

ance of those men and women who were here—simple, restless pioneers—to find here and there, among the humblest of these people, a true and genuine hero and heroine, and introduce them to the world, and pass them on to posterity, is as proud a task, to even the most ambitious, as it has been pleasant to us. Here we have found friendships without alloy—without those clashing interests that so de-

face often the best of human kind. Such friendships as will remain forever in pure and pleasantness. The brief retrospect will ever come back again, like a genial, pure, warm ray of sunshine, to the abodes of the cheerless, laden with warmth, joy and new life, to a soul fast growing lonely, desolate and sterile.

“What is writ is writ; would it were worthier.”

CHAPTER X.*

THE BENCH AND BAR—EARLY COURTS OF EFFINGHAM COUNTY—LAWYERS FROM ABROAD—
JUDGES OF THIS JUDICIAL DISTRICT—SKETCHES OF EWING, FIELD AND DAVIS—
NATURALIZATION OF GEN. SHIELDS—GOVERNOR FORD AND SIDNEY
BREESE—OTHER LEGAL LUMINARIES, PAST AND PRESENT—
THE PRESENT COUNTY BAR, ETC., ETC.

“There is a history in all men's lives.”

IN giving the early history of the bench and bar of Effingham County, the historian must travel outside of the county for his data and material, for the simple reason that there were no resident lawyers in the county until the year 1849. Litigants were supplied with attorneys from neighboring counties, mainly from Fayette County, though some came from Shelby, Coles, Clark, Bond, St. Clair and others. Among them we may mention Levi Davis, A. P. Field, Sawyer, Brown, Foreman, Kirkman, Gallagher and James Shields, from Fayette; Daniel Gregory and A. Thornton, from Shelby; U. F. Linder and O. B. Ficklin, from Coles, William H. Underwood, Samuel McRoberts and Mr. Fisk, from St. Clair. From 1840 to 1850, Bromwell, Davis and Gallagher, from Fayette; Starkweather, from Cumberland; and Moore and Elam Rush, from Bond.

The first term of court held in the county was begun on the 20th day of May, 1833 and

*By B. F. Kagay.

continued parts of three days, at Ewington, the then county seat. The following is a copy of the first record made in the Circuit Court of this county:

At a Circuit Court begun and held at Ewington in and for the county of Effingham, on Monday, the 20th day of May, in the year of our Lord one thousand eight hundred and thirty-three. Present: the Hon. T. W. Smith, Associate Justice of the Supreme Court, and Presiding Judge of said court; John C. Sprigg, Clerk, and Henry P. Bailey, Sheriff. A list of the Grand Jurors were returned into court by the Sheriff, and after being charged by the court, retired to consider of presentments, etc.

The following cases appear on the record at this term of court, to wit:

Andrew Bratton,	}	Appellant.
vs.		
Simeon Perkins,	}	Appellee.
John Maxfield,		
vs.		
John W. Robinson,	}	Appellee.
William McConnell,		
vs.		
Jacob Slover,	}	Defendant.
John Beasley,		
vs.		
Robert Moore,	}	Defendant.

The Grand Jury returned the following indictments, indorsed “true bills,” to wit:

The People of the State of Illinois,	} Indictment for Selling Spirituous Liquors without a License.
vs. Theophilus W. Short.	
The People of the State of Illinois,	} Indictment for
vs. Martha Henson.	
The People of the State of Illinois,	} Indictment for
vs. William Cusip.	

The following appointment for Circuit Clerk appears upon the record of the Court:

VANDALIA, February 15, 1833.

Mr. John C. Sprigg—I hereby appoint you Clerk of the Circuit Court of Effingham County, with full power and authority to do and perform all duties appertaining to said office, and receive the fees and emoluments thereof.

Your obedient servant;

WILLIAM WILSON.

There being no further business before the Court, ordered that it adjourn *sine die*.

THEO. W. SMITH.

Thus it will be seen that Theophilus W. Smith was the Judge who held the first term of court in the county. The county was then sparsely settled, and the settlements being mostly in the timber, in the bottoms of the river and on the verge of the prairies. The lawyers who attended this first term of court were three in number, viz., A. P. Field, Levi Davis and William L. D. Ewing, all residents of Vandalia, and all holding offices, either for the State or for the county in which they resided.

