

COURTS AND LAWYERS

PROBABLY the first lawyer that ever came here to reside was Charles Jouett, who was sent here as Indian agent in 1805. He was a native of Virginia. He studied law at Charlottesville, Va., and was appointed by Jefferson Indian agent at Detroit in 1802. April 2, 1805, he was appointed commissioner to hold a treaty with the Wyandottes, Ottawas, and other Indians in Northwestern Ohio and what is now Southeastern Michigan. The same year he was appointed as Indian agent at Chicago, and on October 26, 1805, assumed charge, by direction of the Government, of the Sacs, Foxes, and Pottawatomies. He was again appointed Indian agent for Chicago by President Madison in 1815, and moved here with his family in that year.

The next lawyer that took up his abode here was Russell E. Heacock. He arrived in Chicago July 4, 1827. Under date of August 5, 1835, he is advertised as an attorney, and his name appears in the Chicago directories as late as 1848. He was one of the four delegates from Cook county to the Constitutional convention of 1847, the others being Francis E. Sherman, Patrick Ballingall, and E. F. Colby.

The next lawyer that came here was Richard J. Hamilton. On the organization of Cook county he turned his eyes northward and was elected by the General Assembly as the first probate judge January 29, 1831. His friend, Judge Richard M. Young, appointed him clerk of the Cook County Circuit court, and Governor Reynolds commissioned him a notary public and recorder. According to all accounts he arrived in Chicago in the very early days of April, 1831, and was present at the organization of the county on the 8th of that month.

The first lawyers who came here to make a living by their profession were Giles Spring and John Dean Caton, who arrived here about June 18, 1833. If they did not try the first lawsuit, they were engaged in the first prosecution for larceny that ever occurred here. Soon after there came James H. Collins, Justin Butterfield, George Manierre, Alonzo Huntington, Ebenezer Peck, James Grant, E. W. Casey, A. N. Fullerton, Isaac N. Arnold, Henry Moore, Grant Goodrich, Buckner S. Morris, William B. and Mahlon D. Ogden, Mark Skinner, Lisle Smith, N. B. Judd, Thomas Hoyne, William H. Brown, Henry Brown, and George B. Meeker. The names of these lawyers are not in the exact order of time of

arrival, but Spring and Caton came here in 1833, Grant Goodrich, Buckner S. Morris, James H. Collins in 1834, William B. Ogden, George Manierre, Alonzo Huntington, Ebenezer Peck, Jonathan Young Scammon and Justin Butterfield in 1835, Isaac N. Arnold, John Wentworth, Mark Skinner and Henry Brown in 1836, Lisle Smith, Thomas Hoyne, N. B. Judd, George Meeker and Mahlon D. Ogden in 1837, Edward G. Ryan in 1836, Hugh T. Dickey in 1838. Calvin De Wolf came October 31, 1837, John Wentworth October 25, 1836. William H. Brown came here in 1835. In 1834 the number of lawyers was eleven and their names were: Russell E. Heacock, R. J. Hamilton, Giles Spring, John Dean Caton, E. W. Casey, A. N. Fullerton, James H. Collins, James Grant, Grant Goodrich, Henry Moore, and Buckner S. Morris. Five of these men reached the bench, and all attained distinction.

The first meeting of the Chicago bar was held some time in July, 1835, and was called to pay respect to the memory of Chief Justice Marshall, who died July 6, 1835. The members present were: A. N. Fullerton, E. W. Casey, Grant Goodrich, Buckner S. Morris, Henry Moore, and Royal Stewart.

From 1834 to 1840 many young men of education and family distinction came to Chicago to locate and engage in the practice of the law, but all who thus came did not remain. Among these were Henry Moore, Joseph N. Balestier of Brattleboro, Vt., George Anson, Oliver Beaumont, Fisher Ames Harding of Rhode Island, and Fletcher Webster, the son of Daniel Webster. While here in 1837 Webster was at the head of the firm of Webster & Harding.

The celebrated Thomas F. Marshall came to Chicago just before the breaking out of the war and engaged in the practice for a short time. Joseph Blackburn also practiced here for a short time in connection with his brother just before the breaking out of the rebellion.

