THE BENCH AND BAR.

The prosperity of a people depends as much upon a wise interpretation as on a judicious framing of its laws. The advocate is as necessary as the lawgiver; the Bench and Bar as indispensable as the Governor and Legislature. Nowhere else has the legal profession exercised a more powerful influence in framing the laws and molding the destinies of the people than in the United States. Here they form the leading political class, being the most thoroughly educated in all that appertains to the civil life of the nation.

In the State of Illinois their influence has been paramount from the first. Nearly all the great names connected with its early history are also to be found on the roll of lawyers. They have been leaders of the people, not alone, as was to be expected, in the domain of law, but in every intellectual, moral, educational, charitable and even commercial enterprise. And the firm stand taken by the profession against repudiation, in the dark period of 1837 to 1842, was creditable to their judgment and worthy of the leadership they had tacitly assumed.

It is now half a century since Chicago began to have a Bench and Bar of her own, in 1833, and in every important crisis of her history since then, in each successive step of the petty hamlet toward metropolitan greatness, lawyers have been among her most active leaders and most influential counselors. They soon attained among the members of the profession throughout the State the prestige that always attaches to commercial centers, which the rapid growth and concentration of large interests here have exceptionally enhanced. The wealth of clients, corporate and individual, has stimulated the powers of the profession, until to stand among one's brethren of the Chicago Bar, well toward the front with name untarnished, is perhaps the most enviable position that can be reached by a citizen.

THE JUDICIARY UNDER THE CONSTITUTION OF 1818.—The fourth article of the constitution of 1818 instituted a judiciary for the new State by the following provisions:

1. The judicial power of this State shall be vested in one supreme court, and such inferior courts as the general assembly shall, from time to time ordain and establish.

2. The Supreme Court shall be holden at the seat of government, and shall have an appellate jurisdiction only, except in cases relating to the revenue, in cases of mandamus, and in such cases of impeachment as may be required to be tried before it.

3. The Supreme Court shall consist in a chief justice and three associates, any two of whom shall form a quorum. The number of justices may, however, be increased by the General Assembly after the year 1824.

4. The justices of the Supreme Court and the judges of the inferior courts shall be appointed by joint ballot of both branches of the general assembly, and commissioned by the governor and shall hold their offices during good behavior until the end of the first session of the general assembly, which shall be begun and held after the 1st day of January, in the year of our Lord 1824, at which time their commissions shall expire; and until the expiration of which time the said justices respectively, shall hold circuit courts in the several counties, in such manner and at such times, and shall have and exercise such jurisdiction as the General Assembly shall by law prescribe. But ever after the aforesaid period the justices of the Supreme Court shall be commissioned during good behavior and the justices thereof shall not hold circuit courts, unless required by law.

5. The judges of the inferior courts shall hold their offices during good behavior, but for any reasonable cause, which shall not be sufficient ground for impeachment, both the judges of the supreme and inferior courts, shall be removed from office on the address of two-thirds of each branch of the General Assembly: Provided always, that no member of either house of the General Assembly nor any person connected with a member by consanguinity or affinity, shall be appointed to fill the vacancy occasioned by such removal. The said justices of the Supreme Court, during their temporary appointment, shall receive an annual salary of one thousand dollars, payable quarter-yearly out of the public treasury. The judges of the inferior courts, and the justices of the Supreme Court who may be appointed after the end of the first session of the General Assembly which shall be begun and held after the first day of January, in the year of our Lord 1824, shall have adequate and competent salaries, which shall not be diminished during their continuance in office.

6. The Supreme Court, or a majority of the justices thereof, the circuit courts or the justices thereof shall respectively appoint their own clerks.

7. All process, writs, and other proceedings shall run in the name of "The people of the State of Illinois." All prosecutions shall be carried on "In the name and by the authority of the people of the State of Illinois," and conclude "Against the peace and dignity of the same."

8. A competent number of justices of the peace shall be appointed in each county, in such manner as the General Assembly may direct, whose time of service, power, and duties shall be regulated and defined by law. And justices of the peace, when so appointed, shall be commissioned by the governor.

Accordingly the State was divided into four judicial circuits, in which the chief justice and his three associates performed circuit duties until 1824. By an act of December 29, 1824, the State was divided into five judicial districts, and five circuit judges ordered to be elected by the General Assembly. These were to perform all circuit duties, relieving the Supreme Court of that labor, and were to continue in office during good behavior, as provided in the constitution.

But this was soon regarded as a piece of legislative extravagance. Four judges of the Supreme Court at $800 each, and five of the Circuit Court at $600 each, or in all, $6,200 annually. It was therefore repealed, January 12, 1827, and the State was again divided into four Circuit Court districts, to each of which was assigned one of the justices of the Supreme Court. Two years later, January 8, 1829, it was found necessary to create a fifth circuit, to include the whole region north of the Illinois River, and for it a judge was chosen by the General Assembly, the justices of the Supreme Court doing duty in the four circuits south of that river.

CHICAGO'S EARLIEST JUDICIARY.—Before treating of the Bench and Bar of Chicago in the stricter sense of judges and lawyers, assembling amid customary surroundings, made respectable by the inherent majesty of law, if not by outward pomp and court forms, it is thought proper to refer to the earliest representatives and processes of law in the future city.

As in the traditional history of ancient nations, the warlike conqueror and founder of empire is always followed by the pacific lawgiver and civil organizer, even so by curious coincidence did it happen in the predestined metropolis of the Great West. Scarcely had the military outpost of Fort Dearborn been established, before a lawyer came here to reside; and as if yet further

to justify the parallelism, he came in the interests of order and justice. Reference is made to Charles Jouett, a lawyer of Virginia, and afterward judge in Kentucky and Arkansas, who came here in 1805, as the first Indian Agent.

The earliest mention in the legal records of the State of a Chicago Justice of the Peace, is the following: "June 5, 1821, at the second term of the Commissioners Court of Pike County, upon motion of Abraham Beck, Judge of Probate, John Kinzie was recommended as a suitable person for Justice of the Peace." Chicago was then in Pike.

At a term of the Commissioners Court of Fulton County, held December 2, 1823, John Kinzie was again recommended for Justice of the Peace. Chicago was then in Fulton.

Peoria County, including the region of Chicago, was set apart from Fulton County, January 13, 1825, and on the same day Austin Crocker and —— Kinsey were confirmed by the State Senate as Justices of the Peace for the new county. There is no reason to doubt that "—— Kinsey" was intended for John Kinzie, who, however, was not commissioned until July 28, 1825. He was, therefore, not only the first resident Justice in Chicago, but one of the first two confirmed for Peoria County. It seems probable, in the absence of any mention of his having performed the duties of the office, that the previous indorsements had not been followed by a formal appointment or commission.

Alexander Wolcott and Jean Baptiste Beaubien were made Justices September 10, 1825; and they and Kinzie were judges of election in Chicago precinct December 7, 1825. John L. Bogardus, of Peoria, Assessor of Chicago in 1825, was appointed Justice January 15, 1826.

Justices made Elective.—By a law of December 30, 1826, Justices were made elective, and their term of office extended to four years. A supplemental act of February 9, 1827, continued in office those previously appointed until the election of successors. In Chicago, Wolcott and Beaubien were re-commissioned December 26, 1827, having been elected by the voters of the precinct, or perhaps continuing in virtue of the law referred to. There are on record at least five marriages by Beaubien, two in 1828, and three in 1830, but none by Wolcott; and no trials by either. John S. C. Hogan was elected July 24, and commissioned October 9, 1830; and Stephen Forbes was elected November 25, 1830. Chicago was still in Peoria County.

Of the four Justices of Cook County, commissioned May 2, 1831, only one, William See, was a resident of Chicago. Another, Archibald Clybourne, did not reside in the Chicago of that day, although what was then his farm is now within the city limits. Russel E. Heacock became a Justice September 10, 1831; and was probably the first Justice before whom trials were held. Isaac Harmon was elected June 4, 1832; perhaps to succeed See. Justices Heacock and Harmon seemed to have served until August, 1835. They are both mentioned as Justices in the Chicago American of July 11, 1835; and Harmon was re-elected, August 9, 1835. Meanwhile John Dean Caton was elected Justice July 12, 1834, by one hundred and eighty-two votes out of a total of two hundred and twenty-nine, the remaining forty-seven being given to his competitor, Dr. Josiah C. Goodhue. He continued in office probably until August, 1835, and is said to have then given but little promise of the success which afterward marked his career as Justice of the Supreme Court of Illinois. E. W. Casey was elected Justice of the Peace, August 9, 1835, but did not serve long.

The Circuit Court.—By an act of February 16, 1831, it was provided that "The counties of Cook, La-Salle, Putnam, Peoria, Fulton, Schuyler, Adams, Hancock, McDonough, Knox, Warren, Jo Daviess, Mercer, Rock Island and Henry shall constitute the Fifth Judicial Circuit * * Richard M. Young shall perform circuit duties in the Fifth Judicial Circuit. * * There shall be two terms of the Circuit Court held annually in each of the counties. * * In the county of Cook on the fourth Mondays in April and second Mondays in September.

It will be noticed that this circuit embraced such distant points as Galena, Quincy, Peoria and Chicago, and the fifteen above-named counties, now increased by sub-division into thirty-nine.

The Constitution of 1818 only ordained that the Circuit Courts should have and exercise such jurisdiction as the General Assembly should by law provide; and by that body they had been endowed with jurisdiction in criminal and civil cases, and in the latter, both at common law and in chancery.

Early Terms, 1831-34.—There is no little uncertainty about the first terms of the Circuit Court in Chicago. As stated, the county of Cook was organized in the spring of 1831, and by the foregoing statute it was entitled to a September term. If reliance can be placed on a historical pamphlet on Chicago by Governor Bross, issued in 1858, such a term was held or provided for "at Fort Dearborn, in the brick house, and in the lower room of said house." At the funeral of Colonel Hamilton in 1860, Judge Manierre also stated that the first term was heid in September, 1831. And again in 1832, in the same work of Mr. Bross, the Court of County Commissioners is on record as ordering that the Sheriff shall secure one or more rooms for the Circuit Court at the house of James Kinzie, "provided it can be done at a cost of not more than ten dollars." In confirmation of the view that such court was held, the same work states that Judge Young, accompanied from Galena by Lawyers Mills and Strode, brought tidings to Chicago of the disturbed state of the Indians, which culminated later in the Black Hawk War.

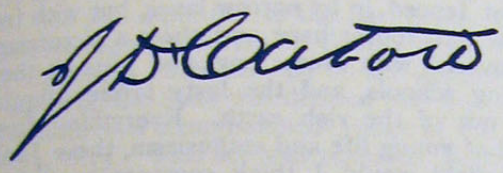
"In May, 1833," says Charles Ballance in his history of Peoria, "Judge Young made his appearance in the village of Peoria, and announced that he was on his way to Chicago to hold court. * * On this occasion I attended court at Chicago, partly to seek practice as a lawyer, and partly to see the country."

"The first term of the Circuit Court held in Cook County," says Hon. Thomas Hoyne, "was in September, 1833, by Hon. Richard M. Young. In 1834, he also held the term in May."* This last, in the opinion of Hon. J. D. Caton, was the first term held here, or at least the first at which any law business was done. Except an appeal from some Justice Court, which was No. 1 on the docket of the Circuit Court of Cook County, a case tried by him, was the first ever tried in Chicago in any court of record; and this he is confident was at the May term in 1834. If this view is correct, although Judge Young may have come to Chicago on any or all of the years from 1831 to 1833, no regular court was held until the spring term of 1834, which in view of all the facts may be accepted as the verdict of history.

The First Law Office.—The first lawyer in Chicago to make a living by his profession alone was Giles Spring; and separated from him by a few days was

* "The Lawyer as a Pioneer."

John Dean Caton, who arrived June 19, 1833. There was but little law business in Chicago then, but notwithstanding untoward appearances, both rose to eminence and acquired wealth. Early in July, while they



kept office as was facetiously said, "On the head of a barrel at the corner of Lake and Wells," Caton obtained his first case, which also proved to be Spring's, on the other side. It is here subjoined as "the first larceny case in Chicago;" that is, the reader need scarcely be told, the first to receive legal cognizance, for not a little stealing had been done from "Lo" and others, before that time.

In December, 1833, Mr. Caton rented of Dr. Temple the back room and attic of his "building" on Lake Street, converting the attic into a bedroom, and extending to Spring the courtesy of desk-room in the room below, which thus became the first law-office in Chicago.

THE FIRST LARCENY CASE.—The first larceny case heard before a Justice of the Peace occurred in July, 1833. Mr. Hatch had been robbed of thirty-four dollars in Eastern currency, at the tavern, and hired Lawyer Caton to recover it. Suspicion rested on a fellow-boarder who was arrested by Constable Reed and taken before Squire Heacock for examination, followed by a large part of the population. The search had proved fruitless, and the prisoner was about to be released amid many jeers at the legal fledgling who had prosecuted the investigation. Just then Caton detected a suspicious lump, which distended the culprit's stocking, and making a hurried grab, brought forth the tell-tale roll of stolen bills. The constable took charge of the prisoner, who was duly arraigned the ensuing morning, with Spring and Hamilton as his lawyers, who obtained a change of venue to Squire Harmon, on the North Side. Afterward to satisfy the public interest in this first case, Harmon adjourned to the tavern on the West Side, where the public could hear the young lawyers to the best advantage. "The court-rooms in those days," says Arnold, "were always crowded. To go to court and listen to the witnesses and lawyers was among the chief amusements of the frontier settlements."

Fifty years later Judge Caton confessed that he had never been more interested in a case. The criminal was convicted, but escaped punishment by the device of straw-bail, which seems to have been introduced into Chicago at the same time as its earliest jurisprudence. Caton obtained his fee of ten dollars out of the recovered money, but Spring and Hamilton were cheated out of theirs by the runaway thief.

ADVENTURES OF A LAWYER IN SEARCH OF PRACTICE.—In the golden leisure of mature age Judge Caton has often found pleasure in relating the following stories:

"Clients were few, fees small and money running low, with board bills fast maturing. It was in that first July, and the proceeds of the first larceny case were gone or going fast, when we both hired out to carry the chain for a surveyor, who had just got a job on the North Side. Returning at noon, we learned from R. J. Hamilton that a party had been inquiring for a lawyer, and, to avoid all partiality, it was agreed that he should follow us to our work in the afternoon. As he approached, blindly groping through the thick and high alders, which concealed us as we sat, while the choppers were clearing a lane for our operations, I saw that he was making straight for where Spring stood, when I dropped on each other the surveying pins I held in my hand, and, repeating the performance, succeeded in attracting his attention and directing his steps to where I sat. He secured my services, paying me in advance. Spring felt that he had been tricked and was a little sore, but actually got the best side of the case, being hired by John Bates, whom he enabled by interpleading to retain the property unattached, against which my client had hoped to obtain judgment. Spring got the larger fee and won the more substantial victory, though I had no difficulty in securing for my client a worthless judgment against an insolvent debtor, who was proved to have lost the ownership of the contested property.

"In August, 1833, there resided in Chicago six or seven free colored men, all of whom had come from free States. The law-givers of Illinois, however, had not contemplated such a contingency, the earlier population having come mostly from slave States. The laws had provided that if a negro was found in the State without free papers, he should be prosecuted and fined, and, if necessary, sold to pay the fine. Some enemy of the black man, or pro-slavery admirer of the black code, or believer in the blessings of the peculiar institution for the heaven-marked subject race, or possibly some aspirant for political preferment at the hands of the dominant party, which was largely under the control of the slave-holding aristocracy of the South, felt it to be his duty or his interest to prosecute these early representatives here of the proscribed race. J. D. Caton undertook their defense, and pleaded their case before the Court of County Commissioners. This was putting a very literal interpretation of judicial powers on the rather euphemistic term court as applied to the board of County Commissioners. But court was then the legal designation of that body, and the young lawyer overcame their natural modesty, or their unwillingness to assume a function hitherto unheard of. They ended by acceding to the learned jurist's exposition of the law, and as the highest accessible representatives of the judiciary of the sovereign State of Illinois, they granted to his grateful clients the required certificates of freedom, which were never questioned and passed for excellent free papers. Mr. Caton's fee was a dollar from each of the beneficiaries."

FIRST CHICAGO DIVORCE.—That term in May, 1834, "when," says Judge Caton, "we all first met together in the unfinished loft of the old Mansion House, just north of where the Tremont now stands," is memorable for witnessing the initial steps in the first of a long and unfinished line of divorce suits in Chicago. The parties to the suit were Angeline Vaughan, petitioner, and Daniel W. Vaughan, respondent. The petition was dated April 12, and made returnable May 14, 1834, but the outcome has not been learned. They had been married July 9, 1831, the maiden name of the bride being Hebert.

FIRST MURDER TRIAL.—In the fall of 1834, in an unfinished store, about twenty feet by forty, on Dearborn Street, between Lake and Water, another term of the Circuit Court was held by Judge Young. It was his last term here as Circuit Judge, and the last in Chicago, while Cook County remained within the Fifth Judicial Circuit. It is memorable for trying the first murder case in Chicago, and yet more for the resulting

acquittal. An Irishman was arraigned for killing his wife; and his lawyer, James H. Collins, succeeded in getting Judge Young to instruct the jury that if they could not find him guilty of murder, as indicted, it was their duty to acquit, which they did. They were inclined to bring a verdict of manslaughter, as there were circumstances which put the crime out of the grade of murder, but were misled by the instructions of the court and the wiles of the lawyer.

THE CIRCUIT-RIDERS OF THE LAW.—From 1831 to 1834, and indeed for several years afterward, a considerable part of the pleading and other law business of Cook County was done by the circuit-riders of the profession, of whom a few habitually accompanied the Judge from one county-seat to another, over the then sparsely-settled section of northern Illinois. They were residents of Galena, Peoria, Quincy, or other distant points. The riding was on horseback, or by stage, buggy or wagon, over unimproved roads, running at intervals through miry swamps that were rendered passable only by the "corduroy" logs and saplings, loosely laid in the uncertain, yielding roadway, and across swollen streams unprovided with bridges.

"The practice of riding the circuit in those early days," says Judge Goodrich, "while it may be regarded as the knight-errantry of the profession, was an admirable training school to make ready and skillful practitioners. The want of books compelled reliance upon reason and leading principles. I doubt if a class of lawyers can be found anywhere, as ready and skillful special pleaders as the early practitioners upon the country circuits."

Grant Goodrich

What could not conveniently be determined by authority had to be decided by the processes of individual reason. The elementary books and the comprehensive principles of general law formed a solid foundation; and the superstructure was largely their own reflections and deductions, all the more available and serviceable as the tools of their craft, because fashioned by each one for himself. The result was a body of lawyers, with powers of discrimination well developed, always ready to give an account of the knowledge that was in them, not in their books.

A few years later the traveling members of the Chicago Bar had similar experiences in their semi-annual journeyings to the United States courts at Springfield, or to such county courts in the interior as business called them to attend.

"I have known the trip to Springfield," says Mr. Arnold, "to take five days and nights, dragging drearily through the mud and sleet; and there was an amount of discomfort, vexation and annoyance about it, sufficient to exhaust the patience of the most amiable. But the June journey was as agreeable as the December trip was repulsive. A four-in-hand, with splendid horses, the best of Troy coaches, good company, the exhilaration of great speed over an elastic road, much of it a turf of grass, often crushing under our wheels the most beautiful wild flowers; every grove fragrant with blossoms, framed in the richest green; our roads not fenced in by narrow lanes, but with freedom to choose our route; here and there a picturesque log cabin, covered with vines; boys and girls on their way to the log schools, and the lusty farmer digging his fortune out of the rich earth. Everything fresh and new, full of young life and enthusiasm, these June trips to Springfield would, I think, compare favorably even with those we make to-day in a luxurious Pullman car.* But there were exceptions to these enjoyments. Sometimes torrents of rain would, in a few hours, so swell the stream that the log bridges and banks would be entirely submerged, and a stream, which a few hours before was nearly dry, became a foaming torrent. Fording at such times was never agreeable, and was sometimes a little dangerous."

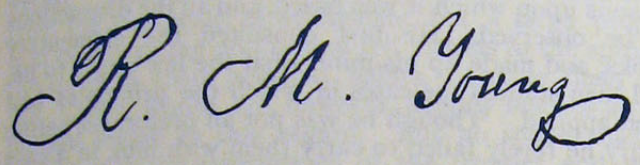
Isaac N. Arnold

"The judge," says Mr. Arnold,* "usually sat upon a raised platform, with a pine or white wood board on which to write his notes. A small table on one side for the clerk, and around which were grouped the lawyers, too often, I must admit, with their feet on top of it. * * * There was, in those days, great freedom in social intercourse; manners were at times rude, but genial, kind, and friendly. Each was ready to assist his fellow; and as none were rich, there was little envy or jealousy. The relations between the Bench and Bar were free and easy; and flashes of wit and humor and personal repartee were constantly passing from one to another. The court-rooms in those days were always crowded. At court were rehearsed and enacted the drama, the tragedy, and comedy of real life. The court-room answered for the theater, concert-hall, and opera of the older settlements. The judges and lawyers were the stars; and wit and humor, pathos and eloquence always had appreciative audiences. The leading advocates had their partisans, personal and political, and the merits of each were canvassed in every cabin, school-house, and at every horse race, bee, and raising."

THE EARLY BAR.—At the close of 1834, while Chicago was still in the Fifth Circuit, the resident lawyers, though not yet formally associated as a Bar, had begun to assume respectable proportions. While the population was estimated all the way from four hundred to twelve hundred, the lawyers already numbered eleven—Heacock, Hamilton, Spring, Caton, Casey, Fullerton, Collins, James Grant, Grant Goodrich, Moore, and Morris. It is remarkable that so many of these should have risen to distinction, five having reached the Bench, and all having attained a respectable standing in the profession, and as public-spirited citizens in civil life, noted for intelligence, integrity, and varied substantial service to the young and struggling community. To none of them has there attached any taint of professional misconduct or neglect of duty, no venality as judge, or betrayal of client's interest as lawyer. The first two have already been noticed among the early settlers; and this is a fitting place to introduce such of the others as have passed away from earth, or removed from Chicago. Two members of the Bar of 1834, Judges Caton and Goodrich, still survive as honored citizens, and their lives will be sketched in a later volume. The only representative of the Bench of Chicago at this period was Judge Young.

* "Reminiscences of the Illinois Bar, Forty Years Ago."
† "Recollections of the Early Illinois and Chicago Bar," by Hon. I. N. Arnold.

RICHARD M. YOUNG, the first Circuit Judge who held court in Chicago, was born in Kentucky toward the close of the last century. He emigrated early into southern Illinois, residing at Jonesboro, Union County, before as well as after the organization of that county in 1818. He was admitted to the Bar September 28, 1817; and he represented Union County in the Second General Assembly, 1820–22. By an act approved December 29, 1824, the State was divided into five judicial circuits, and he was commissioned Judge of the Third, January 19, 1825. This act was repealed January 12, 1827, and all judicial functions again devolved on the Chief Justice and the three Associate Justices of the



Supreme Court, which abrogated Judge Young's office. Accordingly we find that "An act for the relief of Richard M. Young"—the payment probably of salary balance—was introduced in the Legislature January 11, 1827, and approved the 22d, by which $58.40 were appropriated for that purpose. And it was enacted February 17, 1827, that he be paid "four State paper dollars a day" for sixteen days' service as clerk to an important committee of the House. In 1828 he was presidential elector on the Democratic ticket. By the judiciary act of January 8, 1829, a Fifth Circuit was created to include all that portion of the State lying north of the Illinois River; and Mr. Young was chosen its judge on the 12th, and commissioned on the 23d. About that time he removed to Quincy, within his judicial district. 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. He was in active correspondence with Governor Reynolds in April, 1832, in reference to the disturbed condition of northern Illinois, and urged the necessity of speedy and effective protection of the northern frontier against the Indians in the Black Hawk War. In the impeachment trial of Judge Theophilus W. Smith before the State Senate in the session of 1832–33, Judge Young was associated with the future Judges Breese and Ford, for the defense. He held the earliest terms of the Circuit Court in Chicago. By an act approved January 7, 1835, a Sixth Circuit was established which included Cook County, and Judge Young had no further occasion to ride his blooded Kentucky horse to distant Chicago, though there still remained ample exercise for his equestrian skill within the Fifth Circuit. At the session of the General Assembly in 1836-37, Judge Young was put in nomination for United States Senator, and elected over five competitors, December 14, 1836, for the full term, 1837–43. He resigned the judicial office January 2, and took his seat as Senator September 4, 1837. During his senatorial term he seldom made speeches, but was always ready to enforce a point or defend a principle in the interest of his constituents, such as the establishment of new post routes, the advocacy of pre-emption laws and the support of internal improvement measures. He was quite active and watchful on all questions likely to affect the State of Illinois; and his counsels were not without influence at home in directing the policy of the State toward the payment of its debt. February 1, 1841, in his place in the Senate, he said: "The march of Illinois is forward; and if her legislative guardians at home shall promptly discharge their duty in the preservation of her credit at home and abroad, who cannot foretell that her destiny is no less than that of an empire State?" And, on the question of internal improvements he thus defined his position on the 26th of the same month: "I am willing to promote the interests of the West and South, the East and North, but I wish them to go hand in hand. Let them all go together!" With ex-Governor Reynolds, he had been appointed State agent by Governor Carlan in 1839 to negotiate the sale of State bonds, with a view to push forward the internal improvements so ardently desired by the people of Illinois. He made a journey to Europe for that purpose, but he failed in his financial mission and returned to the discharge of his duties as Senator. Failing of re-election to the Senate, he was chosen an Associate Justice of the Supreme Court, January 14, 1843, and commissioned February 4th. He held the office until January 25, 1847, when he resigned. During this period he frequently held court in Chicago, and was favorably regarded by the Bar as well as by the Press and people. In 1847, he was appointed commissioner of the general land office, succeeding General Shields, and being succeeded by Justin Butterfield, June 21, 1849. In 1850–51, he was clerk of the House of Representatives at Washington. "For a number of years before his death," says Ballance,* he was a claim agent in Washington City. But for some time before his death he was confined in an asylum for maniacs. * * * * If the story is true, he passed away many a day and night in a dungeon, under the torturing hands of fiends in human shape, in the great capital of the Nation; and yet for a long time so secretly, that a brother living in that city had no suspicion of it." Physically Judge Young was a tall, fine-looking man, large of stature and of dignified and attractive bearing. His intellectual ability was equal to filling any office respectably, although not with eclat, and coupled with his industrious and methodical habits made his legal and political attainments above the average of his day and his opportunities. His manners were gentle, courteous and entertaining; his feelings generous and sympathetic; his disposition amiable and unaggressive; and altogether he was eminently fitted to win and retain popular favor. His more able associates were often distanced when they became his competitors; although he never reached the highest position as a lawyer, judge or senator, he always commanded the respect and confidence of his constituents and the public. Of excellent personal habits and refined tastes, whatever he may have lacked in brilliancy was amply compensated for by his steady attention to duty, and his earnest purpose to promote the prosperity of the State. He had two daughters, of whom the elder, Matilda, was married at Washington, to R. A. Matthews, of Georgia, July 29, 1852.