It will doubtless be of interest to our readers to know something of Hon. Theophilus W. Smith, the first Judge of this county, and therefore we will give the following incident in his life:

At the session of the Legislature of 1832-33, articles of impeachment were voted against him by the House of Representatives. There were seven articles of specifications transmitted to the Senate for trial against him. The first three related to the corrupt sales of Circuit Clerkships. He had authorized his son, a minor, to bargain off the office

in Madison County by hiring one George Kelly at \$25 per month, reserving the fees and emoluments until his son became of age, and to subject the said office to his will; he had made appointments three several times without requiring bonds from the appointees. He was also charged with being a co-plaintiff in several vexatious suits for an alleged trespass, commenced by affidavit in a court where he himself presided, holding the defendants illegally to excessive bail upon trifling pretext, to oppress and injure them, and continued the suits from term to term to harass and persecute them. The fifth article charged him with arbitrarily suspending John S. Greathouse, a lawyer, from practice for advising his client to apply for a change of venue. The sixth article charged him with tyrannically committing to jail in Montgomery County a Quaker, who entertained conscientious scruples against removing his hat in open court; and the seventh article charged him with deciding an agreed case between the Sheriff and Treasurer of Madison County, without process or pleading, to the prejudice of the county, rendering an appeal to the Supreme Court necessary.

The Senate resolved itself into a High Court of Impeachment, and a solemn trial was held, which lasted from January 9 to February 7, 1833. The prosecution was conducted by a committee of managers from the House, consisting of Benjamin Mills, Murray McConnell, John T. Stewart, James Semple and John Dougherty; the defendant was represented by Sidney Breese, R. M. Young and Thomas Ford, the latter subsequently Governor of the State.

The array of talent on both sides, the exalted position of the accused, and the excitement and interest thereby created in political circles, gave to the trial unusual public attraction throughout the State. The proceed-

ings were conducted by marked ability and learning. A great number of witnesses were examined, and much documentary evidence introduced. The argument of counsel was of the highest order, and in the final summing up for the prosecution, the Chairman of the House Committee, Mr. Mills, one of the most brilliant orators of the time, spoke for three days in a continued strain of unsurpassed eloquence.

Pending the trial, the defendant searched for scraps of paper containing scribblings of the members concerning their status upon the respective charges. Being thus advised, his counsel enjoyed peculiar advantages in the management of the defense.

The constitution required that no person thus tried should be convicted without the concurrence of two thirds of all the Senators present. When the vote was finally taken, upon each article separately, twenty-two Senators were present, and four absent or excused. It required fifteen to convict. Twelve voted guilty on some of the charges; ten were in favor of acquittal; and as fifteen did not vote him guilty of any of the articles, he was acquitted. He retained his seat upon the Supreme bench of the State until his death, which occurred about ten years afterward.

William Lee D. Ewing, one of the lawyers mentioned as having attended the first term of our court, was a Representative from Fayette and other counties from 1830 to 1832, and introduced the bill which formed this county in 1831; the county, however, as already noted, was not fully organized until 1833. In 1832, he was elected to the State Senate, which position he retained until 1834. He was President of the Senate, and for fifteen days Governor of the State, which latter occurred thus: At the August election of 1834, Gov. Reynolds was elected to Congress, more than a

year ahead of the time he would take his seat (as was then the law), to succeed Mr. Slade. But shortly after the election, Mr. Slade, the incumbent, died, when Gov. Reynolds was chosen to serve out his unexpired term. Accordingly, he set out for Washington in November of that year, to take his seat in Congress, and Mr. Ewing, by virtue of his office as President of the Senate, became Governor. Upon the meeting of the Legislature in December, he sent in his message as Acting Governor, when he was relieved from his exalted duties by the Governor-elect, Joseph Duncan, being sworn into office. This is the only time such a contingency has arisen in the history of the State. Mr. Ewing was a native of Kentucky, and one of the first resident lawyers of Fayette County. He was a man of liberal education and fine natural endowments, fond of congenial company, and enjoyed all the sports of the time. He was a Colonel in the Black Hawk war; served as Prosecuting Attorney, and, as before stated, represented his district in the Legislature and State Senate. He was for a time Indian Agent, and, by order of the United States Government, removed the Sac and Fox tribes west of the Mississippi River. From 1843 to 1846, he was Auditor of Public Accounts; represented his district in the National Congress, and was appointed United States Senator to fill the vacancy occasioned by the death of Richard M. Young.

As a public-spirited citizen, Gen. Ewing was highly respected and honored among the people he so long served. He was a Democrat in politics, and a statesman of unswerving integrity. Many of the old citizens of Effingham County remember him, and in his death recognize the loss of an upright, honorable man and patriotic citizen.

