

## CHAPTER VII.

THE BENCH AND BAR—GOVERNOR REYNOLDS—EARLY COURTS—FIRST TERM AND OFFICERS—  
 DANIEL P. COOK—CENSUS OF 1818—COUNTY OFFICERS TO DATE—ABNER AND ALEXANDER  
 P. FIELD—WINSTED DAVIE—YOUNG AND M'ROBERTS—VISITING AND RESIDENT  
 LAWYERS—GRAND JURIES PUNCHED—HUNSAKER'S LETTER—WAR BE-  
 TWEEN JONESBORO AND ANNA—COUNTY VOTE, ETC., ETC.

"Ambition sighed; she found it vain to trust  
 The faithless column, and the crumbling bust."

IN the early organization of a county, especially away back in the history of Illinois to 1817, the date of the formation of this county, the courts, and their short biennial sessions, the judges, the judges' greatness and dignity that those people readily conceded the judicial toga, the lawyers, as they traveled over the large circuits, through the many large and sparsely settled counties, were objects of much awe and admiration among the people. Even the Clerks of the Courts, the Sheriffs, the foreman of the grand jury, as well as other petty officers about the court house, who, by virtue of their official positions, could, on terms of apparent great familiarity, exchange a few words with the Judge and the lawyers, were temporarily greatly enlarged and magnified, and perhaps envied sometimes by the common crowd. But soon after the organization of each county came the local lawyer, the permanent dweller at the county seat, and thus some of the glamour that invested the profession of the law passed away. Their numbers increased, and as law and politics were then synonymous terms, and they still more mixed among the people, and coaxed and wheedled them out of their votes, kissing the babies, patting the frowzled-headed, dirty-faced youths on the head, talking taffy to the vain old mothers, hugging, like a very brother,

the voters, and dividing with them their plug tobacco, and making spread-eagle stump speeches everywhere and upon all occasions, and upon the slightest opportunities, and thus still more of the awe-inspiring greatness of the profession passed away. Thus, in the long process of time, a lawyer came to be only a human being, and even the high Judge, as the boy said about the preacher, "nothing but a man." But the fact remains that in the early settlement of the State, and in the formation of the county municipalities, these legal gentlemen had very much to do in those initiatory steps that have shaped and fashioned the destiny of both the State and the counties that transformed this wilderness of wild men and wild beasts into the fourth commonwealth in this cluster of great and growing States, and from this vantage-point our State is entered in the race for the third place, then the second place, and then the great goal of first place in the galaxy of States. The finger-marks of these founders, and largely the architects of the early State polity that has so swiftly led to these astounding results, are to be seen everywhere, and the meed of praise is justly theirs for this beneficent foresight, patriotism and unyielding integrity that have stood like beacon lights upon the troubled waters, when the storms raged and beat upon the ship of State.

Among the earliest of the Illinois lawyers,

who at one time lived in the county that then included what is now Union County, was John Reynolds—the Old Ranger. The appellation of Old Ranger was given him for his great services in the soldiery that fought the Indians. In the early days, these soldiers were mounted men, and often they were designated in their military capacity as rangers.

X Gov. John Reynolds was a native of Pennsylvania, and came to Illinois and located in Kaskaskia in the year 1800. Only eighteen years after the first American flag had been unfurled over all this territory, and the land had become a part and parcel of the possessions of the United States, under Lieut. Todd, who had been commissioned by Gov. Patrick Henry to come here, take possession in the name of the United States, and put in force and operation the principles of our present free and enlightened Government. Gov. Henry wrote this important document within hearing of the booming of the guns of the Revolution. The Governor appointed a messenger to bear the important commission to Lieut. Todd, who was fighting the Indians and British somewhere in the Northwest, and it took the bearer nearly or quite a year to find Todd and invest him with the important authority of organizing and establishing upon an enduring basis the benign government that now blesses so many people of the great Mississippi Valley. Thus it was the soldier, Lieut. Todd, who laid the foundations of a free government here, and upon this foundation has risen the grand superstructure we now behold, and, as before remarked in this work, a great deal of credit is due the early lawyers of Southern Illinois, and among the earliest and most valuable of these, to the then young Territory, was John Reynolds, whose life, after he came here, was spared to us sixty-five years. He was a re-

markable man in many respects. The writer hereof first saw him in 1844, and to his boyish eyes the Old Ranger was the one great man that he ever expected to see. He was tall, slim, erect, with classical features, soft, white hair, moderate mutton-chop whiskers of the same color, with a wonderfully penetrating, restless gray eye. It was a warm day, and he had his coat off, and his shirt collar unbuttoned, and was battling for Polk for President. He talked rapidly, and held the closest attention of the men, women and children present, ever and anon appealing personally and by name to some voter in the audience, and always addressing him by his given name, and so adroitly did he manage this, that by the time he would finish his speech he had thus appealed to about every voter in his audience. It was told of him, that in about every county in Southern Illinois he could pass through them on an electioneering tour, and shake hands with every voter he met, and call him, by his given name. His knowledge of men, his ready wit, his practical, shrewd sense, his big, warm and generous heart, and incorruptible integrity both in private and public life, were the sources of his invincible power among the people. When the least bit embarrassed, he had a singular way of rubbing his hand down over his face and at the same time giving his nose a slight pull. His speeches were somewhat in a familiar conversational manner, and interjected with side remarks that were explanatory and often intensely amusing. In many respects he was admirably equipped for a great and successful demagogue, and for sixty-five years he plied his vocation to such an advantage that he occupied from time to time nearly all the exalted positions in the State, as well as Financial Agent of the State in negotiating the Internal Improvement Loan of \$4,000,000 to Europe.