The career of Judge Caton is not only unique in local history, but is something extraordinary. He arrived in Chicago on the 19th of June, 1833. He was here when Chicago was nothing but a small collection of huts. He prosecuted the first criminal who was ever brought before a court of justice in Chicago and commenced and tried the first civil suit in a court of record in this county and was engaged in the very first jury case ever tried in Will and Kane counties.

James H. Collins came to the State in 1833 and took up a claim to some land at Holderman's Grove, in Kendall county. At the solicitation of Judge Caton, who knew him while residing in New York, and who had studied in his office, he abandoned farming and entered into partnership with him in the practice of the law in 1834. This arrangement lasted but a year, when a partnership was formed between himself and Justin Butterfield under the firm name of Butterfield & Collins, which soon took a very high rank, not

only in the city of Chicago, but throughout the State. They were both well grounded in their profession, and were men of great determination and perseverance. Collins was a man of iron will. He was one of the earliest and most violent abolitionists in the West. He belonged to that group of men like Dr. Charles V. Dyer, Ichabod Coddington, Z. Eastman, L. C. P. Freer, Farnsworth, George Manierre, Carlos Haven, H. B. Hurd, Chancellor L. Jenks, and the Lovejoys. He was engaged in the defense of Owen Lovejoy, the brother of Elijah, who was foully murdered at Alton by a pro-slavery mob in 1837.

Grant Goodrich occupies a high rank among the pioneer lawyers of Chicago. He became a partner here of Giles Spring in 1834. No one who engaged in the practice here ever pursued his profession with greater diligence and success than he, and no one has a better record for honor and fidelity than he. He was for some time a partner of George Scoville, and in 1854 entered into partnership with William W. Farwell, who was afterward elected to the circuit bench, and in 1856 Sidney Smith entered the firm, and it became Goodrich, Farwell & Smith. In 1857 he went to Europe and remained there until the spring of 1859. Upon his return he was elected one of the judges of the Superior Court of Chicago, which he held for one term.

In 1847 the Constitution of the State of Illinois was revised and a new judicial system adopted for the State, in and by which the judiciary was made elective. A County Court was established in each county with probate jurisdiction, to be held by one judge, who was to be elected by the qualified voters of the county and hold four years.

By an act of the General Assembly, approved November 5, 1849, entitled "An act to establish the Tenth Judicial Circuit, and to fix the times of holding courts in the Fifth, Sixth, Seventh, Ninth, and Eleventh Judicial circuits, and for other purposes," it was provided in the 11th section as follows: "From and after the first Monday in January next, the Circuit Court in and for the county of Cook shall be holden on the first Mondays of May and December in each year, and that there shall be added to the name and title of the 'Cook County Court,' created by an act of the Legislature, approved on the 21st of February, 1845, and referred to in the 21st section of the schedule of the Constitution, the words of 'Common Pleas,' so that the title and name of said court shall henceforward be the 'Cook County Court of Common Pleas,' and the regular terms of said last-named court shall hereafter be held on the first Mondays of February and September in each year, instead of at the time heretofore designated by law; and the said Cook County Court of Common Pleas and the said Circuit Court of Cook County shall have equal and concurrent jurisdiction in all cases of misdemeanor arising under the criminal laws of this State and in all cases of appeals from

justices of the peace arising or instituted within said county of Cook, any law in any wise to the contrary notwithstanding, and all appeals from justices of the peace within said county of Cook shall be taken and carried to whichever of said courts the term of which shall be held next after any such appeal shall have been applied for and taken."

By an act of the General Assembly, approved February 6, 1849, it was provided by the 1st section "that on the first Monday of April, in the year of our Lord one thousand eight hundred and forty-nine, and every fourth year thereafter, an election shall be held in Cook county, at which election there shall be chosen one judge of the court created by an act entitled 'An act to establish the Cook County Court,' approved February 21, 1845, also a clerk of said court, and a prosecuting attorney, to perform the duties provided for in said act, who shall each hold their respective offices for the term of four years and until their successors shall be elected and qualified."

