*Et al.*' stands for '*et alius*,' singular, or '*et alii*,' and '*et al.*' is the correct abbreviation for each." This ended the controversy.

This act of 1851 provided for an election to be held in the counties of the Fifteenth Ju-

dicial Circuit for a judge and state's attorney, on the first Monday of May, 1851, and that the judge so elected should hold his office until the next general election for judges under the constitution of 1848, which was the first Monday of June, 1855.

Judge Onias C. Skinner was the judge elected in this circuit as then constituted on the first Monday of May, 1851, under this provision of the constitution.

It is not out of place to state that Judge Skinner's tenure of the office of judge of the Circuit Court terminated on the first Monday of June, 1855, and that he was elected a justice of the Supreme Court, and acted as such until his resignation in 1857. His first opinions as justice of the Supreme Court appear in cases decided at the June term of that court, 1855, and his last opinions appear in cases decided at the April term, 1857, except as to opinions filed at the November term, 1857, written by Judge Skinner, which had been heard in the Supreme Court before he left the bench.

A brief statement of certain changes in the judicial circuits affecting this and adjoining counties may not be inappropriate.

By act in force on February 11, 1853, Mercer County was detached from the Fifteenth Judicial Circuit and placed in the Tenth Circuit.

By act in force January 29, 1857, Fulton, McDonough, Schuyler, Brown and Pike were made to compose the Fifth Judicial Circuit. Thus McDonough and Hancock were separated.

By act in force February 15, 1857, entitled "An Act to change the time of holding court in the Fifteenth Judicial Circuit," the times for holding the courts in Adams and Hancock counties are provided for. From that time until 1897 Adams and Hancock were in the same circuit, part of the time without other counties, and part of the time with other counties. In 1877 a judicial circuit was created, called the Sixth Judicial Circuit, composed of the counties of Hancock, Adams, Pike, McDonough, Fulton, Brown and Schuyler, and this arrangement continued until 1897, when Hancock, McDonough, Fulton, Henderson, Warren and Knox were placed together as one circuit, called the Ninth Judicial Circuit.

By act of February 11, 1853, McDonough County was attached to the Fifteenth Judicial Circuit, and so was in the same circuit with Hancock County for a few years following.

By act in force February 14, 1855, Henderson was detached from this Fifteenth Circuit and placed in the Tenth Circuit. This left Adams, Hancock and McDonough as companion counties in the Fifteenth Circuit.

Joseph Sibley—Judge Sibley was elected judge of the Circuit Court in the circuit including Hancock County on the first Monday of June, 1855, for the term of six years, as provided by the constitution of 1848, and was thereafter reelected in 1861, 1867 and 1873, and was judge of the Circuit Court of this county for twenty-four years, his period of service terminating when his successor, elected on the first Monday of June, 1879, was qualified to assume the office.

During that long period of time the records show that Judge Sibley held all terms of the Circuit Court of this county up to and including the October term, 1877, during all of which period of time there were three terms held every year. These terms were known as the March, May and October terms, until 1867, when the May term was changed to June by legislative enactment.

APPELLATE COURTS

The act of 1877 provided for Appellate Courts, decreasing the number of judicial circuits and increasing the number of judges of the circuit court, and provided for three judges in each circuit. The terms of Judge Sibley and Judge Chauncey L. Higbee, whose circuits were consolidated, did not expire until 1879. The law provided for a third judge to be elected for two years and Judge Simeon P. Shope was elected for this short term.

Judge Sibley, having been appointed to the Appellate Bench, it became necessary for the other two judges to keep up his work, partly at least, on the circuit, and so Judge Higbee presided at the March term, 1878, Judge John J. Glenn of Monmouth, an adjoining circuit, at the October term, 1878, and Judge Shope at the March term, 1879. Judge Sibley held the June term, 1878, and the June term, 1879.

Judge Sibley as a man and judge was *sui generis*. He was a good lawyer, rapid in the disposition of business, ordinarily safe in his judgment as to law, and undoubtedly honest in his actions and rulings on the bench. He was a man of strong prejudices, who did not go out of his way to coach a lawyer for whom he had

no especial affection. He attacked a docket with vigor, requiring all cases for trial by jury to be set down for the first day of the term, and proceeded from one case to the other with great regularity and energy. Consequently on the first day of the term the court-house would be packed with litigants and witnesses, and it would be manifest that something was going on, at the court-house, on the streets and at the hotels. This was a hardship upon lawyers, who were figuratively torn limb from limb by parties and witnesses who were anxious to get home and could not find out how long they would have to attend before the cases in which they were interested or subpoenaed would be tried.

Judge Sibley required all male witnesses who were not infirm with age or sickness to stand while testifying. He permitted a woman or an old man or a sick man to be seated. He assigned to the editor as a reason for this practice that the witnesses, if standing, would not be apt to "talk so much."

It was the practice of Judge Sibley to press the taking of evidence in a cause with great vigor, but he seldom limited the attorneys in the argument to the jury, during which he was frequently absent from the courtroom. The attorneys did not complain of this in making up their records, for the reason that they were willing as a rule for him to be absent, as that gave them a free rein in the argument.

During the argument of the case of *Wilson v. The People*, reported in 94 Ill., p. 299, when the state's attorney indulged in "much intemperance of speech in his closing argument," Judge Sibley was absent from the courtroom, and that is the reason why his attention was not directed to the matter by the attorneys for the defendant. The Supreme Court says: "It does not appear that the judge's attention was called to this language, and it can not, therefore, be said the court erred in not checking him." But the judge was not present at that time in the courtroom, and the attorneys for the defendant did not ask to have the record show that the judge was absent.

Judge Sibley required all instructions of law, offered to be given to the jury, to be passed up to him by the commencement of the closing argument. Judges at the present day frequently demand the instructions by the commencement of the first argument. Judge Sibley would return to the courtroom about the time of the

commencement of the closing argument, and would pass upon the instructions very rapidly. The editor can close his eyes and imagine that he sees him now reading the instructions, part of the time working his lips, and, having finished the reading, taking up his quill pen and marking them "Given" or "Refused" without further ceremony. He did not waste time in this judicial act. His rulings on the instructions were ordinarily correct, as much so probably as if he had consumed a much longer time in examining them.

Another characteristic of Judge Sibley was accelerated speed as he approached the close of the term. The editor speaks as to Hancock County only. The judge seemed anxious to reach that point when the sheriff would be directed to adjourn court for the term, or, as it was sometimes inaccurately expressed, "until court in course." All the judge had to do was to adjourn "without day," and the law fixed the "court in course" part of it.

