

Judicial.

IN its organization De Kalb County was made part of the 7th Judicial Circuit. The first session of the Court was held at the house of Rufus Colton, in Coltonville, on the 9th day of October, 1838. There were present Hon. John Pearson, Judge of the Circuit, Joseph C. Lander, Sheriff, and Rufus Colton, Clerk. The first suit on record was that of Erasmus D. Walrod vs. Stephen Sherwood. This was a case of appeal from a justice's court, the plaintiff having obtained a judgment for the same of \$100. The judgment of the lower court was sustained.

The following named composed the first grand jury: George H. Hill, Nathan Billings, William A. Miller, Lysander Darling, John Whitney, John Eastabrooks, William Miles, Henry Madden, Eli Barnes, Phineas Stevens, Alpheus Jenks, Russell D. Crossett, John Maxfield, William Davis, Maltby B. Cleveland, D. S. Ballard, Zachariah Wood, Ralph Wyman, Benjamin Stephens, Joseph A. Armstrong, Henry B. Barber, Reuben Nichols, Justin Crafts.

The petit jurors for the same term were C. W. Branch, E. F. White, Abner Jackson, Peter Lamois, Clark Wright, John Elliott, Clark L. Barber, Joseph A. McCollum, Russell Huntley, Ora A. Walker, John Corkins, Solomon Wells, H. N. Perkins, Jacob Cox, Lyman Judd, Henry Durham, F. A. Witherspoon, John Sebree, Marshall Stark, Jeremiah Burleigh, John

Riddle, Wm. Russell, W. Y. Pomeroy, Ezra Hanson.

There were 20 cases on the docket at this term. The only indictment found by the grand jury was one against William Taylor for passing counterfeit money. Taylor was supposed to be one of an organized gang that was then infesting the country and swindling honest citizens. Not being ready for trial he was retained until the next term of court. After being boarded for some weeks by the Barber family the County Commissioners ordered him sent to the Will County jail, to do which cost the county \$45. When he was next brought out for trial he escaped from the guard and was never afterwards heard from.

The June session of the Circuit Court convened at Coltonville with Hon. Thomas Ford, Judge of the 9th Judicial Circuit, presiding. While in session the Board of County Commissioners ordered its clerk to notify the Judge that a court-house had been erected at the county seat and was ready for occupancy, requesting that he direct the Circuit Clerk to there keep his office. Boise thus speaks of this matter: "Captain Barnes served the order upon the Judge, and the crowd of attendants, augmented by a large body of citizens, assembled to see what action would be taken upon this order, awaited with great interest the argument upon the proposition to remove to Sycamore. When the Judge decided that the court must be removed thence a shout of triumph went up from the Sycamore party, while the opponents of removal were correspondingly depressed. Judge Ford took his record under his arm, State's Attorney Purple bundled up his papers, the Sheriff, the lawyers, juries, parties and witnesses followed suit, and, led by Captain

Barnes on that well-known spotted horse that he rode upon all public occasions for more than 20 years later, all took up their line of march through the thick woods and across the green prairie, to the new seat of empire at Sycamore. The assemblage was entertained at a grand public dinner at the new tavern, when all the luxuries that the country afforded were freely provided by the successful party. When the Court repaired to the new court-house, it was found that the declaration of the Commissioners that the court-house was ready for occupancy was rather more than its condition warranted. It had a frame, a roof, and some siding upon it, but there were no doors or windows, and the only floor was some loose boards covering one half of the upper story. When the officers of the Court had clambered up to the seat of justice in the second story, they found furniture somewhat scarce. A tilting table was the judge's desk, and a broad, rough board was provided for the clerk's and attorney's tables. It was a rough and primitive arrangement for the entertainment of the blind goddess, and if she had had her eyes about her she would have fled from the spot in alarm. A question arose whether processes having been made returnable at Coltonville, suits could be tried at another locality, and except a few agreed cases no litigation was carried on. William Taylor, the only criminal, having fortunately run away, and the arrest of all others carefully avoided, there was no use for a grand jury, and it had been at once dismissed, and the court speedily adjourned."

Judge Ford presided at each session of the Circuit Court from 1839 to 1841, inclusive. The Judge subsequently became Governor of the State, a biographical sketch and portrait of whom will be found upon other pages of this work.

Hon. J. D. Caton, one of the Judges of the Supreme Court, was assigned to circuit duties, and presided here from 1842 to 1849 inclusive. Judge Caton is well known to be one of the ablest judges ever upon the bench in the State of Illinois.

Hon. T. Lyle Dickey was assigned to the circuit in 1850. He is at present a popular Judge of the Supreme Court.

Hon. Isaac G. Wilson was the first Judge elected to the new 13th Circuit, under the Constitution of 1848. He was commissioned in June, 1851. Judge Wilson was born in Middlebury, N. Y., April 26,

1815. He received a good collegiate education, and in law few men are better read. Of a fine, dignified, personal appearance, a cultured gentleman, he receives the respect of all. As a judge, he ranks among the best, and in his long career upon the bench, he has never been accused of corruption or favoritism.