It is not proposed here to give a detailed biography of the Old Ranger, for this is a familiar subject to all our people. His last years among us was the happy rounding out of a well-spent and valuable life. And when started once upon his favorite theme, the venerable old kindly face would kindle and flame with recollections of the pioneer times and people, and his talk became as intensely interesting as his fund of incident and anecdote seemed inexhaustible, and of him and about him there was current among the people nearly an equal fund of anecdote. These the old Governor never referred to in his conversations, especially that one in reference to his sentencing, while on the circuit bench, a man to be hung: "Mr. Green," said the Judge, addressing the prisoner, "the jury and the law have found you guilty of murder. I am very sorry for you Mr. Green. I wish you would send word to your friends down on Flat Creek that it was the jury and the law, and not me, that sentenced you to be hung. What day would suit you best to be hung, Mr. Green? Well, I will do all I can for you. The law permits me to extend your life four weeks and I will give you all the time I can." Then addressing the clerk he said: "Mr. Clerk, I wish you would look at the almanac and see if next Friday four weeks comes on Sunday?" "You see, I don't want to hang you on Sunday, Mr. Green." And thus this really sad and afflicting duty of this kind-hearted official was gotten through with. Green was duly hung, but his friends on Flat Creek, as Green exhorted them from the scaffold to do, always afterward voted for the Old Ranger unanimously.

The old Governor would often in his speeches, especially if there were ladies present, tell the story about his riding along the road one day in the early time, and coming up with a woman who was driving an ox team

and wagon. He finally asked her opinion of the country. "Oh; well," said the good dame, "it seems to be good enough for men and dogs, but is powerful tryin' on women and oxen."

The first term of the Circuit Court convened in Union County was in Jonesboro, at the house of Jacob Hunsaker, May 11, 1818; Daniel P. Cook, Presiding Judge. A picture of this pioneer court room and the gathering of the people in this humble log house of justice, in their hunting shirts, coon-skin caps, and generally each man with his shot-pouch hanging to his side, and early as it was in the spring, many of them barefoot, and the others with deer-skin moccasins; when the grand jury, after being charged by the court with the affairs of the county and the weal or woe of litigants or criminals, filed out in solemn silence in the charge of an officer of the court, who conducted them a short distance in the woods to their grand jury room, which consisted simply of a log lying beneath the old forest trees; and then, after a hot trial as to whom the meat belonged to of a certain wild hog that one hunter had shot and another had captured, to see the petit jury similarly file out to another log in another part of the woods to be "locked up," or rather seated on another log to deliberate on their verdict. We say, this in a picture would now look curious and very rude indeed. And so it was in some respects, and yet when more deeply studied and understood, it would be seen that there were here in this log court house, with all its primitive surroundings, men of ability, education, and forensic talents, that might have adorned the most elevated or historical woolsocks in the world.

Daniel P. Cook will take his place in the history of Illinois as second to no other man in the State except Stephen A. Douglas. He

came from Missouri to Kaskaskia a very young man and in very delicate health; studied law with his uncle, Nathaniel Pope; was admitted to the bar, and at once took his position among the great lawyers of his day; was the Territorial Delegate in Congress, and framed the measure and passed it through Congress admitting the State into the Union; in 1819, was elected Attorney General of the State, and afterward a member of Congress, defeating McLean in a contest extending all over Southern Illinois, and that was conducted by joint discussions, and, it is said, was never excelled for displaying great talents, unless it was in the campaign of Douglas and Lincoln in 1858. In the bill to admit Illinois, the committee reported the north boundary line of the State to run due west on a line parallel with the southern bend of Lake Michigan, and it is due to Judge Cook that this was changed to its present line, and thus the fourteen northern counties, including the city of Chicago, were taken from the Territory of Wisconsin. He showed Congress that the lakes of the North and constant navigation at the confluence of the Ohio and Mississippi Rivers must not be separated by dividing State lines — that Illinois must be made a Keystone State of the Mississippi Valley. He then foresaw would come the great questions between the North and the South that did come, and his wise forethought was the architect of the West and of the Union as we now have it, and it is highly probable that his action here did more ultimately to preserve the integrity of the union of States in the late civil war than any other one thing in our history.

Such was something of the magnificent record of a man who sank into his grave at the age of thirty-seven years, and who nearly all his life was an invalid and sufferer. His brief life, his wonderful achievements, his

lingering death from consumption upon the threshold of his manhood, are, indeed, "a strange, eventful story." His was one of the few lives that adorned the morning of the nineteenth century, and was a blessing to American civilization that only ignoble descendants will ever forget or cease to cherish.

At this, the first term of the court, the Sheriff returned the following grand jury: James Westbrook, George Woolf, John Riton, John Weigle, John McIntosh, Michael Linburg, Thomas Sams, Joel Boggis, Alexander Beggs, Benjamin McCravens, James Murphy, John Whitaker, Nicholas Wilson, Samuel Sprood, Rice Sams, David McIntuff, Benjamin Worthenton, Adam Clapp, Richard McBride, George Godwin, Henry Lamer, John Crise, David Penrod, and Owen Evans. John Whitaker was appointed foreman.

James Evans, Esq., on exhibiting license from the Superior Court, was admitted as an attorney at law.

This was then known as the Western District of the Territory of Illinois.

The first day's proceedings were a continuance of the case of Daniel Ritter vs. Joseph Taylor, action on the case. Letters of administration were granted John Bradshaw, on the estate of Charles Murphy. The case of Joseph Taylor vs. Thomas Giles, continued. A judgement taken upon confession against John Stokes, one of the defendants, for \$1.10.

The grand jury returned into court an indictment against John C. Thomas, felony. The court disposed of case of "Milly, a black woman," on *habeas corpus*, was dismissed.

On the second day, the case of John C. Thomas, continued for the term. The next criminal case was the indictment against Samuel G. Peurod for retailing liquors.

The second term of the court was held by Judge John Warnock.

Johnson Renny was, at the September term, May, 1818, admitted to practice law. At this term of the court, William Russell is admitted as an attorney. Mr. E. K. Kane also appeared as an attorney. At this term, John Reynolds, the "Old Ranger," appeared as an attorney.

At a term court, May 13, Richard M. Young produced license and was admitted as an attorney. On Tuesday, September 14, 1819, David T. Maddox was admitted as an attorney. At this term of the court, Daniel T. Coleman prosecuted his suit for divorce against his wife, Judah. A jury was called and the divorce granted.

At April term, on April 10, 1820, Charles Dunn produced in court a license to practice law and was duly enrolled. Thomas Reynolds was acting as Circuit Attorney.