As illustrative of this characteristic, the editor remembers an occasion when he was perspiring profusely at his office, endeavoring to prepare an affidavit for continuance in a criminal case which would pass the scrutiny of the court. This was the last case for trial by jury, and if this case were out of the way, the term would end. During the preparation of the affidavit, the judge entered the office. "What are you doing?" he asked. The lawyer answered: "Judge, I am trying to prepare an affidavit for continuance in this criminal case, but I am afraid I can't make much of a showing." The judge answered, "Go ahead with it." Then, with a bare reference to a certain place of excessive heat, he added: "It won't take much." And it did not, for, on the next morning, the judge promptly held the affidavit sufficient, and adjourned court for the term. That was an instance of "Where a feller needs a friend," and found one.

Notwithstanding his eccentricities, the editor remembers Judge Sibley with profound respect and with a large degree of admiration. He was a strong, able man. He made enemies, but he made friends also. He was a hard driver in court, but he generally drove straight to the goal.

After the expiration of Judge Sibley's last term as circuit judge, he entered into partnership with Carter and Govert of Quincy, under

the firm name of Sibley, Carter & Govert. After a few years this partnership dissolved.

OTHER PROMINENT JURISTS

Chauncey L. Higbee—Judge Higbee was one of the judges of the circuit including Hancock from 1877 until his death in December, 1884. He was a native of Ohio and came to Illinois early in life. He was at Nauvoo during the Mormon troubles, and was one of those interested in the protest against certain practices of the founder of Mormonism, which resulted in the destruction of the "Expositor" press. Afterwards Judge Higbee moved to Pittsfield in Pike County, where he entered upon the practice of law, establishing a reputation as a lawyer second to none in that vicinity. In June, 1861, he was elected judge of the Circuit Court, and was reelected in 1867 and in 1873, and held the office until his death.

In September, 1877, under the law by which the judges of the Circuit Court were to serve as judges of the Appellate Court, by appointment of the Supreme Court, Judge Higbee was appointed one of the judges of the Appellate Court for the third district, at Springfield. He was reappointed in June, 1879, and in June, 1882, and was such appellate judge when he died.

Judge Higbee was regarded as one of the ablest judges of the Circuit Court in the state of Illinois. The editor asked the Hon. William H. Neece of Macomb, during a certain conversation with him, as to why it was that so few appeals were taken from the decisions of Judge Higbee on the circuit, and Mr. Neece's answer was: "The people have such confidence in Judge Higbee's integrity and ability that a defeated litigant will say, 'Well, if the old judge says I haven't a good case, there's no use to appeal it.'"

Judge Higbee was rapid in the disposition of business, always courteous and yet firm as a rock on the bench, and a judge who believed with all his heart that the law should be enforced, and endeavored to see that this belief was realized in results.

Judge Higbee, in a certain conversation, gave the editor an account of a trial, at which he presided in another county, in which a woman was under indictment for the murder of her husband. The jury, much to the judge's chagrin, had returned a verdict of not guilty. The

editor remarked: "Judge, you would not be willing to sentence a woman to be hanged, would you?" Judge Higbee answered: "This woman was guilty, and I would have sentenced her to be hanged with great pleasure."

At one time, as the editor was on the way to Springfield, he saw Judge Higbee seated in the train, in conversation with a gentleman whom the editor had never met, and the judge introduced the editor to that gentleman, who was none other than the Hon. William L. Vandeventer, then at Mt. Sterling, afterwards of Quincy, Illinois. Judge Higbee invited the editor to be seated with him and Mr. Vandeventer, and, when the latter left the train, the judge continued the conversation with the editor until they separated at Springfield. During this conversation Judge Higbee said of Mr. Vandeventer, that, in his opinion, he knew more of the contents of the Illinois Supreme Court Reports than any other man in the state, that he knew the cases in most instances by name, and the volumes in which they were respectively to be found, and that while he was nervous and eccentric, he was indeed a very great lawyer. (And the editor bears like testimony to the ability of Mr. Vandeventer.)

The opinions written by Judge Higbee as Appellate Judge are marvelously clear and accurate.

Judge Shope, who attended the funeral of Judge Higbee at Pittsfield in December, 1884, told the editor that the ceremony at the grave was most beautiful and impressive; that children carrying cut flowers of exquisite beauty approached the open grave and covered the casket with these flowers; and that there was a demonstration of feeling upon the occasion rarely witnessed at a cemetery service.

Although the younger Judge Higbee has never been a judge of this circuit, it is not out of place to say that Judge Harry Higbee of Pittsfield, Illinois, is the illustrious son of an illustrious father. After having practiced successfully at the bar of his county, Judge Higbee was elected one of the judges of the Circuit Court of that county in June, 1897, and has been reelected from time to time until he will have served continuously on the bench for twenty-four years if he lives until June, 1921. In June, 1897, he was appointed one of the judges of the Appellate Court for the second district, and has served as appellate judge since

that time in one or another of the Appellate Courts of the state.

Asa C. Mathews—Upon the death of Judge Chauncey L. Higbee, the governor appointed Judge Asa C. Mathews of Pittsfield to fill out the unexpired term, and so for a short period, about five months, Judge Mathews was one of the judges of this circuit. He did not hold any term in Hancock. He was a candidate for election on the Republican ticket in June, 1885, but the circuit was largely Democratic, and Judge Mathews was defeated by Judge John C. Bagby of Rushville.

Judge Mathews was an able lawyer, and there is every reason to believe that his career on the bench would have been highly creditable if he had been elected to that office in 1885. After his brief term of service on the bench, he resumed the practice of the law at Pittsfield, and was so actively and successfully engaged for many years. He was one of those lawyers who did not waste his own breath or tax the patience of a judge. He explained his position clearly and in brief terms, frequently adding, "If I have made the point clear I have no desire to repeat." Upon being assured by the court that his position was understood, he submitted the question for decision. Judge Mathews died at Pittsfield some years ago.

Simeon P. Shope—This eminent man was one of the judges of this circuit for a period of about eight years, holding the short term from 1877 to 1879, and a full term from the latter date to June, 1885. At the June election, 1885, for justice of the Supreme Court from this district, Judge Shope was elected to the Supreme Bench for the term of nine years. He was not a candidate for reelection, but, upon the expiration of his term as Supreme Court justice in 1894, he moved to Chicago and engaged there in the practice of law until near the time of his death.

Those who remember Judge Shope on the circuit will have a vision of a man of superior physical endowments, great mentality and unusual charm of manner. At that time Judge Shope was at the prime of his mental and physical powers. He was forty-two years of age when he came to the Circuit Bench and fifty when he was elected justice of the Supreme Court. He was tall, straight and well proportioned, having a magnetic personality, being one of those men who make an impression and attract attention at first sight. When not on

the bench, he was affable and courteous, and at all times a charming conversationalist. Upon the bench, he was rapid in the transaction of business, but sometimes slightly tyrannical in his attitude toward the bar. He sought under all circumstances to see that justice was ultimately done as between litigants, but he sometimes pursued a course toward that goal which subjected him to criticism, whether unjustly or not, it is not for the editor to say.