Judge Wilson was succeeded by Allen C. Fuller, who is widely known as the Adjutant General of the State during the Rebellion, discharging the duties of that office in a most acceptable manner. Judge Fuller was and is a man of great force of character, with indomitable will and energy, and, as a lawyer, ranked high. He remained upon the bench but a few months, resigning to accept the appointment of Adjutant General. He has become immensely wealthy.


Hon. Theodore D. Murphy was elected to succeed Judge Fuller, his commission bearing date Sept. 1, 1862. He was re-commissioned June 27, 1867, and served until 1879 as Judge of the 13th and of the Second Circuit as re-organized under the Constitution of 1870, and again as one of the Judges of the 12th Circuit created by the act of 1877, of which De Kalb County forms a part. Judge Murphy is of Irish descent, born in Virginia. He was very popular with the people.

By the act of 1877 three judges were elected to to each circuit, and at present Judges Clark W. Upton, Isaac G. Wilson and Charles Kellum serve the circuit. No circuits in the State have more popular judges. Isaac G. Wilson has already been mentioned. He is now one of the Judges of the Appellate Court also. Of Clark W. Upton much could be said in his praise. He is a native of Vermont, a man of great and diversified experience, well read in literature and law, an upright judge and well liked by the Bar. In personal appearance he is one to attract attention, having a smooth face, florid complexion, and, to sum it all up, is a handsome man.

Of Charles Kellum it is unnecessary to speak in this connection. A full biographical sketch appears elsewhere in this volume, accompanied by a well executed portrait. Suffice it to say, as a lawyer he is regarded highly; as a judge, among the best, having the confidence and respect of the Bar and people alike; as a citizen, ever ready to do all in his power to advance the best interests of the community in which he lives.



THE BAR.



AMONG the learned professions, none rank higher than the legal. Its members exert probably a greater influence upon a community than that of any other. The lawyer is expected to occupy a leading position upon all questions affecting the well-being of the people. In all public assemblies he is expected to take a prominent part and his views are often accepted and endorsed. The Bar of De Kalb County has always ranked high, embracing among its

members some of the brightest legal talent in Northern Illinois.

Mr. Crothers, a young attorney, located at Coltonville shortly after the village was laid out, in 1837, and has the honor of being the first lawyer to reside in the county. He was a man of great natural ability and well read for one of his age. He remained until about the time the county seat was removed to Sycamore, when he moved to Ottawa, became the law partner of T. Lyle Dickey, and became quite distinguished at the Bar.

Andrew J. Brown, who is usually supposed to have been the first lawyer to locate in the county, was doubtless the second. He remained here but a short time and then moved to Chicago, where he

subsequently became quite distinguished. He is now dead.

Mr. Masters is said to have been the next attorney to locate here. He did but little if any business, and has been forgotten by most of the older residents.

E. L. Mayo and W. J. Hunt were next in order. The latter did little or no business at the Bar, but the former became quite distinguished.

Among those who have lived and practiced here at the Bar, whose names are readily recalled, and who now reside elsewhere, have quit practice, or who have since died, are John L. Beveridge, a man of sterling worth, who has been Governor of the State of Illinois; Mr. Favor, J. A. Simons, A. C. Allen, D. B. James, Z. B. Mayo, A. C. Babcock, R. L. Divine, John J. McKinnon, William Fordham, O. S. Webster, A. C. Bryant, Gilbert Winters, Volney Owen, Charles Balliette, H. D. Willis, F. W. Partridge, Mr. McBroom, George Kretsinger, J. H. Sedgwick, L. E. Hay and Frank Stevens.

D. B. James was admitted to the Bar in his native State of Vermont about 1847. In 1849 he dropped his law books and went to California, where he remained some two years engaged in mining, but with poor success. Returning to Vermont, he made his arrangements to come to Illinois, arriving in De Kalb County in 1852, where he at once formed a partnership with E. L. Mayo, which continued until 1858. He then formed a partnership with Luther Lowell

and Chauncey Ellwood, under the firm name of James, Lowell & Ellwood, which continued some months, when Mr. Ellwood withdrew. The following four years the firm of James & Lowell had an existence. In 1864 the partnership of James & Lowell was dissolved and that of James & Jones formed. In the fall of this year Mr. James was elected County Judge. Taking the office Jan. 1, 1865, he served four years. Some time in 1866 he received a stroke of paralysis, from which he never entirely recovered, but notwithstanding he continued to discharge the duties of his office. On the expiration of his term he was appointed Postmaster and served one term. Judge James was a man of good, native ability and a very popular man. According to his ability he did as much to advance the interests of Sycamore as any man that ever resided here. He did too much for his own good, financially speaking. As a lawyer he ranked high during the first ten years of his life in Sycamore. He was not a close student, but was a man of quick perception, a fluent speaker, and as an advocate before a jury met with great success. Like many other lawyers he devoted much of his time to politics. During the war he was very active in promoting enlistments, and was appointed upon the staff of Gov. Oglesby, with rank of Colonel. His wife was Ann George. Col. James died Jan. 29, 1877.

