

STATE SENATE

L. B. Ray, 1880-1886.

REPRESENTATIVES

Phillip Collins, 1870-1872; L. B. Ray, P. A. Armstrong, 1872-1874; Phillip Collins, 1874-1876; Amos Clover, 1876-1878; Wm. G. Dawkins, Wm. Scaife, 1890-1892; John K. Ely, 1894-1898; O. P. Bennett, 1900-1902; Israel Dudgeon, 1904-1914; Daniel O'Connell, 1912-1914.

CHAPTER IX

THE BENCH AND BAR OF GRUNDY COUNTY

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 JUDGE DORRANCE DIBELL—GRUNDY COUNTY BAR.

(By Cornelius Reardon)

EARLY IMPRESSIONS

The events chronicled herein subsequent to the year 1868 are gathered from the memory and observation of the writer who was then ten years of age. The members of the bench and bar of Morris then and later so attracted the attention of the writer that he looked upon the profession of the law as the most exalted calling to which anyone might aspire.

The murder of Thomas Le Paige in the winter of 1866, followed as it was with the indictment and trial of Joseph Tibbetts for that murder, and his acquittal in March, 1867, followed by the lynching of Alonzo Tibbetts, brought prominently before the public the names and the personages who participated in the conduct of that trial and the other litigation that involved the two Tibbetts brothers, and from that time forward the writer had observed the members of

the bench and bar more acutely than any other set of men he has known. Possibly the desire formed at that early period in life to become a member of the bar added to the interest of the writer in the local members.

Before chronicling any of the events coming under the observation of the writer I have seen fit to consult the records relative to the earliest members of the bench and bar in the county.

HON. JOHN D. CATON

If the members of the bench and bar of this county arose to greater distinction in their profession than falls to the lot of the members of another community, perhaps their ambition and industry were inspired by the rare learning and natural ability of one of the very first judges to hold Circuit Court in this county, the Hon. John D. Caton. The first term of court presided over here by that able jurist was convened on the second Monday, being the eighth day of May, 1843. At that time under the laws, as they then existed, the Supreme Court of the State was made up of nine judges, and, in addition to their duties collectively as the court of last resort, they were, individually, each, the trial judge of one of the nine Circuits into which the State was then divided, so that in any case tried in the Circuit Court here at that time, Judge Caton was the sole presiding judge at the trial court and one of the nine judges of the Supreme Court that reviewed a case that was appealed or taken by writ of error to that court. At that time there was no intervening court between the trial court and the Supreme Court as the Appellate Court was created in the year 1877.

Judge Caton first became a judge of the Supreme Court, and, by virtue of his office, a judge of the Ninth Judicial Circuit, by appointment of the Governor, August 20, 1842. He was later elected by the Legislature and then, when the change of laws provided that the judges should be elected by the people, Judge Caton was re-elected time and again and remained upon the bench until his resignation on January 9, 1864. The lawyer and student of the present day reads with admiration the opinions of the Supreme Court prepared and written by Judge Caton. One is not long a student of the law until he observes that the law, as laid down in the decisions written by Judge Caton, is there pointed out clearly, briefly and concisely. He

never left anything unsaid that was necessary to understand the questions involved in the case and instead of his decisions being lengthy they were the personification of brevity. With such a leader as Judge Caton it is not to be wondered at that this county has produced the more than ordinary judges and lawyers that have graced the bench and bar at home and abroad.

INDELIBLE NAMES

The other officers of the court at that time were men whose names are written in our history as indelibly as the poet has said of the Indian names that were "Written on our waters, and we cannot wash them out." There was Armstrong, Sheriff; Chapin, Clerk, and Pad-dock, State's Attorney.

On the Grand Jury were Zachariah Walley, William Hoge, Orville Cone, S. S. Randall, Nathaniel Tabler, Leander Newport, Peter Griggs, John B. Moore, and many others whose descendants are still the pride of the community. On the Petit Jury in the trial of the first case, were Joshua Collins, Samuel Hoge and Philip Collins. There was only the paltry sum of \$79 involved in that suit, yet those who are still living, and knew in their lifetime, the members of this jury or any of them, know well that the greatest care and precision was exercised by the members of that jury, and one would only wish, that had he a case of his own, that he might have as fair and honest men as these jurors were. At that first term of court among those who renounced their allegiance to their native countries and swore loyalty to the Government of the United States were such men as: Robert Peacock, Patrick Kenrick, James Berry and Henry Carlin, and others whose names also will be with us to the end of time.

JUDGE JOSIAH MCROBERTS

Turning over the pages of history for a quarter of a century from that time and getting down to the time when the Tibbetts litigation was before the courts, we find that Josiah McRoberts was the presiding Judge, S. W. Munn was the State's Attorney, and among the counsel engaged in the different branches of that litigation including a civil action for trespass brought by Alonzo Tibbetts against Thomas Le Paige, and the other active members of the

bar at that time, were: Judge B. F. Olin, P. A. Armstrong, C. E. Fellows, John P. Southworth, Judge J. N. Redding and Judge William T. Hopkins.

Colonel Munn, besides honoring the bench in the practice of his profession had answered his country's call to arms and had risen to the rank of Colonel. Judge Hopkins, likewise was made captain of a company of volunteers and the achievements of all of these legal men were a credit to the profession and the pride of the community. They have all passed on to their reward and each left a noble heritage to those who follow.