Col. A. P. Field, another of the lawyers who attended the first term of our court, was

also a native of Kentucky, and an educated and chivalrous gentleman. He first located at Jonesboro, Ill., in an early day, but subsequently moved to Vandalia. He was State Treasurer from 1823 to 1827, and Secretary of State from 1829 to 1840. As a politician, he had few equals and no superiors of that day. He was eminent as a criminal lawyer, and as a speaker was sparkling in wit and eloquence. He removed to St. Louis and subsequently to New Orleans, and soon became prominently identified with Southern politics, rising eventually to the exalted position of Attorney General of Louisiana. He died in the year 1877, in the city of New Orleans.

Levi Davis, the last of the three lawyers attending the first term of court, resided at that time at Vandalia, but now lives at Alton. He was elected Auditor of State, and served from 1836 to 1841, and was prominently identified with the politics, not only of his county, but of the State, for many years.

We have given a more minute history of the first term of court than our time and space will permit us to give to each subsequent term. A brief space will be devoted to each of the Presiding Judges, as well as to the resident lawyers and more prominent visiting lawyers, who have presided over and attended our courts.

Theophilus W. Smith, who has already received some notice in these pages, only held two terms of our Circuit Court, viz., the May term of 1833, and the May term, 1834. Judge Ford held the third term, being the May term, 1835, and the most interesting term yet held in the county.

Thomas Ford, our second Judge, was born at Uniontown, Penn., in the year 1800. His father, Robert Ford, was killed by Indians in 1802, in the mountains of Pennsylvania, and his mother was left in indigent circumstan-

ces, with a large family, mostly girls. With a view to better her condition she, in 1804, moved to Missouri, where it had been the custom of the Spanish Government to give a certain amount of land to actual settlers. But, upon her arrival in St. Louis, she found the country ceded to the United States, and that liberal policy no longer in vogue. She finally removed to Illinois and settled near Waterloo, but, the following year, moved a little closer to the Mississippi Bluffs. Here the boys received their first schooling, for which they walked three miles. The mother was a woman of superior mental endowment, joined to energy and determination of character. She inculcated in her children those high-toned moral principles which distinguished her sons in public life. The mind of Thomas gave early promise of superior attainments, with an inclination for mathematics. His proficiency attracted the attention of the Hon. D. B. Cook, in whom young Ford found a patron and friend.

Through the advice of Mr. Cook, he turned his attention to the law. He attended Transylvania University at Lexington, Ky., one term, and, on his return, alternated his law reading with teaching school. In 1829, Gov. Reynolds appointed him Prosecuting Attorney; in 1831, he was re-appointed by Gov. Reynolds, and afterward was four times elected Judge by the Legislature, without opposition. He was twice Judge of Chicago, and Associate Judge of the Supreme Court. While acting in the latter capacity, he was assigned to the Ninth Judicial District, and, while holding court in Ogle County, was notified of his nomination for Governor. He immediately resigned his office, accepted the nomination and entered upon the canvass, and in August was elected to the exalted position.

The offices which Gov. Ford held were un-

solicited. As a lawyer, he stood deservedly high, but his cast of intellect fitted him rather for a writer upon law than a practicing advocate in the courts. As a Judge, his opinions were sound, lucid, and an able exposition of the law. As a man, he was plain in his demeanor; he lacked the determined boldness and decision of character requisite to fit a man for a great political leader. As an author, he deserves special consideration, in having left a legacy in the form of a history of his State—Illinois. He died November 2, 1850, at Peoria, having scarcely passed the prime of life.

At the May term of our Circuit Court in 1834, Samuel McRoberts was present, and took part in the proceedings. He was attorney in the case of N. Edwards, Governor, versus James M. Duncan, et al., on change of venue from Marion County.

Samuel McRoberts was the first native Illinoisan ever elevated to the position of United States Senator from this State. He was born April 12, 1799, in what is now Monroe County, where his father resided on a farm. He received a good education from a private tutor. At the early age of twenty, he was appointed Circuit Clerk of Monroe County, a position which afforded him opportunity to become familiar with forms of law, and which he eagerly embraced, pursuing at the same time a most assiduous course of reading. Two years later, he entered the Law Department of Transylvania University (at Lexington, Ky.), where, after three full courses of lectures, he graduated with the degree of Bachelor of Law. He commenced the practice of his profession in competition with such men as Kane, Reynolds, Clark, Baker, Eddy, McLean and others. In 1824, at the age of twenty-five, he was elected by the Legislature one of the five Circuit Judges. As a Judge, he first exhibited strong partisan

bias. He had been a violent Convention advocate, and now, in defiance of a release by the Legislature, he assessed a fine against Gov. Coles, for settling his emancipated slaves in Madison County without giving bond that they should not become a public charge.