April term, 1821, Thomas C. Browne was the Presiding Judge. David J. Baker appears as an active and practicing attorney at this term.

In another chapter, we have given the order of the organization of the County Commissioners' Court, the platting of the town of Jonesboro, and the election and appointment of the county officers, and the commencement of the work of putting into operation the county machinery, which constituted the county's government. When the little county ship of State was duly launched, it was in power over the large territory that now embraces Union, Alexander and Pulaski Counties, and contained a population in 1818 of 2,482 souls, and was in the number of its inhabitants the fifth county in the State. The counties outnumbering it were Gallatin, with 3,256 people; Madison, 5,456; Randolph, 2,939; and St. Clair, 4,519. The total population of Illinois at that time was 40,156.

Joseph Palmer, as stated, was the first Sheriff of the county, and he and the Com-

missioners' Court, upon a settlement, could not agree, and the court claimed he was \$260 behind in his payments of money collected, and they entered judgments for that amount, and also assessed the State penalty, which was that such delinquents were to pay twelve per cent per month from the rendering of such judgments until the judgment should be paid. The case was in litigation some time, and finally compromised by the court allowing a part of Palmer's set-offs, and his paying the remainder. In 1821, George Hunsaker was the Sheriff of the county. Abner Field was acting as County and Circuit Clerk, and his entire salary for performing the duties of the two offices for one year was \$60. He resigned.

Winstead Davie, at the April term, 1822, of the Circuit Court, was appointed Clerk, by Judge Browne, Presiding Judge. And at the March term, 1823, there appears upon the records the following: "Winstead Davie having been before appointed Clerk, in the place of Abner Field, resigned, he presented his bond as Clerk of the Circuit and County Court, Recorder and Notary Public." The bond was approved. There is no man whose history is more closely interwoven with the early accounts of the county, or whose history is more interesting and instructive, than that of Winstead Davie. A complete story of his life would read like a well-constructed romance. Born with physical infirmities that rendered him a cripple for life—requiring the constant use of two crutches—he commenced in poverty the struggle for existence, and worked out a career that points him out as the child of destiny. He was the crippled, helpless invalid child of poor parents, with a large family of children. It is told of him, that in his youth he overheard his parents talking and lamenting over his affliction and his

gloomy outlook for the future. They agreed he would be a burden upon them as long as he or they lived; that they would tenderly care for him as long as they lived, then invoke the protecting mercies of heaven, and resign him to this not very charitable world. The hearing of this conversation was the turning point in the youth's life. Every word had sunk deeply in his heart, and, young and crippled as he was, he looked fortune in the face, and resolved that he would go out into the world and fight his own battles of life. He commenced to educate himself, and in a year or two concluded he was prepared to teach school. It is told of him that the first house he visited for the purpose of making up his school, the family saw the poor cripple hobbling toward their door, and, supposing he was a beggar, slammed the door in his face, and he was compelled to turn away. But he persevered, and became a school teacher. In 1817, he came to Illinois, and among those rough people commenced a school a short distance below Jonesboro. Afterward he was put in possession of a small stock of goods in Jonesboro, to sell on commission. For many years he was Recorder, County and Circuit Clerk, and Probate Judge, and he was eventually able to purchase the stock of goods that he had been managing on commission. So intimately had his life become interwoven with the courts of the county, that when it came to adopt the design for the county seal, it appropriately was formed representing Davie sitting at a desk writing, showing his crooked and crippled lower limbs, and crossed and forming an arch above the desk were his two crutches. It is now to be regretted that this design was ever changed and a new seal adopted, as was done, and an account of which appears in the preceding chapter.

When Mr. Davie had purchased the little

store, he then commenced his true career, and he extended, enlarged and pushed the business, successfully fighting his way against Willis Willard, his brother-in-law, or any and all competition that could come against him, and he retired from office and gave his entire attention to his business, which soon grew to vast proportions. He possessed an energy, clear, strong judgment and a foresight in all business affairs that were never at fault. His physical defects were more than compensated for in his active and powerful intellect, and he amassed great wealth, and at one time had more employes and dependents than any other man in the county. His master mind guided and controlled and managed much of the business affairs of the county, and here he was even more valuable to the growing young community than he had been as an officer and executive in the official matters of the county. His charity was expansive and just, and while he ruled with firm decision and strong emphasis, he scrupulously rewarded merit and never overlooked, even in his humblest dependents, true worth. Nature had so equipped him for life that the very misfortunes that environed him were converted into stimulants to urge him forward to the accomplishment of great enterprises, where others under the same circumstances would have despaired and turned their faces to the poor house.

He married Anna Williard and it is whispered that at this important period of his life he met the same troubles that attended his first effort to secure a school. The same old objection was made, that he was a cripple and poor, and here again came back and was renewed the great resolve of his boyhood, that he would have a fortune that should equal or surpass that of those who urged these objections against him, and he did.

Like the generality of cripples, he was

very sensitive on the subject, and never alluded to it. When it was spoken of by others in his presence, he would change the subject, and any attempt to force sympathy upon him was sternly rejected. On one occasion, after he had sold a customer a large bill of goods, and all was satisfactorily settled, the customer commenced the usual story of his sorrow and sympathy for Davie's misfortunes. Davie made several efforts to turn the subject, and when his patience was exhausted he gave the man a most meaning look and answered, "Yes, yes, but after all it is better to be crippled in the legs than in the head."

Some years ago, Mr. Davie divided the bulk of his large property among his children and retired from business life. His great mind had burned out its strength and brightness, and a recluse and an invalid he day by day and now almost hour by hour calmly awaits that summons from the high court of God that will come to us all.