The following brief sketch of the life of Judge Shope, who died at Chicago on January 23, 1920, is taken from *The Chicago Tribune* of January 24, 1920:

"Simeon P. Shope, once chief justice of the Supreme Court of Illinois, who played marbles with Stephen Douglas, 'The Little Giant,' and swapped stories with Abraham Lincoln, died yesterday at the Lake View hospital. Death was caused by injuries suffered in an auto accident several weeks ago.

"Mr. Shope was eighty-five years old. He lived at 941 Lawrence avenue. He was born in Akron, O., December 3, 1834, was educated in Marseilles, Ill., taught school, and studied law. He was admitted to the bar in 1858 and became a judge in 1877.

"The judge was fond of telling stories about Douglas and Lincoln. His favorite yarn illustrated the Great Emancipator's love of a joke.

"One day there came into Judge David Davis' court-room a man named Welcome Brown, a shiftless, careless sort of lawyer. When he leaned over to speak to the judge everybody in the room could see a big hole in the seat of his trousers. A young law student came up to Lincoln and asked him to subscribe for a new pair of pants for Brown.

"Lincoln looked, then wrote, 'I cheerfully contribute, to the end in view, fifty-two cents.'

"The judge will be buried at Lewistown, Ill., his old home. Funeral services will be held at three o'clock tomorrow at Bentley's chapel, 2701 North Clark street.

"The following committee has been appointed to represent the Chicago Bar association: Judges Samuel Alschuler, Jesse A. Baldwin, Bernard P. Barasa, George F. Barrett, Theodore Brentano, Orrin N. Carter, William Fenimore Cooper, Robert E. Crowe, Joseph H. Fitch, Jesse Holdom, M. L. McKinley, Richard S. Tut-hill, Charles M. Walker, and Thomas G. Windes, Leonard A. Busby, Clarence S. Darrow, Edward F. Dunne, John R. Guilliams, W. W. Gurley,

Elbridge Hanecy, Maclay Hoyne, Charles L. Mahony, Harry P. Weber, John M. Zane.

"Judge Shope is survived by four grandchildren, Alice Barnett Price of San Diego, Cal., and George, Ray and Shope Kriete of 941 Lawrence avenue."

John H. Williams—Judge Williams was one of the judges of the Circuit Court in the Sixth Judicial Circuit, which included Hancock, from June, 1879, until June, 1885. His home was at Quincy. He was a son of Archibald Williams, who was a Kentuckian and had come to Quincy as far back as 1825 or 1826. He practiced law at Quincy and generally in this state for many years. Archibald Williams had superior standing at the bar for his knowledge of the law, and especially of real-estate law, which was one of the principal matters of judicial investigation in that day. He had great ability in the management of a case. While he was not an orator in the ordinary use of the word, he was a convincing and impressive reasoner. Nature had not distinguished him as a handsome man, but his face evidenced strong character, and he commanded respect physically as well as mentally.

When Judge John H. Williams was elected to the Circuit Bench, he was at his best in body as well as mind, and he gave his matured powers unreservedly to his judicial duties. During his six years of service he held the eighteen terms of court in Hancock County, calling in one of the other judges occasionally only, for the trial of some particular case, and he held all the terms of the Adams Circuit Court in like manner, with occasional assistance as to matters in which he had been interested while engaged in practicing law.

Judge Williams had an unusual grasp of common-law pleading, as modified by statutory enactments, which has always been regarded in this state as one of the principal tests of judicial qualification. He had a keen sense of the equities of a case, and, while giving due regard to technical rules of law and practice, sought above all the true end of judicial investigations, which is impartial enforcement of the law with justice tempered with equity.

Judge Williams was patient in hearing the arguments and suggestions of counsel. The editor remembers one occasion in which Judge Williams came from Quincy to hear an argument on questions of pleading, during the evening hours, and gave earnest attention, without

interruption, to the arguments of counsel, presented in one of the law offices of Carthage, although these arguments were lengthy, extending to one or two hours each.

As a rule, Judge Williams announced his decisions without argument, which was in marked contrast with the practice of Judge Shope, who frequently delivered lengthy and elaborate oral opinions. Judge Williams said that he had heard judges give poor reasons for good opinions and good reasons for poor opinions, and that he considered it the safer plan for a judge to announce his decision and then proceed to the next case.

Judge Williams, a Republican, had been elected judge in a circuit largely Democratic, as the result of a furious controversy among Democrats over the nomination. At that time the editor, a Democrat, was master-in-chancery of the Circuit Court of this county, and had been such master since the October term, 1875. It was the practice of the judges in this circuit in that day to appoint a master and then let him hold over, without further appointment, as long as the attorneys were satisfied and did not interfere by petition. When Judge Williams was elected, the editor expected a Republican lawyer to be appointed master-in-chancery, and so stated to Mr. Henry W. Draper, his partner, a prominent Republican lawyer of Hancock County, requesting Mr. Draper, who was intimately acquainted with Judge Williams to inform Judge Williams that a change in the master's office was expected and that the master would take the initiative by resignation, or declining to serve further, or in any other manner acceptable to the judge. Mr. Draper reported to the master that the judge did not intend to make a change, and would not, but desired him to continue to hold the office, and so it came to pass that the editor, although politically opposed to Judge Williams, was his master-in-chancery in this county throughout his term of six years.

During the sessions of court at which Judge Williams presided in this county he made his home with Mr. Wesley H. Manier, one of the prominent and able attorneys of this bar, who was in partnership with Mr. John D. Miller, afterwards Judge Miller of the County Court, another able lawyer. Judge Williams and Mr. Manier were distantly related. But such was the fairness of Judge Williams that the editor never had occasion to feel that this association

of Judge Williams with Mr. Manier in his home interfered in any manner with the impartial administration of justice by Judge Williams while on the bench.

Judge Williams was not a candidate for reelection in 1885, but resumed the practice of the law at Quincy after the expiration of his term of six years, and continued in the practice of his profession until his death, which occurred some years ago.

When the editor was holding a term of the Circuit Court in Whiteside County in the fall of 1887, by assignment of the Chief Justice of the Supreme Court, on account of the death of one of the judges of that circuit, he met a prominent attorney of Sterling by the name of J. E. McPherson, who had married a Macomb girl years before, and who therefore felt interested in McDonough County affairs, and even in the editor as a judge of the circuit including that county. This gentleman told the editor that the highest compliment he had ever heard a lawyer receive in the court-room had been paid by Judge Drummond, U. S. judge at Chicago, to Archibald Williams, many years before, when Mr. Pherran was but a young man and just beginning the practice of the law. Mr. McPherran had wandered into Judge Drummond's courtroom. A difficult question of real-estate law was under consideration. Attorneys representing the two sides of the question had argued the same elaborately. Upon the conclusion of the argument, the judge said: "Mr. Williams, the court would like to hear from you on this question." Thereupon, Archibald Williams, although not an attorney in the case, arose and in clear and convincing terms, stated the law as he understood it. Thereupon the judge said: "The court will hold with Mr. Williams." Mr. McPherran said that this unusual incident had made a deep impression upon him, and that he had always thought that Archibald Williams must have been a man of remarkable legal attainments.