In 1828, Mr. McRoberts was elected a State Senator; in 1830, he was appointed United States District Attorney for the State; in 1832, Receiver of the Public Money at the Danville Land Office; and in 1839, Solicitor for the General Land Office at Washington. On the 16th of December, 1840, he was elected United States Senator for the full term, commencing March 4, 1841. He died March 22, 1843, at Cincinnati, Ohio, on his route home from Washington, in the vigor of intellectual manhood, and at the age of forty-four years.

The third Judge of our Circuit Court was the Hon. Sidney Breese, who presided from October, 1835, to October, 1842, a period of seven years, and the longest held by one man (except Charles Emerson) since the organization of our county. Mr. Breese was born about the close of the last century, in Oneida County, N. Y. He received a thorough general and classical education from the Union College, from which he graduated with honors. He had been the school-fellow of Elias Kent Kane, who was his senior. After the appointment of the latter as Secretary of State in 1818, he became associated with him as a student of law. In 1820, he essayed the practice of his profession in Jackson County, but met with failure in the presentation of a case in court before a jury. Overwhelmed with mortification, he resolved, on the spur of the moment, to entirely abandon the practice of the law, and the following year he became Postmaster at Kaskaskia. In 1822, however, he was appointed to the Cir-

cuit Attorneyship by Gov. Bond, a position which he retained under Gov. Coles, and until the accession of Gov. Edwards in 1831. He prepared and published "Breese's Reports of the Supreme Court Decisions," it being the first book ever published in the State. He took part in the Black Hawk war, serving as a Major of volunteers.

Upon the establishment of the Circuit Court system in 1835, he was chosen Judge, and in 1841 he was elected one of the Judges of the Supreme Court. In 1842, he was elected, for a full term, from March 4, 1843, to the United States Senate. At the expiration of his term, in 1850, he was elected to the Legislature and made Speaker of the House. In 1855, he was re-elected Circuit Judge, and, two years later, was again elevated to the Supreme Bench, where he remained until his death.

Judge Breese took an active part in the Illinois Central Railroad, a full account of which will be found in the chapter on railroads.

The following names appear on the docket as attorneys attending court in the county: At the October term, 1835, Thomas Brown, Sawyer & Kirkman; at the April term, 1836, Levi Davis, Kirkman, Sawyer and D. Gregory; at the April term, 1837, Field, Ewing, Fisk and Davis were the only attorneys in attendance, and the same attended in 1838. At the October term in 1839, A. Thornton appeared as an attorney in the case of "The People versus David Ridgway," for the defendant, on a change of venue from Shelby County. The following entry appears on the bar docket in the case: "Defendant found guilty and sentenced to the penitentiary one year, and one day to solitary confinement." Mr. Thornton has been a regular attendant at our courts from that time until he was elected to Congress a few years ago.

At the October term of court in 1840, the name of James Shields appears on the docket as an attorney in several cases, and in his own case in particular. At this term he made application to become a citizen of the United States. The following is a copy of the proceedings in the case:

At a Circuit Court begun and held at the court house in Ewington, in and for the county of Effingham, on Monday, the 19th day of October, in the year of our Lord one thousand eight hundred and forty, it being the 3d Monday of said month. Present, Sidney Breese, Judge; Thomas J. Rentfro, Sheriff; and William H. Blakely, Clerk. This day personally appeared in open court, James Shields and made and filed the following declaration: James Shields being duly sworn in open court, declares on oath that he was born in the County Tyrone, in the Kingdom of Ireland, on the 17th day of May, about the year 1810; that he migrated to the United States of America while a minor, and continued to reside within the United States three years next preceding his arrival at the age of twenty-one years, and has continued to reside therein to the present time; that he is now upward of twenty-one years, and has resided upward of five years in the State of Illinois aforesaid, one of the United States; that it is his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State or sovereignty, and particularly to the sovereign of Great Britain and Ireland. He further declares that for three years preceding the present application, it has been his *bona fide* intention to become a citizen of the United States.

(Signed.)

JAMES SHIELDS.

Subscribed and sworn to in open court, this 21st day of October, 1840.

(Attest.)

WILLIAM H. BLAKELEY,

Clerk of said Court.