Richard M. Young was among the earliest lawyers in Union County. He was appointed *pro tem.* Circuit Attorney at the March term of the Circuit Court in 1823. Judge Young was a bright young man, and had the gift of fine colloquial powers, and in his intercourse with men was smooth and urbane, and altogether an address well calculated to impress all he met as a man of excellence and worth, in which lay the secret of his success, rather than in the force, vigor and compass of intellect. His talents were respectable, and above mediocrity. He was a Kentuckian, of spare build, rather tall, educated, and a lawyer by profession. In 1824, he was elected by the Legislature one of five Circuit Judges, and assigned to the Second Circuit. He was elected to succeed Gen. W. L. D. Ewing in the United States Senate, and served out a full term, from March 4, 1837, to March 4, 1843. Samuel McRoberts was

his principal opponent; Archie Williams and Gen. Ewing also received some votes, the former twenty-one and the latter thirteen. In 1839, Judge Young was appointed by Gov. Carlin one of the State agents, in connection with Gov. Reynolds, to negotiate the \$4,000,000 canal loan, for which purpose they repaired to Europe, and their advances of \$1,000,000 in Illinois bonds to the house of Wright & Co., of London, proved a heavy loss to the State. Yet, under party operations, before his Senatorial term expired, he was made, February 3, 1842, a Supreme Judge, a position which he held until 1847. He died in Washington in an insane asylum.

Alexander and Abner Field were here at the very commencement of the county's existence. They were men of strong characters, and Alexander Field's long life career clearly points out that he was no ordinary man. He took from the very first of his entry into the bar a commanding position. A good lawyer, sound reasoner and a brilliant orator, either at the bar or on the stump. He won his way to a large law practice, and from county offices was appointed Secretary of State December 31, 1828, and with a constant war upon him of rival candidates for that office, he held it until November 30, 1840. When he became Secretary of State, he changed his residence to Vandalia and Springfield, and for years he was one of the "circuit riders" of the Illinois bench and bar, and continued to add to his already extended reputation as one of the celebrated lawyers of that time that was noted for its remarkable men. He seems to have been of a roving, restless disposition. He removed his home to St. Louis, and for some years was among the foremost lawyers of that city. Then he went to New Orleans, and there made his home until his death, a few years ago, at an advanced age.

In 1821, George Hunsaker was Sheriff of Union County. At the September term of this year, Constantine Kessler appeared in open court, and, after taking the oath of allegiance, was admitted a citizen of the United States.

At the March term, 1824, Thomas Browne was the presiding Judge. This year, John Hunsaker was elected and qualified as Sheriff. In 1825, Samuel McRoberts was the Circuit Judge, Sidney Breese, Circuit Attorney, W. Davie, Clerk, and John Hunsaker, Sheriff.

Judge Samuel McRoberts, the first native Illinoisian ever elevated to the high office of a United States Senator from this State, was born April 12, 1799, in what is now Monroe County, his father residing on a farm. He received a good English education, and at the early age of twenty, he was appointed Circuit Clerk of Monroe County, a position which afforded him opportunities to become familiar with the forms of law, which he eagerly embraced, pursuing at the same time a most assiduous course of reading. Two years later, he entered the law department of Transylvania University, Lexington, Ky., where, after three full courses of lectures, he graduated with the degree of Bachelor of Laws. He commenced the practice of law in competition with such men as Kane, Reynolds, Mills, Mears, Blackwell, Star, Clark, Baker, Eddy, McLean, etc. In 1824, at the age of twenty-five, he was elected by the Legislature one of the five Circuit Judges. As Judge, he first publicly exhibited strong partisan bias. In 1824, he had been a violent convention advocate and now, in defiance of a release by the Legislature, he assessed a fine against Gov. Coles for settling his emancipated slaves in Madison County, without giving bond that they should not become a public charge; he also removed a Circuit Clerk in the same county, and appointed

another in his place, from partisan motives, which caused a great outcry at the time and contributed largely to the repeal of the Circuit Court system in 1827. In 1828, he was elected a State Senator, and in 1830 was appointed United States District Attorney for this State; in 1832, Receiver of the public money's in the Danville Land Office, and in 1839 Solicitor of the General Land Office at Washington. When the State banks of 1837 passed into Whig control by their organization, Judge McRoberts, with others, opposed them and they were refused the Land Office moneys as deposits, to aid in crippling them. On the 16th of December, 1840, Samuel McRoberts was elected United States Senator for a full term, commencing March 4, 1841. He received on the first ballot seventy-seven votes, Cyrus Edwards, the Whig nominee, fifty and E. D. Baker, 1. He died March 22, 1843, in Cincinnati, at the house of his old friend Judge James Hall, formerly of Shawneetown, on his route home from Washington, in the vigor of his intellectual manhood, at the age of forty-four years. Judge McRobert was of medium height, spare build, nervous, bilious temperament. His mind clear and strong and precise. An industrious student and given to over-exertion. He was swayed by a stubborn will, high ambition and unbounded energy. He governed by the power of will, rather than address and blandishments.

Sidney Breese, who appeared as prosecuting attorney at this same term of the court, with Judge McRoberts, succeeded R. M. Young to the United States Senate for a full term, from March 4, 1843. He was the Democratic caucus nominee, and was elected December 17, 1842, on the first ballot, by 108 votes, to his opponent, Archibald Williams' 49.

He was a native of Oneida County, N. Y.,



and was educated in Union College. He had been the school-fellow of Elias Kent Kane, who was his senior. After the latter had been appointed Secretary of State, in 1818, he wrote for young Breese to join him. This gave him great advantages in the new State. In 1820, he commenced the practice of law in Jackson County, but met with only failure before court and jury, and, overwhelmed with mortification, resolved to abandon his profession. The next year, he was Postmaster at Kaskaskia. In 1822, Gov. Bond appointed him Circuit Attorney, in which position Gov. Coles retained him, but Edwards did not. In 1831, he prepared and published "Breese's Reports" of our Supreme Court decisions, being the first book ever published in the State. The next year, he took part in the Black Hawk war—being a Major. On the establishment of the Circuit Court system, in 1835, he was chosen Judge, in which capacity the McClernand Field case came before him—an exciting political question—concerning the power of the Governor to remove the incumbent of the office of the Secretary of State, which he decided with an elaborate opinion in favor of the relator, but which the Supreme Court reversed. Upon the reorganization of that court, in 1841, resulting in a great part from this question, he was elected one of the five Democratic Supreme Judges.