GILES SPRING was born about 1807, in Massachusetts, whence he emigrated when a young man to the "Western Reserve" in Ohio. Having studied law at Ashtabula under the firm of Giddings & Wade—the historic Benjamin F. Wade and Joshua P. Giddings—he removed to Chicago in June, 1833. Here he practiced his profession until raised to the Bench, sixteen years later. Judge Caton thus refers to those early days: "Clients were scarce, but as there were but two of us to do the business the only rivalry between us was as to who could most zealously serve his client, with the

* History of Peoria, p. 64.

greatest courtesy and kindness to each other." The Justices of the Supreme Court did circuit duty in those days, and exclusively in the portion of the State south and east of the Illinois River. When, therefore, a young lawyer desired a license, it became necessary to make a pilgrimage to one or two southern county-seats and be examined by two Justices, and thus get authority to practice. It was not until January 24, 1835,* that Mr. Spring was entered on the records of the Supreme Court as licensed, though he advertised location as a lawyer in the fourth number of the Chicago Democrat, December 17, 1833. He had, however, been admitted to the Bar in Ohio, and only required to have his papers sent forward for record. He early obtained a good share of the Circuit Court as well as Justice Court practice; and was generally on one side or the other of all the more important early cases. In February, 1836, he formed a partnership with Grant Goodrich, which continued until his election to the Bench. By a rather singular coincidence the partners wedded life-partners on the same day, Sunday, July 24, 1836, at Westfield, Chautauqua Co., N. Y., Miss Levantia Budlong becoming Mrs. Spring. In the winter of 1836–37, Mr. Spring was in Vandalia, prosecuting the case of Harrington *vs* Hubbard before the Supreme Court. This was the first important land case in this county, involving the title to the south forty-seven acres in what was called the Harrington tract in Section 32. It was specially important to Mr. Spring, because being paid with about a dozen acres of that land, it laid the foundation of his modest fortune. Mr. Spring was a prominent Whig, and for years at every convention received the nomination to the best of offices, and being personally popular always ran ahead of his ticket. In the spring of 1843 he was the Whig candidate for representative in Congress of the Chicago district, against the Democratic nominee, John Wentworth, whom he beat in the city by fifty-one votes, only to be overwhelmed in the district by a majority of one thousand six hundred and twenty-one for his opponent. Had his party not been in a condition of chronic minority, he would doubtless have attained to high political preferment; but it would probably have added nothing to his fame; for he was essentially a better lawyer than politician. In 1848 he was chosen City Attorney, and was a delegate to the Free-Soil convention of that year in Buffalo. In 1849 he was elected Judge of Cook County Court of common pleas, and held the office until his premature death, May 15, 1851. Several of his contemporaries have borne witness to his merits as a lawyer, Judge and citizen, all agreeing, with varied phraseology, in the following tribute by his former partner, Judge Goodrich, delivered thirty-two years afterward before the Chicago Historical Society:

"Spring was a phenomenon, a natural born lawyer. His education was quite limited, and he paid little respect to the rules of grammar; yet he could present a point of law to the court, and argue the facts of a case to the jury with a clearness and force seldom equaled. He seemed sometimes to have an intuitive knowledge of the law, and mastery of its profoundest and most subtle principles. His brain worked with the rapidity of lightning, and with the force of an engine. In argument he possessed a keenness of analysis, a force of compact, crushing logic which bore down all opposition. His language though sometimes homely was always forcible and strongly expressive of his thought. He was firm in attack but not often offensive. But his most astonishing powers were exhibited when some new question arose in the progress of a trial. However suddenly it might be sprung, and however grave or abstruse in character, he would instantly and seemingly by a flash of intuition, grasp it with a skill and mastery of legal learning which seemed possible only to the most skilled preparation. His resources appeared exhaustless. * * It would be misleading to assume that these rare powers were the mere flashes of genius or intuition, for few men studied their cases, or the law involved in them, with more careful assiduity. His memory was marvelous; his discrimination searching and accurate. His method of studying a case made him complete master of all the law applicable and kindred to it, the reasons upon which it was based, and all the distinctions to be observed. He first consulted the elementary books, and made up his mind what the law ought to be, and then studied the cases in which the principles had been applied. Though he was not an orator, yet before a jury he rarely failed to carry them with him, in a case of anything like even chances. It was, however, in the argument of legal questions before the court, where his comprehensive knowledge of the principles of law, his clear sledge hammer logic, and his wonderful mental endowments shone most conspicuous. * * * * He was devoted to his clients and honorable in his practice, respected and admired by his professional brethren. As a Judge he was scrupulously impartial, upright and able. In some of his decisions, his genius and legal learning burst out in opinions so luminous and profound as to extort the admiration of the Bar. * * * His faults were of that character which excited commiseration, while they did not destroy admiration for his virtues. He died I believe without an enemy. Colonel Linder, in his 'Reminiscences' says of him, and surviving contemporaries confirm the testimony—'He was a man of childlike simplicity of manners, as tender-hearted as a woman, and would have stepped aside to keep from treading on a worm.' He was, unfortunately, a victim to the free use of intoxicating liquors, which exercised upon him a peculiarly baleful influence, besides sometimes interfering with his official duties.* He regarded himself as inextricably involved in the toils of his evil habit, and bewailed his misfortune, apparently unconscious of his power to remove it. He died at the age of forty-four, many years being lost of a life otherwise useful—another instance of the disastrous results of stimulating a brain and nervous system that were much better when left to more natural invigorants."

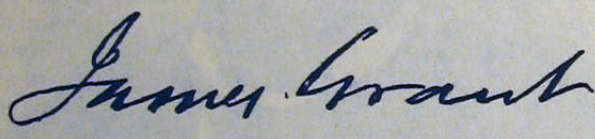
EDWARD W. CASEY, a native of New Hampshire, was in the order of arrival the fifth member of the Chicago Bar, and was deputy to R. J. Hamilton in 1833. He acted as secretary to him in his capacity of school commissioner at the sale of school lots, October 20 to 25, 1833. Early in the next year his literary, legal and clerical powers were brought into requisition by his townsmen in drafting a petition to the Postmaster-General, asking better mail facilities for the uneasy little town on the Chicago River, which even then was unwilling to be ignored, and eager "to push things." Mr. Casey was appointed corporation attorney August 18, and its clerk and collector December 19, 1834. His name appears on the Supreme Court register of lawyers licensed to practice, under date of January 7, 1835. It was while acting as attorney for the town that he prosecuted Richard Harper for vagrancy. The personal habits of the lawyer furnished occasion to the accused to make the demurrer, whether one vagrant could law-

* There is often an interval of months, and sometimes of years, between the date of actual license to practice and that of record on the rolls of the Supreme Court.

* "Court is adjourned from day to day" says the Chicago Democrat of February 9, 1850, "by a spree of Judge Spring."

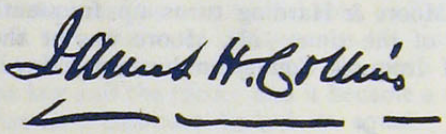
fully prosecute another. Mr. Casey formed a partnership with Buckner S. Morris August 7, 1835, and was elected Justice of the Peace two days latter, but does not appear to have served long in that capacity. That Morris & Casey did a fair share of the law business of the period may be inferred from the frequency with which their names recur in the scant records of those early years. Mr. Casey took an active part in the meetings and deliberations of November, 1836, which led to the petition for a city charter. The firm was dissolved on or before December 1, 1836, and Mr. Casey continued to practice here alone until some time in 1838, when his friends induced him to return East. In those early days the excessive use of liquor was almost universal. Here and there a professional man stood aloof from the mad whirl of excitement, but a large proportion of the young and brainy fell victims to the spirit of the times in their personal habits. Among them was Mr. Casey, whose life, however, happily teaches an important lesson in this regard. For no sooner had he broken with the associations of the frontier, and withdrawn to the purer atmosphere of a New England farm, than he corrected those mistakes of immature life and became a respectable and self controlled citizen. In the 2 Scam. he is said to have been residing at Concord, New Hampshire, in 1841, and in the Times of October 3, 1875, at Newburyport, Mass. "He was," says Judge Goodrich, "a thorough lawyer, a fine scholar a most amiable man, and a polished gentleman. Though he had acquired a good practice and had before him the highest promise of professional success, he abandoned his profession, returned to his Eastern home, and engaged in farming."

JAMES GRANT, born in North Carolina, December 12, 1812, was the sixth member of the Chicago Bar, was admitted to practice by the Supreme Court of Illinois, March 26, 1834, and arrived here "on the 23d of April" of that year. He was appointed State's Attorney, January 1, 1835. As early as January 30, 1836, he represented large real estate interests here, advertising for sale at that date 7,000 acres at the terminus of the Illinois & Michigan Canal, which belonged to Arthur Bronson of New York. About March 30, 1836, he formed a law partnership with Francis Peyton, and the firm, Grant & Peyton, continued until 1838. Mr. Grant removed to Iowa in 1839, where he rose to the position of Judge, and where he still survives, at Davenport, an honor to the Bar and Bench of two great States. Of late years he makes an annual pilgrimage to Chicago, to the reception of old settlers by the Calumet Club; but the fuller history of his life belongs to the State of his later adoption.



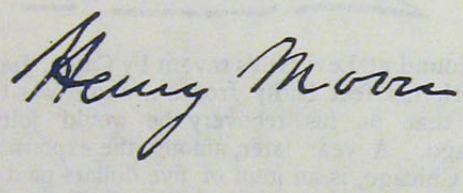
ALEXANDER N. FULLERTON was a native of Vermont, and there admitted to the Bar, arrived here between July and November, 1833, but nothing is known of his pursuits until 1835. Early in June of that year he was in partnership with Grant Goodrich; on the 19th he became a member of the first board of health, and three weeks later was appointed clerk of the board of Town Trustees. The firm of Fullerton & Goodrich was dissolved February 22, 1836, and after a year or two of little more than nominal connection with the profession, he finally drifted into commercial business, and was as early as 1839 generally recognized as a lumber merchant. "Though a wellbred lawyer," says Judge Goodrich, "he was never actively engaged in practice, but devoted himself to the accumulation of wealth, and died possessed of a large fortune," September 29, 1880, aged seventy-six. He belonged therefore to the commercial rather than to the professional class of early settlers.

JAMES H. COLLINS first became known to the citizens of early Chicago in February, 1834, when he formed a partnership with J. D. Caton, who had studied law under him, at Vernon, N. Y., two years before. He pulled up stakes in the fall of 1833, having been defeated on the Anti-Masonic ticket in his native State, set out for the West, and passing through Chicago in September, settled on "a claim" at Holderman's Grove, in what is now the southwestern corner of Kendall County, where a settlement had been begun some three years earlier. But the sufferings of the first winter convinced him that he was not cut out for a farmer. Indeed he was found at Levi Hill's tavern by Caton, January 3, 1834, with his feet badly frozen; and it was then arranged that on his recovery he would join Caton in Chicago. A year later, among the expenses of the town of Chicago, is an item of five dollars paid him for legal advice. The firm of Collins & Caton was dissolved in 1835. Afterward Mr. Collins formed a partnership with Justin Butterfield, the first record of which is found under date of July 16, 1836, and which lasted until about 1845. In those early years of the Chicago Bar, the firm of Butterfield & Collins was the most conspicuous, being usually found engaged in every important lawsuit, on one side or the other. They were of the counsel for the General Government in the celebrated Beaubien land claim, and Collins bought several of the lots which many of the citizens had intended the old Colonel should bid in without opposition. Mr. Collins feeling satisfied that such an arrangement would accrue to the benefit of others rather than of Beaubien, bid on the lots, drawing upon himself much adverse criticism from Press and people. He was very obstinate in his opinions and was once committed for contempt by Judge Ford for refusing to submit to the court a document entrusted to him by a client, John Shrigley, High Constable, which he claimed was privileged. He was associated with Owen Lovejoy in the defense of the latter in 1842, in his celebrated trial for harboring a runaway slave, and did much toward securing his acquittal. After dissolving partnership with Butterfield he practiced his profession alone for seven or eight years, but in 1853 he formed a new partnership with E. S. Williams, who had studied law with Butterfield and himself several years before. He was "an early and most violent and extreme abolitionist, and in 1850 was the candidate of that party for Congress, receiving one thousand six hundred and seventy-three votes." He died in 1854 of cholera. "He was a good lawyer," says Arnold, "a man of perseverance, pluck and resolution, and as combative as an English bull-dog. * * *



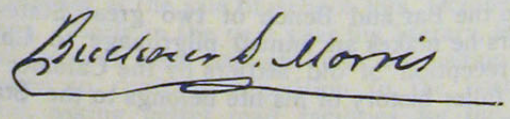
He was indefatigable, dogmatic, never giving up, and if the court decided one point against him, he was ready with another, and if that was overruled, still others." "He seems to me," says Goodrich, "never to have had one particle of genius, but was the hardest worker I ever saw. He bestowed upon the preparation of his cases the most thorough research and critical examination. Though often brought in professional conflict with him I always regarded him as my friend; and have the melancholy satisfaction of having attended him almost alone during the whole night of his fearful struggle with the cholera, until death relieved him of his sufferings." He had at least two daughters—Cornelia M., who was married to J. V. Smith, and who died at her father's house May 31, 1851, at the age of twenty; and Kate F., who was married May 15, 1855, to John M. Sharp.

HENRY MOORE, a native of Concord, Mass., arrived in Chicago some time in 1834, being admitted to the Bar in Illinois December 8 of that year. He was the second of quite a line of deputies to Colonel Hamilton, Circuit Court clerk, a position he held until the fall of 1835, when his law practice required his attention. Early in 1836, he formed a partnership with F. A. Harding, which was dissolved May 19, 1837; and the firm of Moore & Harding turns up frequently in law business of the time. Mr. Moore was at the Circuit Court of Iroquois County on business May 16, 1836,



when Judge Ford appointed him for the defense of the murderer "Morris." He "astonished" the prosecuting attorney, James Grant, by "the ability he manifested." "He relied," says Grant, "upon the insufficiency of circumstantial evidence; made the usual argument in such cases, but with much more than the usual ability." In the fall of 1836 Mr. Moore was one of the prominent speakers at the Whig meeting in Chicago; and in December one of the representatives of Cook County at the Internal Improvement Convention held at Vandalia. In March, 1837, his name is on record as a trustee of Rush Medical College, and June 1 of same year he became law partner of E. G. Ryan. He obtained about that time from the Legislature the first charter for a gas company in Chicago; and was an active and prominent member of the Bar. He, however, found this moist and breezy climate rather unfavorable for his weak lungs, and on the approach of the winter of 1838–39, he sought alleviation in the genial climate of Havana, Cuba. He did not return to Chicago, but it is learned from "2 Scam." that he was a resident of Concord, Mass., in 1841, where he died before many years.

BUCKNER STITH MORRIS was born August 19, 1800, at Augusta, Ky., a village founded by his maternal grandfather, Philip Buckner, who had been a Captain in the War of Independence. The parents were Dickinson Morris, a native of Delaware, but at this time surveyor of Bracken County, Ky., and Frances Buckner, by birth a Virginian. Schools were few in Kentucky, and young Morris received his early education at home from his parents. He arrived at man's estate, and had worked some on farms before he conceived the idea of studying for the Bar. From 1824 to 1827 he devoted to acquiring a knowledge of the profession, and was admitted to the Bar in the latter year. In 1830 he was elected to the Legislature, and was re-elected in 1832, being a Whig in politics, but never a blind partisan. In 1832 he married Miss Evilina Barker, of Mason County, Ky. At the close of his second term, in 1834, he came to Chicago, by way of the Wabash to Vincennes, and on horseback from that point. Returning for his family, he made a second trip in August, when he permanently settled here. He found less than forty houses on his arrival, and soon opened a law office. He is found advertised as a Chicago lawyer as early as July 9, 1835; and formed a partnership with E. W. Casey August 7, though his name does not appear on the records of the Supreme Court of Illinois as a licensed lawyer until December 7, 1835. Morris & Casey dissolved in the fall of 1836, and Morris & Scammon was formed December 5, 1836. This firm was also short-lived, as Mr. Morris was elected Mayor in the spring of 1838, and Alderman of the Sixth Ward in 1839. In 1840 he resumed more fully the practice of his profession, and formed a partnership, August 13, with William W. Brackett, which lasted about three years. With



Lincoln, in 1840, he was nominated presidential elector at large on the Whig ticket. In 1844 he was elected Alderman, but resigned before the close of the year, and was also president of the Hydraulic Company. In 1845 he formed a new firm with William M. Greenwood as partner, who was exchanged as early as March 16, 1846, for John J. Brown. His wife died in 1847, leaving two daughters; and in 1848 he became a Mason, eventually reaching the highest degree attainable in America. In 1850 he married Miss Eliza A. Stephenson, who died suddenly of heart disease in 1855, leaving one son, who,

however, lived to be only seven. The firm of Morris & Brown continued until the death of Brown in August, 1850, after which Grant Goodrich became partner for a short time. In 1852 he formed a new partnership, the firm being Morris, Hervey & Clarkson; and was the unsuccessful Whig candidate of that year for Secretary of State for Illinois. In 1853, Judge Hugh T. Dickey having resigned, Mr. Morris was elected to complete his term as Circuit Judge, and was commissioned May 24. The Green trial for wife murder was prosecuted before Judge Morris, and is said to have been the first case in this State in which scientific experts were accepted on the witness stand, Green's conviction being largely due to the testimony of Drs. Blaney and Bird to the presence of strychnine in the stomach of the deceased. His decisions in relation to that class of evidence have been often quoted, and have been incorporated in the medical jurisprudence of the State. He was tendered a nomination for re-election at the close of his term in 1855, which he declined and returned to his practice. He soon formed a new partnership, the firm being Morris & Blackburn in 1856, and Morris, Thomasson & Blackburn in 1857. In 1856 he married Mrs. M. E. Parrish, of Frankfort, Ky., a daughter of Edward Blackburn, and sister of Morris's two partners, Breckenridge F. and James Blackburn, and of the recent Governor of Kentucky, Dr. Luke Blackburn. In 1860 he was a candidate for Governor of Illinois on the Bell and Everett ticket, of which he was an early advocate, as a solution or postponement of the impending crisis. He claimed that a vote for Lincoln on the one hand or for Breckenridge on the other was a vote for civil war, as sectional feeling had reached a point where no other issue could reasonably be anticipated. The election of Bell and Everett alone could save the country. One of his regrets and a constant censure of Andrew Jackson was the breaking up of the United States Bank. He held that the cohesive power of a common financial system in holding the North and South together had not been duly weighed. His Southern origin and relationship with the Kentucky Blackburns, who were all violent Secessionists, as well as his acknowledged connection with "Sons of Liberty," but above all the heated state of the public mind which could brook nothing less than the most out-spoken Unionism, brought him into suspicion of disloyalty in 1864, in connection with the alleged Camp Douglas conspiracy. Mr. and Mrs. Morris were arrested with the other "conspirators," taken to Cincinnati, tried by court martial and acquitted. Judge Drummond thus testified to his loyalty; "I have been acquainted with Judge Morris for twenty-five years, and I think his reputation to be, as far as I know it, that of a loyal man. He was a strict advocate of what was the Crittenden compromise, and desired exceedingly that the difficulties between the two sections of the country should be settled amicably. * * * I do not know what developments this trial may have produced, not having followed the evidence, but up to the time of his arrest I certainly should as soon have distrusted my own loyalty as that of Judge Morris." During his detention, which lasted several months, Mrs. Morris and himself received much kind attention at the hands of one of the female religious orders of the Roman Catholic Church, which eventually led both to give their adhesion to that communion. After their release in the spring of 1865, Judge Morris ceased to be an active member of the Bar, confining himself chiefly to his real estate interests and occasional law business for his friends. He died December 16, 1879, having well entered on his eightieth year, and was buried from St. Mary's Catholic church. "Both these gentlemen," says the Hon. Thomas Hoyne, speaking of Judges Spring and Morris, "rose to high positions from the native force of their characters, and the possession of vigorous intellects. And what seemed singular in their case is, that in the absence of regular culture in the art of advocacy or oratory, they were among the most successful speakers of the day. In many respects they obtained in jury trials a pre-eminence in advocacy over their more highly favored brethren who had been sedulously prepared in universities and schools, both in New York and New England."

To this Judge Goodrich adds: "Having been a partner for a short time of Buckner S. Morris, I am justified in saying—and I think all who were acquainted with his professional capacity will agree with me—that he was no ordinary man. It is evident his general education, his professional reading and training had not been systematic or thorough, but he possessed good vigor of mind and strong common sense and sincerity of manner, which joined with a popular homeliness of expression, apt and striking comparisons, fervent zeal and apparent honesty of belief in the justice of his cause, made him a formidable opponent before a jury. In a desperate case he was remarkable, and the more desperate it was, the more conspicuous his powers became. He often carried his case by main strength against the law and the facts; and it became a common remark that in a bad case he had no equal. He was elected Judge of the circuit, but was better fitted for practice and served but a brief term on the Bench. In character he was simple as a child, tenderly sympathetic and kind, heartily good-natured, and genial in his manners. I doubt if the remembrance of any deceased member of the Chicago Bar is cherished with more unmixed sentiments of kindness than that of Judge Morris." "For native strength, I never saw his superior," says Mr. Beach; "his natural powers of oratory were truly great."

CIRCUIT COURT, 1835-36.—Thomas Ford, who had been Prosecuting, or State's Attorney, in the Fifth Judicial Circuit, was elected by the General Assembly as Judge of the newly created Sixth Circuit; but, by exchange, the first term in Chicago in 1835 was held by Judge Sidney Breese. It extended from May 25 to June 9, showing a marked increase in the business of the court. Before 1835, three or four days were sufficient to clear the meager docket, but thenceforward there never was any lack of business in Chicago courts. The judicial requirements of the place have always kept ahead of the legislative provision for its wants. No sooner have apparently ample facilities been secured than the city has leaped forward to double or treble the population contemplated, compelling a fresh enlargement of the judicial force. This term was the first in Chicago after it became part of the Sixth Circuit, and the first held anywhere by the recently elected Judge Breese, then in his thirty-fifth year.

Chief-Justice Marshall died July 6, 1835, and the first formal meeting of the Chicago Bar was held in respect to his memory. The members present were Fullerton, Casey, Goodrich, Morris and Moore of those already mentioned, and Royal Stewart, a later accession.

The second term of the Circuit Court, in 1835, was held by Judge Stephen T. Logan, also in exchange with Judge Ford. It was opened the first Monday in October and closed on the 11th. By this time there were one hundred and three civil suits on the docket, and

seventy of these were determined at that term. Of the thirty-seven people's cases twenty-five were closed—nineteen were merely for non-attendance as jurors, of whom two were fined five dollars each; and twelve cases were continued. The case of most interest at this term was the—

SECOND MURDER TRIAL.—The criminal under indictment gave the name of Joseph F. Morris, but it was afterwards stated that his real name was Joseph Thomasson. His victim's name was Felix Legre, and the murder was committed about twenty miles from Chicago on the road to Ottawa. The Grand Jury of Cook County found a true bill against Morris at the fall term of 1835, but by change of venue the case was carried to Iroquois County, where it was tried the ensuing term. Notwithstanding the most strenuous efforts, and an able defense on general principles. by Henry Moore, who had been assigned to him as counsel by Judge Ford, Morris was convicted on rather slender evidence, wholly circumstantial. He was the person last seen in company with the murdered man, and a knife was found in his possession which the recent employer of Legre fully identified as belonging to that unfortunate individual. He denied the killing, but acknowledged that he knew the guilty party, whose name, however, he steadily refused to divulge—a self-deceiving evasion founded probably on the false name under which he was indicted. The implied chivalry and devotion to alleged principles was too fine-spun for a jury of pioneer settlers of Iroquois County, and they found him guilty of murder, though not without some hesitation. On May 19, Judge Ford sentenced him to be hanged June 10, 1836; and the sentence was faithfully carried into effect, though in the absence of a jail it required persistent watchfulness on the part of Sheriff Dunn of Iroquois County and his deputy, George Courtright. The substantial justice of the verdict has never been seriously questioned, but conviction on the evidence would be to-day improbable, if not hopeless.