In a short interim following those there appeared on the scene such men as Judge S. W. Harris, who had few equals as a pleader and whose hand-written pleadings still on file are frequently turned to at present as examples of great skill. Also there appears the name of E. Sanford, whose thorough knowledge of the law is seldom equaled by a member of this profession. Also appeared the name of Judge A. R. Jordan, whom Nature gifted richly with a keen intellect, and a heart to whose goodness the writer is indebted for the care with which he directed his reading and training in preparation for admission to the bar.

GRUNDY'S LOSS OTHER SECTIONS' GAIN

Of those still living who have gone to other fields of usefulness after demonstrating their ability at home, are A. L. Doud, now of Denver, who, after his admission to this bar, was elected and ably filled the office of State's Attorney. At Denver also E. L. Clover, who was engaged in the trial of many of the largest cases tried in Grundy County. Judge R. M. Wing went from this field to Chicago and is there ranked among the city's greatest trial lawyers. If there are any traits that predominate over all others in Judge Wing's practice they are the persistency and unceasing industry with which he always applied himself to the cases entrusted to him. At the Morris bar Judge Orrin N. Carter first began the practice of his profession. The caliber of the man and lawyer was recognized in the great city of Chicago and to that field he was called to engage in the practice of his profession to be there later elected, and twice re-elected, without opposition, to the County bench, and ceased his labors in that court when he was elected to the Supreme Court of the

State over which he has been the presiding Justice and whose work on that bench is not excelled by any of his colleagues. Many others have gone to other fields and there distinguished themselves.

JUDGE SAMUEL C. STOUGH

Of those remaining at home, Judge Samuel C. Stough began his career as a practitioner at this bar in 1877. Twenty years later he was elected to the Circuit bench and twice re-elected, where he still presides. Although Judge Stough, prior to his election to the bench, was a strong partisan he was so gifted by Nature that he could, and did, divorce his individuality from all political and religious affiliations, and no practitioner ever entered into a trial in Judge Stough's court without feeling and knowing that in Judge Stough's eyes all are equal before the law, regardless of political affiliation, creed, color or station in life. He is a worthy successor of Judge Caton and like Judge Caton his enunciation of the law is as thorough and clear as was that of his worthy predecessor. His fame as an able jurist is nearly as well known and understood in the great city of Chicago where he has frequently held court, as it is known and understood throughout his own circuit.

This article would fall far short of serving its proper office if it failed to mention without extended comment the names of three judges who presided with credit upon the Circuit bench of this County.

JUDGE CHARLES BLANCHARD

Hon. Charles Blanchard of Ottawa, Illinois, presided at a greater number of the sessions of the Circuit Court prior to the election of Judge Stough than did any of his associate judges. Judge Blanchard although physically not a strong man was a well informed and strictly conscientious judge. He spared not the fatigue upon his weak physical condition nor his great ability as a learned disciple of the law to decide all causes coming before him upon the side of justice and equity. He too has gone to his reward.

JUDGE GEORGE W. STIPP

Judge George W. Stipp was one of the associate judges with Judge Blanchard in this Cir-

cuit and was upon the bench three terms prior to his demise, which occurred in 1898 at the age of eighty years. In the early days of his practice he was both an associate with and an opponent to the immortal Lincoln, and Judge Stipp had as striking an individuality as the Great Emancipator. While many judges adhered strictly to the precise rules of practice and thereby caused an advantage to be had by the old practitioner over the novice, Judge Stipp always took it upon himself to aid and encourage the young lawyer in bringing out the law and the evidence in a trial and at the conclusion of a hard fought trial where the young attorney, with justice on his side, won the verdict from the jury, Judge Stipp has been known to remark to the young lawyer, "Well, we beat them, didn't we?" He was as fearless while presiding on the bench as he was on the battlefields in the Mexican War, wherein he was a first lieutenant through nearly all of that warfare.

JUDGE DORRANCE DIBELL

Before the re-districting of the State, in 1897, Will County was in the same Circuit as Grundy and after the death of Judge McRoberts, Judge Dorrance Dibell was one of the judges of this Circuit who did his full share of the court work. Judge Dibell has been upon the bench longer than any judge since the State of Illinois was organized. He is at present, and has been for a great many years past, one of the Judges of the Appellate Court of the Second District, and, besides presiding occasionally in the trial of cases in the Circuit Court he has done more and better Appellate Court work than it would seem possible for any one judge to be capable of doing.

GRUNDY COUNTY BAR

The present members of the county bar are: George Bedford, Frank L. Flood, Frank H. Hayes, C. F. Hanson, G. W. Huston, Kay H. Murray, E. W. Pike, J. G. Petteys, Cornelius Reardon, J. W. Rausch, A. J. Smith, Sr., Miss Edith M. Smith, H. B. Smith, C. G. Sachse, L. E. Simrall, W. E. Viner and C. D. Young.

While the local bar has contributed so richly to the great men of the past and has at the present time so many shining lights in foreign fields, yet, may it not be said, without immodesty, of the present members of the bar, that "The greatest of all are these."

HISTORY
OF
GRUNDY COUNTY
ILLINOIS.

Containing a History from the earliest settlement to the present time, embracing its topographical, geological, physical and climatic features; its agricultural, railroad interests, etc.; giving an account of its aboriginal inhabitants, early settlement by the whites, pioneer incidents, its growth, its improvements, organization of the County, the judicial history, the business and industries, churches, schools, etc.; Biographical Sketches; Portraits of some of the Early Settlers, Prominent Men, etc.

ILLUSTRATED.

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