This day personally appeared in open court, James Shields, a free white person of twenty-one years, and being duly sworn, declares on oath in open court, that he will support the Constitution of the United States, and doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State or sovereignty whatever, and particularly that of Great Britain and Ireland, whereof he was born a subject; and the court being satisfied that he has fully complied with the requirements of the laws of the United

States on the subject of naturalization, and that he has resided within the United States upward of five years, and within the State of Illinois upward of one year next preceding this application, and that during the whole of the term of his residence in the United States he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States and is well disposed to the good order and happiness of the same.

It is, therefore, ordered and adjudged that the said James Shields be admitted a citizen of the United States, and he is hereby admitted as such.

James Shields, as stated in his declaration, was born in Ireland about the year 1810. He emigrated to this country in 1827, settling in Illinois three years later. He was sent to the Legislature from Randolph County some seven years after settling in the State, and before he had become a naturalized citizen. He was appointed Auditor by Gov. Carlin, and, in 1843, elected a Supreme Judge. He presided over the Circuit Court of this county from the March term, 1844, to and including the March term, 1845, being altogether three terms. Under President Polk, he was Commissioner of the General Land Office at Washington. He entered the Mexican war, and was commissioned a Brigadier General. At the battle of Cerro Gordo, he was severely wounded, and was reported dead, but recovered in time to take a conspicuous part in the capture of the City of Mexico. Such was his gallantry and soldierly conduct in this campaign that the State of South Carolina voted him a handsome and costly sword. In 1849, upon his return home, he was elected to the United States Senate, but, as he had not been nine years a naturalized citizen (having been naturalized in October, 1840), which was required by the constitution to render him eligible to the position, his seat was declared vacant. At a called session of the Legislature, convened as soon as Shields became eligible, he was again elected to the United

States Senate, and served until the expiration of his term. Subsequently, he took up his residence in Minnesota, and in 1857 was elected from that State as United States Senator, serving two years. In the late war, between the States, he was a Major General in the Union armies, and did good service for the Government. At the close of the war he removed to Missouri, and was elected by the Legislature of that State to the United States Senate to fill an unexpired term of a few months. He died soon after the expiration of this latter term, having been a United States Senator from three different States.

The Court Record in 1841 shows the name of F. Foreman as an attorney, and from that time until 1846 he seems to have attended our courts regularly, and had a good practice. In 1843, the name of W. H. Underwood appears upon the record as an attorney, and for a number of terms thereafter. In 1846, Bissell was present as State's Attorney; also a Mr. Hite and Lee were present as attorneys. Wilcox likewise appeared as attorney in several cases. In 1848, Mr. Pearson's name appears, and Philip Fouke as State's Attorney. At this term also appeared A. J. Gallagher and Elam Rusk as attorneys.

Among the attorneys attending our courts from 1835 to 1842 were several who afterward became Judges of the court, to wit: Shields, Semple and Underwood. We have already given a brief sketch of Shields, and will now devote a brief space to the two others mentioned.

Hon. James Semple was born in Kentucky, but emigrated to Illinois in an early day. In politics he was a Democrat, and was much in public life. In 1833, he was elected Attorney General of the State. He was in the Legislature for six years, four of which he was Speaker of the House, and in the meantime the internal improvement measure was

passed, which well-nigh bankrupted the State. In 1837, he was appointed Charge d'Affaires to New Granada; in 1842, was elected one of the Judges of the Supreme Court; in 1843, he was appointed, by Gov. Ford, United States Senator, to fill the unexpired term of Samuel McRoberts, deceased. The appointment was confirmed by the Legislature, and he served until 1847. Judge Semple wrote an elaborate history of Mexico, which, however, has never been published.

Judge William H. Underwood, who held our court from the May term, 1849, to the October term, 1850, was born February 1, 1818, at Schoharie Court House, N. Y., and in his boyhood laid the foundation to his future greatness in a good common-school education, finishing up his studies in the Schoharie Academy and Hudson River Seminary, spending three years in the two institutions, and graduating with a good practical education. He read law in his native place, and upon completing his studies, he at once removed to Belleville, Ill., where he resided until his death, and where he was attended with marked success. In 1841, he was elected State's Attorney, a position he filled so acceptably that he was re-elected in January, 1843, and in 1844 he was elected to the Lower House of the Legislature. In 1848, he was elected Circuit Judge for six and a half years, which position he held to the end of his term, and in 1856 was elected to the State Senate for four years. In 1869, he was elected a Delegate from St. Clair County to the Constitutional Convention, and was elected again to the State Senate in 1870. In 1873, he completed a work upon which he had long been engaged, viz., "Underwood's Constructed Annotated Statutes of Illinois." The brief intervals between his official duties he devoted to the practice of his profession. His name appears often in our Supreme

Court records as counsel in important cases. He died a few years ago, after a useful and industrious life.