As a Senator, he occupied the seat of his old schoolmate and friend, E. K. Kane. Upon the expiration of his term, he was elected, in 1850, to the Legislature, and was made Speaker of the House. In 1855, he was again elected Circuit Judge, and two years later, on the resignation of Judge Scates, again elevated to the Supreme bench, which position he held to the time of his death. An estimate of his mental characteristics, and his estimate as a statesman and

jurist, will be found in another chapter of this work, in which is the account of the Illinois Central Railroad.

At the October term, 1826, David J. Baker, Sr., was appointed Circuit Attorney. The next year, 1827, Phillip Hargrave was Sheriff of the County, and Winstead Davie filed bonds and entered upon a new term of office as Circuit Clerk. In 1828, William J. Gato-wood was appointed Prosecuting Attorney for the term. October term, 1828, Phillip Hargrave entered upon second term of Sheriff. At the October term, 1830, Richard J. Hamilton was appointed, *pro tem.*, Prosecuting Attorney. The next year, Henry Eddy appears as the regular Circuit Attorney. October term, 1831, Alvan Cook presented license and was enrolled. A. F. Grant was the Prosecuting Attorney. In 1832, the records show the name of John Dougherty as a regular attorney of the court; and at this time appear the names of Hardin, Rumsey and Evans as of the bar of Union County. In 1832, Champin Anderson was sworn into the office of Sheriff; Davie still Clerk; Jacob Grammer, Coroner. These were all re-elected in 1834. At the May term, 1835, Alexander F. Grant was Presiding Judge. In the same year, Justin Harlan held the November term of the court, and John Dougherty was the Prosecuting Attorney. Walter B. Scates was one of the attorneys at this term of court. At the April term, 1836, Jephtha Har- din was Judge, and same term, in 1837, Walter B. Scates presided. Wiley J. David-son was the Sheriff and Jacob Grammer was still Coroner. In 1840, Jacob Davis was Sheriff, and Judge C. Campbell, Coroner. At the May term, 1841, Willis Allen was Prosecuting Attorney, and among the other attorneys was Judge Billings. At this term of the court, Sidney S. Condon was appointed Clerk. October term, 1841, Willis Allen was,

*pro tem.*, Prosecuting Attorney. May, 1842, John A. McClernand appeared among the attorneys. In 1842, Thomas Hodges was Sheriff, S. S. Condon, Clerk, and H. F. Walker, Coroner. W. A. Denning was Prosecuting Attorney in 1845.

In 1844, Daniel Hileman was Probate Judge of the county. At September term, 1847, W. A. Denning was the presiding Judge; John Grear was County Coroner. In 1849, Thomas Hileman became Clerk of the Circuit Court, Master in Chancery, and Probate Judge. The last two offices he has held ever since, and when he fills out his present term of office, will have held the positions thirty-six years—an average life-time. May, 1851, Alexander J. Nimmo was Sheriff, W. K. Parish, State's Attorney, and John C. Albright, Coroner. May, 1852, James W. Bailey was County Clerk. In 1853, Syrean Davis was Sheriff, John A. Logan, Prosecuting Attorney, W. K. Parish, Judge, A. J. Nimmo, Sheriff. 1858, M. C. Crawford was State's Attorney. 1859, Thomas J. Finley, County Clerk, A. M. Jenkins, Judge, Nimmo, Sheriff, Hileman, Clerk, and A. P. Corder, Prosecuting Attorney. 1861, Lorenzo P. Wilcox, Sheriff. At the May term, 1863, Thomas J. Finley, Sheriff, and at the October term of the same year, William C. Rich was the Sheriff. 1864, John H. Mulkey, Judge, W. C. Rich, Sheriff, M. C. Crawford, Attorney, and Hileman, Clerk. At May term, 1865, George W. Wall was Prosecuting Attorney, and A. J. Nimmo, Clerk. 1866, W. H. Green, Presiding Judge. October term, 1867, M. C. Crawford, Judge, Joseph McElhany, Sheriff. 1869, W. C. Rich, Sheriff. 1871, Jacob Hileman, Sheriff, Jackson Frick, Prosecuting Attorney, and A. Polk Jones, Clerk. Jones died about one month after entering upon the duties of his office for the third term. The Court appointed Henry P.

Cozby Clerk *pro tem.*, who continued to fill the place until the election of the present incumbent, Ed. M. Barnwell. In 1878, there were elected for this judicial district Judges Daniel M. Browning, Oliver A. Harker, and David J. Baker.

Among the attorneys resident of the county, we have given an extended account of the earliest who were here, including Gov. Dougherty. Succeeding these were M. C. Crawford, John E. Nail, James H. Smith, David L. Phillipps, W. A. Hacker, W. L. Dougherty, Wesley Davidson, Semple G. Parks, who is now Judge of the County Court of Perry County.

W. A. Hacker was a native of this county, and was educated at West Point. He removed to Alexander County, and died there a few years later.

W. L. Dougherty was a son of Gov. Dougherty, and was considered one of the promising young attorneys of the county. Wesley Davidson was a school-mate of the writer of these lines at McKendree College. He was a good, average bright student, but was impulsive and inclined to be erratic. He was drowned a few years ago.

John E. Nail was a common law and chancery practitioner of good abilities. Read law with J. H. Smith, of Chicago. Located in Union County, and commenced the practice of his profession. Married Sarah J. Dishon.

Alexander N. Dougherty studied law in his father's (Gov. Dougherty's) office. Was admitted to the bar in 1863, and died in Jonesboro in 1878.

W. A. Spann was a native of Union County, now of Johnson County. He has been twice in the Legislature from his district.

W. S. Day is a native of Tennessee. He came to Union County when very young, studied law with Judge Crawford, and has

already reached a prominent position at the bar.

Robert W. Townes, a native of Illinois, was admitted to the bar in 1861, and immediately went to the war as Orderly Sergeant in Company C, Eighteenth Illinois Volunteers. He was soon transferred to the Thirty-first Regiment and made Adjutant thereof, acting as Acting Adjutant General to Gen. Logan in the Fort Donelson battle. He was promoted to Lieutenant Colonel. When he returned from the war, he located in Duquoin, and engaged in the active practice of his profession. He was elected Prosecuting Attorney for the Third Judicial District, and served the term with ability and great fidelity. He was at one time Secretary of the Illinois State Senate.