Giles 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 the case to the jury with a clearness and force seldom equaled. In argument he possessed a keenness of analysis, a force of compact, crushing logic which bore down all opposition. He studied law in Ashtabula, in the law office of Benjamin F. Wade and Joshua R. Giddings, and removed to Chicago in 1833, and sixteen years after, or in 1849, was elected judge of the Cook County Court of Common Pleas. On the death of Spring, in May, 1851, Mark Skinner was elected judge of the Cook County Court of Common Pleas and held the office for two years. He was succeeded by Judge John M. Wilson, one of the most remarkable jurists, in some respects, that ever held a judicial position in the courts of this county. He possessed great grasp of intellect and strong reasoning powers, and was master of the common law and the science of pleading, and was equally at home on the chancery side. He presided with great dignity on all trials, ruled with promptness, and disposed, in the course of a year, of an immense amount of business.

Mark Skinner spent a year at the New Haven Law School, then entered the office of Judge Ezek Cowen at Saratoga Springs, a celebrated lawyer, and finished his studies under the tutelage of Nicholas Hill at Albany, who was a master of his profession, and who perhaps never had his superior in this or any other country in analyzing a case and making a brief and presenting the law points. Mr. Skinner arrived here in July, 1836. He was soon after admitted to the bar and formed a partnership with George Anson Oliver Beaumont, with whom he continued in business until 1844, and in 1847 he formed a partnership with Thomas Hoyne, which continued until he was elected to the bench. Mr. Skinner was not

only a highly educated man, but one of the best trained men in the profession. He was identified with almost every public enterprise and improvement which was projected during his time. He was city attorney in 1840, school inspector in 1842, United States district attorney in 1844, was a member of the Legislature in 1846, was chairman of the meeting called by the citizens of Chicago in 1846 to make the necessary arrangements for the great River and Harbor convention in 1847. He helped organize the Young Men's association and the Chicago Lyceum, and was a member of the United States Sanitary commission and president of the Chicago Sanitary commission during the war. He was a trustee of the Illinois Charitable Eye and Ear Infirmary and was long connected with the Chicago Relief and Aid society, the Home of the Friendless and the Reform School.

Justin Butterfield was without doubt one of the greatest lawyers of his time and belongs to that early group who attained national distinction. He was appointed commissioner of the General Land Office in June, 1849, his rival being Abraham Lincoln. Daniel Webster was a great friend of Butterfield and Butterfield reciprocated the friendship, dressed like him, and imitated to a great extent his methods. He took part in many noted trials and many anecdotes are told of his powers and quaint methods. One of the most remarkable cases that he ever engaged in was that of Joe Smith, the great head of the Mormon Church at Nauvoo.

Thomas Hoyne was one of the most eminent lawyers that ever practiced at the Chicago bar. He came here in 1839 to meet the early friend and companion of his youth, George Manierre, who had preceded him but a few years. His career is something unique in our history, for, commencing with a clerkship in the Circuit Court clerk's office, he afterward filled the office of city clerk, probate judge, United States district attorney, United States marshal and acting mayor of the city of Chicago.

Among the most enterprising public-spirited and useful citizens was Jonathan Young Scammon. He came here in 1833 and was appointed reporter of the decisions of the Supreme Court of Illinois in 1839 and issued four volumes, which bear the marks of great care and industry. The first edition of Volume I of his reports was destroyed by fire in December, 1840, while in the hands of the binder, causing a heavy loss of time and money. That Mr. Scammon labored under many difficulties in preparing his reports for publication is evident by what he says in the preface to Volume I of his series, from which it appears that printed abstracts and briefs were entirely unknown and he had to prowl through the record and briefs of the appellant and then sit by and take notes of the points and authorities of the appellee at the time the case was argued, as no briefs were required to be filed by the appellee.

Henry W. Blodgett was one of the early pioneers of Cook

county, and for many years occupied a seat upon the bench of the United States District and Circuit courts. Henry Moore came to Chicago in 1834 from Concord, Mass., and was admitted to the bar the same year. He was a lawyer of fine abilities, a very attractive and interesting speaker and very soon became prominent. He was for a short time a partner of E. G. Ryan. Henry Brown came here in 1836 and was soon after elected a justice of the peace, and in 1842 became city attorney. He prepared a history of Illinois in 1844.