At the June election, 1885, William Marsh of Quincy, John C. Bagby of Rushville and Charles J. Scofield of Carthage, were elected judges of the Sixth Judicial Circuit, composed of the counties of Hancock, Adams, Pike, McDonough, Fulton, Schuyler and Brown. At the June election, 1891, Oscar P. Bonney of Quincy, Charles J. Scofield of Carthage, and Jefferson Orr of Pittsfield were elected judges in the same circuit. Judge Scofield held for twelve years, his

second term expiring in June, 1897. Each of the other judges named in this paragraph held for one term of six years.

Judge William Marsh of Quincy was one of the older practitioners at the bar of Adams County, and was one of the best lawyers in that county as an adviser and for office business. He was not regarded as a strong lawyer before a jury. He had the judicial temperament, holding the scales of justice with a steady hand, and administering the law courteously and yet firmly, and demeaning himself on the bench with the dignity of one who appreciates the nature and importance of his duties.

Judge Bagby of Rushville was an honored member of the bar of Schuyler County. He had served his district in the lower house of Congress, and had held other important offices. He was a man of the utmost integrity, of a kindly heart, and presided in court in a fatherly sort of way which won the affection of those who appeared before him.

Judge Bonney of Quincy had served the people of Adams County as state's attorney before he was elected circuit judge. He was a vigorous prosecutor. The characteristics of Judge Bonney at the bar followed him to the bench. He dispatched business rapidly. His style was to go at once to the merits of the controversy. His rulings were prompt and generally correct. After his term on the Circuit Bench had expired in 1897, he removed to Chicago where he engaged successfully in the practice of law until his death.

Judge Orr of Pittsfield was a successful trial lawyer. Before attaining the bench, he had a large experience in the trial of cases in court. He was especially strong in the management of a criminal case, whether on the side of the people or the defendant. Upon the bench, Judge Orr was criticised sometimes as taking part in the trial, and not leaving the matter wholly in the hands of the lawyers, but this was regarded by many as a merit, and especially where the result attained was in the interests of justice.

A sketch of the life of Judge Scofield will be found elsewhere in this volume. Judge Scofield is the only living person, who was judge of any circuit, in which Hancock County was included, prior to the year 1897.

In 1897 the Legislature made changes in the circuits in view of the approaching June election of circuit judges. The constitution authorized such changes to be made by the General

Assembly in session immediately prior to the election of the judges. In the 1897 re-arrangement Hancock was separated from Adams, Pike, Schuyler and Brown, and placed in a circuit, called the Ninth Judicial Circuit, in company with McDonough, Fulton, Knox, Warren and Henderson, which circuit has remained unchanged to the present time.

The old Sixth Circuit was strongly Democratic, and the Ninth as thus constituted was strongly Republican. Judge Scofield was nominated in the new circuit, but declined the candidacy. The judges elected in the new circuit were John J. Glenn of Monmouth, George W. Thompson of Galesburg, and John A. Gray of Lewistown. In June, 1903, the three judges elected were Judge Thompson of Galesburg, Judge Gray of Lewistown, and Robert J. Grier of Monmouth. In 1909, Judges Thompson and Grier were re-elected, and Harry M. Waggoner was elected in place of Judge Gray, who was not again a candidate. In 1915 Judges Thompson, Grier and Waggoner were re-elected.

Judge Glenn died on January 6, 1905. Before coming to the bench, Judge Glenn had been an active and successful practitioner in Warren and adjoining counties. During the closing years of his practice, he was in partnership with Kirkpatrick of Monmouth, one of the ablest lawyers of western Illinois. Judge Glenn was elected for the short term of two years in 1877, and served as circuit judge from that time until 1903, when he declined re-election. This was a period of twenty-six years, a long term of service, during which Judge Glenn had discharged his judicial duties with faithfulness and ability. He was held in great esteem by the lawyers practising before him, who felt assured that an adverse decision was the unbiased judgment of the court, without regard to the persons engaged in the cause, whether as attorneys or litigants. Judge Glenn served at one time on the Appellate Bench.

Judge Gray, who was on the bench in this circuit for twelve years, was highly developed along the line of executive ability, and dispatched business with great energy. He was a just and fearless judge. He was particularly alert when a case of fraud was under investigation, for he loved right and justice, and it was his especial pleasure to participate in searching out fraud and wrongdoing, and in compelling reparation and restitution. Judge Gray removed from this state, soon after the

expiration of his second term as circuit judge, and is now living at Los Angeles, California.

Judges Thompson, Grier and Waggoner are still living, and are the judges of the Circuit Court in this circuit at the present time. They are different in temperament, in manner of holding court, in methods used in the dispatch of business, but they are men of unusual ability as judges, in whom the lawyers have confidence, and whose decisions are respected. It is generally understood that no circuit in this state is favored with better circuit judges than ours. Judge Thompson served for many years on the appellate bench, and Judge Waggoner is now serving in that capacity.

EARLY LAWYERS

The following is a brief sketch of the Hancock County Bar of early days as given by Mr. Gregg in his county history. As has been repeatedly stated, Mr. Gregg was one of the early settlers of this county and edited a newspaper at Carthage about 1836, and his account of the lawyers of an early day is the best accessible authority on the subject.

"Among the members of the Bar of Hancock County may be counted a number who have acquired a wide and even national reputation. Not all of them have made the county their homes; but many, while residing in adjacent counties, have practiced more or less in our courts, and are therefore justly entitled to notice in these pages. Probably most conspicuous among them have been those from the older counties of Adams and Schuyler. Indeed, in the earlier days of our legal history, the Rushville and Quincy Bars supplied the only legal talent we had, we believe, with one exception, Robert R. Williams. If we mistake not, the county was without another attorney until 1834 or '35, when Mr. Little located at Carthage.

"In 1836, when the writer of this first knew the county, there were three attorneys at the county-seat, viz: Sidney H. Little, James W. Woods, and John T. Richardson; and about that time Messrs. Calvin A. Warren and Isaac N. Morris were locating at Warsaw. We begin, then, with those who are gone from among us:

"Robert R. Williams—A native of Kentucky, and brother to Wesley Williams, the first County Clerk, and to Hon. Archibald Williams, of Quincy. But little is known of Mr. Williams; he died at an early day, and consequently his

acquaintance with the people was limited. He settled in the county about the date of organization.