David L. Brooks, a son of Dr. B. W. Brooks, was a member of the Union County bar as far back as 1852. He was a very bright young lawyer. He died in 1845.

Jackson Frick, son of Caleb Frick, was born in Jonesboro in 1849. He graduated at Yale College, and was universally considered a most promising and brilliant young man. He studied law with Judge Crawford. He died on the very threshold of his young life in 1877.

Mathew J. Inscore, a native of Robinson County, Tenn. Was admitted about 1860, and has commanded a large practice.

Thomas H. Phillipps, a native of St. Clair County, Ill. His biography will be found in another column.

William C. Moreland, born in Tennessee, studied law with Col. Bob Townes, and was admitted in 1877.

Hon. Sidney Greer is a native of Union County, studied law with Gov. Dougherty; was licensed as attorney in 1879, and is now serving a term in the Legislature as a Representative.

David W. Karraker, the present County Attorney, is a native of Union County, read law with Gov. Dougherty, and was admitted to the bar in 1879.

W. C. Rich was admitted in 1880 to the practice of the law. He has served the people as County Treasurer and also as County Superintendent of Schools.

Hugh Andrews, one of the present practicing attorneys of the county. His biography will be found in another part of this work.

Jesse Ware is a native of Ohio, and was licensed as a lawyer in 1857. He came to the State in 1855, and studied law with Judge Reeves, of Bloomington, Ill. He has served two terms in the State Senate, commencing in 1872 and retiring in 1880.

W. B. Maxey came to the county when three years old, and has lived in Union County. He studied law with W. S. Day and was admitted to the practice in 1882.

H. F. Bussey, a native of St. Louis, came to Anna in 1877. He is thirty-one years old; studied law with M. J. Inscore, and was admitted in 1881.

Judson Phillipps is a native Illinoisian, only recently admitted to the bar, and has opened an office in Anna.

Townsend W. Foster, of Cobden, was admitted in 1881.

This includes the prominent facts of the bench and bar of Union County. The reminiscences and anecdotes and remarkable circumstances of the earliest day of the legal life of the county are now mostly forgotten, and are buried with those who were here and were actors, but have now passed away. Previous to the organization of Union County, there was here a community which grew to more than two thousand people, and were literally without "law or gospel"—without schools, churches or officers of the law. Their courts and police and marshals were only

public opinion, and a few simple modes of punishing bad men that were mild, swift, certain and effective. All crimes above a certain grade, such as are now here grand and petit larceny, were punished by banishment, and others by whipping, and still others by the contempt and manifest loathing toward the guilty by the entire community.

The establishing of the new order of things came strangely to these people. We believe it was Gov. Reynolds who tells of an early court. The grand jury found a true bill against a man for hog stealing. The jury had not the assistance of trained lawyers to write their indictments, and they had no idea how to word it. They searched among the records and law books, and finally found an indictment for murder. They copied this, merely substituting the thief's name for that of the murderer, where it occurred in the instrument, and depended on an "aside remark" to the court to explain that that particular case was hog murder and not human slaughter. And upon this indictment the man was tried, convicted, whipped and ordered out of the country, with as much justice, accuracy, and with as certain bringing out of the truth in the case as was ever done in a court where the most learned and noted lawyer had drawn all the miserable verbiage and idiotic iteration and reiteration that would make a perfect indictment. It is an old story that necessity is the mother of invention. In this necessity of this jury was made a true discovery, but it was allowed to sleep and be forgotten. Its memory passed away and left no impression. The reader can see for himself the moral force of the incident. It demonstrated that the idea of the old common law indictment and its technicalities, and quibs, and quibbles are mere nonsense, and that their day of usefulness has passed away centuries ago. The vast intricacies, machin-

ery, subtleties, formalities, red tape and childish puerilities of our ignorant ancestors of the dark ages—the dreary ages of feudalism and slavery—are brought down to afflict and curse the people, and the courts, legislators and lawyers cling to these barbarisms with a tenacity that makes our highest courts and most learned law-makers the objects of the sneers and contempt of all men of sense. The result is that the law that should only protect and guard the people's rights and liberties is a vast machinery of oppression, outrage and wrong. The courts are largely the refuge of scoundrels, and the dread and horror of good men. Can any man tell why we retain the grand jury—a secret star chamber—that is a menace to the rights and privileges of every good man in community; with its premiums and rewards to every sneak, coward and scoundrel in the world to go and stab his neighbor in the dark and assassinate his fair name, and make the people foot the bills of his diabolical acts. This clinging to old barbarisms and abominations for centuries are an index, that cannot be mistaken, that the majority of men are mere creatures of custom and habits, and are no more given to look at things and reflect about them than is a nest of blind mice.

1818—The convention to adopt the State Constitution assembled at Kaskaskia in July. Adjourned August 26, of same year. There were thirty-three delegates. The Constitution was adopted without being submitted to the people. Approved by Congress December 3, 1818. The members from Union County were William Echols and John Whitaker.

In the State Legislature of the same year Thomas Cox was Senator, and Jesse Echols, Representative.

1820—Edmund B. W. Jones, Senator, and Samuel Omelveny, Representative.



Caleb Miller

1822—John Grammer, Senator; Alexander P. Field, Representative.

1824—Alexander P. Field, of Union, was a Presidential Elector. In 1828 Richard M. Young was an elector, and in 1852 Edward Omelveny.

Assembly, 1824-26—John Grammer was Senator for Union and Alexander; John S. Hacker and John Whitaker, Representatives.

Assembly, 1826-28—George Hunsaker, Senator, and Alexander P. Field, Representative.

1830-32—John Grammer, Senator, from Union, Johnson and Alexander Counties, and Joseph L. Priestly, Representative from Union.

1832-34—John Dougherty, Representative from Union.

1834-36—John S. Hacker, Senator, Brazil B. Craig, Representative.

1836-38—John Dougherty, Representative,

1838-40—John S. Hacker, Senator, and Jacob Zimmerman, Representative.

1840-42—John Dougherty Representative.