Paul Cornell may be regarded as among the most enterprising men ever connected with the Chicago bar. He studied law in the office of William A. Richardson at Rushville. He first came to Chicago in 1845, but did not remain permanently. He returned on June 1, 1847. John M. Wilson had recently removed here and had formed a partnership with L. C. P. Freer, and Cornell became a clerk in their office. He was afterward employed in the office of James H. Collins and of Skinner & Hoyne, and on Mr. Hoyne being elected probate judge he acted as clerk.

In 1851 he formed a partnership with William T. Barron and they did a large business. In 1856 Barron was elected probate judge, when he became associated with the late Judge John A. Jameison and Perkins Bass, and after that with H. N. Hibbard, the firm being Cornell, Jameison & Hibbard.

He always had great faith in the future of Chicago and invested largely in real estate. He purchased the town site of Hyde Park, laid it out into lots and sold many of them and improved the rest. He also laid out Grand Crossing, built a hotel there and established a watch factory. He took a great interest in schools and churches and contributed largely to their support. He was an ardent supporter of the project for establishing parks in the south division of the city and was for a number of years one of the park commissioners.

Calvin De Wolf arrived in Chicago October 31, 1837, and in 1838 entered the law office of Spring & Goodrich. He was admitted to the bar in May, 1843. He was elected a justice of the peace in 1854, and held the office up to 1879 when he resumed the practice, but did not continue it long. In his early days he was an abolitionist of the most pronounced type and belonged to that well-known school of philosophers and philanthropists of which Dr. Dyer, George Manierre and Owen Lovejoy were types.

Harvey B. Hurd belongs to the old regime, although he did not join the Chicago bar until 1846. In 1847 he began the study of law in the office of Calvin De Wolf and was admitted to the bar in 1848. He commenced practice with Carlos Haven, who afterward distinguished himself as State's attorney for the Cook and Lake county circuit. He was one of the founders of the flourishing city of Evanston and took up his residence there in 1855.

Ezra B. McCagg is one of the links in the remote past of the Chicago bar. He studied law in the office of Monell, Hogeboom & Monell of Hudson, and was admitted to the bar in 1847. In the summer of that year he came to Chicago and formed a partnership with J. Y. Scammon, which continued many years. Samuel W. Fuller became a member of the firm about 1859, which continued until his death. No one at the bar had a more varied experience than Mr. McCagg. No lawyer at the Chicago bar traveled so much as he, and none had such opportunities to make himself well informed and well read as he.

Col. James M. Strode was a member of the Chicago bar and prosecuting attorney from about 1844 to 1848. He was identified with the bar of Joe Daviess, Cook and McHenry counties. His name is attached to a letter signed by the leading citizens of Chicago addressed to Alexander McKinzie, dated October 3, 1838, in which they express their high appreciation of Mr. McKinzie's efforts to entertain the people by a series of theatrical performances and trusted that before he left the city he would allow them to testify their regard for him "by appointing an evening for a benefit for himself." Mr. McKinzie replied to this highly complimentary letter on the 11th of October, 1838, which is addressed to H. L. Rucker, J. M. Strode, Buckner S. Morris and others, acknowledging the receipt of the communication and naming Thursday evening, the 18th, as the benefit night. The colonel was not only a devotee of the law, but a patron of the drama.

William H. Brown was one of the most useful citizens that Chicago ever had and the bar should be proud of his exemplary character. He was one of the most careful and trustworthy lawyers that ever advised a client or tried a case. His business was strictly an office business, and in his later years he did nothing but attend to his own affairs.

Edward W. Casey of New Hampshire was the fifth lawyer to take up his abode here, in 1833, and was for a time deputy clerk of Richard J. Hamilton, clerk of the Circuit court. He practiced for some time in partnership with Buckner S. Morris, the firm name being Morris & Casey. He was a strong and vigorous lawyer and able advocate.