"Sidney H. Little—Was a Tennessean by birth. But little is known of his early life. He came to Carthage about 1834 or '35, and began the practice of law, and soon took rank among the able young attorneys who frequented this Bar from abroad. Mr. Little was a man of decided talent, a good speaker, a clear reasoner and affable and urbane in his intercourse with the people. In a word, he was popular, and in the election of 1838 was chosen by the Whigs and elected to the State Senate. In this body he took a leading position as an active working member. With Secretary Douglas, he took a leading part in obtaining for the Mormons their celebrated charters in the Legislature—charters which, gotten up in haste and without due consideration, contained powers and conferred privileges the application and use of which could never have been anticipated by him. Mr. Little's tragic death, by being thrown from his buggy by a runaway horse, occurred on the 10th of July, 1841.

"James W. Woods—This gentleman remained in the county only a year or so—long enough to acquire citizenship and run for the Legislature in 1836, and, although so confident of election as to bet freely on it, came out hindmost of four candidates, with a score of eighteen votes. This result disgusted him with the county and he left it for Iowa Territory, where in time he became a lawyer of some prominence.

"John T. Richardson—Only remained one summer in the county—that of 1836—when he went further west. He was a genial, good sort of a fellow, with no special talent for the law. Of his nativity or after career, we know nothing.

"Isaac Newton Morris—This gentleman's death occurred at Quincy, October 29, 1879. The press notices thereof furnish the following: 'He was the son of Hon. Thomas Morris, of Ohio, long a Free-Soil Senator in Congress; was born in Clermont County, Ohio, January 22, 1812, came to Illinois in 1835 and settled in Warsaw in 1836. A few years afterward, having married a Miss Robbins, of Quincy, he removed to that city, where he continued to reside till his death, engaged chiefly in the practice of the law. Mr. Morris was a strong Democrat in politics, was twice elected to Congress in this district, in 1856 and in 1858, and always made an industrious and active member. He held

other offices of honor and trust, both under state and national authority. The *Carthage Gazette* says of him: 'Col. Morris was a man of strong character. He possessed fine natural ability, was a good speaker, was full of vim, a warm friend, and a bitter, unrelenting enemy.'

"Louis Masquerier—We had almost forgotten the learned, the eccentric, communistic Masquerier. French in his origin, he had imbibed the theories of the French philosophy, and came West to disseminate them, and practice law. In this list he met with indifferent success; in the other, had he lived on another planet where human nature was not in the ascendant (if there be such a one) he might have succeeded better. He was a theorist only; had no practical ability with which to buffet the world's selfishness. He had resided in Quincy; in 1836 he was in Carthage, but soon went back to New York.

"Thomas Ford—He was a prosecuting attorney for the circuit in the early years of the county. As such there are few who remember him. He attended Court here only a few times, often enough, as he states in his *History of Illinois*, to conclude that the people here were a 'hard set.' Mr. Asbury, of Quincy, speaks of him thus kindly: 'All agree that Tom Ford was a bright, conscientious and just man. In 1833, when the cholera was raging in Quincy, he was here and stood his ground and helped the sick, like a man.'

"William A. Richardson—Why he was always called 'Dick' Richardson we never knew. He resided at Rushville, and had considerable practice in this county. Like his friend Douglas, Col. Richardson was best known as a politician. He was at one time prosecuting attorney for this circuit. He was not distinguished as a mere lawyer, though his sturdy, hard sense and experience, rather than study, made him successful. As an officer in the Mexican War he was brave and acquired distinction. After his return home it was that he became famous, not only in his district but in the House of Representatives and the Senate at Washington, as a politician. He was born in Kentucky, and died in Quincy on December 27, 1875.

"Archibald Williams—This 'Nestor of the Bar' in the Military Tract was a Kentuckian, and settled in Quincy as early as 1825 or '26, where he continued to reside and practice his profession many years, acquiring a very high reputation. He had not an extensive practice in

this county, but was often called to take part in cases of great magnitude; and his management was always such as to gain him a wider and more enduring fame. He was not an orator, in the common acceptation of the term; but his direct, plain and earnest reasoning always made an impression on a court or jury. He talked to convince; never aimed at rhetoric, or descended to vulgarity or abuse. He served for a short period as U. S. Attorney for the District of Illinois, and was appointed by his friend President Lincoln, Judge of the U. S. District Court in Kansas. He died September 21, 1863 (we believe in Kansas), and his remains sleep in Woodland cemetery, in the city he had so long made his home, and where he had established an enduring fame.

"Charles Gilman—Mr. Gilman was better known as a law-reporter than as a lawyer, had a good education, fine literary taste and acquirements, and industrious habits. His reports have become standard publications. His practice was limited in this county, but as a partner with Mr. Sharp, for a period, he became somewhat known to our citizens. He was from Maine, resided, and died in Quincy (of cholera), about the year 1848."

(Editor: Mr. Gilman was the reporter of five volumes of the Illinois Supreme Court decisions, beginning with the December Term, 1844, and ending with the June Term, 1849. These volumes are cited by his name, abbreviated, as 1 Gilm., 2 Gilm., etc. In the order of the Illinois Reports from the beginning, these volumes are VI to X, inclusive. When Mr. Gilman died about one-fifth of the last volume of Gilman's Reports had not "gone to press," and the publication of this part of the volume was superintended by Charles B. Lawrence, a prominent lawyer of Quincy, afterwards one of the justices of the Supreme Court. Mr. Gregg is mistaken as to the time of Mr. Gilman's death. He died on Tuesday, July 24, 1849. See proceedings of Quincy bar as published in 5 Gilm., under the title "Obituary.")

"Edward D. Baker—A resident of Springfield and a compatriot with Murray McConnell, John C. Calhoun, the Edwardses, Abraham Lincoln and others, and possessed finally of a national fame, 'Ned Baker,' may be classed as belonging to our Bar. His appearance at our Courts was not frequent; yet when he did appear, the occasion was sure to be an important one. Mr. Baker may justly be ranked as among the

finest orators the country has produced. His speeches made in the Carthage courthouse have been among the ablest and most impressive ever made there. He possessed all the natural gifts of an orator, an easy flow of language, a good imagination, an attractive and graceful manner and an earnest honesty of purpose. He went in command of a regiment to the Mexican War, and achieved distinction at Cerro Gordo, removed thence to the Pacific coast, where he became a U. S. Senator from Oregon. In the Senate he stood high as a statesman and an orator. He resigned to take a position in the Union army, and laid down his life for his adopted country at Ball's Bluff. Gen. Baker was by birth an Englishman, and was raised in Adams County, Illinois.