Both these terms of the Circuit Court of Cook County in 1835, were held in the First Presbyterian church, then situated north of what is now the Sherman House, and fronting on Clark Street. The spring term of 1836 was held by Judge Ford in the same building, and extended from May 23 to June 4. There were two hundred and thirty civil cases, twenty-one criminal and thirteen chancery. Most of the people's cases were for constructive contempt through non-attendance as jurors. The two most important of them were for assault with intent to kill and both culprits were sent to the penitentiary, the first of a long and ever-widening band of convicts on that charge from Chicago. The most important civil suit was, perhaps, that of Harrington *vs.* Hubbard, the first land case in Cook County which was decided in favor of the defendant but on appeal to the Supreme Court that decision was reversed the ensuing winter at Vandalia.

The fall term of 1836 was held by the same Judge, and in the same building. In addressing the Grand Jury, James Grant, prosecuting attorney, dwelt specifically on the duty they owed the public in relation to trespassers upon the canal lands. The court re-enforced his remarks by reminding them that it was to these lands the public must look for the completion of the canal; and every tree stolen detracted from its value. Both speeches help to show how paramount in interest at that time to the people of Chicago was the longed-for canal and all its belongings. Several rogues were sent to the penitentiary at Alton as a result of this term of court; and a score or more were indicted for trespassing on the canal lands; but a large part of the court business remained unfinished, and the need of additional judicial facilities, through new courts or more terms of the Circuit Court, became apparent.

Among the most important of the civil cases tried at the fall term in 1836, was what is popularly known as the Beaubien land claim, which Judge Ford decided favorably to claimant. This decision was sustained by the Supreme Court of the State, but was reversed in 1839 by the Supreme Court of the United States. See Beaubien claim.

THE CHICAGO BAR AT THE ORGANIZATION OF THE CITY.—As at the close of 1834 Cook County was about to be transferred from the Fifth to the Sixth Circuit, so now before the spring term of 1837, it became a part of the Seventh Circuit, to which amid frequent changes and numerous additions to the circuits in the State, it ever afterward belonged, until by the Constitution of 1870, the County of Cook was made one judicial circuit. A month after the establishment of the Seventh Judicial Circuit, Chicago was granted its charter of incorporation as a city, which is therefore appropriately made an era in the history of its Bench and Bar. Meanwhile the membership of the Chicago Bar had more than doubled, and biographical sketches of the accessions since the close of 1834, now deceased or departed from Chicago, are here subjoined.

ROYAL STEWART is on record as admitted to the Bar in Illinois January 8, 1835; and is found advertised as an attorney at Chicago on June 8, of the same year. How much longer he remained a resident is not clear, but his name disappears from the local records.

In 1841, however, he was residing at Syracuse, N. Y., as may be learned from 2 Scam.

WILLIAM H. BROWN, a lawyer and distinguished citizen, is treated elsewhere, as after his arrival in Chicago he became more distinguished as a banker.

JAMES CURTISS, more of a politician than a lawyer, and twice Mayor, became identified with local political affairs, and is more properly named in that connection.

HANS CROCKER arrived in Chicago in 1834, and studied law for a time in the office of Collins & Caton. In 1836, he removed to Milwaukee, where he has since attained some prominence as a lawyer,* but he was not admitted to practice while here, and does not properly belong to the Bar of Chicago.

WILLIAM STUART, though not admitted to the Bar in Illinois until July 11, 1837, advertised as attorney and land agent as early as December 5, 1835. He never practiced much at the Bar, being at first a real estate man, and then a journalist. In August, 1836, he became partner of James Curtiss, and was appointed Town Attorney for a short time during the absence of James H. Collins. Curtiss & Stuart dissolved in October, 1837, and Mr. Stuart was publisher and editor of the Chicago American in 1839. He was appointed Postmaster by Harrison in 1841, and held that office until the close of the presidential term in March, 1845. In May of that year he formed a partnership with Charles H. Larrabee, but in 1846 he left Chicago for Binghamton, N. Y., where he also edited a newspaper and became twice Postmaster, and died a few years since.

EBENEZER PECK was born in Portland, Me., May 22, 1805, but received his earliest education at Peacham, Vt. While yet a lad, his parents removed to Canada, and some years later young Peck began the study of law in Montreal, where also he first practiced the profession. About 1826 he was married to Miss Caroline I. Walker,

* A. T. Andreas's History of Milwaukee, 1881, page 1585.

at Peacham, Vt. In 1833 he rose to the dignity of King's Counsel for a district in Canada East, and was elected to the provincial Parliament on the Reform ticket. His party began to drift toward rebellion, and Counselor Peck removed to Chicago, where he arrived in the summer of 1835. About the middle of October, he is found associated with J. D. Caton, in the case of Geddis *vs.* Kercheval. "He made his mark at once," says Caton. "He showed that his study of the law had been systematic, while he evinced all the resources of tact, and sagacity and quickness of apprehension, so important in the successful trial of a cause before a jury. His address to the jury was forcible, and at times eloquent." From the first he took an active interest in politics, and was induced by Mr. Caton to join the Democratic party. October 28 he was appointed Town Clerk, and the ensuing month was chosen delegate to the first State Convention, which was held at Vandalia December 7, and at which the future Senator Douglas first began to attract public attention. Before leaving the capital, he was admitted to the Bar of Illinois, December 14. In the summer of 1836, he resigned the clerkship of the town, and a few months later became prominent in the movement for a city charter. At the meeting of November 25, he was appointed chairman of the committee to draft it, and December 9 reported the instrument, which with slight modifications was finally adopted by the Board of Town Trustees, and passed by the Legislature, March 4, 1837, as the charter of the future metropolis of the Northwest. Of this he and Caton have always been regarded the principal authors. In 1837, on the dissolution of the house of Jones, Clark & Co., Mr. Peck became a member of the succeeding firms of Jones, King & Co., and W. H. Stow & Co., iron founders. He was chosen one of the board of commissioners under the State internal improvement act of 1837. In 1838 he was elected from this Senatorial District to fill the unexpired term of Peter Pruyne, deceased, but resigned before the close of the term and became clerk of the internal improvement board in 1839. In the suspension of public improvements, which soon supervened, his position was neither exhaustive nor remunerative, and he was again elected to the Legislature in 1840, this time as representative. On the re-organization of the State judiciary by the General Assembly February 15, 1841, he was chosen clerk by the Supreme Court some time before May 19. In 1846 he formed a partnership with James A. McDougall, of Chicago, previously of Jacksonville, and later Attorney-General of the State, which continued as McDougall & Peck until the former went to California in 1849, when Peck became associated with Charles B. Hosmer. Meanwhile he had gone out of office as clerk of the Supreme Court when it was legislated out of existence by the adoption of the new constitution March 6, 1848. Charles Gilman, reporter of the Supreme Court, died July 24, 1849, and Mr. Peck was chosen to that office by the new court, and from that time the volumes were called Illinois Reports. His first appeared in 1850, and he numbered it XI, thus leaving room for the preceding ten—Breese's one, Scammon's four and Gilman's five. His own series closed with Volume XXX, in 1863. About 1850 he became interested in the new Democratic journal known as the Argus, the business connection being in the name of his eldest son, W. W. In 1853 his law firm became Peck, Hosmer & Wright, by the accession of Edward Wright, son-in-law of the senior member. In the memorable new departure of the Democratic party for the enlargement of the slave area, in 1853, by the repeal of the Missouri Compromise, established by their more prudent fathers a generation before, Mr. Peck abandoned his old party associations. In 1856 he became one of the ex-Democratic founders in Illinois of the party which has since become historic under the name of Republican. In the famous political debate between Lincoln and Douglas in 1858 Mr. Peck was deeply interested, and was elected on the new ticket as one of the four representatives of Cook County in the twenty-first General Assembly, where he helped, by his experience and management, to establish the Republican party on a solid foundation in the State. In 1860 he labored for its success in the wider field of national politics. In April, 1863, he resigned as reporter to the Supreme Court of Illinois, and was appointed one of the judges of the Court of Claims at Washington by President Lincoln, whose friendship and intimacy he enjoyed and labored to repay by faithful advice and devoted service. In the heavy burdens of head and heart which fell to the President's lot he is known to have sought and valued the counsels of Judge Peck, whose experience as a politician specially commended his views. For many years there were but few men in Illinois who wielded a more extensive or powerful influence in political circles, and few were more active or adroit partisans. He held the judgeship under the successive administrations of Johnson and Grant, retiring in 1875 on full pay, at the age of seventy, when he returned to Chicago in broken health. His oldest son W. W., born in 1831, died at Washington, a Captain in the regular army, in 1862. Two years after the return to Chicago, the mother died, in 1877. The Judge survived his wife some four years. He died May 25, 1881, and was buried two days later from Unity church. Three children survived him—Charles F., bred a lawyer,

EBENEZER PECK.

and admitted to the Bar of Illinois January 7, 1857, who removed to Washington about 1864, and became a member of the law firm of Hughes, Denver & Peck; Mrs. Edward Wright, and Mrs. Perry Trumbull, an adopted daughter. At the memorial meeting of the Bar, convened May 26, and adjourned to the 30th, when they again assembled. speeches were made by several of the Judge's late associates, from which are excerpted the following estimates of his character and powers:

"It could be truthfully said of Judge Peck," remarked Judge Drummond, "that he was an honest, self-reliant man, whose judgment and counsel went rarely astray." "A man," said B. C. Cook, chairman of committee on resolutions, "of earnest convictions and had the courage of his convictions, * * * a judge whose decisions will stand as clear, profound, and faithful expositions of the law. * * * He has left the impress of his character upon the eventful time in which he lived. His influence has been marked and beneficial in the history of the city, the State and the Nation." * * * "It was fortunate," says Judge Caton, "that he was rarely wrong. Whenever his mind was fully made up on any subject, I never knew him to change it, and this whether it were on a question of law or ethics, the use of a word or the structure of a sentence. * * * It was not obstinacy, for he was anxious to be convinced and to agree with us. It was simply conviction, from which he would not be moved to oblige anybody." "Judge Peck," says Mr. Ashton, "was no ordinary man. As a lawyer and judge he had few superiors; as an adviser and counselor I doubt if he had his superior. He was not a 'case lawyer,' although when inclined, he was a fine advocate. He was a lawyer in the fullest sense of the term. * * * He always reached his conclusions by analysis and from principle. * * * He disliked the drudgery and routine of the office, but when necessary he could accomplish as much labor in a short time as any man I ever knew." "He was," said Judge Trumbull, "outspoken in his opinions, and never pretended what he was not. With hypocrisy, shams and deceit he had no patience. He was a man of great kindness of heart, full of sympathy and hospitality. * * * His family circle was one of the happiest and brightest in which it was ever my privilege to mingle. Even in later life, when pain and sorrow came, and his physical system was broken by disease, his hope and cheerfulness did not forsake him. * * * He lived a pure life, was kind, true and faithful in all its relations, and died an honest man."

ALONZO HUNTINGTON was born in Shaftsbury, Vt., September 1, 1805. He was a grandson of Amos Huntington, a Captain in the Revolutionary War, and on his mother's side a grand-nephew of Governor Galusha, of Vermont. After receiving his early education in the schools of his native State, he removed, in early manhood, to western New York, where he worked some years at his trade of mason, and afterward studied law under the Hon. I. T. Hatch, of Buffalo. In 1833, he returned to Vermont, where he married Patience Lorain Dyer, a native of Clarendon, Rutland County, and a sister of the well-known Dr. Charles V. Dyer, of Chicago. For two years after his marriage he resided in Wayne County, N. Y., of which Lyons is the county-seat, when he removed to Chicago in the fall of 1835. He was chosen State's Attorney for the Seventh Circuit in 1837 his competitor, Albert G. Leary, a member of the Bar, being rejected by a majority of the General Assembly, because he was himself a member of that body. In 1839, Mr. Huntington was again chosen State's Attorney. Admitted to the Bar in New York, he is not found enrolled on the list of the Supreme Court of Illinois until January 14, 1840. The most remarkable criminal case prosecuted by him was the People *vs.* John Stone, for the murder of Mrs. Lucretia Thompson, at the spring term in 1840, and excited some rhe-

A. Huntington

torical but undeserved animadversion as a prosecutor of the Press, for performing under the orders of the court the perfunctory duty of entering suit against the editor of the American for contempt. At the expiration of his second term in 1841, he resumed the practice of the profession as a member of the Chicago Bar. As prosecutor and advocate he was recognized as of great industry rather than great talents, of conscientious fidelity to the interests of his clients rather than oratorical ability, and of unquestioned integrity rather than showy pretension or display of legal lore. In his official position he was fairly successful, especially during his second term. To his neighbors and acquaintances he was cordial; to his family, kind, generous and self-sacrificing. To stand by his own was the cardinal principle of his life, and in the varied relations of son, brother, husband and father he has seldom been surpassed. He died at his home in Chicago, November 17, 1881, aged seventy-six years. His wife had preceded him twenty years, having died October 23, 1861, aged sixty. They had six children, of whom only two, a son and a daughter, survive. Henry Alonzo Huntington, the son, was born in Chicago, March 23, 1840, served as an officer in the Fourth United States Artillery in the Rebellion, and is

now better known as Major Huntington, of the editorial staff of the Chicago Tribune. The daughter, Frances, born in Chicago October 23, 1844, is the wife of Benjamin M. Wilson, of the law firm of Wilson & Collier, of this city.

JONATHAN YOUNG SCAMMON, also a member of the early Bar of Chicago, being admitted December 7, 1835, is sketched in the field of perhaps his greater fame as an early banker.

JOSEPH N. BALESTIER was born in 1815 at Brattleboro, Vt., whence he emigrated to Chicago some time in 1835. He soon formed a partnership with Thomas R. Hubbard, and the firm is found advertising "money to loan" in the Chicago American of December 5, of that year. Both were recognized as lawyers though neither seems to have taken the trouble to obtain a license to practice in Illinois. In 1836, Mr. Balestier "realized $500 per day," says Harriett Martineau, "by merely making out titles to land."* Hubbard & Balestier advertised as a firm as late as August 16, 1837, and both appear in the reprinted "directory of 1839." January 21, 1840, Mr. Balestier delivered before the Lyceum his now celebrated lecture "The Annals of Chicago," reprinted in 1876, with an introduction by himself, as No. 1 of the Fergus Historical Series. On or before September 25, 1840, he formed a new partnership with E. Webster Evans, a young lawyer, just arrived from the East. But within a year, September 23, 1841, we find Mr. Balestier advertised as a lawyer at No. 58 Wall Street, New York; and his Introduction to the Annals, already referred to, is dated Brattleboro, Vt., January 1, 1876, where he now resides.

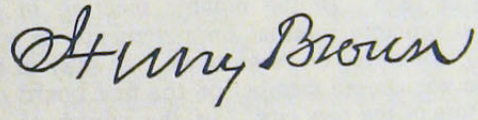
THOMAS R. HUBBARD went to New York about 1839, and became secretary to a banker.

GEORGE ANSON OLIVER BEAUMONT was born in Columbia, Tolland Co., Conn., about 1811. Reaching early manhood, he studied law at the New Haven law school, where he received a diploma, equivalent to a license to practice in the courts of the State. In 1836, accompanied by his mother, widowed in his infancy, he removed to Chicago. He formed a partnership with Mark Skinner August 6, 1836, and the firm held a respectable rank in the profession. Mr. Beaumont was not enrolled on the Supreme Court list as a licensed lawyer until December 11, 1839, though probably admitted to the Bar here as early as 1836. In 1842 he was appointed Commissioner in Bankruptcy for Cook County. On February 3, 1842, before the Young Men's Association, he delivered a lecture on "American Literature." In the spring of 1844 his health became impaired, and Mr. Skinner being appointed United States District Attorney, the firm was dissolved that summer. In the ensuing spring Mr. Beaumont was taken by his mother to the home of his youth, but the change did not avail, and he died of softening of the brain, December 18, 1845. He was a tall, slim man, of delicate organization, unfortunately subject from his youth to nervous disorders, which despite a fair intellect, an excellent education and industrious habits, retarded his professional progress; and although Mr. Beaumont attained respectable rank in the early Bar of Chicago, he made no permanent impression on the public mind, and his existence is almost forgotten.

FISHER AMES HARDING, a native of Rhode Island, where he was born about 1812, and a graduate of Brown University made a brief sojourn in Chicago as a lawyer, though not on record as admitted to the Bar in Illinois. He is first mentioned here as disputant before the Lyceum, February 20, 1836, and next, as partner of Henry Moore, March 12, of the same year. Moore & Harding dissolved May 19, 1837, and Mr. Harding became associated with Fletcher Webster. The firm of Webster & Harding soon removed to Detroit, Mich., where after a few years Mr. Harding became editor of the Detroit Daily Advertiser. He found in journalism a more congenial sphere, and filled the position of editor with distinguished credit until his early death in 1856.

FLETCHER WEBSTER, a son of Daniel Webster, born in 1812, and a graduate of Dartmouth, was as above stated the head of the law firm of Webster & Harding of Chicago for a brief interval in 1837, while residing at Peru; but as he was never enrolled among the licensed lawyers of Illinois, and as the firm soon removed to Detroit, his connection with the early Chicago Bar is sufficiently noticed by this brief mention.

HENRY BROWN was born in Hebron, Tolland Co., Conn., May 13, 1789. The father, Daniel, was a commissary in General Greene's division, in the Revolutionary War, and was granted a pension for his services. He provided a liberal academic and collegiate education for at least two of his sons. Henry graduated at Yale, and when of age removed to New York, where he studied law, first at Albany under Abram VanVechten, afterward at Canadaigua under John Gregg, and finally under his own elder brother, Daniel, at Batavia. Admitted to the Bar about 1813, he settled at Cooperstown; and in 1816 was appointed Judge of Herkimer County. After quitting the Bench, about 1824, Judge Brown continued the practice of law in Cooperstown until he removed to Chicago in 1836. Mr. Brown was elected Justice of the Peace May 20, 1837, vice E. E. Hunter resigned. His son Andrew Jesse, born in Springfield, N. Y., in 1820, arrived in Chicago in 1837, and Mrs. Brown and four daughters followed,



in 1838. In 1839, his term as Justice expired, and he returned to his profession, to which, and some literary work, he devoted the remainder of his life. He was chosen City Attorney in 1842, and appointed, in 1843, upon the resignation of George Manierre. In March of the later year he announced that he was preparing to publish a history of Illinois, which was issued in New York City in 1844, and on which he had spent a year. His name does not appear on the Illinois list of licensed lawyers until February 27, 1845. Later in that year he took into partnership his son, who had studied law with him but had removed to Sycamore, DeKalb County, where he was admitted to the Bar December 27, 1842, and who had returned to Chicago in 1845.

January 20, 1846, Judge Brown as president of the Lyceum, delivered an inaugural on "Chicago, Present and Future,"* which has become historic, and which evinces deep thoughtfulness, great breadth of view and a quite marked foresight of Chicago's destiny. He died in 1849, three days after his sixty-first birthday, of cholera, being the first case in that year, and not suspected until after the disease had become epidemic. He was buried with Masonic honors, having stood high for many years in the confidence and respect of that fraternity. One of his earliest literary efforts was a defense of the order against the attacks of the anti-Masonic party, based on the alleged abduction of Mor-

*Mrs. Martineau was very deaf and mistook $50 for $500.

*Published as part of No. 6 of Fergus's Historical Series.

gan and other prejudices. It was published in Batavia while Mr. Brown resided there, forming a duodecimo of two hundred and forty pages. Judge Brown was one of the kindliest of men, very cordial in his intercourse with his fellows, and utterly devoid of pretension or vanity. All affectation of dignity and assumption of unnecessary gravity by others excited his ridicule, as he conceived such airs to be but an ingenious contrivance to conceal deficiency or impairment of brain power. Such was his habitual industry that during the greater portion of his life he labored at his duties or his studies sixteen hours out of the twenty-four. He was a man of the most extensive and varied reading, and had learned to cull flowers of fancy and gems of thought from all the literatures of mankind. He was of frank truthfulness and childlike candor, aud was universally respected for his many excellent qualities of head and heart. He was large and imposing of stature, weighing over two hundred pounds, and of dignified appearance. In politics Judge Brown was a Democrat, and entertained Mr. Van Buren during his visit to Chicago, July 4, 1842, and with him became a Free-Soiler in 1848, but he was too transparent to be a successful politician, and too broad to be a blind partisan. Besides the son already mentioned, his wife and four daughters survived him. The eldest child, Cornelia A., born in Springfield, N. Y., August 12, 1818, married William H. Stickney, of Chicago, February 19, 1852. The second daughter, Julia, borne in Danube, Herkimer Co., N. Y., in 1822, married George W. Dole, of Chicago, March 30, 1853, and died October 16, 1865. Sarah, born June 13, 1824, married Dr. William Butterfield, October 23, 1844. Caroline, born August 1, 1826, married Thomas L. Forrest, July 10, 1848.

FRANCIS PEYTON, was a member of the early Bar of Chicago, though never formally enrolled as a lawyer in Illinois. He was a partner of James Grant in the spring of 1836. In the notable meeting of January, 1837, to promote internal improvements he was chairman of committee on resolutions. In May of the same year he was chosen member of the first board of school inspectors of the new city. In the winter of 1838–39, he was attorney for Colonel Beaubien in the final effort to secure his claim to the Fort Dearborn Reservation. He conducted some law business before the Circuit Court in the spring term of 1839, and was one of the speakers on the occasion of a notable excursion on the steamboat "Great Western," August 13, of that year. He afterward came here in 1840 to assist State's Attorney Huntington in the Stone murder trial.