1842-44—John Dougherty, Senator, and John Cochran, Representative.

1846-48—John Dougherty, Senator, Matthew Stokes, Representative.

1848-50—John Cochran, Representative.

1850-52—Cyrus G. Simmonds, Representative.

1852-54—John Cochran, Representative.

1856-58—John Dougherty, Representative.

1858-60—W. A. Hacker, Representative.

1862-64—James H. Smith, Representative.

1864-66—W. H. Green, Senator, H. W. Webb, Representative.

1868-70—John Dougherty, President of the Senate; Lieutenant Governor.

1872-74—Jesse Ware, Senator, M. J. Inscore, Representative.

1880—Sidney Grear, Representative.

In the Constitutional Convention of 1847,

Samuel Hunsaker represented Union County. In the Convention of 1862, W. A. Hacker represented Alexander, Union and Pulaski Counties. In the Convention of 1870, W. J. Allen represented the same counties.

The following letter will be read with universal interest, and is an admirable illustration of the ideas of a government as entertained by our fathers. It is from the Hon. Samuel Hunsaker, and was written while in attendance at Springfield upon the Constitutional Convention of 1847, and is addressed to Judge T. Hileman.

SPRINGFIELD, Ill., July 17, 1847.

DEAR SIR: I received your kind letter of the 10th inst. on yesterday, and will proceed to give you all that I have of interest, though it is but little. We are moving along but slowly in framing a constitution for the people. I am entirely disappointed in my calculations, knowing as I did that I had but one motive in coming to this convention, and that was, to do the will of the people in making such changes as would be conducive to their interests and promote their future welfare. I reasonably concluded that at least a majority of the members would feel a like disposition, but, sad and strange to tell, it appears entirely different, for whenever anything is brought up that looks like retrenchment it is jumped on by lawyers and doctors and young politicians and strangled instantly. We have gone through the executive and legislative reports in committee of the whole, made some changes, but if we can get them through the convention as they are, I think they will do some good, though they are not according to my mind. The Governor is to be elected once in four years, salary, \$1,250, appoint his own Secretary, with a salary of \$800; the number of members in the Legislature, seventy-five in the House and twenty-five in the Senate, with \$2 per day for the first forty-two days, and \$1 per day after that; 10 cents per mile for travel; elections to be on the first Monday in November, which we of the south are entirely opposed to, and will use every exertion to have changed. The report of the Committee on the Judiciary will come up on Monday, which I presume will occupy at least a week; it is very objectionable, I think, in some of its features; it creates three Supreme Judges and twelve Circuit Judges, the Supreme Judges to receive \$1,200 and Circuit Judges \$1,000 per annum. I suppose the

salary would not be much too high, but their number is too great; it also provides that one term of the Supreme Court shall be held yearly in each Judicial Circuit, the Judges, Clerks and all, to be elected by the people. I have no idea now that we shall get away from here before September, and when I look forward and see the amount of business before us, and look back on what we have done, it appears as though we would not get through in twelve months, but I still hope for the better. I still think they will get tired after awhile, and become willing to do things up and go home. I think that I shall never have any desire to be in such a body again, but I will try to perform my duty faithfully, to the best of my abilities this time. I am enjoying reasonable good health. I have lost no time from the House. Give my respects to all, and accept for yourself my true friendship. (Signed) SAMUEL HUNSAKER.

A letter from Jonesboro, published in the *Cairo Bulletin*, of December 9, 1870, tells of an episode that throws much light on the long-drawn struggle of rivalry between the towns of Jonesboro and Anna. The letter, among other things, says: "Yesterday was a day of intense excitement in Jonesboro and Anna. It is known that a spirit of opposition and rivalry exists between the two places. Two years ago an effort was made in our State Legislature to submit the question of the removal of the county seat from Jonesboro to Anna to a vote of the people of Union County. This effort failed through the schemes, etc., of certain parties. The County Court, at a recent session, ordered Mr. Keonig, County Surveyor, to prepare plans and specifications for building a new jail. The people of Anna, etc., were opposed to building a jail until the location of the county seat had been decided by the people at the ballot box, and prepared a petition, very numerously signed, to be presented to the County Court. Yesterday was the day appointed to receive the report of Mr. Keonig; whereupon Charles M. Willard, Esquire Bohanan and Mr. Lence came over from Anna, appeared before the court and asked

permission to present their petition. Permission was granted, and Mr. Willard read it. Soon as he concluded the reading, the County Judge fined Messrs. Willard, Bohanan and Lence \$50 each, and ordered them to remain in the custody of the Sheriff until the fines were paid, for contempt of court. The Deputy Sheriff immediately marched them to the jail. Upon arrival at the gloomy, desolate and filthy old stone hut, Mr. Willard, on account of ill health, concluded not to pass its iron grates, and paid his fine. Bohanan and Lence, on the contrary, marched into the felon's cell with a firm step and a determination to await their fate. When Mr. Willard returned to Anna and gave an account of the affair, the excitement beggared description. 'Let us go over and tear down the jail and liberate Bohanan and Lence,' said one. 'Oh, what an outrage,' said another. 'Did not our fathers fight the Revolution for the right of petition?' was frequently asked. Attorneys left immediately for Cairo with a petition to Judge Baker for a writ of *habeas corpus* in behalf of the prisoners."

Of course these martyrs in the "old stone bastille" were in the end liberated—the excited people of Anna slept off their anger and "grim-visaged war smoothed his wrinkled front," but the rivalry and opposition of the two towns have kept their fires still burning brightly upon the watch-towers. In the matter of moving the county seat, Jonesboro is in possession, and with the "nine points of law," she has been able to thwart the plans of Anna thus far.