"Nehemiah Bushnell—Of the many attorneys who have practiced at the Hancock Bar, no one has gone to the Bar beyond, leaving a brighter fame and a purer reputation, perhaps, than Nehemiah Bushnell. To Mr. Henry Asbury's 'Sketches of Bench and Bar,' reference to which has been heretofore made, are we indebted for a portion of what follows, in regard to Mr. Bushnell. He came to Quincy in 1837, and entered into a law partnership with Mr. Browning, which was only terminated by the death of the former. He was a New Englander, a graduate of Yale College and a highly educated and finished gentleman. Mr. Bushnell was fond of books, was one of the best read men in the State and had accumulated a most valuable library. 'Perhaps Illinois never held a more modest and assuming really great man than Bushnell; and perhaps few, if any, really intellectually stronger men than he.' Mr. Bushnell was a very pleasant speaker, though not what the world calls an orator. His manner was graceful, dignified and earnest. 'It has been alleged that he was too exhaustive and diffuse in argument, and in the production of his authorities.' This is true, and it was nearly the only fault that could be found with the matter or manner of his addresses to Court or jury. 'Perhaps no two lawyers ever lived better suited as law partners than Browning and Bushnell;' and we state but a well-known fact when we add that, perhaps, no partner was ever remembered with a kindlier feeling. Mr. Bushnell was an active worker in behalf of the Quincy & Galesburg Railroad, the city of Bushnell, on said road, being named in his honor.

"Cyrus Walker—For ability as a lawyer, and

for persistence and force in the prosecution of a case, there were no superiors at the Hancock Bar to Cyrus Walker. He had been a successful practitioner in Kentucky, and was a man of middle age when he settled at Macomb. He had a good deal of practice in the 'hard' cases, not only in this, but in other counties in the Circuit and out of it. 'He was very strong in criminal cases, both on the side of the people, and in the defense. When Cyrus Walker was thoroughly aroused, and in dead earnest, with a determination to win the verdict from the jury, he was as terrible as an army with banners.'

"William Elliott—Was a citizen of Fulton County, and was prosecuting attorney here for some eight years, embracing the period of our Mormon difficulties. He was regarded as a lawyer of medium ability, but not an eloquent orator. In the celebrated trials growing out of Mormon affairs, he usually had associated with him in the prosecution lawyers of more decided reputation. He afterward served as quartermaster in a volunteer regiment in the Mexican War, and died at home soon after the war was over.

"George C. Dixon—Was a Quincy lawyer who sometimes—not often—practiced at our court. He was from New York, where he had previously practiced; was a well-educated and well-read lawyer, and withal a good speaker, though he never became popular with our people. He removed to Keokuk, Iowa, where he died some years ago.

"Robert S. Blackwell—Genial 'Bob Blackwell,' admired and esteemed by all who knew him. Residing in Rushville, he was a frequent practitioner at our bar. Urbane, companionable, witty, lively, generous, he soon gained a position among our lawyers, and might have made—did make—a shining light in our midst. Some of his speeches, while prosecuting attorney, it is remembered, were among the ablest ever made in our court, and compared favorably with those of his opponents, among whom we may name Browning, Walker and others. Mr. Blackwell was evidently a rising man when he left our courts and settled in Chicago, in a broader field of usefulness, where he died several years ago. Mr. Blackwell had a most remarkable memory, was always ready with his authorities, quoting book and page with the greatest facility.

"Jackson Grimshaw—Of Pike, afterward of Quincy, was for many years well known in our

county and had considerable practice at our bar. He was always regarded as a strong lawyer and able to cope with the best. Mr. Asbury says of him: 'Mr. Grimshaw possessed an active, perceptive and vigorous mind, was well grounded in the law, and was pre-eminently strong before a jury in any and every case where an analysis of the testimony and motives of witnesses might be brought into view. A prevaricating witness or a mean defendant had to suffer from his terrible denunciations. Mr. Grimshaw would not pander to a mean prejudice in court or jury, and his most scathing comments and denunciations only fell where he felt that the right, the honor and the virtue of the case was on the side he represented.' But Mr. Grimshaw was, perhaps, best known to our people as a stump orator, having been on several occasions before the people of the district in that capacity, either as a candidate or a volunteer in aid of his party.

"Almeron Wheat—Was a Quincy attorney, an able lawyer, who years ago had considerable practice in this county. Whether still living we are unable to state. The same may be said of—

"N. Johnson—Excepting that he died a number of years ago. Mr. Johnson was an active member of the 'Peace Committee of 100' from Quincy, during the last Mormon troubles, and through his influence and skill probably the destruction of much life and property was averted.

"William H. Roosevelt—Was a scion of a rich family in New York City. He settled in Warsaw about 1836 or '37, and acquired large interests there. His practice at the bar was merely nominal, being better known as a politician, a trader and land speculator. He was intimately identified with the interests of Warsaw, and labored hard to advance her prosperity. He was genial, good-natured, high-minded and held many honorable positions. He was several times a candidate for the Legislature, and was elected to that position in 1858. His death occurred soon after the commencement of the Rebellion.

"Malcolm McGregor—Was a New Yorker, who came to Warsaw about the same time with Mr. Roosevelt; was also a Democratic politician; was a candidate for the Legislature in 1840, but defeated by Doctor Charles. In 1839 he had been elected to the office of Probate Judge; was afterward appointed by the county commission-

ers to the responsible position of school commissioner, and died while holding the office.

"Thomas Morrison—This gentleman was a Tennessean, and settled in Warsaw about the year 1842 or 1843; afterward resided in Carthage. He was a good lawyer, though he never obtained a large practice. He was a politician of the Whig school, and was elected to the Legislature in 1846. His death occurred not long afterward.

"Messrs. Roosevelt, McGregor and Morrison were brothers-in-law—married to the Misses Wells, sisters of James M. Wells, one of the Warsaw proprietors.

"Henry Stephens—Was a New Yorker, and is said to have read law in the office of Millard Fillmore. He settled in Warsaw about 1840, and arose to the rank of brigadier-general in the militia. General Stephens was not an able lawyer, neither was he an orator, yet by his industry, energy and methodical habits, he attained to considerable practice.

"Sterling P. Delano—Was raised in Hancock County in the vicinity of Warsaw. He studied with Browning and Bushnell, of Quincy, and entered into practice in that city with Messrs. Buckley and Macy. He enlisted in the army, and was elected captain of a company of cavalry. He was unfortunately wounded by a pistol ball accidentally discharged in the hands of his first lieutenant, Catlin, which lodged in the spine and proved fatal. He died at his home in Quincy after months of extreme suffering. Mr. Delano's career as a lawyer was short but honorable. He was greatly esteemed by the members of the bar, and died regretted. We are not aware that he had practice at the Hancock Bar, but as a Hancock boy this notice is due to his memory.

"Of the Hancock attorneys now living away, we can recall the names of Jason H. Sherman, Jacob C. Davis, William C. Wagley, N. W. Bliss, George W. Batchelder, and Robt. W. McKinney.

"Of old attorneys, non-residents of the county, and who formerly practiced at this bar, we mention Hon. Orville H. Browning, Hon. James W. Singleton and Calvin A. Warren, Esq., all of Quincy, and all now venerable in age. And we must not omit to mention the younger attorney, who though a Quincy man and a citizen there, is a native of Hancock County—Gen. Elisha B. Hamilton.