Gustavus Koerner was Judge of this district from August, 1845, to June, 1848. He was born in Frankfort, Germany, November 20, 1809. His father was a well-known publisher and book-seller, and for many years was a member of the Legislature of Frankfort. His early education was received at college in his native town, and his studies completed at Munich and Heidelberg, where, in 1832, he graduated, and obtained the degree of LL. D. In the same year, he passed examination, and was admitted to the bar of Frankfort. In 1833, he emigrated to the United States, and proceeded at once to the West, and settled in Belleville, Ill. He immediately commenced the study of American law, and, after attending one term of the Law School at Lexington, Ky., then the most noted west of the Alleghenies, he was admitted to the bar of Illinois in 1835. He at once entered upon the active practice of his profession, and in 1845 was elected by the Legislature one of the Judges of the Supreme Court. In 1852, he was elected Lieutenant Governor of Illinois on the Democratic ticket. On account of the slavery question, he, in 1854, became what was then known as an Anti-Nebraska Democrat, and in 1856 joined the Republican party. During the war of the rebellion, he recruited and organized the Forty-third Illinois Volunteers, but was prevented from taking command of it by President Lincoln appointing him to the staff of Gen. Fremont, with the rank of Colonel. He served in that position until Fremont's retirement, when he was attached to the staff of Gen. Halleck. In March, 1862, owing to continued ill health, he resigned, and in the following June was appointed by the President Minister to Spain,

which position he resigned in January, 1865. He was made one of the Electors at Large in 1868, on the Grant ticket, and in 1871 was appointed on the newly created Railroad Commission, over which he presided until his resignation in January, 1873. He was nominated, in June, 1872, as a candidate for Governor by the Democratic party, and also by the Liberal Republican party, but failed of an election. When not engaged in official duties, he has practiced his profession vigorously. He has also devoted much time to literary pursuits, and contributed freely to newspapers and periodicals. He is the author of a volume entitled "From Spain," composed of letters on various subjects, and essays on art, etc. His productions testify to his excellence as a writer, scholar and thinker.

Justin Harlan, of Clark, was the eighth Judge who presided over the courts of our county. He came to Illinois in 1825, and located in Darwin and commenced the practice of law. He was at once recognized as one of the ablest lawyers in not only his own county, but his reputation soon extended throughout the State. He filled the office of Circuit Judge for over twenty years, and when his old friend, Lincoln, was made President, he appointed Judge Harlan Indian Agent to the Cherokees in the Indian Territory, which position he filled faithfully and well during the remainder of Mr. Lincoln's life. He resigned immediately after Mr. Lincoln's assassination, and returned to his home in Marshall County, and, although a Republican, and living in a Democratic county, was elected County Judge of Clark County, which position he held during a regular term of four years. He died in Kuttawa, Ky., March 12, 1879, at the residence of his daughter, Mrs. W. A. Wright, where he had been called by that daughter's sickness. He

was buried in Marshall, his home in Illinois, March 16, 1879. Judge Harlan's was a long, blameless and useful life, and no man left more sincere friends to mourn his death.

Charles Emerson was the ninth Judge, and held our courts from the April term, 1853, to the April term, 1862. Charles Constable was the tenth Judge, and held from the May term, 1863, to the October term, 1865. Next came H. B. Decius, from special term January, 1866, to April term, 1873. James C. Allen followed Decius from the fall term, 1873, to March term, 1878, and after him James H. Halley held several terms of our courts. At present, William C. Jones, Thomas Casey and Chauncy S. Conger are the Judges in this district.

Of the early lawyers attending our courts was Ferris Foreman, who located at Vandalia in the spring of 1836. He was admitted to the bar by the Supreme Court of New York in 1835. He was elected to the Illinois State Senate in 1845. In May, 1846, he recruited a company in Fayette County for the Mexican war, and, upon the organization of the troops, was elected Colonel of the Third Regiment of Illinois Volunteers. He participated in the siege of Vera Cruz, and was in the battle of Cerro Gordo, and at the end of one year, the term of enlistment, he returned to Vandalia, practicing law there until 1849, when he removed to California. While there, he held various offices; was Postmaster of Sacramento under the administration of Franklin Pierce; also acted as Secretary of State under John B. Wetter, Governor of California. He was Colonel of the Fourth California Volunteers for a period of twenty-two months. In 1865, he returned to Vandalia, and was elected State's Attorney of Fayette County.