A little incident in the office of the County Clerk is deemed worthy of mention: Andrew Deordoff succeeded Davis as County Clerk in 1841, and served one term. He was succeeded by Wilcox, who served one term. Randolph V. Marshall was then elected

Clerk, and had served one term, and was so popular that he was re-elected, and just after he had entered upon his second term he ran away, and was never heard of again. Judge Hileman appointed Wesley Davidson to fill out his term until an election was held, when Thomas Finley was elected to the office, in which he remained until 1861, when A. J. Nimmo was elected, and the next term James Evans was elected, and the Governor refused as long as he could to issue Evans' certificate of election, because he *deemed him disloyal*. Evans' disloyalty, it seems, consisted in being the Democratic editor of the county at one time, and a strong and vigorous writer; he had lashed without mercy the Belknaps, Babcocks and Dorseys of the other party, and therefore he was disloyal. Nimmo was elected Clerk again in 1869, and at the end of his term William Hanners was elected, and continued in the office until 1883, when the present incumbent, J. H. Hilboldt, was elected.

The circumstances attending the sudden disappearance of Marshall were somewhat singular. He was a man of pleasant address and great piety, a leading member of the church and Sunday school. His morals were considered most exemplary. In some way or other he came into the possession of a counterfeit \$20 bill. He had passed it once and it was returned to him. He had offered it to a Jonesboro merchant, who judged it to be counterfeit. He then passed it upon a preacher, who was a book agent, who sent it to Baltimore, when it was returned and marked "counterfeit," and again it confronted Marshall. By this time the grand jury was about to assemble, and Marshall fled.

The following references to all the laws passed by the Illinois Legislature in reference to Union County, may prove a valuable aid to any one desirous of looking up or investigating these subjects:

County to share in proceeds of Gallatin Salines; L. February 16, 1831, 14; borrow money to complete county buildings; L. February 1, 1840, 75; A. Deardoff, acts as County Clerk, legalized; L. February 26, 1845, 295; management of school fund; Id. March 3, 321; taxes of 1844 remitted in part, account of loss by high water; Id. February 21, 353; borrow \$1,000 to repair court house; L. February 11, 1853, 234; borrow \$2,500, to build jail; Pr. L. March 4, 1854, 167; borrow \$5,000 to build court house; Pr. L. January 19, 1857, 25; Sheriff discharged from liability for failing to collect land tax; L. March 27, 1819, 300; Isaac Worley indicted for murder, change of venue; Pr. Laws, January 24, 1827, 17; road, America to Vandavia, re-location, L. January 7, 1831, 141; examination of said road between Jonesboro and county line south, Pr. L. December 20, 1832-33, 199; same, Jonesboro to Snider's Ferry, a State road, L. February 13, 1835, 122; same, Manville's Mills to Saratoga, and Jonesboro to Fredonia, locations, L. February 20, 1843, 252; Champion Anderson, \$28.17, for selling bank property, L. February 7, 1835, 78. School lands, Town 12-3, sale of; L. December 19, 1835-36, 130. Saratoga changed to Western Saratoga, L. January 21, 1843, 297. Hygean Spring at West Saratoga chartered; L. March 1, 1845, 113. County charcoal road chartered, Pr. L. February 23, 1847, 160. Andrew Deardoff, \$32.67 repaid; Id. February 24, 181; Union Turnpike Co., chartered, Pr. L. February 12, 1849, 104; Jonesboro Plank Road chartered, Pr. L. February 13, 1851, 112; Amended, Pr. L. February 14, 1855, 467; County Agricultural and Mechanical Society chartered, Id. January 30, 110; Vacated, Pr. L. February 9, 1857, 310; Rand J. Stacy convicted of larceny, restored; L. February 24, 1859, 18; Joseph G. Webb restored to citizenship; 2 Pr. L. February 21,



1867, 812; J. H. McElhaney robbed of \$9,363.68; time of payment extended, L. March 13, 1869, 337; D. Gow released from judgment, on recognizance, Id. April 7, 340.

The total vote of Union County, 1880, was 3,418. In 1882 it was 3,160. Hancock's majority in the county for President, 1880,

was 1,120. The total vote of the precincts were: Anna, 577; Cobden, 473; Alto Pass, 415; Dongola, 523; Jonesboro, 575; Mill Creek, 109; Rich, 218; Stokes, 181; Preston, 42; Union, 152; Saratoga, 201; Meisenheimer, 112. In the election for Congressman, 1882, Murphy (D.) 1954; Thomas (R.) 993; McCartney (Pro.) 86.

## CHAPTER VIII.

THE PRESS—FINLEY AND EVANS, AND THE FIRST NEWSPAPER—"UNION COUNTY DEMOCRAT"—JOHN GREAR—THE "RECORD," "HERALD" AND OTHER PUBLICATIONS—HOW THE TELEGRAPH PRODUCED DROUGHT—DR. S. S. CONDEN—PRESENT PUBLISHERS AND THEIR ABLE PAPERS—ETC.

"A cheil's amang ye, takin' notes."

—BURNS.

THOMAS J. FINLEY and John Evans were the first men that had the nerve to start a newspaper here away back in 1849—the *Gazette*. It was a modest, seven-column, long primer, Democratic weekly paper. Finley was the writer, it seems, and Evans the practical business man. When first issued, it attracted some attention, and those who could read at all looked through its well-filled columns with a curious interest, and a good many people had the enterprise to become regular subscribers, but the most of them, we are told, made their subscriptions very short-timed, as they had no idea it could possibly live more than a few weeks, and they only cared to get the first few copies in the expectation of laying them away, and after awhile they would have a curiosity to show the people of what a rash attempt Evans and Finley had made to establish a paper in these wild woods. But these printers did the most of their own work, and lived along in the most economical way and kept

the paper alive—generally getting it out each week, but when their paper failed to come, or the 4th of July came in their way, or Christmas, and sometimes the circus and such distracting accidents and incidents, would cause them to miss a week or two, but they would rally and make ample amends by flooding their readers with resounding editorials and anecdotes and quips and italic lines and exclamation points, that would put to shame the most hardened grumbler. The county paper of thirty years ago and now differed in many respects. There was very little of this modern, personal journalism that is so common now. Papers then were more given to long, dry, moralizing and heavy editorials on metaphysical subjects and were quite indifferent, compared with papers of to-day, in the enterprise for news, or scandalous sensations. The appetites of readers then had not been whetted for much of the prurient stuff that is now wired all over the world for the delectation of newspaper readers. Publishing papers thirty-five years ago was not so nearly a distinct profession as it

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