James Grant, the sixth member of the Chicago bar, was admitted to practice in this State March 26, 1836. In 1836 he represented Arthur Bronson in making sales of some seven thousand acres of land at the terminus of the Illinois and Michigan canal. In 1836 he formed a partnership with Francis Peyton, which continued until about 1839, when he removed to Davenport, Iowa.

A. N. Fullerton of Vermont came here in 1833 and was for a time a partner of Grant Goodrich. He drifted into commercial pursuits.

The names of Royal Stewart, William Stuart and Hans Crocker appear on the records as lawyers at a very early period.

James Curtis came here early, and was a shrewd lawyer and man of ability. He set himself up as the champion of the people and was more inclined to talk politics than practice law. He had many good traits in his character and drew around him many friends and adherents. He was elected mayor of the city in 1847 and again in 1850. He was appointed by Judge Hugh T. Dickey the first clerk of the old Cook County court, now the Superior Court of Cook county.

Ebenezer Peck filled for a considerable period a large place in the public affairs of this State. He was born in Portland, Me., but moved to Montreal at a very early age, where he was educated and admitted to the bar. He rose to the position of king's counsel and was elected a member of the Provincial Parliament of Canada East. He came here in 1835 and soon showed his forcible manner. He was elected to the State Senate in 1838 to fill the unexpired term of Peter Pruyn, deceased.

George W. Meeker came to Chicago in 1837, studied with Spring & Goodrich, and was admitted to the bar in 1839, and very soon after formed a partnership with Mr. Manierre. He was for a time clerk of the United States court and was for many years United States Court commissioner. He was considered a very fine office lawyer; was well versed in the statute law of the State and especially the statutes of the United States, and was an authority on all points of practice arising in the Federal courts.

In 1854 a system of police magistrates was established for the whole State. At the municipal election in 1855 police justices were voted for under an old act relating to Chicago without any regard to the new act, although there were very many who believed that by the law as it then existed police magistrates alone should be voted for. The consequence was that both police magistrates and police justices were voted for. The police justices received an overwhelming vote. W. H. Stickney, Calvin De Wolf, and Nathan Allen received a few votes, having been voted for as police magistrates. A case was taken to the Supreme court, and it was decided that under the circumstances either title would comply with the true intent and meaning of the law, and Mr. Stickney was offered a certificate of election and a commission, but he said that the citizens having so unmistakably indicated their preferences, he would not take advantage of any technicality, and therefore refused the commission offered to him.

Among the early public prosecutors in Cook county was Alonzo Huntington, who came to Chicago as early as 1835 from Vermont, became State's attorney in 1837, and served in that capacity until 1841. He prosecuted John Stone for the murder of Lucretia Thompson, which was tried at the April term of the Circuit Court of Cook county, 1840, before Hon. John Pearson, who presided. Stone was defended by Justin Butterfield and S. Lisle Smith, and

from beginning to end the trial was attended by many dramatic incidents. Stone was convicted and finally executed.

In 1851-2 Daniel McElroy and Patrick Ballingall were the leading criminal lawyers, and Mr. McElroy was at that time State's attorney and prosecuted George W. Green for poisoning his wife with strychnine. He was succeeded by Carlos Haven, who proved to be one of the most successful prosecutors the county ever had. He was the very embodiment of honesty and integrity, and never insisted upon a conviction when he became convinced that there ought not to be one, but he was the terror of the wicked and they fled before him.

Patrick Ballingall was a man of unusual acumen and shrewdness, and, considering the great disadvantages that he labored under in his youth, it is quite wonderful what success he had and what a reputation he established. That he attained distinction is evidenced by the fact that he was more than once elected to the office of State's attorney, and was one of the delegates from this county to the Constitutional convention in 1847.

Daniel McElroy came to Chicago in 1844, and was twice elected State's attorney.

Carlos Haven was succeeded by Joseph Knox, Charles H. Reed, Luther Laflin Mills, Julius H. Grinnell, and Joel Longenecker as public prosecutors.

George Ingham, who was the assistant prosecutor under Mills, was possessed of the most wonderful gifts, and his earnestness and directness always attracted attention. Charles G. Neely was an assistant under Longenecker, also achieved a wide reputation while acting on behalf of the State.