Daniel Gregory, also an early practitioner at our bar, was a native of New York, and was born January 12, 1809. He came to Illi-

nois in 1833, and located in Shelbyville, where he continued to reside until 1846, when he was appointed Receiver of the Land Office at Vandalia, and removed to that place. He was elected County Judge of Fayette County in 1849; in 1852, was again appointed Receiver of the Land Office, and in 1856 was elected to the Legislature. He was an able lawyer, and, by strict attention to business, he accumulated a handsome fortune, and finally was forced to abandon his profession and devote his time and attention to the management of his estate. Many of our old citizens well remember Judge Gregory and his genial accomplishments. He died a few years ago, greatly regretted.

Orlando P. Ficklin, another early attendant and practitioner at the Effingham bar, was born in Kentucky December 16, 1808. His education was obtained in a number of academic institutions in Kentucky and Missouri. In 1828, he commenced the study of law at Potosi, Mo., and in 1830 was admitted to the bar. He located at Mt. Carmel, Ill., and began the practice of his profession, meeting with encouraging success. In 1834, he was elected to the Legislature. In 1834-35, he was chosen by the Legislature as State's Attorney for the Wabash District, which place he filled until in 1837, when he removed to Charleston, in Coles County, and has ever since resided there. In 1843, he was elected to Congress, and re-elected in 1844, and again in 1846. He then returned to the practice of his profession, but was again elected to Congress in 1850. He was a member of the Democratic Convention that nominated James Buchanan for President in 1856, and a member of the Democratic Convention in 1860, at Charleston. He belongs to the old school of Democrats, and is an able lawyer and statesman.

We come now to the resident lawyers of

our county. The first lawyer that located here was Kendall H. Buford, who was born in Tennessee about the year 1820, where he received a common-school and academic education. He had a smattering of Latin; had taught school in Tennessee; had also read law there, and was admitted to the bar. He came to Illinois in 1848, and taught a term or two of school, and in 1849 located in Ewington and commenced the practice of his profession. He was a man of considerable pretensions naturally, somewhat superficial in his knowledge of the law, and made many mistakes. He continued in the practice of his profession here until in 1853, when he moved to Missouri and took up the practice of medicine, as he had studied the healing art before leaving Ewington. He could make a pretty good speech if he took sufficient time to prepare it and commit it to memory.

Eli Philbrook was the second lawyer who located in our county. He was born in Licking County, Ohio, where he received a good common-school education. At the age of nineteen, he commenced the study of law, and was admitted to practice by the Supreme Court of Ohio. He came to Illinois and located in Ewington in 1850, where he at once entered upon the practice of his chosen profession. He was a good lawyer; but not a fluent speaker. He built up a large practice, and had the full confidence of the people. He died in Ewington in 1854, at the early age of twenty-eight years, of consumption. He was a member of the Masonic and Odd Fellow societies, and was followed to his grave by a large procession of these orders, as well as a large number of friends.

The third resident lawyer was James Ladow, who located at Freemantle in 1851. He continued there until 1854, engaged in teaching and practicing law, and then removed into Cumberland County, where all

trace of him is lost. He was a mere pettifogger, and never entered fully into the practice of law.

John Anderson was the fourth addition to the Effingham bar. He settled at Ewington, but never did much in the practice of law, and, about the year 1852 or 1853, emigrated to Kansas. He became County Judge there but farther than that we know nothing of his success.

The fifth and next lawyer locating in our county was H. D. Caldwell, who came to Ewington in 1852. He was followed soon after by William J. Stevenson, and, in the spring of 1853, William B. Cooper located in Ewington. Mr. Caldwell was born in Virginia, and came to Illinois with his parents, who located in Coles County. He commenced the study of law in 1852, and attended the Law University at Bloomington, Ind., from which he graduated, and, in 1854, began practice at Ewington. He is at present a citizen of Effingham, but not in active practice. Mr. Cooper is a native of Massachusetts, and a descendant of the Pilgrim Fathers. He came to Illinois and taught school and read law until 1853, when he was admitted to the bar. He went to Salem, Iowa, and from thence came to Ewington and commenced the practice of law as a partner of W. J. Stevenson, who shortly after removed to Clay County. There is but one lawyer now living who was a member of the bar at the time Mr. Cooper came to the county.