SAMUEL LISLE SMITH was born in Philadelphia in 1817, of wealthy parents. His early advantages, educational and social, were exceptionally good. Precociously talented, he had studied law at Yale and passed the examination entitling him to a diploma or license to practice before he was of sufficient age to receive it. In 1836 he came to Illinois to look after the interests of his father, who owned some choice tracts of land near Peru. With abundant resources drawn from the parental treasury, young Smith associated with the many gay pleasure-seeking young men who then thronged this Western center of speculation, and naturally fell into habits of life which somewhat marred his career. Returning East, he shook off this premature pursuit of pleasure, sought and obtained his diploma as a lawyer, and was married to a Miss Potts of Philadelphia. In 1838 he again set out for the West and settled in Chicago. He made his headquarters in the office of Butterfield & Collins, where he familiarized himself with the laws of Illinois. He gradually slipped into his former convivial habits, and in 1839 was chosen City Attorney, a position which funished abundant occasion for the exercise of his genial and generous hospitality. Coupled with the continuous stream of his eloquence, wit and mimicry, his convivial spirit enhanced his popularity, while it did not seriously impair a fortune derived mainly from his father. He was at this time at the very height of his reputation as an orator. The Hon. I. N. Arnold, one of his hearers, at the Whig State Convention at Springfield, in 1840, thus refers to his powers: "I heard for the first time stump-speeches from Lincoln, Harden, Baker, and others, but the palm of eloquence was conceded to a young Chicago lawyer, S. Lisle Smith There was a charm, a fascination in his

SAMUEL LISLE SMITH.

speaking, a beauty of language and expression, a poetry of sentiment and of imagery, which in its way suppressed anything I had ever heard. His voice was music and his action studied and graceful. I have heard Webster, and Choate, and Crittenden, and Bates of Missouri; they were all greatly his superiors in power and vigor, and in their various departments of excellence, but for an after-dinner speech, a short eulogy or commemorative address, or upon any occasion when the speech was a part of the pageant, I never heard the equal of Lisle Smith." In 1844, he took an active interest in the presidential campaign, the third attempt of the Whigs to elect Henry Clay, of whom he was a great admirer and supporter. In 1847, at the River and Harbor Convention, at Chicago, he signally distinguished himself among some of the best speakers of the nation. Horace Greeley said he was "the star of the vast assembly, and stood without a rival;" and Henry Clay did not hesitate to write that Mr. Smith "was the greatest orator he had ever heard." His magnetic power over an audience, as testified by several surviving witnesses, was something wonderful,

his voice was sweet and clear, his fancy glowed with sublime and matchless imagery, and he was equally at home in pathos or invective. His language was not only choice but phenomenally exact, his memory absolutely marvelous, and his power of mimicry no less so. His imitations of Calhoun, Clay, Preston and Webster are said to have been so curiously life-like as to mislead those most familiar with the peculiarities of these great speakers. His keen sense of the ludicrous and grotesque, joined to a vast fund of humor and innate as well as acquired wit, filled the measure of his phenomenal adaptability to become a great orator. He lacked but two elements of the highest possible success in that line, a more portly physique and a less ardent pursuit of pleasure. He was handsome and graceful but small of stature, rather below the middle size, with a florid complexion and light hair. A third drawback has been found in his inherited wealth, but had he remained master of himself, this would not have proved an obstacle, but a valuable auxiliary. Besides the speeches mentioned, his addresses on the following occasions are singled out as specially noteworthy: At the organization of the Excelsior Association, or Sons of New York, the Society of the Sons of Penn, the Reception of Webster, the Irish Relief Meeting, the Obsequies of John Quincy Adams, and of Henry Clay. Short-hand facilities were not extensive in the Chicago of his day, and it is said, "he never wrote a single word even at his greatest efforts," in enduring form, though we are assured his ordinary preparation embraced not only a rough sketch but a critical weighing of words, phrases and quotations. What is probably correct is that not a single speech was ever written out in full; nor was he so identified with any great law case as to have had either argument or speech preserved in any court record. Altogether his career was rather brilliant than powerful, and has had no influence on the jurisprudence of the State, though it deeply affected the memory, imagination and feeling of his contempotaries. He was genial, generous and hospitable; a kind neighbor, a good citizen and a thorough friend; a perfect gentleman, a ripe scholar and an eloquent advocate of whatever social, legal or political question he espoused; a well-read lawyer and popular among his brethren, and at home a devoted husband and father. Had his self-control been equal to his talents he might have risen to eminence; as it was, a feeling of regret, if not pity, mingles with enthusiasm of his admirers. He died of the prevailing epidemic, cholera, July 30, 1854, before he had reached the age of forty. His wife and two sons survived him. Mrs. Smith was a daughter of the Rev. Dr. Potts of Philadelphia, and a sister of the perhaps better known Rev. Dr. Potts of New York. She died in August, 1871. "The memory of the eloquence of the gifted orator," said the Daily Press, in notice of his death, "will not soon fade from the public mind, which he could at any time sway with the wand of a magician. * * * For those who mourn the sudden rupture of the most tender ties, there is no language to express their grief." In the Recorder's Court, a week later, the following resolutions were introduced by D. McIlroy and seconded by E. W. Tracy: "That in the death of S. Lisle Smith the profession have lost an eminent brother, distinguished for his superior education, his fine and practical intellect, and his elevated moral character; and the entire community, especially the poor, have lost an affectionate and sincere friend." "He was," says Judge Goodrich, "of medium height, a ruddy countenance, a large and finely formed head, a face that gave expression to the feeling without words. His eyes were dark and shone out from under 'a square, projecting brow' luminous with the fires of intelligence, and when kindled by passion or the inspiration of his theme, they glowed with the emotions that stirred his soul. His motions were full of grace, his gestures eloquent in expression. In his voice there was a magic and charm beyond description. It was rich and sonorous, as flexible in tone and modulation as the melodies of a musical instrument, descending to the lowest tones and rising to the highest pitch without a break, as clear and ringing as an Alpine horn. He could startle with the tones of an angry god, or soothe with the softest cadence of rippling waters. His eloquence was faultless, his style chaste and classical, his language rich and copious, his illustrations apt and brilliant; and when he gave the reins to his imagination, he conjured up such marvelous forms of beauty, such enchanting creations of fancy, and clothed his thoughts and images in such elegance of expression, that his hearers were entranced with wonder and admiration. His speeches were not the mere affluence of sounding words which like the jingling of bells delight the ear, but do not move the heart. They were often full of profoundest thought, and rich in sentiment, and sometimes severely logical. He was admired by the great men of his day." A surviving admirer of Mr. Smith fully indorses this beautiful tribute of Judge Goodrich, and assures the writer that it is an entirely truthful characterization of the greatest orator Chicago has ever known.

JUSTIN BUTTERFIELD was born at Keene, N. H., in 1790. Educated in his earlier years at the common school, and prepared for college by the local minister, he entered Wiliams College in 1807, and about 1810 began the study of law under the future Judge Egbert Ten Eyck, at Watertown, N. Y. During these years of advanced education he eked out his scanty resources by teaching school in winter; and was admitted to the Bar in 1812. He began the practice of his profession in Adams, Jefferson Co., N. Y., where he soon exhibited that professional aggressiveness and courage so characteristic of his later career. In July, 1813, during the second British war, he sought to obtain the release by habeas corpus of his client, Samuel Stacey, Jr., a native of Madrid, in the adjoining county of St. Lawrence. Stacey was held several weeks by the military without trial on suspicion of disloyal intercourse with the enemy across the border. Mr. Butterfield served the writ on the commanding General, who evaded compliance, with the result to the young lawyer that his purely professional effort for a client reacted on his own reputation, his position being regarded as unpatriotic in the heated condition of the public mind.* It was the remembrance of this blind prejudice which led him to exclaim, a generation later, when asked if he was opposed to the Mexican War: "No, sir! I oppose no war; I opposed one and it ruined me. Henceforth I'm for war, pestilence and famine!" He practiced some years in Sackett's Harbor, where he married about 1814. He then removed to New Orleans, where he quickly obtained a lucrative practice and high rank in his profession. In 1826 he returned to Jefferson County, N. Y., settling this time in Watertown, where he remained several years. In 1834 he came here to reconnoiter, soon returned to Watertown to wind up his business, and settled here permanently in 1835, forming a law partnership with James H. Collins as early as July 16 of that year. Mr. Butterfield soon became a recognized leader not only at the Bar, but in the broader relations of civil

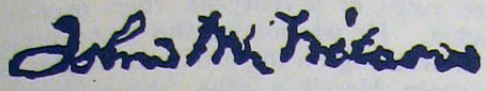
* Johnson's New York Reports, Vol. X., 327-33.

life. He was one of the trustees of Rush Medical College at its incorporation, March 25, 1837. The firm immediately attained a front rank in the profession. Collins was already well known, and it soon became evident that the new accession was fully his equal. Both were fine lawyers, in the maturity of their powers, the breadth of their experience and the depth and variety of their legal attainments. Nearly all the other members of the early Chicago Bar were young men, awaiting opportunity to flesh their maiden swords, and win reputation and power. Butterfield & Collins came to be recognized as at the head of the Bar, not alone in Chicago but in the State. Against the movement for the sus-

JUSTIN BUTTERFIELD.

pension of the Municipal Court in 1837, Mr. Butterfield, in common with nearly all the lawyers in the city, threw the weight of his influence. And in the conflict between the Bench and Bar of Chicago, which signalized the incumbency of Judge Pearson, 1837 to 1840, he took an active and characteristic part. It was he that in open court, November 11, 1839, held out to the indignant Judge the alternative papers, a bill of exceptions against his own rulings, to sign, or the mandamus of the Supreme Court of Illinois to obey. He was fined $20.00 for contempt; but he was not to be cowed or browbeaten, and, with his associates of the Bar, the case was carried before the State Senate, where the political bias, if not the greater calmness of that quasi-judicial body, saved the Judge from the sentence and penalties of impeachment and the wrath of his enemies. In 1841 Mr. Butterfield was made Prosecuting Attorney for the United States Judicial District of Illinois, which he held until the election of President Polk. In 1842 he drew up the canal bill, the main provisions of which had been previously settled in conference by Arthur Bronson, William B. Ogden, I. N. Arnold and himself, and in virtue of which the holders of canal bonds were induced to advance $1.600,000 wherewith to complete the canal. In 1843, through a misunderstanding about the division of income from his official position, the partnership between him and Mr. Collins was dissolved; and after the close of his official relations with the administration he took into partnership his son, Justin, Jr. In 1847 Erastus S. Williams, a law student of the old firm, and of late years better known as Judge Williams of the Circuit Court of Cook County, was added to the new firm. June 21, 1849, after the re-accession of the Whigs to power, he was appointed Commissioner of the General Land Office by President Taylor. A competitor for the position at that time was Abraham Lincoln, who was beaten, it is said, by the superior dispatch of Butterfield in reaching Washington by the northern route, but more correctly by the paramount influence of his friend Daniel Webster. In fact, Lincoln was then, or had recently been, in Washington as member of the Thirtieth Congress, and had the indorsement of the Illinois delegation, but the pressure of Mr. Webster was irresistible. While in this office he co-operated zealously with Senator Douglas toward securing for Illinois the land grant which became the subsidy of the Illinois Central Railroad, and indirectly through the seven per cent of its gross earnings made payable by its charter to the State, an efficient aid in restoring the credit of the common wealth and finally extinguishing its indebtedness. He held the position of Land Commissioner until disabled by paralysis in 1852. On his retirement he received from President Fillmore the highest praise for efficiency and ability in that office. He had introduced system and industry in the transaction of its business. He lingered some three years in an enfeebled condition, when he died at his home in Chicago, October 23, 1855, in his sixty-sixth year. His wife—before marriage Elizabeth Pierce, of Scoharie, N. Y.—and four children survived him. Two sons, Justin and Lewis, who had been bred to his own profession, had gone before. Lewis, born in 1817, and admitted to the Bar December 16, 1840, died in Chicago October 27, 1845. Justin, born in 1819, and admitted to the Bar June 10, 1840, died of consumption in Washington, March 5, 1852. His oldest son, George, an officer in the navy, died about 1850. The survivors were William, the first graduate of Rush Medical College; and three daughters, Mrs. Sidney Sawyer, Mrs. Frances Gelatly, and Mrs. William S. Johnston, Jr. Mrs. Johnston died January 7, 1875. Mr. Butterfield had always been exceptionally happy in his domestic relations, and was deeply mourned by his family and friends. At the memorial Bar-meeting held two days after his death, his associates thus expressed themselves: "Possessed of great clearness and sagacity of judgment, cautious and steady energy, a well-balanced independence, a just respect for authority, and at the same time an unflinching adherence to his own deliberate opinion of the law, he secured great respect as a lawyer. * * * And the services of the deceased * * * entitle him to the gratitude of his adopted State." "Justin Butterfield," says Arnold, "was one of the ablest, if not the very ablest lawyer we have ever had at the Chicago Bar. He was strong, logical, full of vigor and resources. In his style of argument, and in his personal appearance he was not unlike Daniel Webster, of whom he was a great admirer, and who was his model. He wielded the weapons of sarcasm and irony with crushing power, and was especially effective in invective. Great as he was before the Supreme Court, and

everywhere on questions of law, he lacked the tact and skill to be equally successful before a jury." "Mr. Butterfield's success in the profession," says Judge



John M. Wilson, "resulted from what may be called the power of adaptation, always seizing upon the most effective mode of subserving the interest of his client. * * * He possessed an intuitive appreciation of the strength and resources of his adversary, and was the last man to attempt to laugh a case out of court, unless the prosecution was feeble or the plaintiff and his case were open to the assaults of ridicule and sarcasm. * * * He rarely indulged in flights of fancy, though he never failed to lighten up his addresses to court or jury with a caustic humor which was always effective, his manner giving a point and force to the words. The high position he attained was owing, as intimated, to his intuitive apprehension of the questions upon which cases must be decided, and by adapting his mode of attack or defense to the peculiar circumstances of each case." Mr. Butterfield possessed readiness in reply and aptness in retaliation, which with his professional skill and knowledge made him a formidable adversary and a desirable advocate. Many stories are told of his wit and humor, which need not be here repeated, as they only illustrate traits of character and manner already described.

ISAAC NEWTON ARNOLD was born in Hartwick, Otsego Co., N. Y., November 30, 1813. His parents were Dr. George Washington, and Sophia Mason Arnold, who had removed thither from Rhode Island some fifteen years before. Besides the subject of this sketch they had two sons and four daughters, all of whom grew to maturity, except one boy who died in infancy. I. N. Arnold got his early education at the district school and the local academy. While procuring his later education after the age of fifteen, when he was thrown upon his own resources, and during his studies for the Bar, he made a frugal living by copying in the office of the surrogate, teaching a neighboring school, by office services for his law teachers, and finally by an occasional trial before a Justice of the Peace. He first studied law under Richard Cooper, of Cooperstown, and then under Judge E. B. Morehouse. He was admitted to the Bar in 1835, at the age of twenty-one, and became the partner of his late teacher, Judge Morehouse. He soon found opportunity for his first triumph in a role in which his success afterward became quite marked, that of advocate for persons charged with capital offenses. A negro named Dacit was under indictment in Otsego County for fratricide, an unjust presumption of guilt seizing the public mind because the two brothers were believed to be rivals in love. Mr. Arnold became satisfied of the innocence of his client and secured his acquittal. As he approached his majority he concluded to go West, and in pursuit of this purpose he arrived in Chicago in October, 1836. He published his card as a lawyer as early as November 19, of that year. His chief source of income at first was his skill as a writer of real estate contracts, transfers and abstracts, in the office of Augustus Garrett, auctioneer and dealer in lots and lands, and afterward Mayor of the city. In those early days of almost frenzied activity in that line of speculation, Mr. Arnold often earned ten dollars a day in that capacity. He soon obtained a share of the limited law business of the period, and in the American of February 18, 1837, he advertised that certain notes and accounts were in his hands for collection. In March he was chosen the first Clerk of the new city, a position which he soon found more onerous than remunerative; and which he resigned before October, to give his attention to his growing professional business. He had, meanwhile, formed a law partnership with Mahlon D. Ogden, of which the first mention made is dated August 16, 1837, though known to have been established some months earlier in the spring. With a colleague at headquarters, Mr. Arnold was now free to broaden the relations and spread the reputation of the firm by riding the circuit of the adjoining counties and attending the State and United States courts at the capital as elsewhere sketched in this work, chiefly from his writings. Arnold & Ogden soon came into public recognition, and were engaged on one side or the other in a very considerable proportion of the more important cases in this section. In those dark days of Illinois history, from 1836 to 1846, when men were sometimes elected to the Legislature on a more or less outspoken platform of repudiation, Mr. Arnold's position and views on the opposite side came to be recognized. He was known as an earnest pleader for saving the credit of the State by accepting in good faith the whole burden which had been so unwisely laid upon them by their representatives. Thenceforth he was universally regarded as a champion of public honor, a principled opponent of repudiation and of whatever else tended to weaken the purpose of the people to manfully pay the penalty of the internal improvement mania, which had been the cause of the mischief. In January, 1840, Mr. Arnold purchased for $400, a lot in Fort Dearborn addition, which is perhaps worthy of mention in illustration of the great growth in value of Chicago real estate. With the not very expensive building erected thereon since the fire it now brings a rental of $2,500. In the same year he was elected a member of the first board of inspectors under the school act of 1839, a position which his increasing public responsibilities soon forced him to relinquish. January 18, 1841, a public meeting was held in Chicago to promote direct taxation for the payment of interest on the State debt. Mr. Arnold was one of the signers to the call, as well as a prominent speaker at the meeting and chairman of the committee on resolutions. Notwithstanding these and similar evidences of an earnest solicitude, on the part of some of the best people of the State to maintain or repair the public credit, the Legislature, in February, passed a law which gave a right of redemption in all cases of land sold under mortgages and deeds of trust, whether in virtues of decrees at law or in equity, and provided that before any such sale the property should be appraised and should not be sold at less than two-thirds of such appraisal. As this legislation practically suspended the collection of debts, Mr. Arnold at once took the ground that it was unconstitutional, and carried two test cases to the Supreme Court of the United States where his views were confirmed and the obnoxious laws declared void. In April, 1841, he was appointed Master in Chancery by Judge T. W. Smith, a position he held until his election to the Legislature. Four months later, August 4, he was married at Batavia, N. Y., to Harriet Augusta, daughter of Dr. Trumbull Darrance, of Pittsfield, Mass. He was formally admitted to the Bar of Illinois, December 5, 1841, at one of his many professional visits to the capital, though he had been licensed some time before, and his New York license had secured him full

recognition from the first as a member of the earlier Chicago Bar. At the Democratic State Convention in 1842, he introduced a resolution committing that body to an explicit declaration against repudiation. It was seconded by Mr. Swan, of the Rock River district, but failed to receive the indorsement of the majority. Mr. Arnold received the nomination for representative of his district in the General Assembly and was elected. He resigned the office of Master in Chancery August 6. He had about this time received a letter from Arthur Bronson, of New York, a creditor of this State to a considerable amount, and informally representing the views of other creditors, which outlined the method of paying the canal debt by borrowing enough to complete it and pledging its future revenue to the payment of interest and principal of the old and new debt. At a conference some weeks later in Chicago between Mr. Bronson, William B. Ogden, I. N. Arnold and Justin Butterfield this design assumed more definite shape and was drafted by Mr. Butterfield as the famous canal bill, which contributed so effectually to restore the State credit and enhance the prosperity of Chicago. The principles involved and the sustaining arguments were represented fully and forcibly by Mr. Arnold before the Mechanics' Institute, November 16, in a lecture on "The Legal and Moral Obligations of the State to pay its Debts, the Resources of Illinois, and the Means by which the Credit of the State may be Restored." In the session of 1842–43 he was chairman of the committee on finance, and introduced the canal bill already mentioned. By persistent efforts he was enabled to carry it through, but by only a very small majority. In 1844 he was again nominated and elected to the Legislature, and was presidential elector on the Democratic ticket. Toward the close of the year, upon the resignation of Justin Butterfield, his friends petitioned the administration for his appointment to the vacant place of District Attorney for Illinois, while another section of the party favored Mark Skinner. To promote harmony the appointment was given to D. L. Gregg, of Joliet. Meanwhile the loan of $1,600,000 provided by the canal bill of the year before was delayed through the cautious hesitancy of the money lenders, who required additional and clearly specified guarantees from the Legislature, in all of which subsidiary work Mr. Arnold took an active part, having at length the satisfaction to see the whole matter amicably adjusted in 1845. At the close of his second term in the Legislature by its adjournment, March 3, 1845, he resumed the practice of his profession with new interest and increased success. In 1847 he dissolved partnership with Mr. Ogden, and after some months became associated with George W. Lay, Jr., in 1848. In that year, too, he threw his political fortunes and talents into the new Free-Soil party, and was a delegate to its national convention at Buffalo, and its State convention at Ottawa. He took an earnest and active part in the anti-slavery campaign, being one of the chief orators of the party of Illinois. In all the succeeding biennial campaigns his voice and influence were consistently opposed to the aggressions of the pro-slavery party, and in 1856 he was elected to the Legislature on that ticket. In that year, too, the firm of Arnold & Lay became Arnold, Larned & Lay by the accession of Edwin C. Larned. In the single session of the Twentieth General Assembly, January 5 to February 19, 1857, Mr. Arnold was chiefly distinguished for his elaborate and successful defense of Governor Bissell on the charge of ineligibility. In 1858 Mr. Arnold failed to receive the nomination for Congress at the Republican convention of this district, but labored earnestly for the election of his successful competitor, John F. Farnsworth. In 1860, he defeated Mr. Farnsworth in the convention, and was elected to the Thirty-seventh, or War Congress, by fourteen thousand six hundred and sixty-three votes, or seventy-six votes over the presidential ticket. He was among the first representatives to arrive in Washington to participate in the inauguration of Lincoln March 4, 1861. From that time until the close in 1865 of his second Congressional term to which he was elected in 1862, he devoted all his time and energies to the cause of the Union and the support of the administration. His first speech in Congress was an eulogy of the deceased Douglas, with whom he had politically associated in Illinois in the earlier years of the public life of both. At the regular session in December Mr. Arnold was chairman of the committee on defense of the great lakes and rivers. In an able report to the House, in February, 1862, he strongly recommended that the Illinois & Michigan Canal be converted into a ship canal. He introduced a bill embodying this project, and in June urged its passage with much force in a strong speech.. But despite his most strenuous efforts it was defeated when it came to a vote at the next session, though he made a second powerful speech in its behalf in January, 1863. In the next Congress, to which Mr. Arnold was elected in 1862, he was chairman of committee on roads and canals, and introduced a bill providing an appropriation of $6,000,000 with which to enlarge the Illinois & Michigan Canal. It passed the House February 2, 1865, but failed in the Senate. It was not, however, matters of mere local interest, however great, which chiefly occupied Mr. Arnold's attention during the momentous period of his Congressional career. Even the great question of internal improvements which for fifty years had enlisted the best efforts of the statesmen of Illinois and of Mr. Arnold since his arrival in the State twenty-five years before, was dwarfed into insignificance by the great national questions which now taxed to the utmost the best powers and ripest wisdom of the two War Congresses of which he was a member. It is a matter of national record that Mr. Arnold was among the earliest and most radicals upporters of the administration, and had the honor of being the first member of Congress to advocate the most sweeping of the war measures which many declared revolutionary and unconstitutional. Though a lawyer he saw at once that even the highest laws of peace should not give way to the stern arbitrament of war. The sword had been appealed to, and society's provisions for the opposite conditions of peace and war could not be simultaneously invoked. The unmasked assassin in vain cries out, "Thou shalt do no murder." Mr. Arnold advocated the abolition of slavery in the District of Columbia, the first link in the chain of measures which finally secured "Liberty throughout the land to all the inhabitants thereof." By this first act, about three thousand slaves obtained their freedom. March 24, 1862, he introduced the bill which prohibited slavery in every place directly subject to national jurisdiction, and which with some amendments became a law June 19, 1862. His first great speech in Congress May 22, urged as a legitimate war measure the liberation of the slaves of rebels, and the confiscation of all their other property. In the discussions which followed the President's emancipation proclamation, Mr. Arnold took an active part. The first debate began May 31, 1863, and the question was brought to a vote June 15, when it was found that ninety-three favored while sixty-five opposed grafting abolition on the statute book. On the assembling of Congress in December,

1863, it was felt by the friends of the administration that to give permanence to the results of the great proclamation it was necessary to pass supporting measures. January 6, 1864, Mr. Arnold made a speech in the House, on "The Power, Duty and Necessity of destroying Slavery in the Rebel States." February 15, 1864, Mr. Arnold, in the House, introduced the resolution, "That the Constitution should be so amended as to abolish slavery in the United States wherever it now exists, and to prohibit its existence in every part thereof forever" (See Cong. Globe, Vol. L, p. 659), which was adopted by a decided majority but fell short of the necessary two-thirds vote. In the further progress of the discussion until the resolution embodying the now historic thirteenth amendment was passed in the House, January 31, 1865, by one hundred and nineteen to fifty-six votes, Mr. Arnold took a conspicuous part. July 14, 1864, on his return to Chicago during adjournment of Congress, he was honored with a public reception by his constituents, to whom his career in Congress had proved very satisfactory, and a resolution of thanks for his able and faithful services was passed unanimously. He, however, declined a renomination; but strongly urged the renomination of President Lincoln, and labored indefatigably for his re-election, addressing a great number of meetings during the campaign, in Illinois, Wisconsin, Michigan, Ohio, Pennsylvania and New York, in earnest support of the man and his policy. His own Congressional career closed March 3, 1865. In 1860, his income from his profession was $22,000; his expenses for four years as a member of Congress, though perhaps exceptionally frugal, and certainly not extravagant were about $20,000 in excess of his salary. It seemed therefore the wiser course to withdraw, and save his modest fortune from speedy extinction. With a special predilection for literary composition, and a decided talent for historic research, besides a lawyer's power to weigh evidence and discern motive, supplemented by a very sincere admiration for his subject, he had set himself the task of writing the life of Lincoln and the story of the final overthow of slavery in the United States. To facilitate his labors the President proposed to appoint him United States Attorney for the District of Columbia, and auditor of the treasury for the post-office department, neither office requiring the incumbent's exclusive time.

Upon the assassination of Lincoln, the writing of the work became more urgent, and President Johnson appointed him to the auditorship only. He had, however, got so much farther away from Democracy than Mr. Johnson, that he soon ceased to be in sympathy with the new administration, and felt compelled to withdraw. In his letter of resignation he undertook to show Mr. Johnson how he was drifting from the principles of his "illustrious predecessor," and of the great party which had subdued the great Rebellion. Returning to Chicago in 1867, Mr. Arnold completed the History of Abraham Lincoln, which has a specific historical value because of the author's personal knowledge of, and sympathetic admiration for the President, besides his own individual participation, and often conspicuous share in the great movement for the final overthow of slavery. He then turned his attention to collecting and compiling the speeches and State papers of Mr. Lincoln, when the great fire by sweeping away some $200,000 worth of his productive property drove him again into professional life. He formed a partnership with Messrs. Higgins and Swett in 1872, and worked hard for two or three years, when his health gave way, and he again retired to private life and his favorite literary pursuits.