George Kretsinger was a brilliant, though not a profound lawyer. His best work was as an advocate before a jury. He served the county one term in the Legislature. Many years ago he removed to California, where he has since died.

J. A. Simons was a good chancery lawyer. He removed to Missouri Junction, Iowa, and has since died.

A. C. Allen was from Bradford Co., Pa. As a lawyer he ranked high during the second decade of the county's existence. He died here.

John J. McKinnon was a native of Canada, but came here from Chicago. He was a man of fine ability, well read in literature and law.

A. C. Babcock was a stirring fellow, a fine advocate, but while here devoted himself more to the abstract business than the law.

R. L. Divine was from Sullivan Co., N. Y. He was a man of great ability, surpassed by few in the State as a criminal lawyer. A good sketch of him will be found elsewhere in this volume.

Volney Owen was from Herkimer Co., N. Y., and was here a portion of the time during the second and third decades of the county's history. He formed a partnership with Chauncey Ellwood after the withdrawal of the latter from the firm of James, Lowell & Ellwood. He was a well read lawyer. After remaining in this State a few years, he returned to New York, was subsequently elected County Judge of Herkimer County, and has since died.

William Fordham was from Montrose, Susquehanna Co., Pa. He was here in the second decade. Mr. Fordham was a man of more than ordinary ability, a little erratic, but well read in law. He now resides in Morgan Co., Tenn.

O. S. Webster settled at Cortland shortly after the completion of the railroad through that place, where he remained a short time and then moved to Sycamore. He was regarded as a promising young man. On the breaking out of the war he enlisted, served his time, and then located in Sagamon Co., Ill., where he now resides. He served as County Superintendent of Public Schools of that county for some time.

A. C. Bryant was from Vermont. He was a bright young man, but ill health prevented his doing much business in this county. He removed temporarily to Minnesota, but returned and died here.

Gilbert Winters was a lawyer of considerable ability, a fine special pleader. He went into the army, and at the close of his term of service returned to Mansfield, Ohio, from whence he came.

Charles Balliette was a young man, but one who was not content to remain unknown. As a lawyer he was painstaking, with a steadfast determination to succeed. He now resides in Nevada, Story Co., Iowa, where he has attained a fine reputation as a lawyer.

H. D. Willis was a young man of much ability. He remained but a short time, moving to Elgin, where he has since obtained prominence, being State's Attorney for Kane County.

F. W. Partridge was from New York. He located here in 1858, read law and was admitted to the Bar shortly before the war. He opened an office in Sandwich, and was building up a good practice when the President issued his call for the first 300,000 men. He dropped his law books, raised a company, was commissioned Captain, and before the

close of the war rose to the rank of Colonel and was brevetted Brigadier-General. Returning home, he was elected to the office of Circuit Clerk, was subsequently appointed Consul to Siam, and now has a clerkship in one of the departments at Washington.

J. H. Sedgwick is a native of Ohio, born in Hartford, Licking County. With his parents he moved to Little Rock, Kendall Co., Ill., in 1844, where he remained until 1856, when he removed to Sandwich. He read law with F. W. Partidge, attended a law school in Chicago, and was admitted to the Bar about 1860. Serving his time in the war, he returned to Sandwich, purchased an interest in the *Gazette*, and for a few months engaged in editorial work. Disposing of his interest in that paper, he removed to Sycamore, and for a time was a partner of Judge Lowell. Again returning to Sandwich, he became a partner of his brother, W. W. Sedgwick, which partnership continued till the fall of 1879, after which time he practiced alone for two years. He then went to Chicago, where he remained one year and then went to Peoria, where he yet resides, and is numbered with the best legal men of that city.

L. E. Hay came to Sandwich with his parents in 1854. He subsequently read law with S. B. Stinson, attended the law department of Ann Arbor Univer-

sity, and was admitted to the Bar. Remaining in Sandwich some eight or ten years, he attended to active practice in connection with other business. He moved West some years ago.

Frank E. Stevens was born in Dixon, Ill., in 1855, and is the son of Capt. John Stevens, also a lawyer, and who was a soldier in the late war and killed in battle. Frank was educated at Dixon, studying law with Mr. Treusdale, and was admitted to the Bar in 1877. He is now a banker at Huron, Dakota.

The Bar at present (1885), will compare favorably with that of any other period.

In Sycamore there are C. A. Bishop, Geo. Brown, D. J. Carnes, G. H. Denton, G. W. Dunton, J. J. Flannery, L. S. Hodge, H. A. Jones, W. C. Kellum, J. H. Kenyon, Chauncey Ellwood, J. L. Pratt, C. D. Rogers, G. S. Robinson, J. B. Stephens, Luther Lowell.


In De Kalb, E. B. Gilbert, Thos. M. Hopkins, W. L. Pond, Wm. W. Rathbun, I. V. Randall, D. E. Reed.

Sandwich is represented by E. G. Coe, C. G. Faxon, W. W. Sedgwick, S. B. Stinson, J. I. Montgomery.

Kirkland is represented by Wm. B. McDowell.

Sketches of the greater number of these men will be found in this work.





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1885.