This brings the history of the legal profession down to the present members of the county bar. As personal sketches of them appear in the biographical department of this work, we omit an extended mention of them in this chapter, merely giving a kind of directory of the present practitioners in the order in which they were admitted to the bar. They are as follows:

B. F. Kagay read law with Eli Philbrook and William Campbell, and was regularly admitted to the bar in August, 1854.

S. F. Gilmore studied law at Greencastle, Ind., and graduated from the Law Department of Asbury University in 1860.

H. B. Kepley commenced reading law in 1859, and was admitted to the bar by the Supreme Court at March term, 1860.

J. N. Gwin studied law, and graduated with honors, and has since practiced his profession in Effingham.

A. W. Le Crone studied law with W. B. Cooper, of Effingham, and was admitted to practice in the year 1860.

Benson Wood entered the Chicago Law School in the summer of 1863, from which he graduated in 1864.

W. H. Barlow entered the Law Department of the University of Michigan at Ann Arbor, from which he graduated in March, 1868.

Virgil Wood studied law with his brother, Benson Wood, and was admitted to the bar in the fall of 1868.

William H. Gillmore read law with Bond & West, of Chicago, and graduated from the Law College there in the spring of 1868.

Ada H. Kepley read law with her husband, H. B. Kepley, and graduated from the Chicago Law School in 1870.

E. N. Rinehart studied law with Cooper & Kagay, and was admitted to practice at the bar in 1871.

John C. White read law with Judge Reber, of St. Louis, and then with Cooper & Gwin, and was admitted in 1872.

R. C. Harrah read law with J. N. Gwin, of Effingham, and was admitted to practice in the year 1874.

Owen Scott read law with S. F. Gilmore, and was admitted to the bar by the Supreme Court at Springfield in 1874.

W. S. Holmes, of Altamont, read law at

Chatsworth, and was admitted to the bar at Ottawa, Ill., in 1877.

William E. Buckner read law with H. B. Kepler, and after with Cooper & Gilmore, and was admitted to the bar in 1881.

F. M. Loy read law with E. N. Rinehart, and graduated from the Northern Indiana

Normal School, at Valparaiso, in June, 1881.

W. B. Wright studied and graduated from the Law Department of the Northern Indiana Normal School in June, 1882.

P. K. Johnson, of Altamont, read law and was admitted to the bar by the Supreme Court at Springfield in June, 1882.

CHAPTER XI.*

DOUGLAS TOWNSHIP—ITS BOUNDARIES AND TOPOGRAPHY—EARLY SETTLEMENT—AMERICAN AND GERMAN PIONEERS—THE BULL FLATTERS—PROGRESS AND ADVANCEMENT—PIONEER INCIDENTS—CHURCH AND SCHOOL HISTORY—THE RAILROAD AND THE BIRTH OF EFFINGHAM, ETC., ETC.

“Wie wird das Bild der alten Tage
Durch eure Träume glänzend wehn!
Gleich einer stillen, frommen Sage
Wird es euch vor der Seele stehn.

“Der Bootsmann winkt! Zieht hin in Frieder
Gott schütz' euch, Mann und Weib und Greis!
Sei Freude eurer Brust beschieden,
Und euren Feldern Reis und Mais!”

CHARLES DICKENS once said that the typical American would hesitate about entering heaven unless assured that he could go West. Ever since, and even before the advice to young men to “go West” was promulgated by the sagacious editor of the *New York Tribune*, the phrase “going West” has been a potent one to stir the blood of the enterprising and adventurous. The mania for going West resulted in the discovery of America by Columbus, and since that day we have been told by spread-eagle orators that “Westward the star of empire takes its way.” From the Atlantic coast, even from Plymouth Rock, our ancestors moved Westward with the star of empire. They crossed the Alleghanies, and, descending their western slope, burst into the rich valley of the Mississippi. But they paused not here. They poured a living flood across the continent, until the

advance-guard—the frontier skirmish line of American civilization rests upon the distant shores of the Pacific. In vain the Indian tried to stem the torrent, but was swept away like chaff before the wind. The settler's ax echoed through the forests as groups of three or four came, locating here and there, and soon an endless line of pioneers moved into these valleys, and settled on the margin of these prairies. Emigrant wagons found their way here with household goods. Then mills were built; the merchant brought on his goods; schools were established and churches organized, thus proclaiming the wonderful energies of our people.

But there is a page which should come before this history, and, like the prologue to a drama, be recited first—a page which records the Indian occupation of the land and his resistance to the whites. All this, however, may be found in preceding chapters of this work, and hence is recited first. The Indian—the burly warrior and the dusky maid—are long since gone, but their footprints are left in many portions of the county. Ruins, burying-grounds and mounds tell the story of another race—the red sons of the forest.

*By W. H. Perrin.

HISTORY
OF
EFFINGHAM COUNTY,
ILLINOIS.

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