JOHN DEAN CATON was born in the town of Monroe, Orange Co., N. Y., March 19, 1812. His father, Robert, had married his third wife, Hannah Dean, by whom he had four children, of whom the subject of this sketch was the third, and the first of two sons. He had had eleven children by his first wife, of whom ten were sons; and by his second, only one son and no daughter; so that John Dean was the twelfth son and fifteenth child of a progeny of sixteen. The father was born March 22, 1761, on the Potomac, in Virginia, where his father, also Robert, owned a plantation. This older Robert was an Irishman by birth, and had been in the English service, but had settled in Maryland some time before the Revolutionary War. The younger Robert, though only in his sixteenth year at the Declaration of Independence, took part in the struggle and settled on the Hudson at the close of the war. Here he became a preacher of the Society of Friends, and his third wife was the daughter of another preacher of that Society. He died in 1815, at a comparatively early age for the head of so numerous a family. When young Caton was four years old his mother, widowed a year before, moved to Oneida County, where a brother resided, with whom she and the children staid some months, and then rented from him a small place in Paris Township. Here the future Judge obtained the first rudiments of his education, attending the district school until he was nine years old. In 1821 one Solomon Ross, a Friend, took him to reside on his mountain farm near Smyrna, Chenango County, where the labor proved excessive for a child of his years, and whence after a nine weeks' detention, he was humanely conveyed thirty miles to his home by another Friend who sympathized in his desolation. Soon after he brought home the first fruits of his labors as a farm boy, at $2.50 a month, being a quarter of beef thus earned from Captain Hubbard At eleven, he worked for Mr. Sexton at $3 a month, and was discharged for harrowing an unbroken sward, through a misapprehension of orders. With occasional and poorly paid work from different farmers, and attendance at school in the winter months, young Caton slowly climbed up to the age of fifteen. Pursuant to his father's wishes he was then put to a trade, that of harness-maker being selected. He soon grew weary of the business, and his eyes becoming accidentally inflamed, he easily procured his welcome dismissal from the "horse-tailor," Job Collins. Meanwhile his mother had removed to Utica, aided in part by such slender help as he had been able to give her, where he now rejoined her, in 1829. Here he spent nine months at the Academy, and made such proficiency as to be able to earn money at surveying and teaching before he was eighteen. He taught a district school near Ovid in the winter of 1829–30, and hired out to a neighboring farmer in the spring, but receiving a severe cut in the foot, he bade good-bye to farm, until he got one of his own some years later in Illinois. He now obtained his first knowledge of the classics at the school of Mr. Grosvenor, at Rome. He again taught a district school in the winter of 1830–31, and returned to Grosvenor's school in the spring. Meanwhile his ambition had been aroused, and he sought to become a lawyer, having already begun to pettifog in the local justice courts. In December, 1831, he entered the law office of Beardsley & Matteson, at Utica, as a student; afterward that of Wheeler Barnes at Rome, and later that of James H. Collins at Vernon. In 1833 he turned his face to the West, and while at White Pigeon, Mich.,

was invited by Irad Hill to take passage on his raft to St. Joseph, whence he came to Chicago on the Ariadne, under command of Captain Pickering, arriving in the outer harbor June 19, 1833. Here he soon began to pick up such petty cases as offered, some of which are referred to elsewhere. In his law business of that year should be mentioned his effort in behalf of some six free negroes, at a fee of perhaps of one dollar each. The law of Illinois required that free negroes should show their manumission papers, to entitle them to free circulation among the whites. The Chicago blacks of the period claimed to be born in the free States, but having no papers were subjected to annoyance under the letter of the law from the hostility of such as were enemies of their race. Caton brought their case before the Court of County Commissioners, pleading with success that some court representing the sovereignty of the State must have the right of granting freedom papers to these unfortunates; and that their honorable body was such court. Though they may not have been able to find any constitutional or legislative grant of such powers their hearts yielded to the enthusiasm of the young lawyer, and they authorized the issuing of the required papers. In the fall of 1833, Mr. Caton went to Pekin, Tazewell County, to be examined for admission to the Bar by Judge Lockwood, who thus addressed him at the close: "Young man, I shall give you a license, but you have a great deal to learn to make you a good lawyer. If you work hard, you will attain it; if you do not, you will be a failure." He then proceeded to Greenville, Bond County, and had his license indorsed by Judge Smith.* January 1, 1834, he set out as guide to Dr. Temple, mail-contractor, on the first stage coach which left Chicago for Ottawa. In February, he formed a partnership with his former law-teacher, Collins. In May he attended the Circuit Court, and brought the first jury case, being the identical one in which he cheated his friend Spring out of a client but into a better fee, as elsewhere stated.† Mr. Caton was elected Justice of the Peace, July 12, 1834, receiving one hundred and eighty-two votes out of a total of two hundred and twenty-nine, in a very active campaign, which left but a few if any votes unpolled. In the fall of 1834, he was ill for forty-seven days in the country at Colonel Warren's, and remembers of the court business of that term only the memorable case of uxoricide by an Irishman, whose acquittal was unexpectedly secured by the plea of Collins, on which the court instructed the jury, that if they could not find him guilty of murder in the first degree, as indicted, it was their duty not to bring in a verdict of manslaughter in any degree, but to acquit. On the 28th of July, 1835, Mr. Caton married Laura Adelaide, daughter of Jacob Sherrill, of New Hartford, Oneida Co., N. Y., whose affections he had won some few years before. In a contest with Isaac Harmon for the office of Probate Judge to succeed Richard J. Hamilton, Caton was defeated. In 1836, with N. B. Judd, he formed the firm of Caton & Judd; and in that year built the first dwelling within the school section, on the West Side, at the southeast corner of Harrison and Clinton streets. He took an active part in the movement for a city charter in November, 1836, representing the second district of the town in the meeting for consultation with trustees. The financial troubles of 1837 did not leave him unscathed; he lost not only most of his real estate but his health also; and in 1838 he took refuge on a farm near Plainfield, which he had entered some years before, and of which he plowed a portion that year, and to which he moved his family in 1839. He kept up his law practice in three or four neighboring counties, being the first lawyer to bring suit in the Circuit Courts of Kane and Will counties, as he had previously been in Cook County. In 1840, again in conflict with Harmon. Having recovered his health he accepted the position of Associate Justice of the Supreme Court made vacant by the election of Judge Ford as Governor, his commission bearing date August 20, 1842. In the October term of that year, in Bureau County, the historic case of the People *vs.* Lovejoy for that "he did harbor, feed, secrete and clothe a certain slave girl, knowing her to be such," etc., was tried before the new Judge, who distinctly laid down the principle, new in that day, that "if a man voluntarily brings his slave into a free State the slave becomes free," which had much influence on the jury in acquitting Lovejoy. At the close of the legislative session in March, 1843, John M. Robinson, who had been United States Senator, 1835 to 1841, was elected to the vacant judgeship, but dying in April, Caton, after an intermission of only a month, was selected by Governor Ford, and at the next session of the General Assembly was elected by them, and served until the re-organization of the judiciary under the Constitution of 1848. He was then elected one of the three Justices of the Supreme Court December 4, 1848, who were to serve three, six and nine years, by which provision the election of one Justice every three years was secured. The six-years term fell to Caton, and towards its close, on the resignation of Chief Justice Treat, in April, 1855, he succeeded the place of pre-eminence for the few remaining months. Being re-elected in June, 1855, for nine years, he again became head of the Bench on the resignation of Chief Justice Scates in 1857, and so continued until his own resignation, January 9, 1864, five months before the expiration of his term. To accompany an ailing daughter to Europe he laid aside the ermine which he had worn for over twenty-one years with honor to himself, credit to the Bench and satisfaction to the Bar and the people. Meanwhile he had become interested, in 1849, in what was then known as O'Reilly's telegraph, but which was organized as the Illinois & Mississippi Telegraph Company, of which he was chosen a director. In 1852 the company was on the verge of bankruptcy and was saved only by Judge Caton's business tact and fertility of resource. He proposed that the company should obtain from the General Assembly of Illinois an amendment to their charter authorizing an assessment, and the sale of the defaulting stock. The board concurred and elected him president and general superintendent with absolute power. He secured the necessary legislation, and obtained enough from an assessment of $2.50 on each share, and the sales of defaulting shares, to meet the most pressing obligations; and devoted his spare time, without however the slightest infringement on his judicial functions. He studied the art of telegraphy, making himself an expert of that day; traveling in the Northern wilds to obtain a supply of cedar posts, negotiating with railroad companies in Illinois, Iowa and Minnesota for transportation, and placing his lines along their roads. The Weekly Democrat of November 3, 1853, thus refers to his activity at this period: "Judge Caton will soon be the telegraph king of the West. From all parts of Illinois we have reports of the system and energy with which the telegraph lines are managed, and of new vil-

* On the Supreme Court list his name does not appear until December 7, 1835.

† Judge Caton holds that this was the first term of the Circuit Court of Chicago in which any law business was done. If Judge Young was here earlier, he may have organized a grand jury, or only passed through.

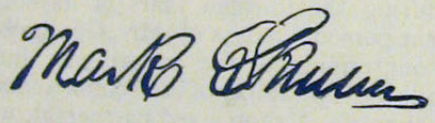
lages being put in communication with the rest of mankind by means of the lightning wires." After some years the stock of the company began to pay dividends; and in 1867 its lines were leased to the Western Union Telegraph Company, Judge Caton retiring from the management. His pursuits since then have been a combination of literary and business enterprises, intermingled with the superintendence of his large farm, and the adornment of his city home on Calumet Avenue, and numerous journeys at home and abroad. His judicial decisions are scattered through twenty-seven volumes of Illinois Reports from Scammon III to Illinois XXX. In these he has stamped the impress of his mind indelibly on the jurisprudence of the State. They exhibit a man of industry in research, a writer of vigor and method, a thinker who is argumentative and discriminating, and occasionally original. A few of his decisions especially after experience had taught him to lop off redundency, would do credit to a Judge of any Bench, State or National. While not overladen with citations they are marked by deliberation and sound sense, and have stood the test of time. His early habits of self reliance impart a vigorous individuality, and his power of seizing essential points gives a clearness to his decisions that make them both readable and valuable. The best traits of his judicial style are reproduced in his other writings which cover antiquarian and scientific as well as purely literary and historical researches. He generally expresses his thought with clearness and precision, and as much condensation as is consistent with an easy, full and unaffected style. As an advocate he was not remarkable for readiness, requiring careful study to insure success. But his long experience as a Judge and man of affairs, enhanced by his later industry in the fields of literature, has developed a fair readiness for extemporaneous speaking, and some of his latest public addresses have been marked by the easy self-possession of a man long accustomed to the exercise of recognized and respected authority. His mind is rather active than brilliant; and he is properly regarded by himself and others as a man of patient industry, endowed with a good working mental apparatus rather than genius or phenomenal power. Of large and rugged frame, his brain is of similar type—brawn and brain being closely related. At this writing, he is in his seventy-second year, still hale and active, alternating between town and country, between literary investigations and business undertakings, between scientific inquiries and the pursuits of a country gentleman, surrounded by his flocks and herds, with no serious physical impairment except a dimness of vision produced by cataract which he hopes to have successfully removed in a few months. Mr. and Mrs. Caton are the parents of seven children, of whom three died in infancy, one at the age of five, and three survive. Of these one is a son, Arthur J., who is a lawyer, and two are daughters, Mrs. Norman Williams and Mrs. Charles E. Towne, whose husbands are lawyers. All these reside in their respective homes within the same inclosure as their parents, which seems the crowning glory of a life largely devoted to the welfare of the family.

GRANT GOODRICH, born in Milton Township, Saratoga Co., N. Y., August 11, 1812, is the eighth son and ninth child of Gideon and Eunice Warren Goodrich, and a direct descendant in the seventh generation from William Goodrich, who arrived in New England in 1630. In 1817 Gideon Goodrich removed with his family to Chautauqua County, N. Y., and here the subject of our sketch received his early education in his father's house, from a teacher whose pupils consisted mainly of the Goodrich children. Some five years later young Goodrich went to live with a married sister at Westfield, in the same county, where he had an opportunity to get an inkling of the higher English branches and of the Greek and Latin classics under the guidance of a resident lawyer. About 1825 being it was thought predisposed to consumption, he took to lake navigation in the vessels of his brother, a shipowner of Portland Harbor on Lake Erie, whither his father had also removed. In 1827 with a physical system strengthened beyond expectation by the air and exercise of two years of seafaring life, young Goodrich, now in his sixteenth year, returned to Westfield to prosecute his studies at the Academy of that place. In 1830, he there entered the law office of Dixon & Smith; and in his twenty-second year set out for the West, arriving in Chicago, "early in May, 1834." Two months later he made a journey to Jacksonville, where he was examined and licensed by Judge Lockwood of the Supreme Court. As early as June, 1835, he formed a law partnership with A. N. Fullerton, which was chiefly devoted to the sale and renting of real estate, and was dissolved February 22, 1836. Within a few days Mr. Goodrich became the law partner of Giles Spring, and so continued until the election of the latter to the Bench in 1849. Both partners found wives at Westfield, where Goodrich had been long and favorably known, and where he had joined the Methodist Church in 1832. He married Miss Juliet Atwater, July 24, 1836. In common with almost every other enterprising citizen of the Chicago of 1837 the panic of that year found him involved on his own and others' account to the extent of $60,000, which it took many years to clear off, but which he eventually paid without abatement. He not only advocated payment in full of all obligations by the State, city and individuals, but enforced the exhortation by example. In 1838, he was elected Alderman of the Sixth Ward, and was president of the Lyceum in 1839. The firm of Spring & Goodrich did a very respectable part of the law business of Chicago during the thirteen years of its continuance, the excellent personal habits of Mr. Goodrich being a valuable counterpoise to the unfortunate infirmity of Spring, while the legal ability of both commanded the confidence of clients. A short-lived partnership with Buckner S. Morris followed in 1850, and was dissolved in 1857, Mr. Goodrich practicing for a time alone. About this time he co-operated zealously with others for the establishment of the Northwestern University at Evanston. In 1852 he was partner of George Scoville, and in 1855 W. W. Farwell, now better known as Judge Farwell, joined them, the firm becoming Goodrich, Farwell & Scoville. In 1856 Sidney Smith took the place of Scoville, and the prestige of the firm was enhanced rather than diminished by the change, Goodrich, Farwell & Smith being universally recognized as a strong combination. In 1857, Mr. Goodrich's health gave way and under the advice of his physician he made a protracted tour of Europe, not returning home until the spring of 1859, when he was elected Associate Justice of the newly constituted Superior Court of Chicago, a position he retained until 1863, when he resumed his place in the law firm as constituted before his departure for Europe six years before.

In 1871, he lost considerable property by the fire, and it took about five years to recover from its results. In 1874 he withdrew from general practice, and has since devoted himself chiefly to the care of his property, and the encouragement of the various social, religious and benevolent interests of Chicago in which he has

borne a share for more than half a century. Originally a Whig, and later a free-soiler and abolitionist he drifted, easily into the Republican party, and was an earnest supporter of Lincoln's administration and the war for the Union. A temperance man on principle, he prefers high license to prohibition as a means of reducing the appalling volume of crime and poverty which spring from the liquor traffic. As a Judge he ranked among the most absolutely impartial and thoroughly informed on the Bench of this city; and no taint or suspicion of unfaithfulness or venality has ever attached to his career as Judge, lawyer or citizen. His wide business experience and excellent personal habits, as well as his extended knowledge of the principles of law and ready familiarity with the statutes of Illinois, together with his firmness of character and soundness of judgment, have made him not only a successful advocate but a very valuable counselor. Mr. and Mrs. Goodrich are the parents of four sons and one daughter. One son died at the age of twenty-six, a studious, well educated and promising lawyer. Another son is now a member of the Chicago Bar. A third son is a manufacturer in Boston, and the fourth is a real estate dealer here. The daughter settled in St. Louis, on her marriage, but on the death of her husband returned to her father's house. Now (1883) in his seventy-second year, and in the enjoyment of exceptional health and vigor, Mr. Goodrich can look back on a more successful and better rounded life than most men.

MARK SKINNER was born September 13, 1813, at Manchester, Bennington Co., Vt., where his father, Richard, a native of Connecticut, had settled as a lawyer in 1800. His mother was of the historic Pierpont family. The elder Skinner became professionally and politically prominent in the State of his adoption. He was Prosecuting Attorney and Probate Judge, Member of the Legislature and Governor, Representative in Congress, and Chief Justice of the State. Young Skinner had all the advantages of a good early education, followed by a careful preparation for college and com-



pleted by a course of study in Middlebury College, Vermont, which he entered in 1830, and from which he graduated in 1833, before he was quite twenty. His father died the same year, and he began his law studies under Judge Ezek Cowen at Saratoga Springs, and Nicholas Hill, afterward of Albany. He also spent a year at the New Haven Law School of Yale. He now determined to make Chicago his home and arrived here in July, 1836.

He at once obtained admission to the Bar, and within a month formed a law partnership with Mr. Beaumont. In 1837 he was chosen one of the board of School Inspectors, and for many years he was a leading spirit in all that concerned the well-being and advancement of the school interests of Chicago. He was chosen City Attorney March 10, 1840, and on the resignation by Justin Butterfield of the office of U. S. District Attorney for Illinois, in 1844, Mr. Skinner was appointed to fill the vacancy, and an effort was made by his friends to secure him a more permanent occupancy of the position, but the friends of I. N. Arnold also bestirred themselves in the same direction. In the interests of harmony [Mr. Skinner peremptorily declined being a candidate in March, 1845,] the appointment was given to D. L. Gregg, of Joliet. In 1846 Mr. Skinner was elected to the Legislature, and was appointed chairman of the committee on finance. He introduced a bill for refunding the State debt which was of great value, by definitely determining the extent of the debt, by introducing system and responsibility in its management, and by reducing six or eight different styles of bonds into one uniform and only authorized issue. In the apportionment of delegates to the State Convention of 1847, he labored with success to secure as the basis thereof the State census of 1845 rather than the United States census of 1840. By reason of the more rapid growth of Chicago and northern Illinois, a just representation and proper weight of influence in the coming convention could thus only have been secured. He was also instrumental at this time in securing the passage of an act to resume payment of interest on the State debt, which had been in default nearly ten years. Soon after the close of his legislative labors, March 1, 1847, he resumed the practice of his profession, forming a partnership with Thomas Hoyne, April 24. On the death of Judge Spring in May, 1851, Mr. Skinner became a candidate for the Bench of the Cook County Court of Common Pleas, and was elected over his competitor, John M. Wilson, for the remainder of Spring's term to June, 1853, when he declined a renomination, because of ill-health contracted through the excessive labors of that court. At his entrance on the duties of Judge, finding the calendar overladen, he sat continuously for seven months, cleared it up and kept ahead. With his retirement from the Bench, his previous withdrawal from political contention, and the interruption to professional practice incident to both episodes as well as the threatened physical infirmity, he turned his attention to the management of large financial operations, in which his success has been very marked. No one in Chicago, perhaps, has so largely represented non-resident capitalists or handled larger amounts of the borrowed money so extensively used in building the city. In 1858 he became a member of the Second Presbyterian Church. In the Rebellion period his services were conspicuous and valuable as first president of the Chicago Sanitary Commission, afterward named the Northwestern, from 1861 to 1864. He was also a member of the more general United States Sanitary Commission during the whole period of its existence. Besides his valuable services in that field he also gave to his country, in 1862, his eldest son Richard, who had just graduated at Yale, at the age of twenty, and who then entered the regular army as Second Lieutenant in the Tenth Infantry, and was killed before Petersburg, Va., June 22, 1864. Judge Skinner has been actively identified with nearly all the benevolent and reformatory enterprises of Chicago, and more especially with the Reform School, of which he was one of the original founders, and president of the first board of directors. With his usual energy and ability he made a business-like investigation of all such institutions as were accessible for personal inspection and a diligent study from printed reports of the more famous reformatory institutions of England, France and Germany. His connection with the earlier railroads of Chicago as a director of the Galena & Chicago, and of the Chicago, Burlington & Quincy, was of no slight value to those enterprises by reason of his marked financial ability and the wisdom of his counsels as a lawyer and a man of business.

ENOCH WEBSTER EVANS was born at Fryburg, Oxford Co., Me., in 1817, of William and Anne (Webster) Evans. Getting his earlier education at the common

school and academy of Fryburg, he spent two years at Waterville College, and two at Dartmouth, where he graduated in the class of 1838. He studied law under Judge Chase, of Hopkinton, N. H., until the summer of 1840, when he set out for Chicago. Here he spent a few months in the office of Spring & Goodrich, and secured admission to the Bar, as is supposed, although his name does not appear on the Supreme Court list until March 14, 1842. He was partner with Joseph N. Balestier for a short time, Balestier & Evans being found advertised in the Daily American of September 25, 1840. He attracted some attention about the same time as a speaker at the Tippecanoe Club. He soon removed to Dixon, Ill., where for a time he was the partner of the late Judge Heaton, and from there to Kenosha, Wis., where he was married September 16, 1846, to Miss Caroline Hyde, daughter of a Mr. Hyde, of Darien, Genesee Co., N. Y. In 1858 he returned to Chicago, and was for a short time the law partner of James T. Hoyt, and still later, of Mr. Tousely. He was, however, better fitted for independent professional business than for partnership. There have been but few lawyers so devoted to the profession as Mr. Evans. He was a lawyer and nothing else, except a good citizen, a worthy man, and an excellent husband and father. In 1871 he was urged by many of the most influential lawyers to become a candidate for Judge of the Circuit Court of Cook County, but declined. His more notable cases were Wilkinson *vs.* Chicago Tribune, and the Zeigenmeyer murder case. He was very extensively identified with suits for damages against corporations, especially the railroads and the city, in cases of personal injury, and his success in these was quite remarkable. He was naturally, or by force of habit, earnest, urgent and convincing as a speaker, and was usually able to marshal all his resources of pleading and argument, as well as persuasion and eloquence, as far as necessary for the success of his case, before a jury. But his power before the Supreme Court, or in chambers, was still more creditable to his ability as a thorough lawyer. He died September 2, 1879, leaving a wife, two sons and two daughters. The elder of the sons is William W., a lawyer, and the younger is Lewis H., a civil engineer. Of the daughters one is married and the other single. He was a regular attendant at St. John's Episcopal Church, especially while in charge of his friend, Dr. H. N. Powers, but was not a member of any Church. At the Bar meeting in commemoration of his death Calvin De Wolf, who had known him since 1840, said: "He was eminently worthy of admiration and esteem;" and the committee on resolutions declared: "That in the death of Mr. Evans the community had lost a most worthy and excellent citizen, a man of the highest integrity and honor, the Bar one of its brightest ornaments, the record of whose professional career during its entire length has never suffered blot or stain, and his widow and family a husband and father endeared to them by that devotedly affectionate attachment which renders home so worthy." "He was not," said Judge Moore, "an ordinary man, but one who ran over with earnestness for whatever he undertook. He was a lawyer of more than usual learning and intelligence. * * * He was a man of majestic sentiment, who drew others to him."

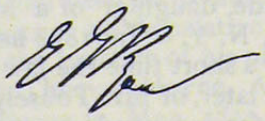
James M. Strode, faintly connected with Chicago in those earlier years, first as a circuit-riding attorney, then as State Senator, 1832 to 1836, with residence still at Galena, and then more closely from 1836 to 1840 as Register of the land-office here, and afterward as member of the Chicago Bar and Prosecuting Attorney until 1848, belongs as such to a somewhat later period than 1837, when he was properly a Government official and not a practicing lawyer. Professionally he belonged about equally to the Bars of Jo Daviess, Cook, and McHenry counties, successively.

Albert Greene Leary, who is thought to have been a native of Maryland, is first heard of in this section through the Chicago American of August 15, 1835, as a lawyer at Ottawa, implying that he must have been admitted to the Bar in some other State, as he is not enrolled in Illinois until March 2, 1837. He must have soon removed to Chicago or Cook County, as he was elected to represent the latter in the State Legislature on the repudiation ticket in 1836. On the 19th of November he notified his law customers to call on J. Y. Scammon during his own absence in the East, whence he returned in time for the first session of the Tenth General Assembly, at Vandalia, December 5, 1836, at which he or his friends in his behalf tried to procure his election as State's Attorney, but he was rejected in March, 1837, as ineligible, being a member of the General Assembly. At the close of the short extra session in July, he returned to practice in Chicago and advertised location August 16, 1837, but does not seem to have exercised much influence or made any impression on the public mind as a member of the Bar. In 1839, he lost his books and papers by fire. In 1840 he was again elected to the Legislature. The second session of the Twelfth General Assembly of Illinois closed March 1, 1841, and Mr. Leary again turned his attention to law, advertising as commissioner for Maryland April 9. He is again advertised as a lawyer in February, 1842. May 21, 1845, the death of his infant child at St. Louis is noticed in the Chicago Democrat; and his own of yellow fever at New Orleans, over eight years later, in the Chicago Weekly Democrat of August 27, 1853. He had married a niece of President Tyler, and their associations are judged to have been mainly Southern.