OTHER ATTORNEYS OF NOTE

It is a difficult task to present a list of all attorneys who have lived or practiced in Hancock County from the organization of the county to the present time. Some were admitted to the bar while living here but soon afterwards moved to other counties or states and their names have been forgotten and these may be unintentionally omitted in any enumeration made. It is difficult for one at this day to make an absolutely complete list of the attorneys of an early day, for one must depend upon sketches and notices in newspapers and an examination of the records and on the recollection of a few aged persons now living and on tradition, and even with the most careful research some names may be omitted.

The editor has a copy of the *Warsaw Commercial Journal*, being No. 4 of Vol. 3, dated March 12, 1853, in which appear the cards of some of the Hancock County attorneys of that day, as follows:

A. S. Rosecrans, Warsaw, Illinois, office on Main Street, opposite Kolatzky's store.

Grover & True, a firm composed of William N. Grover and Joseph M. True, office, one door west of the post-office, Warsaw, Illinois.

J. Sibley, attorney at law and master in chancery, office, Main Street, Nauvoo, Illinois. (This was Joseph Sibley, who was elected judge of the circuit court in June, 1855.)

Bryant T. Scofield, office, Carthage, Illinois.

Mack & Scofield, a firm composed of David Mack and Charles R. Scofield, office, Carthage, Illinois. (Later the two Scofield brothers and Mr. Mack became partners in the practice of the law.)

Stephens & Wagley, office, opposite the public square, Warsaw, Illinois. (The card of these attorneys contains references to persons and firms of Baltimore, Philadelphia, Louisville, New York and St. Louis.)

In No. 20 of Vol. 2 of *The Carthage Republican*, published on July 12, 1855, appear cards of the following Hancock County attorneys.

Sibley & True, a firm composed of Joseph Sibley and Joseph M. True, office at Warsaw, Illinois. (In March, 1853, as shown above Judge Sibley was located at Nauvoo, and Mr. True was in partnership at Warsaw with Mr. Grover. It would appear from this card that in 1855 Judge Sibley was living in Warsaw and that he and Mr. True were then partners.

Mack & Scofield, a firm composed of B. T. Scofield, D. Mack and C. R. Scofield, office, at Carthage, Illinois.

Ferris & Manier, a firm composed of John M. Ferris and Wesley H. Manier, office, in courthouse, at Carthage, Illinois.

S. W. King, office, La Harpe, Illinois.

Isaac B. Parker, office in McKee's Block, Warsaw, Illinois.

George W. Batchelder, office, first door north of post-office, Carthage, Illinois.

John W. Marsh, office, Warsaw, Illinois.

The issue of *The Carthage Republican*, dated December 11, 1856, contains the names of the following attorneys or firms not mentioned in the issues of the papers above mentioned.

Marsh & Bliss, a firm composed of J. W. Marsh and N. W. Bliss, office, Warsaw, Illinois.

Morille & Hooker, a firm composed of Milton M. Morrill and W. C. Hooker, office, Nauvoo, Illinois. (The name Morrill is incorrectly spelled Morrell in the paper.)

John Cooley, office, in Wagley's new building, Warsaw, Illinois.

Warren & Edmunds, a firm composed of Calvin A. Warren and George Edmunds, Jr., with office at Quincy, Illinois.

Bryant F. Peterson, office, Plymouth, Illinois.

Dennis Smith, office in the northwest corner of the court-house.

R. W. McKinney, office at Nauvoo, Illinois.

In the issue of *The Carthage Republican*, dated November 19, 1857, appear the following cards of attorneys or firms not mentioned above:

Mack & Peterson, a firm composed of David Mack and Bryant F. Peterson, office, Carthage, Illinois. (Charles R. Scofield had died, the old firm of Scofield, Mack and Scofield had been dissolved, and Mr. Peterson had moved from Plymouth to Carthage. At this time David Mack was master in chancery.)

R. S. Montague, office, Carthage, Illinois. (Mr. Montague came to Carthage from Kentucky and remained here until the close of the Civil War, and then moved to one of the southern states.)

Ferris, Scofield and Manier, a firm composed of John M. Ferris, Bryant T. Scofield and Wesley H. Manier, office, Carthage, Illinois.

William T. Ramsey, office at Augusta, Illinois.

In the issue of *The Carthage Republican*, dated May 4, 1865, appear the following cards of firms or attorneys not already mentioned, or who have changed their location:

Manier & Peterson, a firm composed of Wesley

H. Manier and Bryant F. Peterson, office on the west side of the public square, Carthage, Illinois.

William C. Hooker, office in Clark's building, Carthage, Illinois.

Mack & Draper, a firm composed of David Mack and Henry W. Draper, office on the north side of the public square, Carthage, Illinois.

In No. 9 of Vol. 1 of the *Hancock County Democrat*, dated September 6, 1866, appear the following different combinations of attorneys:

Manier, Peterson and Miller, a firm composed of Wesley H. Manier, Bryant F. Peterson and John D. Miller, office in the south end of Clark's building, Carthage, Illinois.

Dennis and F. E. Smith, a firm composed of Dennis Smith, and his son, Frederick E. Smith, office in the southwest jury room in the courthouse.

Stephens & Rogers, a firm composed of Henry Stephens and George J. Rogers, office, Warsaw, Illinois.

In the issue of *The Carthage Republican*, dated April 22, 1885, appear cards of the following attorneys, not mentioned before or in different combinations:

John B. Risse, office at court-house, Carthage, Illinois. (Judge Risse was county judge for seventeen years, and had formerly practiced law at Nauvoo, Illinois.)

Mason & Halbower, a firm composed of William E. Mason and Frank Halbower, office over Mills' store, Carthage, Illinois. (Mr. Mason had been state's attorney from 1876 to 1884, and Mr. Halbower was state's attorney for the eight succeeding years.)

Sharp & Berry Bros., a firm composed of Thomas C. Sharp, Orville F. Berry and Melvin P. Berry, office in Culkin's building, Carthage, Illinois. (Judge Sharp had been county judge for one term and had been prominently identified with Hancock County history. Orville F. Berry served in the Illinois General Assembly, first in the House and then in the Senate, for many years. Melvin P. Berry has been prominently identified with Hancock County interests for many years.)

Scotfield, O'Harra and Scotfield, a firm composed of Charles J. Scotfield, Apollos W. O'Harra and Timothy J. Scotfield, office on the west side of the square, Carthage, Illinois. (This partnership was formed in the fall of 1884, and was dissolved by the election of Charles J. Scotfield as judge of the Circuit Court in June, 1885. The partnership was thereafter continued by the

other two under the firm name of O'Hara and Scotfield.)

Mack & Baird, a firm composed of David Mack and William Baird, office in Sholl building on the public square, Carthage, Illinois. (Mr. David Mack is the person of that name heretofore mentioned and the father of Judge D. E. Mack of this county. Mr. Baird moved to Omaha, Neb., where he is still engaged in practicing law.)