Mahlon Dickerson Ogden was born June 14, 1811, at Walton on the Delaware, in Delaware County, N. Y., where his father had settled about 1792. He was named for Mahlon Dickerson, United States Senator and Governor of New Jersey, with whom the father had been associated in early life. Young Ogden was educated in the district school, and later at Trinity College, Geneva, N. Y., where he graduated about 1832. Soon afterward he removed to Columbia, Ohio, where he studied law under the future Justice Swayne until 1836, when he was admitted to the Bar. Meanwhile his elder brother, William B., had formed in Chicago the nucleus of a large business in real estate, as the representative of the American Land Company, of Frederick and Arthur Bronson and other Eastern investors in Chicago lots and Illinois lands. Hither Mahlon D. proceeded on a visit, and deciding to make it his future home, returned to Columbus, where he was married to Miss Kasson, and went back to Chicago in the spring of 1837, to settle. In accordance with an agreement formed at his previous visit he now entered into partnership with I. N. Arnold; and was admitted to the Bar of Illinois December 11, 1837. Mr. Ogden never had much to do with the court business of Arnold & Ogden, his taste running more in the line of office work, and especially to real estate, and disputed titles. For ten years the firm had charge of the law relations and legal papers of the business managed by William B. Ogden and later by Ogden & Jones. He resided in the old officers' quarters in Fort Dearborn for a few years after his arrival here, houses being still scarce; but removed about 1839 to the corner of Dearborn Avenue and On-

tario Street, where he had built the home he occupied for twenty years. In 1841 he was elected Probate Judge or, as then styled, Justice of the Probate Court, and held the office for four years, acceptably to the general public. In 1845 he was elected Alderman of the Sixth Ward. In 1847 the partnership with Mr. Arnold was dissolved. Mr. Ogden became directly and exclusively identified with the business of his brother, and in 1849 obtained a partnership interest in the firm of Ogden, Jones & Co. In 1851 Mrs. Ogden died, leaving two children, Charles C., now a resident of Little Rock, Ark., and Mrs. William E. Strong, of this city. In 1856 the firm of Ogden, Jones & Co. became Ogden, Fleetwood & Co., involving no other change than the replacing of Jones by Fleetwood. In 1856 Mr. Ogden married Miss Frances Sheldon, a daughter of General Sheldon, a former resident of Delaware County, N. Y., but at this time of Janesville, Wis. In 1859 he erected on the block north of Washington Square, the residence which afterward became historic as the only building that escaped destruction on the North Side within the range of the great fire. In 1868, the firm was changed to Ogden, Sheldon & Co., in which he and Edwin H. Sheldon were general partners, and William B. Ogden was a special partner until his death. In 1871, in common with nearly all large owners of real estate in Chicago, he sustained heavy loss in the great fire. In 1872 he was elected Alderman in what was called "the strong" Common Council, he and other members of which had been induced to become candidates in opposition to a corrupt ring then in control of the city. The two years' public service thus rendered was the only deviation from private business he allowed himself since 1846. In his original profession he made very little money, but as soon as he went into business he grew rapidly rich. The shrinkage in real estate value which succeeded the panic of 1873, some outside ventures in Ohio manufactures, and the too free use of his credit to certain financial institutions of the city forced him, in 1878, to put his estate into liquidation. The city mansion, already referred to, passed out of his hands, and what had been for some years his summer residence at Elmhurst became the comfortable but much less pretentious home of himself and family. Here he died, February 13, 1880, of pneumonia, after a short illness, in the sixty-ninth year of his age. Mrs. Ogden and her three children, a daughter and two sons, besides the two children by his first wife, survive him. Mr. Ogden was a man of fine personal appearance, but of a delicate constitution, which his excellent habits so fostered that he reached almost the rounded term of three score years and ten. Of a firmness that was akin to obstinacy, of perfect integrity and truthfulness, and possessed of a most delicate sense of honesty, his character was above reproach. In religion, he was a faithful attendant at the services of the Episcopal Church of St. James for forty years before 1877, when he became a regular member. His fame is of the business, rather than the professional or public order. With the few exceptions mentioned, he took no part in public affairs or great public enterprises. His life was of the quiet, useful and industrious type. Possessed of a pleasing address, good conversational powers and a genial temperament, he made hosts of friends. The enhanced value of Chicago realty since his estate was put in liquidation has resulted in giving his heirs a goodly inheritance, reinforced as it has been by their share of the larger estate of their uncle.

EDWARD G. RYAN, born in Ireland in 1810, and an immigrant to this country before he was of age, arrived in Chicago in 1836, and advertised as a lawyer as early as December 10, of that year, though his name does not appear on the list of the Supreme Court until the 31st of that month, when he was present at its session in Vandalia on some Chicago law-suits. He formed a partnership with Henry Moore June 1, 1837, but the firm of Moore & Ryan was short-lived, the senior member leaving Chicago in 1838 for his health. Among other activities in 1837, Mr. Ryan took a decided stand against a movement of embarrassed debtors for the suspension of the Municipal Court of Chicago. One of the most earnest advocates of suspension, James Curtiss, having stated at a public meeting that he had



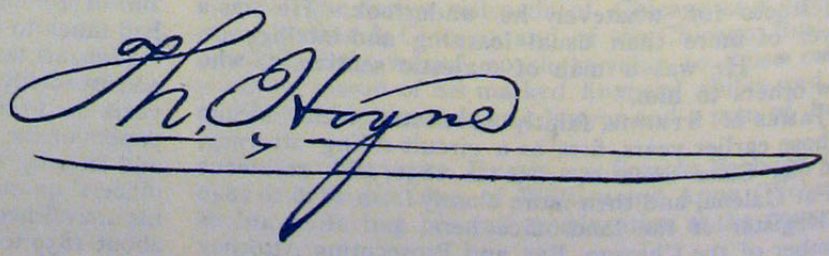
given up his law practice because unwilling to harass the impoverished people, Mr. Ryan exclaimed, "It is very apocryphal whether Mr. Curtiss has abandoned his practice, or his practice has abandoned him." After the separation from Henry Moore, Mr. Ryan became associated with Hugh T. Dickey, under the style of Ryan & Dickey, which was dissolved January 27, 1840. Mr. Ryan now turned his attention to journalism, becoming editor of the Tribune, the first number of which appeared April 4, 1840, and which he freely used in the conflict of the Chicago Bar with Judge Pearson. Being of an irascible disposition, Mr. Ryan made many enemies, which he seemed to regard as proof of intellectual prowess. Being also of a combative turn of mind, and withal full of an overweening self-esteem, he seemed to delight in persistent efforts to impress others with an equal appreciation of his assumed superiority. In 1842 he removed to Racine, and thenceforth his history belongs to Wisconsin, where he rose to eminence, becoming Chief Justice in 1874, because of his acknowledged probity and ability, notwithstanding the extreme unpopularity of his political views ten years before. He died October 19, 1880, reaching within twenty-five days of threescore years and ten.

PATRICK BALLINGALL, often assigned to this period, was then a student with Spring & Goodrich, and became a member of the Chicago Bar only after his return from DuPage County in 1843.

HUGH T. DICKEY is also similarly mentioned, although not a resident until 1838.

NORMAN B. JUDD, an arrival of 1836, and partner with Caton as early as August, 1837, became very prominent, about the period of the Civil War, when he achieved a national reputation.

GEORGE MANIERRE, an arrival of 1835, and Deputy Clerk of the Circuit Court and law student in 1836, was not admitted to the Bar until July 15, 1839, and belongs therefore to a somewhat later period.



GEORGE W. MEEKER, a partner of Manierre, was like him a student in 1837, and admitted to the Bar half a year after him, December 16, 1839.

THOMAS HOYNE, also an arrival of 1837, and often spoken of as a member of the Bar of that year, was not admitted to practice until December 16, 1839, and then attained eminence.

COURTS OF CHICAGO, 1837 TO 1844.—By the act of February 4, 1837, a new circuit was established. It included Cook County, and was numbered the Seventh. For its Judge, John Pearson, of Danville, an obscure lawyer, admitted to the Bar December 5, 1833, was chosen by the Legislature. The selection proved very distasteful to the lawyers of Chicago. Hon. Thomas Hoyne, despite his judicial candor, writing of this event, more than a generation later, reflects a feeling of disappointment that at the time must have been intense. Judge Pearson, he says, "was known to be incompetent for the position, and to be sadly wanting in the qualities which make a good judge. His appointment had consequently been unpopular with the Chicago Bar from the beginning. The Democratic party was in power in the State, and John Pearson was a Democrat—he was a poor lawyer and an industrious office-seeker."

The spring term in 1837 was opened May 22, by Judge Pearson, with seven hundred cases on the docket. Before his arrival he had promulgated an elaborate, burdensome and perhaps somewhat arbitrary system of rules for the guidance of lawyers transacting business in his court, which did not tend to smooth the way to a favorable reception of himself, his methods, or his decisions by the Chicago Bar. But the urgency of impatient clients and the heavy docket rendered the dispatch of business a paramount object, and the indulgence of resentful feelings by either party to the impending conflict would have given an undesirable advantage to the opposite side. Thus both terms of the year 1837 passed without an outburst. In 1838, this sustained forbearance and self-restraint on both sides promised to establish a reconciliation, or at least a *modus vivendi*, which if not cordial would be mutually respectful, and the organ of the Whigs rather pointedly and encouragingly noted these indications.

But the sectional jealousy and political antagonism that had unhappily been set in motion by the appointment of Judge Pearson, even more than his alleged incompetency, would not suffer the accomplishment of so desirable a result, and the suppressed quarrel found vent in 1839. The spring term had been held, and the docket had again become so burdened by reason of the discontinuance of the Municipal Court that he announced an extra term of the Circuit Court for the second Monday in May. It was at that special term, as related farther on, that the issue between the Bench and the Bar of Chicago took shape. Meanwhile two new courts had been created for Chicago by its charter of March 4, 1837.

THE FIRST MAYOR'S COURT.—Section 68 of the city charter provided, "That the Mayor * * * shall have the same jurisdiction within the limits of said city * * * as the Justices of the Peace, upon his conforming to the requirements * * * regulating the office of the Justice of the Peace."

THE MUNICIPAL COURT.—It was by the establishment of this court more especially that relief was sought to be given to the administration of justice in Chicago. The accumulation of untried cases on the docket of the Circuit Court of Cook County, and the delay in civil suits, which amounted almost to a denial of justice, owing to the urgency and legal preference of criminal cases, had rendered imperative some additional provision. The Constitution of 1818, in its Bill of Rights, Article VIII, Section 12, had provided against such a state of things in words which admirably summarized the fundamental purpose of laws and courts: "Every person within this State ought to find a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character, he ought to obtain right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws."

Sections 69 to 82 of the charter are concerned with this court, the chief provisions being that it should have jurisdiction concurrent with the Circuit Court, in all matters, civil or criminal, arising within the city where either party is a resident. It should be held by one Judge, to be appointed by the General Assembly, commissioned by the Governor, to hold office during good behavior, and to be paid by the Common Council. His salary and the other expenses of his court were to be paid out of the docket fees, which were to be collected by the clerk and turned over to the City Treasurer. The clerk was to be appointed by the Judge; the jurors to be chosen by the Common Council, and summoned by the High Constable. His functions as an officer of this court within the city were the same as those of Sheriffs in their respective counties, and he was to be elected by the people, like other city officers, at the annual election. It was a court of record, with a seal, and its process was directed to the High Constable except where a defendant resided outside the city limits, when it was directed to the Sheriff. Its judgments had the same liens on real and personal estate as those of the Circuit Court, and all appeals from the Mayor or any other Justice of the Peace were to be taken to next Circuit or Municipal Court whose term came first. All rules not specially laid down were to conform to those of the Circuit Court, and all appeals to the Supreme Court were to be carried up in the same way as from the Circuit Court.

By a short supplementary act of July 21, 1837, it was further provided that "its Judge shall possess all and singular the powers, and he is hereby required to perform all judicial duties appertaining to the office of the Circuit Courts of this State, and to issue all such writs and process as is, or may hereafter, by statutory provisions, be made issuable from the Circuit Courts of this State."

For this Court, Hon. Thomas Ford, who had resigned as Judge of the Sixth Circuit in February, was selected by the Legislature. He had been Prosecuting Attorney in the Fifth Circuit, and Judge of the Sixth, when each successively included Cook County, and was favorably regarded by the Chicago Bar. He had acquired the reputation of being an excellent lawyer; and as a judge was a terror to evil-doers, while as a man he was a warm and devoted friend, or an equally bitter enemy. As a citizen and politician he belonged to the dominant Democratic party, but was too broad to be a partisan, and when Governor, 1842 to 1846, did not hesitate to break loose from the unwisdom of repudiation and stay laws, or to espouse, support and urge with all the influence of his position every measure calculated to build up the shattered credit of the State.

The terms of the Municipal Court began with every alternate month, and it was virtually in perpetual session. An attempt was made by the politicians to prevent the opening of this court, the circumstances of which are thus narrated by the late Hon. Thomas Hoyne:

"It was a court of superior or general jurisdiction within the city. It was to be held that winter (1837–38) for the first time. It was a time of great pecuniary distress, and all obligations created during the speculative times were just maturing and unpaid, and there was no money to pay them. The dockets were crowded in both the Circuit and Municipal Courts, and something must be done. Some of the debtors resolved that no court should be held; a public meeting was called to prevent it. It was held at the New York House, a frame building on the north side of Lake Street, near Wells. It was held at evening in a long, low dining room lighted only by tallow candles. The chair was occupied by a State Senator, Peter Pruyne; James Curtiss, nominally a lawyer, but more of a Democratic politician, who had, practically, abandoned his profession, was active. But the principal advocate of suspension of the courts was a Judge of the Supreme Court of the State, Theophilus W. Smith. Upon the other side were Collins, Butterfield, Ryan, Scammon, Spring, Goodrich, M. D. Ogden, Arnold and others; and among them the Hon. William B. Ogden, the Mayor of the city, who was subsequently admitted to the Bar of this State (February 6, 1841). We will count him in for he did manly service at that meeting in sustaining the law and its regular administration, and in repudiating and denouncing any interference with the courts. He was a noble, generous man, whose hand was seen in all public works. The battle was bitterly fought. It was shown by the opponents of courts that it meant ruin if they should be held, and judgments rendered against the debtors; that $2,000,000 were then in suit against citizens which was equivalent to a sum of $500 against every man, woman and child in Chicago. What was to be done? 'No one was to be benefited,' Curtiss said, 'but lawyers,' and he left that profession some time before. Then Ryan, a man of muscular frame, eyes large, wide open, as great lights in his luminous intellect, great as he ever was in debate, but then active, and in his wrath, like Mirabeau, 'fierce as ten furies and terrible as hell,' when he rose to the full height of his great argument, pointing to Curtiss, asked that body of debtors if that was the kind of a lawyer they expected to save them. If so, it had long been a question whether he had left the profession of law, or the law had left him; but of one thing they could be sure—that if he succeeded in his present unlawful attempt, he (Ryan) would guarantee them justice, and the sooner the law discharged that obligation the better it would be for the community. Butterfield, tall in stature, stern of countenance, denounced the Judge of the Supreme Court who could descend from that lofty seat of a sovereign people majestic as the law, to take a seat with an assassin and murderer of the law like Judge Lynch. Others followed; but the good sense of the meeting laid the resolutions on the table, and the courts were held, as they have been ever since."

But the end was not yet; and the contest was transferred to the Legislature. The court was too dispatchful, and debtors found that scarcely had their obligations matured before a judgment and execution were secured in the ever-sitting Municipal Court of Chicago. After only fifteen months of active usefulness, it was legislated out of existence, February 15, 1839, and all its business turned over to the Circuit Court which it had, as intended, so effectually relieved until a supposed political necessity demanded its repeal at the hands of the dominant party. Ten days later Judge Ford was commissioned as Judge of the Ninth Circuit.

ATTEMPT TO IMPEACH JUDGE PEARSON.—The increased burden thrown on his shoulders by the disestablishment of the Municipal Court had led Judge Pearson to hold the extra term in May, previously mentioned. It was at this special term that the dissidence between the Bench and Bar of Chicago became irreconcilable, by the refusal of the Judge to sign a bill of exceptions made by J. Y. Scammon, defendant's lawyer, in Phillips *vs.* Bristol. The Court unfortunately regarded the exceptions as inspired by a desire to embarrass and antagonize him, rather than an honest defense. In this he was doubtless deceived by his prejudices. The case was appealed by Mr. Scammon, and in virtue of a motion made by him before the Supreme Court, some weeks later, an alternative mandamus was granted commanding Judge Pearson to sign the bill of exceptions referred to, or show cause at next term of Supreme Court why he did not.

November 11, 1839, as the protracted fall term of the Circuit Court was drawing to an end, Justin Butterfield, whose co-operation had been secured by Mr. Scammon, arose in his place, holding two papers, and, as the affidavit of the clerk, dated November 23, declared: "With marked politeness of manner handed one paper to the Judge, saying that it was a bill of exceptions in the case of Phillips *vs.* Bristol, tried at a former term. The Judge said, 'I did not sign that bill of exceptions,' to which Mr. Butterfield graciously replied, 'I am aware of that, sir, but here' (presenting the other paper), 'is a writ of mandamus from the Supreme Court of this State commanding you to sign it.' The Judge held the paper toward Mr. Butterfield, saying, 'Take it away, sir;' to which he replied, 'It is directed to you, sir, and I will leave it with you; I have discharged my duty in serving it, and I will leave it with you.' It was at this point," continued Mr. Hoyne,* "that the Court turned to me, as clerk, and said, 'Mr. Clerk, enter a fine of twenty dollars against Mr. Butterfield,' and then he threw the papers—the bill of exceptions and writ of mandamus—on the floor in front of the desk. He continued, looking at Butterfield, 'What do you mean, sir?' It was now that Butterfield, raising his voice, hitherto restrained, fired the first gun of what was to be a campaign. 'I mean, sir, to proceed against you by attachment, if you do not obey that writ.' The Judge, replying, cried out, 'Sit down, sir! Sit down, sir!' and to me, saying, 'Proceed with the record.'

"The record was read, the fine of twenty dollars entered up against Butterfield, and the court adjourned. The Judge was descending the Bench, and proceeding to pass through the Bar, when all the lawyers jumped to their feet; while Butterfield promptly marched up to Pearson, saying, 'Sir, you now have disgraced that Bench long enough. Sit down, sir, and let me beg you to immediately attend a meeting of this Bar, to be held instanter, in which we are about to try your case, and rid ourselves and the people, once for all, of your incompetency and ignorance!' The Judge left, but the Bar prepared an impeachment and that winter a long trial followed the presentation of articles before the House of Representatives at Springfield, where all the eloquence of the Bar was invoked, with that of others, to impeach Judge Pearson; but the House, which was largely composed of his political friends, refused to give the impeachers a hearing.

"He, however, never recovered from the effects of this attack and prosecution. The party paraded him as a martyr, and it was said that he had achieved a triumph

* "The Lawyer as Pioneer," by Hon. Thomas Hoyne.

over Butterfield, Scammon, Collins, Spring, Skinner, and Goodrich, as they were old Federals and Whigs, and only wanted to be rid of an incorruptible judge, a Democrat who was not to be terrified by such enemies of the Constitution, the Democracy and the Union. But Ryan, a life-long Democrat, established a newspaper called the Tribune, to drive Pearson from the Bench. Its leading articles were such as Junius might have written, animated by a spirit of determination to drag from the Bench a Jeffreys or a Scroggs. Pearson was finally disposed of by the party taking him up as a State Senator and electing him from the counties of Cook and Will, in 1840. And from thence, hitherto, the Bench has heeded the lesson, for there has arisen no other occasion for the violent and irrepressible conflict of a Bar and Bench so divided by ignorance and incompetency on one side, and great independence and intelligence upon the other."

Besides the effort at impeachment, rendered abortive mainly by political influence, the Judge's case was also before the Supreme Court, where he neglected to appear in person, contenting himself with a written defense which he requested a friendly lawyer to file in his behalf. Among the points made therein was the plea, that were this procedure of the Chicago Bar to be sustained, any Judge could, "by a malicious, trifling set of lawyers, if such should be found in a circuit, leaguing against him, be compelled every term to appear in the Supreme Court, and take issue with them on countless bills of exceptions. * * * In this way a combination of designing men might exhaust the means of any Judge in the State, or make him truckle to their will, or compel a resignation for want of funds."

Mr. Scammon made a second motion, before the Supreme Court, January 14, 1840, asking that an attachment might issue against Judge Pearson for neglecting to return the writ of alternative mandamus, or sign the bill of exceptions. The Supreme Court, through Judge Theophilus W. Smith, issued a peremptory mandamus that he should appear before it in person. In the spring term of the Circuit Court at Chicago, he again allowed his feelings to override his judgment, fining Mr. Stuart, editor of the American, $100, for constructive contempt of court, based on certain adverse editorial criticism during the Stone murder-trial. On appeal, his decision against Stuart was reversed when reached by the Supreme Court in 1842.

June 9, 1840, the motion for attachment was renewed, and the Court took until the next day to consider; but when the writ was placed in the hands of the Sheriff, it was found that the Judge had availed himself of the postponement and left Springfield. He was pursued and overtaken at Maysville, Clay County, while apparently making the best of his way to cross the border into Indiana. He was taken back to the capital and fined $100 for contempt, which was refunded with interest by the Fifteenth General Assembly, in the session of 1846.

It was now thought best by his political friends to withdraw him from a conflict in which his adversaries had won all the points, and he was therefore put in nomination as State Senator for the district embracing Cook, Will, DuPage, Lake and McHenry counties, all within the Seventh Circuit, over which he presided as Judge. In July he made an unsuccessful attempt at Chicago to hold a meeting to indorse his candidature; but at the election in August it was found that the Democracy of the district had come up handsomely to the support of their "martyr," Cook County alone giving him 1,404 votes, and sent him triumphantly vindicated to the Twelfth General Assembly of Illinois, for four years. He resigned the judgeship November 20, 1840.

At this distance of time there is little room to doubt that Judge Pearson through self-willed and obstinate was a well-meaning man and an upright Judge. He was by nature or education, either a warm friend or an uncompromising enemy. In Chicago he was thrown into official relations with a Bar, the leaders of which were politically opposed to him, at a time when party spirit, always too high for justice and candor, was especially intense. Added to this was a sort of intellectual resentment that a Judge from the Wabash country should have been selected to preside over a Bar whose brightest lights were emigrants from the Eastern States. Exhibiting but scant respect and no friendship, they aroused the indignant and unguarded antagonism of a man, among whose faults cunning and hypocrisy could not be counted, nor patience and magnanimity among his virtues. He died at Danville, May 30, 1875, leaving a handsome estate to his family.

THE STONE MURDER-TRIAL.—The most notable criminal trial during the incumbency of Judge Pearson was thus designated. The story of the crime and the execution of Stone is fully related elsewhere in this work. A point of some legal interest is the apparent weakness of the chain of circumstantial evidence upon which he was convicted of the murder of Mrs. Lucretia Thompson, as there set forth. A bit of flannel torn from a shirt which was proved to have belonged to the accused and which was found near the body of the victim, the burning by him of the clothes worn in the earlier part of the day of her disappearance, the club used as the instrument of killing to which still adhered, when found, a bunch of her hair, and a remembered threat by him against her virtue, sworn to by a single witness, in the absence of any circumstances pointing toward any other neighbor, were deemed sufficient to warrant a verdict of murder in the first degree. Nor has there ever been any doubt of its justice, although John Stone stolidly asserted his innocence to the last.

ATTEMPTS TO SUPPLY NEEDED COURT FACILITIES.—Within a year of the disestablishment of the Municipal Court of Chicago, it was recognized by the Legislature that something should be done to relieve the overloaded docket of Cook County. Toward the close of the second session of the Eleventh General Assembly on February 3, 1840, it was enacted that there should be in the county of Cook a term of the Circuit Court on the first Monday in August for the trial of criminal and chancery cases only. And it was specially provided that if the Judge of the Seventh Circuit should be unable to hold the March term in Chicago in 1841, he should there hold a term immediately after the spring term in Lake County, the last to be reached in the circuit. This law, however, by reason of failure to be returned in time by the council of revision did not go into effect until legally promulgated by the Secretary of State, at the close of the first session of the Twelfth General Assembly, December 5, 1842. It is of interest chiefly as showing the pressure of the problem how to give courts enough to Chicago.

SUPREME COURT JUSTICES AS CIRCUIT JUDGES.—The Twelfth General Assembly, at its second session, for reasons which here need only to be characterized as political, by an act dated February 10, 1841, legislated out of office the Judges of the nine circuits into which the State had by that time become divided. In their stead were created five additional Justices of the Supreme Court, and upon the nine members of that court as thus re-organized were devolved all the Circuit

Court duties of the State, besides their associate duties as the Supreme Court, at the capital, twice a year. This arrangement remained undisturbed until the adoption of the Constitution of 1848. To the Seventh Circuit, including Cook County, was assigned Judge T. W. Smith, who opened the spring term at Chicago toward the close of April, 1841. On the docket were found one thousand and sixty cases. Of these, sixty-nine civil and six chancery were cases remaining over from the disestablished Municipal Court, while sixty-two criminal, fifty-one chancery, and eight hundred and seventy-two civil represent the unfinished business of the Circuit Court. The fall term in 1841 was also held by Judge Smith, but when the period of the spring term in 1842 came round he was too ill to hold a court, and as late as June 8 it was doubted whether he would ever be able to discharge his official duties. To keep Chicago court business within reach of judicial despatch, a special term was held by Stephen A. Douglas, July 18, 1842, the only time he served Chicago as Judge. There was a heavy docket of seven hundred and fifty cases, and but little civil business could be disposed of, because of the pressure on the court of the people's preferred criminal cases. All these terms since Pearson's in 1840 were held in the Chapman Building, corner of Randolph Street and what is now Fifth Avenue, but was then Wells Street. The fall term of 1842 was held by Judge Smith, who had meanwhile recovered. At this term an important decision was that lands in this State sold by the United States are not taxable until five years from date of patent, not date of sale, as has been contended. At this term, too, the Grand Jury found indictments for libel against Walters and Weber, editors of the State Register, at Springfield, and John Wentworth, of the Chicago Democrat, because of an editorial article which appeared in August in the State Register and was copied in the Democrat, containing libelous and scurrilous matter against Judge Smith. It was in the shape of charges and assertions of what was declared to be an act of corruption in an opinion given by him in the Supreme Court in January, 1842, and concurred in by a majority of Judges, in favor of purchases of canal lots in Chicago and Ottawa in 1836. By that decision a peremptory mandamus was awarded against the Canal Commissioners to compel them to admit those purchasers to the benefit of an act of the General Assembly of this State, passed in 1841 in their behalf. He was also charged with removing certain clerks of court in his circuit to gratify personal malignity. With bodily powers weakened by disease and feelings somewhat soured by these attacks it soon came to be understood that he contemplated an early retirement from the Bench. A meeting of the Chicago Bar was held November 25, at which, among others, the following resolution was passed: "That in the estimation of this Bar Hon. T. W. Smith possesses a high order of talent and legal attainments; that as a jurist and lawyer he is able and profound; that his conduct toward the members of this Bar, while on the Bench, has been courteous, gentlemanly, dignified and honorable." He resigned December 26, 1842.