In the issue of the *Warsaw Bulletin*, dated August 5, 1887, appear cards of attorneys as follows:

Marsh & Marsh, a firm composed of John W. Marsh and Benjamin F. Marsh, office, Warsaw, Illinois. (John M. Marsh was afterwards judge of the county court for one term and the Hon. Benjamin F. Marsh served for a long period of time as the representative from this district in Congress.)

In the issue of the *Warsaw Bulletin*, dated March 23, 1888, appears the card of E. E. Lane, attorney at law, Warsaw, Illinois.

Another prominent attorney of Warsaw in former days was John H. Finlay, and he and Mr. Lane were partners for some years under the firm name of Lane & Finlay.

LAWYERS OF 1880

Mr. Gregg gives a list of attorneys, residents and practitioners of this county about the year 1880, as follows:

"Residents at the county seat are: Bryant T. Scotfield, Thomas C. Sharp, Wesley H. Manier, Bryant F. Peterson, John M. Ferris, John B. Risse, Wm. E. Mason, Wm. Baird, George J. Rogers, T. J. Scotfield, Apollos W. O'Harra, T. C. Griffiths, George Edmunds, David Mack, Henry W. Draper, Wm. C. Hooker, Hiram G. Ferris, O. F. Berry, John D. Miller, M. P. Berry, Charles J. Scotfield, J. J. Williams, Samuel H. Benson, W. B. McIntyre, Mr. Shinn.

"At Warsaw: John W. Marsh, John H. Finlay, Edward E. Lane, George P. Walker, Wm. N. Grover, Benj. F. Marsh, P. W. Plantz, Cortez Maxwell, R. L. McDougal.

"At Augusta: W. H. Mead, Nelson Comfort, B. P. Hewitt, Joab Green.

"At La Harpe: Cornelius C. Peterson, S. W. King, J. H. Hungate.

"At Nauvoo: Milton M. Morrill, Adam Swartz, William D. Hibbard.

"At Plymouth: L. G. Reid.

"At Dallas City: B. F. Newton.
"At Hamilton: Thomas Ruggles."

PRESENT-DAY ATTORNEYS

A list of the lawyers of Hancock County as published in the Bar Docket of the Circuit Court for the October Term, 1920, by the Clerk of the Circuit Court, is as follows:

Residing at Carthage, Charles J. Scofield, J. Paul Califf, Wm. H. Hartzell, Bert M. Cavanagh, Edward S. Martin, Apollos W. O'Harra, Clifton J. O'Harra, Roswell B. O'Harra, Earl W. Wood, Henry S. Walker, Orville F. Berry, Melvin P. Berry, David E. Mack, Edward C. Mack, William B. Risse, Edwin S. Coombs, Linus Cruise, Samuel Naylor, Charles S. DeHart, William A. Symonds, Clyde P. Johnson, James D. Baird, J. Arthur Baird, E. W. Dunham, Lee Seibenborn, Warren H. Orr, J. W. Williams, H. H. Williams.

Augusta: John A. Mead, Sterling P. Gemmon.

Warsaw: Truman Plantz, Louis Lanet, Frank Halbower.

La Harpe: John H. Hungate, Clifford W. Warner.

Hamilton: Wallace G. Humphrey, O. C. McCartney.

Basco: William H. Damron.

Dallas City: O. C. Kirkpatrick.

Bowen: Charles Crossland (recently deceased).

West Point: James L. Miller.

Plymouth: S. S. Groves.

Lately there have been two additions to the bar of this county, Franklin M. Hartzell, son of Hon. William H. Hartzell, and Earl W. Bell, who read law with Scofield & Califf.

NOTABLE CIRCUIT COURT CASES

Trial and Execution of William (Fielding) Fraim. (The only execution by judgment of court in this county.)

The papers filed in their case purporting to be signed by the defendant are signed by his mark, indicating that he was unable to write his name. For this reason there is confusion in the papers and records as to the orthography of the name, which is spelled sometimes "Fraim," sometimes "Fraime," and sometimes "Frame." While the defendant was indicted and

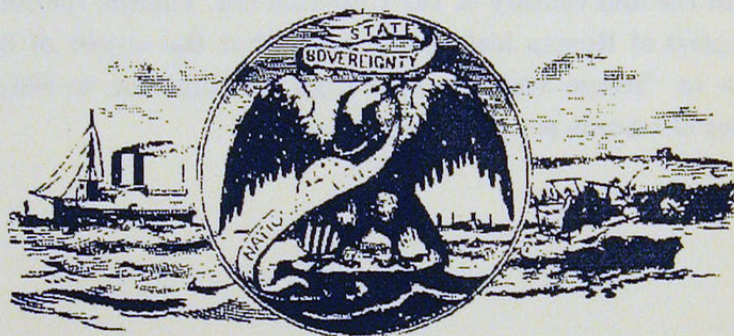
executed as William Fraim, it is stated in the defendant's plea on file that his name was Fielding Fraim.

The indictment against William Fraim for murder was returned by the grand jury at the June term, 1838, of the Circuit Court of Schuyler County. This indictment which is that of the defendant, "not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil," on February 17, 1838, assaulted William Neathammer with a knife, which he struck and thrust into the left side of the breast, the wound being a mortal wound from which the assaulted man instantly died. The indictment is signed, "H. L. Bryant, State's Attorney," and bears an indorsement as follows: "Filed June 6, 1838, Robt. A. Glenn, Clk." The indictment is also indorsed, "A true bill. Peter N. Holme, foreman of the grand jury." The names of the witnesses endorsed on the indictment are John Hammond Myers, John P. Fey, Christian Langner, Henry Weischede, Antony Messer, Joseph Hofman. Another file mark on the indictment relates to the case after it had been transferred by change of venue to the Circuit Court of Hancock County and is as follows: "Filed March 13, 1839. Wesley Williams, Clk., H. C. C. per S. Otho Williams, D. C."

The convening order for the June term of the Circuit Court of Schuyler County, in the year 1838, shows the following officers present: Hon. James H. Ralston, Judge; H. L. Bryant, State's Attorney; Robt. A. Glenn, Clerk; and J. G. McHatton, Sheriff. On June 7, 1838, a motion by defendant for a continuance was sustained and the defendant was remanded to jail.

On November 6, 1838, while the cause was pending in the Circuit Court of Schuyler County, Dickey, attorney for defendant, gave notice that he would apply for a change of venue "on account of the prejudice of the minds of the inhabitants of Schuyler County so that he (the defendant) can not have a fair trial." It is also stated in the petition that "great pains have been taken to prejudice the minds of the inhabitants of the counties of Cass, Fulton and McDonough against your petitioner and that they are prejudiced against him." The change of venue petitioned for was granted. Christian Langner and John Fey were recognized as witnesses for the people in the sum of \$300 each. A transcript of the record dated March 8, 1839, was transmitted to the clerk of the Circuit

HISTORY OF
HANCOCK COUNTY
ILLINOIS



EDITED BY
CHARLES J. SCOFIELD

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