In 1842, about fifty residents of Chicago availed themselves of the bankrupt law in the United States District Court, as Springfield. Unconscious of what the future held in store for the bankrupts of a later generation, there was much grumbling because it cost $100 to get a discharge in bankruptcy, even where the case was not contested. The lawyers charged fifty dollars and the other expenses were fifty more. This year marks the point of greatest financial depression in Chicago, which in a superficial view has been declared to have constituted "the harvest of the notary and lawyer," but it need scarcely be remarked that a period of general distress is fraught with counteracting drawbacks to even lawyers and notaries. June 19, 1843, the same United States Court issued a peremptory order, "That all applicants for benefit of bankrupt law perfect their application before the 20th of December next. Upon their failure to do so, the petition will be dismissed."

Meanwhile on February 14, 1843, three terms of the Circuit Court were provided for Cook County, on the fourth Monday in March, the third Monday in August, and the first Monday in November, of each year. And at the same session, it was enacted that the Supreme Court should hold only one term, to begin at the capital on the second Monday in December of each year.

Richard M. Young, of whom a biographical sketch is elsewhere given, was commissioned a Justice of the Supreme Court January 14, 1843, and assigned to the Seventh Circuit. He held several terms of the Circuit Court in Cook County until his second resignation in 1847. Although never rated very high as a jurist, he was always much esteemed here, and decidedly preferred to some of his colleagues by Bar and people. His clerk of court was Samuel Hoard.

In February, 1844, Representative Wentworth presented to Congress a petition of the Chicago Bar, asking that two terms of the United States courts be held in Chicago each year. At home his constituents were growing impatient of the law's delays, arising from the State's inadequate provision for the city's judicial wants by only three terms of the Circuit Court. A communication from "many citizens," written by a lawyer, who, however, rightly represented the public, appeared in the Weekly Democrat of October 16, asking that the next Legislature should establish a special court for Chicago. This request, supported by the public opinion of which it was the expression, was reinforced December 3, by Governor Ford's message to the General Assembly, in which he urged that increased judicial facilities should be extended to the growing commercial metropolis of the State. The Court of County Commissioners at this time took measures to enlarge and adapt the clerk and recorder's office to the additional purposes of a court-house.

By an act of February 21, 1845, the Fourteenth General Assembly ordained, "That there shall be, and is hereby created and established a Cook County Court. * * of record, with a seal and clerk, to be held by a judge to be chosen in the manner, and to hold office for the term of judges of courts of record in the State. * * Said court shall have jurisdiction concurrent with the Circuit Courts, * * and shall have exclusive jurisdiction in all appealed cases * * and in all cases of misdemeanor which are prosecuted by indictment. * * The Judge of said court shall hold four terms of said court in each year, in a building to be provided by the County Commissioners Court of said county, in the city of Chicago, commencing on the first Mondays in May, August, November and February, and shall continue each term until all the business before the court is disposed of. * * The clerk of said court shall be appointed by the Judge thereof. * * The grand and petit jurors shall be elected, and the Sheriff shall perform same duties as in the Circuit Court" Of this court, Hugh T. Dickey was chosen by the Legislature, the first Judge, and James Curtiss was by him appointed the first clerk. Judge Dickey opened the first term of the new court May 5, 1845, and at its close was thus favorably noticed by the Journal,

edited and owned by lawyers, but of the opposite school in politics: "Judge Dickey has during the session of the court shown himself a good lawyer, a sound reasoner, and a dignified, impartial Judge. The rules of the court were submitted to the Bar on the last day of the term, and meeting with their entire approbation were ordered printed." About ten days later, the Weekly Democrat of May 28, said: "He has made his court very popular, and the Bar would not consent to dispense with it or him, upon any terms whatever." The new court clearly met the wishes of the public at the outset, but as will be seen, its docket soon became clogged by the swift-swelling tide of law business in Chicago.

The most notable criminal case of the year 1845, in either court was the Fahey manslaughter, sufficiently detailed elsewhere in this work.

At the close of the first year and fourth term of the Cook County Court, the Weekly Democrat of February 24, 1846, thus eulogized its presiding officer: "Judge Dickey grows in popularity every succeeding court he holds. His dignity, urbanity, and well-balanced legal mind commend him to all who have anything to do with the court." At their August term an agreed case in relation to assessment for protecting the lake shore was argued before him, and decided against the city. His court as well as the Circuit Court were kept busy with ever increasing judicial business of Chicago. Judge Caton supplied the place of Judge Young at one term of the Circuit Court in 1846, but as soon as the latter got well enough to hold court he presided at a special term, beginning June 15, and yet the docket was always full.

Judge Young resigned January 25, 1847, to take office in Washington, and his successor, Jesse B. Thomas, Jr., was commissioned two days later. He held the office until December 4, 1848, when the new judicial system provided by the constitution of that year went into force. By an act of the Legislature in the spring of 1847, with a view to harmonize the terms of the two courts in Chicago, the two terms of the County Court in August and November were replaced by one term in October. James Curtiss having been elected Mayor, his place as clerk of this court was filled by Louis D. Hoard, appointed thereto by Judge Dickey. The May term opened with three hundred and seventy-eight cases on the docket; of these two hundred and sixty-eight were common law, fifty-seven chancery, and fifty-three people's cases, but none of any class possessed historic interest.

First Law School in Chicago.—On the first Monday in December, 1847, the first law institute, or school, was opened under the auspices and with the endorsement of the Bench and Bar of Chicago, by John J. Brown, a member of the Bar having a reputation for general scholarship as well as professional learning, and special proficiency as a jury advocate and orator. The announcement which appeared in the Daily Democrat of November 30, was rather grandiloquent and pretentious, but the comprehensive scope outlined perhaps not above his powers, when supplemented, as proposed, by lectures from members of the profession of acknowledged ability in special lines. Mr. Brown was a native of Virginia, settling at Danville, Ill., in 1839, had acquired some reputation in that section. He was the unsuccessful opponent of William Fithian for the State Senate in 1840, but was elected Representative to the same General Assembly. About 1846, he removed to Chicago, and after a year or more of practice here, projected his law school, as above. The impression made on the Bar of Chicago, and of the other sections of the Seventh Circuit where he became known, was quite favorable. He was regarded as an able advocate, scathing in sarcasm and merciless in vituperation. On the hustings as well as at the Bar he could give and take with the best. It was remarked, however, that his scope was really narrow, he adroitly using one or two lines of thought and anecdote, with almost endless variation. "He had his faults," says Linder, "as we all have, over which it is our duty to draw the veil of charity; but no foul blot or stain was ever fixed upon his character as a lawyer or as a man. * * He was an honor and an ornament to the Bar of Illinois." "He was naturally a retiring and misanthropic man," says Eastman. "the lenses through which he looked at life seemed to be ever clouded—the glimpses of sunshine rare. * * Had his natural temperament been different, had his health been better, had life been more roseate, he would, as the years rolled on, have made for himself a high and honored name. * * He was undoubtedly the great master of withering and remorseless irony when aroused, of satirical and scornful gibe, then at the Chicago Bar of sarcasm, that when given full rein had something almost sardonic in it. To this end, his vehement gestures, his eyes, his tall flexible person, and his leonine hair, all added emphasis, and woe to those upon whom the razor-like edge of his tongue fell when unbridled."

The Judiciary by the Constitution of 1848.—The organizing clauses were as follows:

1. "The judicial power in this State shall be, and is hereby vested in one supreme court, in circuit courts, in county courts, and in justices of the peace, Provided, that inferior local courts, of civil and criminal jurisdiction, may be established by the General Assembly in the cities of this State, but such courts shall have a uniform organization and jurisdition in such cities.

2. "The Supreme Court shall consist of three Judges, two of whom shall form a quorum; and the concurrence of two of said Judges shall in all cases be necessary to a decision.

3. "The State shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of the said Judges for the term of nine years."

7. "The State shall be divided into nine judicial circuits, in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of six years, and until his successor shall be commissioned and qualified: Provided, That the General Assembly may increase the number of circuits to meet the future exigencies of the State." They were increased accordingly to thirty before the Constitution of 1848 was replaced by that of 1870."

8. "There shall be two or more terms of the Circuit Court held annually in each county of this State, at such times as shall be provided by law; and said courts shall have jurisdiction in all cases at law and equity; and in all cases of appeals from inferior courts."

16 to 19. "There shall be in each county a court to be called a county court. One county judge shall be elected by the qualified voters of each county, who shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction of said court shall extend to all probate and such other jurisdiction as the General Assembly may confer in civil cases, and such criminal cases as may be prescribed by law, where the punishment is by fine only, not exceeding one hundred dollars. The County Judge, with such Justices of the Peace in each county as may be designated by law, shall hold terms for the transaction of county business," replacing the County Commissioners Court and Judge of Probate of the first Constitution, as well as the Probate Justices of later legislative institution.

Some supplementary provisos were added in "the schedule," or appendix to this constitution; among others, these: "The Judges of the Supreme Court shall have and exercise the powers and jurisdiction conferred upon the present Judges of that court: and the said Judges of the Circuit Courts shall have and exercise the powers and jurisdiction conferred upon the Judges of those courts, subject to the provisions of this constitution. . . . The Cook and Jo Daviess County Courts shall continue to exist, and the Judge and other officers of the same remain in office until otherwise provided by law."

THE PRE-EMPTION CLAIMS TO CANAL LAND.—In January, 1848, the trustees of the Illinois & Michigan Canal brought suit against one Mr. Miller, before H. L. Rucker, Justice of the Peace. Sixteen other suits, differing only in the names of the defendants, depended on the result; some two hundred persons were directly interested. The claim was for one hundred and sixty acres to each original pre-emptor, or his later representative, on the canal lands, within what became the city limits, as elsewhere, by the general pre-emption acts of Congress. The canal trustees awarded two blocks to each, as a full equivalent for one hundred and sixty acres of common Government lands. This was not satisfactory to the claimants, and the question was taken into the courts. In this case against Miller, the canal trustees claimed rent for his land since January, 1847, at which time a two years' lease from them had expired. Miller's lawyers, Thomas Hoyne and Patrick Ballingall, undertook to show that he held his pre-emption right by virtue of settlement and improvements made in, and subsequent to 1836, that ignorant of his rights he signed a lease which the trustees presented to him in 1842, which lease was never legally executed; that the estoppel by taking a lease only applied during the existence of that instument, and did not prevent the pre-emptor from setting up his title under the laws of the State. The opinion of Judge Caton and other members of the Supreme Court were cited and presented to the jury by Mr. Hoyne. Two juries disagreed, and when the third was summoned the excitement ran very high, but when they returned a verdict for the defendant, popular enthusiasm knew no bounds. The question came up again, in another form, under Judge Spring, in 1851, and was again decided against the canal trustees, but the higher courts as will be seen eventually reversed these popular decisions of the lower courts.

THE FIRST UNITED STATES COURT at Chicago was opened in July, 1848, in the absence of Justice John McLean, of the Circuit Court, by Judge Nathaniel Pope of the District Court, with his son, William, as clerk. Some lawyers were licensed to practice before it, and other preliminary business done, but no case of importance is known to have occupied the attention of the court at that term.

The Constitution of 1848, as has been seen, restored the circuit judiciary abolished for partisan purposes in 1841, and transferred the election of all Judges from the General Assembly to the people. Judge Hugh T. Dickey, of the Cook County Court, was nominated for the Seventh Circuit by the Democrats, and was elected without opposition from the Whigs. He resigned his previous judgeship, and was commissioned as Circuit Judge December 4, 1848.

February 2, 1849, a decision was rendered in Washington by Justice Woodbury, of the Supreme Court, against the city of Chicago, in the case taken up by bill of injunction, and referring to the pretended right of the corporation to open and keep open the streets and alleys in the Fort Dearborn addition. The decision was in effect that the powers of the corporation did not extend over that region, and that the fee-simple to its streets and alleys was still vested in the United States.

THE MAYOR'S COURT.—In his second inaugural message to the Common Council in March, 1849, Mayor Woodworth thus sketched the need of such a court: "Situated as we are on the main channel of communication between Western lakes and Southern rivers, there is found here a class of individuals, who, regarding the rights of none, are almost daily in the commission of crime as a means of converting to their use the substance of their fellow-men. This state of things calls loudly for the organization of a well regulated police. It has been suggested by some that the Mayor should hold a court for the trial of persons charged with a violation of the city ordinances. If the Common Council desire the establishment of such a court, they will receive from me a willing co-operation."

In pursuance of that idea a Mayor's court was instituted as authorized by the city charter, and on April 26 it was ordered, and notice given to all police constables, that violators of any city ordinance be brought before the Mayor, daily, at 9 o'clock, in his office in the north room of the market.

COOK COUNTY COURT.—Giles Spring was elected to the judgeship made vacant by the resignation of Mr. Dickey, and was commissioned April 14, 1849. At the May term he found about four hundred civil, one hundred chancery and a proportionate number of criminal cases.

In June a term of the Circuit Court was held by Judge Dickey, but both courts, however efficiently presided over, were unequal to the complete dispatch of the accumulating judicial business of Chicago. A number of cases were determined at each successive term, but the rapid influx of trade and population outran the best speed of the courts, never remarkable for quickness of procedure.

Early in July Judge Pope, of the United States Court, held the annual term provided to Chicago in the law-rooms of Buckner S. Morris, with William Pope as clerk; Archibald Williams, District Attorney; Benjamin Bond, Marshal, and George W. Meeker, Commissioner. The court adjourned August 11, having lasted some five weeks and disposed of over twenty-five important cases. Among others a marine case, which excited much interest at the time, was determined. In November, 1848, the propeller "Ontario" collided with the barque "Utica," on Lake Huron. The owners of the latter brought suit, and the court decreed to them for damages $790.91 and costs.

At the October term of the Cook County Court, Judge Spring had the largest criminal docket since the establishment of the court in 1845. There were at the opening of court sixty-one cases, and the Grand Jury returned eight or ten additional indictments. By act of November 5, 1849, the General Assembly ordered that to the title of Cook County Court should be added the words of common pleas. This was designed to distinguish Judge Spring's court from the County Courts of administration and probate established by the new constitution to replace the courts of county commissioners. The original County Courts, instituted by the act of 1845 were only two in number, for Cook and Jo Daviess counties, occasioned by the growth of Galena and Chicago, and were served by one judge. It was now provided by the new act that the Cook County Court of Common Pleas and the Circuit Court of Cook County should have equal and concurrent jurisdiction; that the terms of the former should begin on the first Mondays in February and September, and of the latter on the corresponding days in May and November, and that all appeals from justices should be taken to which ever term of either court came next after the date of such appeal.

The year 1850 was marked by the decease of several members of the judiciary, more or less connected with Chicago. Nathaniel Pope of the United States District Court, in January; Jesse B. Thomas, Jr., ex-Justice of the Supreme Court of Illinois, in February, and Thomas Ford, ex-Circuit Judge and ex-Governor, in November.

NATHANIEL POPE.—Few if any of the men identified with the early history of Illinois, have exercised so potent an influence upon the destiny of Chicago as Judge Pope. The delegate of Illinois Territory in Congress in 1818, he conceived and executed that farsighted measure of statesmanship, demanded as he urged by National as well as State interests, of removing the northern boundary of Illinois from the "east and west line drawn through the southerly bend or extreme of Lake Michigan," to 42° 30′, north latitude. It had hitherto been understood that if Congress decided to establish five rather than three States out of the "territory northwest of the Ohio," an alternative provided by the ordinance itself, the line referred to was the predetermined boundary between Illinois and the future State to the North. Mr. Pope set himself to work to secure a wider interpretation, and to enlist influential members in the support of his view, and succeeding in persuading Congress that the Ordiance of 1787 had itself empowered them to make the departure which he advocated. Among the results of the change introduced by him and ingrafted on the enabling act of April 18, 1818, authorizing the people of Illinois to form a State constitution, was the retention of Chicago within Illinois, instead of relegating it to the then Michigan Territory, and the later State of Wisconsin. An imperial city demands an imperial State as well as a local commercial location. But the story of Nathaniel Pope's life in its completeness belongs to the State of which he was one of the most notable founders, rather than to any single point within its borders. Indeed his most effective argument for the change he advocated was based on the broad ground of national interest, and the permanency of the Union, in which he claimed for Illinois a sort of keystone position, touching the Southern and Western States, through the Ohio and Mississippi, and the Northern and Eastern through the Great Lakes. Situated on the main channel of communication between Northern lakes and Western rivers, Illinois would hold together the wide-extending borders of the States.

JESSE B. THOMAS, JR., whose life covered the period from 1806 to 1850, was associated with the Bench and Bar of Chicago only during the last few years of his active work, while as a State officer he was more or less conspicuous since 1830. He was commissioned as Judge of the First Circuit March 20, 1837, and resigned in 1839. He was appointed Associate Justice of the Supreme Court August 16, 1843, to fill the place left vacant by the election of Stephen A. Douglas to the Twenty-eighth Congress. This he resigned two years later, and formed a law partnership with Patrick Ballingall; but was again appointed to the same office, to replace Judge Young, as stated. He had also filled the offices of State Senator, Attorney-general of the State, and Representative in the General Assembly. He died of erysipelas February 20, 1850, with a reputation—as official, lawyer, Judge and citizen—for integrity, worth and honor that have made his name respected throughout the State, which he had served faithfully and creditably, if not always brilliantly, in every field of labor to which he was summoned.

THOMAS FORD, although twice connected with the judiciary of Chicago, and still earlier associated with its Bench and Bar as Prosecuting Attorney of the Fifth Circuit, by reason of his later elevation to the Governorship of Illinois, belongs to the history of the State rather than the history of Chicago. The February term of the Court of Common Pleas was somewhat delayed by an illness of Judge Spring, but he soon made up for lost time, being a man of great energy, bright intellect and quick perceptions. Successful in the dispatch of business, a number of his decisions were reversed, but perhaps no larger percentage than most of the lower courts. February 19, 1850, President Taylor commissioned Thomas Drummond, of Galena, to succeed Nathaniel Pope, deceased, as United States District Judge for Illinois. Mr. Drummond had been a member of the Legislature, 1840–42, was a Whig of pronounced convictions, and indorsed by two of the most prominent members of the party and of the Bar of Illinois—Edward D. Barker, of Galena, member of Congress, and Justin Butterfield, of Chicago, Commissioner of the General Land-office. The selection has ever since been regarded as an excellent one, and Judge Drummond entered at once on the discharge of his duties. He held a term of his court in Chicago in 1850; has continued to hold them of increasing length and in larger number for a generation, and happily the end is not yet. Though now entering upon his seventy-fifth year, he holds his own among the jurists of the day, commanding universal respect for firmness, independence, courage and conscientiousness, as well as professional ability, judicial impartiality, and unbroken vigor of mind.

At the May term of the Circuit Court in 1850, among the many cases of no special interest was one of a class that perhaps deserves mention as a reminder to the reader of a particular phase of Chicago's growth. A verdict of $575 was given the owners of the schooner "Jane" against the steamer "Sam Ward," for damage to the former in being run into by the latter vessel.

POLICE AND MAYOR'S COURTS.—In the comprehensive act of the Legislature, approved February 14, 1851, which was designed as supplementary to as well as amendatory of the city charter of March 4, 1837, in chapter twelve, sections eight and nine, are found these provisions relating to this subject: "The Common Council shall have power to designate two or more Justices of the Peace in any actions for the recovery of any fine or any ordinance, by-law, or police regulation of the City Council, anything in the laws of this State to the contrary notwithstanding. Such Justices shall have power to fine or imprison, or both, in their discretion, where discretion may be vested in them by the ordinance or regulation, or by this act. The Mayor may hold a police court.

"Execution may be issued immediately on the rendition of judgment. If the defendant in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cook County, or bridewell, or house of correction, for a term not exceeding six months, in the discretion of the magistrate or court rendering judgment; and all persons who may be committed under this section shall be confined one day for each fifty cents of such judgment and costs. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, when collected, shall be paid to the Treasurer for the use of the city."

At the February term of this court in 1851, the last at which he presided, Judge Spring delighted the hearts of the pre-emption claimants, by deciding for the plaintiffs in the cases of Daniel Brainard *vs.* Board of Trustees of Illinois & Michigan Canal, and of Thomas Dyer *et al. vs.* the same. At the May term of the Circuit Court another of these cases, Elihu Granger *vs.* Canal Trustees, was similarly decided by Judge Dickey.

But at the June term of the Supreme Court at Ottawa, to which the two first-named cases were appealed, these decisions were reversed, Justices Treat and Trumbull concurring, with Justice Caton dissenting.

The question at issue was whether the privilege of pre-emption was to be regarded as covering one hundred and sixty acres in a legally platted division of a town or city, as in the broader domain of unsettled Government lands. The lower court had decided substantially in the affirmative. The Supreme Court now reversed that decision, holding that the proper pre-emption privilege of persons whose claims were situated as described was that such lots or blocks, as the case might be, as were covered by their actual improvements, should be open to them as preferred purchasers at the appraised valuation. This was substantially the award made by the trustees themselves before the cases were taken into court; and when thus sustained by the highest court in the State, came to be accepted as eminently equitable. The public recognized that the decision was rather liberal than otherwise. The impetuous first pronouncement in favor of the claimants was amended by the sober second thought developed and fostered by the arguments before the courts.

The canal lands, through the munificence of Congress, had been withdrawn for a great natural object from the domain of the general pre-emption laws, and were at this time entirely amenable to State laws. A great public benefit was not to be marred by a strained sentimental interpretation of pre-emption privileges in favor of a few and against the broad commercial interests of the State, if not of the whole nation. Those who bought by pre-emption or at public sale, within a legally platted town or city, could only buy in such lots or blocks as the law there recognized.

First Fugitive Slave Case.—On the 7th of June, 1851, before George W. Meeker, United States Commissioner, was arraigned one Morris Johnson, alleged to be a runaway slave. Crawford E. Smith, of Lafayette County, Mo., by power of attorney to Samuel S. Martin, of Chicago, had him arrested as his slave, William, who had escaped from his premises July 4, 1850 After a trial which occupied three days besides postponements, the prisoner was discharged on the 13th, ostensibly because of a discrepancy between the writ and the record. The former called for a copper-colored negro, five feet five inches in height, while the latter showed a dark enough negro to be called black, while he measured — possibly by a trick of the measure—five feet eight inches. His acquittal was largely due to the unpopularity of the law, and the unwillingness of the Bench, Bar and people of Chicago to act as negro-hunters for Southern slaveholders. Among other obstacles thrown in the way of the owner's representatives in this case, was the demand that they should prove by any other hearsay testimony that Missouri was a slave State! Had the decision been different, it is probable Crawford E. Smith would have been no nearer to getting possession of his chattel, as "the underground railroad" was at that time in active operation here.

At the September term of the Cook County Court of Common Pleas to the Bench of which he had been elected upon the death of Giles Spring, Judge Mark Skinner found an overloaded docket. The most important criminal case was "The People *vs.* Martin O'Brien," for the murder of Stephen Mahan. The trial lasted three days, and no other defense was made than that the prisoner acted in the heat of passion, and to redress an injury offered to one of his relatives by the deceased. He was convicted of manslaughter, and sentenced to eight years in the penitentiary with ten days of each year in solitary confinement.

Judge Skinner sat almost continuously for seven months, including the regular term in February, 1852, cleared the docket of his court, and kept its business under control for the remainder of his term.

The city had been for several months preparing to throw a bridge across the river on Lake Street, at considerable expense for those times, when in February, 1852, an injunction was asked of the United States District Court, which Judge Drummond refused. Navigation had its interests, and so had the city. The principle was understood to be that the right to navigate the river and the right to cross it by bridges are coexistent, and neither could be permitted to essentially impair, much less destroy the other. They were to be so harmonized as to afford the least possible obstruction or interruption to each other.

In September another murder case was tried before Judge Skinner, "The People *vs.* John O'Neil, for the murder of Michael Brady." On Saturday, May 29, 1852, at 12 o'clock at night, Michael Brady, a blacksmith, residing on Indiana Street, corner of LaSalle, was killed by his neighbor, John O'Neil, a tinner. For some time there had been a standing quarrel between them. On the day of the murder, Brady called a little girl of O'Neil an opprobrious epithet. Swearing to be revenged, O'Neil waited at the door of Brady's house, and when the latter appeared, struck him over the head with a heavy club, fracturing his skull, and he expired in a few minutes. O'Neil fled, but was captured the next night, in a house ten miles out of town in the North Branch woods, by Owen Dougherty, Constable, accompanied by Daniel T. Wood, Deputy Sheriff. When he saw the officers he attempted to escape, but was seized by Dougherty, brought into town and lodged in jail. On trial, he was convicted of manslaughter and sentenced to five years in the penitentiary

In virtue of the law of 1851, establishing a police court, Henry L. Rucker and Frederick A. Howe had been chosen by the Common Council as Police Justices, mainly for the trial of violations of city ordinances and the lower grade of criminal offenses. Besides these there were six other Justices of the Peace, two for each division of the city.

Lewis C. Kercheval.—One of the most singular characters of the early Bench and Bar of Chicago was the well-known and eccentric Justice of the Peace, L. C. Kercheval, who died, rather unexpectedly, December 8, 1852. Mr. Kercheval was for many years a member of the judicial fourth estate, hanging on the outer circle of the judiciary. Few Judges were more quick to note and resent a contempt or more ready to vindicate the honor of the court. In 1839 he was Inspector of Customs for the port of Chicago, in which office he was succeeded by George W. Dole, in June, 1841. Some time afterwards he was elected and commissioned a Justice of the Peace; and was for many years a conspicuous representative of his class. "He rises before me to-day," says Eastman, "as distinct as when I used to meet him in the streets, straight as a pine, unbending as an oak, defiant and tough as hickory; with his tall, muscular form, his grizzled hair, blue brass buttoned coat, and his soldier-like bearing, proud as Julius Cæsar, and imperious as the Czar, always neatly dressed, with cleanly shaved face, and—a *rara avis* in those muddy times—well polished boots."

He was a person of good natural intelligence and ability and took pride in his official station: but became

badly demoralized by the high-living habits of the period. He slept in his office, kept no records, but tried to discharge his other duties as a Justice with fidelity and in accord with the dictates of natural honor.

PALLAS PHELPS was another quaint character of the period, and with mock dignity nicknamed by some wag of the Bar as "Chancellor" Phelps. He is said to have been here several years before 1840, and he is known to have been admitted to the Bar in 1843. He liked to try his cases in the newspapers, and dispensed with the luxury of an office. With even the best lawyers, cases were not numerous in those days, and Mr. Phelps was able to carry all the papers relating to his current business in his hat. Justin Butterfield, the acknowledged wit of the Chicago Bar, never missed an opportunity of playing on the eccentricities of Phelps. He made frequent references to his commodious office, "as big as all out doors," and would vary the joke by inquiring if he had any room to let. On rainy days when Chicago crossings were marvels of muddy consistency, the wit of the profession was wont to rally its butt, amid the plaudits of admiring listeners, about the beastly condition of his "office." When the first sprinkling cart was brought into requisition here, Butterfield on meeting Phelps saluted him with affected courtesy, which his dupe, proud of the attention, cordially reciprocated, saying, "A fine morning, your honor! A very fine morning!" "Yes, indeed," replied Butterfield, "and I am glad to find you improving the opportunity, Mr. Phelps, to have your office sprinkled." Whenever Phelps had a case, Mr. Butterfield would inquire, with mock gravity, which of the papers he was to try the case in, or before which of them he should file his brief. Mr. Phelps survived this period many years, and finally disappeared from public notice in the whirl and preoccupation of the great city.

CHICAGO COURTS 1853 TO 1857.—Early in January, 1853, the Chicago Hydraulic Company applied to the Circuit Court for an injunction against the Board of Water Commissioners to stop the further progress of the new water-works, in the South and West divisions, claiming the exclusive right under their charter to supply those sections. The same company had asked for a second injunction to prevent the city from collecting the water-tax. Judge Dickey rejected both petitions. The first could not be granted because exclusive privileges cannot be inferred, and their charter did not expressly confer them. A government, municipal or other, does not debar itself by implication from granting a like power to other corporations. It only debars itself from hindering the first in the exercise of the privileges granted. And although a section of the act establishing the Water Commissioners imposed the obligation of buying the property of the Chicago Hydraulic Company it was not to be understood that such purchase was a condition precedent to the beginning of operations. The remedy of the complainants was by mandamus or other process, not by injunction. The right of the city to collect the water-tax, for similar reasons could not be denied.

February 7, the first term for 1853 of the Cook County Court of Common Pleas, was held in the new court-house which had been begun eighteen months before, and Judge Skinner congratulating the Bar on the privilege of occupying their new room, where there was no fear of the walls or benches breaking down.

THE RECORDER'S COURT.—By an act, approved February 12, 1853, "an inferior court of civil and criminal jurisdiction, which shall be a court of record," was established under the above name, having "concurrent jurisdiction within said city with the Circuit Court in all criminal cases, except treason and murder, and of civil cases where the amount in controversy shall not exceed one hundred dollars. * * * Said Judge and Clerk shall be elected by the qualified voters of said city, and shall hold their offices five years. * * * All recognizances, taken before any Judge, Justice or Magistrate in said city, in criminal cases, shall be made returnable to said Recorder's Court. * * * All appeals from decisions of Justices of the Peace within said city shall be taken to said Recorder's Court. * * * Appeals may be taken from said court to the Circuit Court of Cook County in all cases. * * * The regular terms of said court shall be held on the first Monday of each month."

The first term of the Recorder's Court began April 4, 1853, with Robert S. Wilson as Judge and Philip A. Hoyne as clerk, both having been duly chosen by the votes of the people, at the regular city election of the previous month, as provided by act of February 12, establishing the court.

March 28, 1853, before Judge Skinner of the Cook County Court of Common Pleas, was argued the request of James H. Collins for an injunction against the Illinois Central Railroad. The petitioner argued in his own behalf, aided by I. N. Arnold and J. M. Wilson, while James F. Joy, of Detroit, was instructed with the advocacy of the railroad's interest. That corporation had purchased from the General Government the made land south of the Goverment pier. To get to it they had to lay the railroad track through the edge of the lake, back of Mr. Collins's dwelling. He claimed the ownership to the middle of the lake and contested the right-of-way. The final result was that the railroad corporation paid off his claim, as well as the similar one of Charles Walker tried the following year. Several years later, by its "influence" with the General Assembly, it attempted to secure, as against the city as well as the General Government, the whole "lake front" and almost as broad an expanse of the lake itself as was claimed by Mr. Collins, originating a quadrilateral contention which has not yet been definitely determined.

By the expiration of Judge Skinner's term of office there arose a vacancy in the Cook County Court of Common Pleas, to which John M. Wilson was elected April 4, with Walter Kimball as clerk, and Daniel Mc Ilroy as Prosecuting Attorney. A special term of the court was held by the new Judge, beginning May 16, at which was found a large docket, notwithstanding his predecessor's great efforts to keep abreast of the business of his court. The truth is, Chicago's civil and criminal law business has always outstripped its greatest court facilities.

THE MAYOR'S COURT.—About the middle of April Mayor Gray began to hold his court regularly in the basement room on the southeast corner of the court-house, which had been fitted up for the purpose, lightening the work of the Police Justices Rucker and Howe.

About May 1, before Judge Drummond of the United States Court was procured the first conviction of a counterfeiter since the establishment of the court here in 1848. Thomas Hoyne, who had been confirmed as District Attorney, March 22, was assisted by Grant Goodrich in prosecuting this case to a successful issue. The offender was James Campbell, and his crime, the counterfeiting of United States gold coin. Judge Dickey of the Seventh Judicial Circuit, whose limits had meanwhile been restricted to the counties of Cook and Lake, resigned his office because of the press-

ure of private and judicial business, to take effect April 4, 1853. Buckner S. Morris was chosen to fill the vacancy for the remainder of the term until 1855.

Before the United States Court in October was tried the celebrated accretion case known as William S. Johnston *vs.* William Jones *et al.* It was the fourth trial of the case, which had been decided, once for plaintiff, once for defendants, and once the jury had disagreed. It involved the title to about five acres of land, lying immediately north of the Government pier, in Kinzie's addition. It is all land thrown up by the action of the waters of Lake Michigan, created mainly by the extension of the pier into the lake. The right of the plaintiff to recover depends upon the claim that a portion of his lot, Number 34, in Kinzie's addition, when originally laid out touched the water on the old line of the lake shore. The defendants had been in possession of the property in dispute for some time, and William Jones purchased Lot 35 September 10, 1834, while the Johnston lot was purchased October 22, 1835. Both deeds were from Robert A. Kinzie. The case occupied the attention of the court for two or three weeks, and after four days' arguments from the learned counsel on both sides, the jury returned a verdict for the plaintiff. The case came up again seven years later.

Edward S. Shumway, a member of the Chicago Bar, died at Essex, New York, September 24, 1853, aged thirty-five years. He was a brother of Horatio G., who had been in practice here some years, and whom he followed to Chicago. In 1852 they became partners, and Edward S. was admitted to the Bar in Illinois, June 24, 1853. His health failing, he sought rest and restoration in the home of his youth, with the above result.

A contention had arisen between the canal trustees and the city of Chicago as to which corporation should excavate the basin at the confluence of the North and South branches of the Chicago River. After having been in dispute some time the Supreme Court decided in January, 1854, through Judge Treat, that the canal trustees were not under any obligation to perform the work.

Alleged Ineligibility of a Judge.—The necessary papers to commence proceedings before the Cook County Court of Common Pleas against Robert S. Wilson, Judge of the Recorder's Court, were served on him January 7, 1854. A month later, February 9, the application for leave to file a *quo warranto* against Judge Wilson was argued before Judge John M. Wilson in chambers. William T. Burgess, relator, and John F. Farnsworth argued for the application, with Thomas Hoyne and Robert S. Blackwell against it. Robert S. Wilson for many years a resident of Ann Arbor, Mich., had come to Chicago in 1850, and was of the law firm of Wilson & Frink for two or three years, when, as has been seen, he was elected Judge of the newly created Recorder's Court in March, 1853. He had meanwhile administered justice with an energetic and impartial hand, and the prison and jail of Chicago had many inmates duly sentenced by him. But the question arose as to his eligibility to the office, not having been a resident here for five years before his election. The main points in the defense were that he was not a Judge under the constitution, and that were it otherwise the relator was not legally entitled to make application for the remedy.

In the case of the People, on relation of William T. Burgess *vs.* Robert S. Wilson, Judge of the Recorder's Court, for unlawfully intruding into and usurping the office of Recorder, Judge John M. Wilson decided against the motion for a *quo warranto*. The relator proposed a stipulation to take the case to the Supreme Court, to which the Recorder signified his assent, provided that he could have assurance that a responsible person would appear to prosecute the case, and give security for costs. Two days later Mr. Burgess announced that the case would go up by appeal, under good and responsible bail to prosecute it with all due diligence. In November the Supreme Court affirmed the decision of the lower court, and Judge Wilson continued to discharge the duties of his office with almost universal acceptance. He was generally regarded as specially adapted by his energy and boldness for the judgeship of the Recorder's Court, in which he was a terror to evil doers.

It was provided by the Legislature, February 28, 1854, that Chicago should "pay all fines, expenses and charges for dieting, committing," etc., of all persons convicted by the Recorder's Court. And on February 15, 1855, an act was approved, by which it was ordered that its "rules of practice should conform as near as may be to the rules of practice in the Circuit Court. * * * That in all cases where any suit, either at law or in chancery, shall be commenced in the Recorder's Court of the city of Chicago, and the amount in controversy shall exceed one hundred dollars," such suit might be "transferred to either the Circuit Court of Cook County or to the Cook County Court of Common Pleas," and "all further proceedings in said Recorder's Court shall thereupon cease."

April 18, 1854, Judge Drummond opened a term of the United State courts at his chambers in the Saloon Building; and at the same place a second term was opened by the same, October 3. Neither was a protracted session, and no case of historic interest marred the uniformity of court routine.

Before the Circuit Court, in May, Judge Morris presiding, in the case of Charles Walker *vs.* the Illinois Central Railroad, a jury was empaneled on the 9th. The suit was similar to that of James H. Collins in the previous year against the same corporation. The railroad track was laid across Walker's water-lot on the shore, to reach the river. Eight days were occupied in taking testimony, and two in the closing arguments of counsel, when on the 20th, the jury returned a verdict of $20,712 in favor of plaintiff for damages sustained by loss of land taken by the company for their track. A second claim for damages because of nearness of their depot, was denied, the jury being of opinion that the value of Walker's property was as likely to be enhanced as depreciated by that circumstance. The award by the commissioner, from which both parties had appealed, was $47,800.

Three alleged fugitive slaves, thrown into jail in Chicago on a charge of assault, were taken to Springfield, on a writ of habeas corpus issued by Judge Treat of the Supreme Court, and discharged by him September 22, 1854. Their names were George and John Buchanan, and William M. Graub. Some ten weeks later Colonel Henry Wilton, United States Marshal, arrived in Chicago from Springfield, armed with four writs for the arrest of as many runaway slaves. He ordered out the Light Guards in anticipation of resistance and directed that Company A of the National Guard should be in readiness. The officer in command of the Light Guards took legal advice from ex-Judge Dickey, who assured him that Henry Wilton had no legal authority to issue such an order, whereupon the military withdrew and the Marshal returned to Springfield without the fugitives.

In the Court of Common Pleas an important land

case known as the ejectment suit of D. A. B. Newkirk *vs.* Rosella Chapron, and involving eighty acres of land in the region west of Ashland and south of North avenues, together with two hundred and forty acres outside the limits, of the estimated value of half a million dollars, was decided for the plaintiff by Judge John M. Wilson, October 6, 1854; and a copy of the opinion requested by the Bar for publication. But ten months later the Supreme Court, in session at Ottawa, reversed that decision.

The Bar lost three of its members by cholera in 1854. Two of these, J. H. Collins and S. L. Smith, have already been sketched. The third was Alexander S. Prentiss.

Alexander S. Prentiss was born in Cooperstown, N. Y., in March, 1829. He was a son of Colonel John H. Prentiss, who died in 1861. He graduated at Hamilton College before he was twenty-one, studied law under Judge Deino, of Utica, and was admitted to the Bar in New York. In 1851 he came to Chicago, entered the law office of Collins & Williams to familiarize himself with the peculiarities of Illinois law, and was admitted to the Bar in this State, May 3, 1851. Some six months later he formed a partnership with Henry G. Miller, which was dissolved in February, 1853, after which he practised alone until his death, October 13, 1854. The occasion of his early death was due to the marked benevolence and self sacrifice in the presence of public calamity. "When," says Mr. Arnold, "Collins was struck down at the Bar of the Supreme Court, and so many were seeking safety in flight, he remained because he thought he could be of assistance to Mrs. Collins; and again, when Smith was taken, young Prentiss was found ministering to the suffering and afflicted."

The rulings of Judge Morris in the case of George W. Green, for the alleged murder of his wife, covered some new points in the jurisprudence of Illinois, as it was the first case tried here, in which the testimony of experts as to the presence of poison, ascertained by chemical tests after death, was admitted in evidence.

The February term of the United States courts in Chicago, in 1855, was postponed from the 12th to the 19th, awaiting the act of Congress of the 13th, which divided Illinois into two districts. The criminal docket at that first term of what was thenceforth known as the Northern District of Illinois, embraced twenty-five entries, of which two were burglaries, one counterfeiting, one forgery, and the remainder, various minor offenses.

William H. Bradley, of Galena, arrived in Chicago March 21, 1855, to fill the position of clerk of the United States courts by appointment of Judge Drummond, and has served in that capacity with general acceptance to the present time.

The April term of the Recorder's Court began April 2, with one hundred and fifteen civil and sixty-three criminal cases on the docket. Since its establishment two years before, seven hundred and fifty three indictments had been disposed of, and one hundred and forty criminals sentenced. Of all the decisions from which appeals had been taken only one was reversed. For some months there had been more cases, civil and criminal, tried in the Recorder's Court of Chicago than in any court in the United States, except a few of the police courts of the larger cities. "We did," says Philip A. Hoyne, the then clerk, "a land-office business from 1854 to 1857."

Beer Rioters' Trial.—Before the Recorder's Court, June 15, 1855, the indictment found against fourteen of the participants in the "Beer Riot" of April 21, was taken up, and the motion for separate trials overruled. There was some difficulty in getting a jury, and it was not completed until the 18th. Soon after the municipal election in March an issue was joined with the foreigners on the liquor question. March, Mayor Boone issued a proclamation notifying saloon-keepers that the ordinance requiring their places to be kept closed on the Sabbath would be strictly enforced. That was on Saturday; and on Sunday, the 18th, owing to the insufficiency of the notice, there were naturally many violations, and many arrests, but the next Sunday the saloons were very generally closed. At the trial of several of these saloon cases on Monday, March 26, before Justice H. L. Rucker, of the Police Court, the defendants raised the question of jurisdiction. They claimed that as these were criminal offenses, they could be prosecuted only by indictment; and that criminal cases cognizable by Police Court justices meant such cases only as that entire body of the judiciary, known to the Constitution as Justices of the Peace, might try and determine. A few days later, Justice Rucker decided that the Justices had a right to try saloon cases. Meanwhile, at a meeting of the Common Council, March 27, the license to sell liquor was fixed at $300 from that date to July 1, 1856, when the prohibitory liquor law was to go into effect if sanctioned by the votes of the people at the preceding June election. Some dealers paid the fee and others gave up the business, but most preferred to test the question in the courts and before the people. Frequent meetings were held in North Market Hall by saloon-keepers and brewers, mostly Germans, urged on and encouraged by wholesale liquor dealers and the allied interests generally. They issued for gratuitous distribution a campaign paper known as the Anti-Prohibitionist. Meanwhile Rucker's decisions continued to be given in favor of the city with aggravating uniformity. Early in the contest it was announced in behalf of the defendants that whenever an adverse decision should be rendered, the case would be taken by successive appeals to the Supreme Court. A large number of these cases were to be tried on Friday, April 20, before Justice Rucker. During the week active preparations were made by the malcontents for a demonstration in force, either in the hope of overawing the court, or with a view perhaps to serve a sort of mob-law notice on the municipal administration just elected on the Know-Nothing ticket, that they should not expect to force their puritanical notions down the foreign throats, where beer and liquor had been wont to flow unburdened by so heavy a tax. On that day, about one hundred men, headed by a drummer, marched through some of the streets and took up a position on Randolph Street, opposite court-house square, where they remained until it was learned that the cases would not then be heard, as Mr. Rucker was out of town. On Saturday, April 21, the demonstration was repeated, when the crowd came into collision with the police, who had been ordered to disperse them. As the mob rounded the corner of Clark and Randolph streets about eleven o'clock, they were met by the officers of the law when about a dozen shots were fired by the more hasty spirits in the crowd. Peter Martin an alleged rioter, was killed; J. H. Reese and J. H. Kedzie, two unoffending citizens, were wounded; George W. Hunt, a policeman, was so severely injured in the arm that amputation became necessary, and Nathan Weston, another officer, was also dangerously wounded. Some seventy or eighty "rioters" were arrested and jailed, but only fourteen were held, indicted and brought to trial. The Light Guard, Flying Artillery, and a num-

ber of special policemen sworn in for the occasion, patrolled the streets for three or four days and nights until their own excitement, the alarm of the authorities and the apprehensions of non-combatants had subsided. The liquor-dealers published a card May 2, denying the allegation that the money contributed by them was designed to be used in resisting the laws; their purpose was to test the legality of the new license law, which was personally oppressive, and from a business point of view too restrictive of trade. The Anti-Prohibitionist, they also said, was published for a similarly broad and statesmenlike reason, to oppose an innovation unheard of in all history. The trial begun June 15, and closed June 30, with the acquittal of all except two, who had been more clearly identified with the alleged violence to the police, or had been more feebly defended. These were Farrell and Halleman, both Irishmen, who were sentenced to one year in the penitentiary, but were granted a new trial by Recorder Wilson, July 11, on the ground of interference with the jury by the constable in charge. They were not again brought to trial, it seeming little less than a travesty of justice that in a sedition notoriously German the only victims should be two Irishmen, accidentally caught in the crowd, without any evidence of previous affiliation with the malcontents.

A Contested Judicial Election.—By an act of the Eighteenth General Assembly in 1854 a system of Police Magistrates was established for the whole State. At the municipal election in Chicago in 1855 Police Justices were voted for without reference to the new institution. It was supposed that Messrs. Ward, Akin and King were elected by a handsome majority, having each received about three thousand votes, and beating their competitors, Stickney, Magee and Howe. A few votes were cast for police magistrates, of which Calvin De Wolf received thirty, W. H. Stickney, twelve, and Nathan Allen, twelve. These received the commission of the Governor, as having been elected in conformity with the law of 1854. Mr. Stickney, having been one of the three unsuccessful candidates on the Police-Justice ticket, resigned March 17, not wishing to profit by a mere technicality. Mr. De Wolf was a Justice of the Peace at the time, and continued to act, the second commission being mere surplusage. Mr. Allen served under the commission for the West Side. Thomas G. Prendergast was substituted for Mr. Stickney as Police Magistrate for the North Side. Mr. De Wolf discharged the same functions on the South Side. The case was afterward taken by agreement to the Supreme Court, which decided that either title for the office was legal, as the difference in words could lead to no misunderstanding of the official station to which the people aimed to elect. Accordingly it ordered that commissions should be issued to the three gentlemen who had received a majority of the popular vote, without prejudice to the three already commissioned. A double supply of Police Magistrates for the remainder of the term was thus instituted.

At the State judicial election in June George Manierre, an industrious and well-read member of the Chicago Bar, was chosen for the Bench of the Seventh Circuit, embracing then only the counties of Cook and Lake. He was commissioned as its Judge June 25, 1855, for six years. Cook County then had four terms of the Circuit Court annually. Two were regular or "trial" terms on the first Monday in May and the third Monday in November. Two were special or "vacation" terms on the first Mondays in March and October. With this extra provision the docket continued heavy, and Judge Manierre's extreme carefulness in weighing evidence, while it guaranteed all possible safeguards against injustice, did not tend to decrease the rapidly increasing business of the Chicago courts.

At an adjourned term of the United States courts, extending from October 15 to December 8, 1855, it was found that they too, in less than eight years from their introduction here, were involved in the same destiny as the other Chicago courts, an overloaded docket. After disposing of one hundred and fifty-three cases, there remained four hundred and one in the Circuit, and ninety-eight in the District Court. Not only did the more able members of the Chicago Bar find frequent occasion to plead before these courts, but several eminent counsel from other cities were often in attendance. Among the most distinguished of these were Abraham Lincoln, O. H. Browning, Archibald Williams, Joel Manning, B. L. Edwards, Charles Ballance, E. N. Powell, H. M. Weed, A. L. Merriam, J. K. Cooper, N. H. Purple, W. F. Brian, J. W. Drury and James Grant.

At the January term of the Recorder's Court, in 1856, thirty-four convicts were sent to the penitentiary, and court adjourned to March, when there was a short term and a similar adjournment to May 5, when the Judge charged the Grand Jury especially against lottery tickets and gambling. Toward the close of the year it is again noted that this court kept its docket well cleared, there being but a few cases civil or criminal undisposed of at the early close of the November term.

At the February term of the United States courts in 1856, two weeks were consumed in the famous case of Kingsbury *vs.* Brainard. The lot on the northeast corner of Clark and Randolph streets, where now stands the Ashland Block, had been leased to the defendant for twenty years by J. B. F. Russell, agent for the plaintiff, at an annual rental of $2,000, of which half was to be actually paid and the other half retained as purchase money for the buildings, which at the end of the lease were to revert to the owner of the lot. The plaintiff brought suit, on the ground that the agent had no right to grant so unusual a lease. The jury, however, found a verdict against him, becoming satisfied that some others had declined to accept the same offer, and that the lease had virtually been ratified before the rapid increase in values had shown its alleged injustice.

March 21, 1856, by a rule of court, Judge Drummond ordered three "adjourned" terms of the United States courts in Chicago, on the first Mondays of March, May and October, in each year, in addition to the two regular terms, on the first Monday in July and the third Monday in December, previously provided by act of Congress. At the October term in 1856, it was again noted that notwithstanding these apparently abundant provisions, there was a large docket in admiralty, chancery and common law, as well as patent cases.

George W. Meeker was born in Elizabethtown, N. J., about 1817. In infancy one of his lower limbs was paralyzed, rendering necessary the use of crutches for the rest of his life; he was otherwise much above the average in manly beauty. Due attention was paid to the cultivation of his intellectual powers, and he became not only a well read lawyer, but a very thorough scholar, familiar with the English and French, as well as the Latin and Greek classics. He came to Chicago about 1837, and studied law with Spring & Goodrich until admitted to the Bar, December 16, 1839. As early as February 22, 1840, he is found in partnership with George Manierre, the firm having been formed about January 1. He held the offices of United States Commissioner and Clerk of the United States Court. He died suddenly on April 2, 1856.

HISTORY

OF

COOK COUNTY

ILLINOIS.

FROM THE EARLIEST PERIOD TO THE PRESENT TIME.

COMPLETE IN ONE VOLUME.

BY A. T. ANDREAS.

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