Joseph Knox was a natural born lawyer and was one of the most effective jury lawyers that ever practiced in the Rock River Valley. He was very direct and at times very dramatic in his presentation of a case, and was for years engaged in the trial of more cases than any other lawyer of his time.

Charles W. Reed was admitted to the bar in 1859, and soon after became a partner of Joseph Knox. He removed with Knox & Drury from Rock Island to Chicago in 1860, and in 1864 was elected State's attorney, and was reelected two successive terms. In the winter of 1882 he was associated in the defense of Charles Guiteau for the murder of Garfield.

He was a man of great natural abilities, and was considered a great Greek scholar. He was a most efficient State's attorney.

The success of Julius H. Grinnell in modern times as State's attorney is something phenomenal. During his term of office he was called upon to prosecute a number of the most remarkable criminal cases that ever had occurred in this country. He prosecuted with success the anarchist cases and what are known as the boodle cases, which involved a number of the county commissioners

in Cook county in corrupt practices, and was triumphant in all of them.

John Van Arnam, one of the most noted criminal lawyers of the country, came to Chicago from Michigan in 1859, and practiced with distinction. Emory A. Storrs was a great criminal lawyer, but he did not make it a specialty. William O'Brien was another great criminal lawyer. He was a man of great natural abilities and brain power.

E. G. Asay, for a considerable period antedating the fire, did a large criminal business, and was very successful. Augustus H. Van Buren, his father, Evert Van Buren, A. S. Trude, and Charles M. Hardy all attained celebrity in the management of criminal cases. Leonard Swett was a man who pursued a lofty ideal and was above trickery and chicanery. He was in appearance almost the counterpart of Abraham Lincoln, and was his intimate friend and practiced with him on the circuit long before his removal to Chicago.

In addition to the above William S. Forrest, Russell M. Wing, Daniel Donahue, William J. Hynes, Kickham Scanlan, Daniel Munn, and William S. Elliott have all attained distinction in the practice of the criminal law. Mr. Forrest has made criminal jurisprudence a specialty, and has studied the subject scientifically, and the same may be said of Mr. Wing and several others.

There is no branch of law so much neglected and so illy understood as that of the criminal law. In cities like Chicago the office of State's attorney has risen to the importance of the home department in England and should be filled by not only a learned and experienced lawyer, but one of the greatest integrity and well versed in public affairs.

The administration of the criminal law during the pioneer period was attended with far more certainty than at the present time, and there was far less nonsense and trifling indulged in than characterizes the trial of cases of this character in our courts at the present time. If we are to judge of the manner in which criminal cases are disposed of by an examination of the reports of this State, it would appear that all criminal cases are determined by an equation of errors instead of on their merits, and that we have made no progress at all since Judge Lockwood made his celebrated decision in the case of McKinney vs. People (2 Gil., 248) in 1845.

The criminal law at the present time is the least studied and the least understood of any branch of the law, and our courts seem to have but one idea about it, and that is to be guided solely by the technical rules of the seventeenth century, to rule everything against the State and to not only give the defendant the benefit of every doubt, both reasonable and unreasonable, but also every possibility of a doubt. In the pioneer period penitentiaries were not regarded as summer resorts which were to be run on the European plan, but

a place of penance, and persons when convicted were sent there to do something besides sit around and calculate their chances of being set at liberty by those who are "in the push" or be pardoned outright by a sympathetic Governor.

The District court of the United States for the State of Illinois was established March 3, 1819, and Nathaniel Pope was appointed district judge. He died in 1850, and was succeeded by Thomas Drummond, who continued to fill that office until he was appointed circuit judge in December, 1869. The District court of the United States had and exercised Circuit court jurisdiction, and the district judge held the Circuit court for a long period, although Judge McLean of the United States Supreme court was the judge of this circuit, which was called the Seventh, from 1837 down to the time of his death in 1861.

Nathaniel Pope was the first judge to hold a Federal court in Chicago, which was in 1837, over George W. Meeker's store, on Lake street, between Clark and Dearborn. Judge Drummond also held court for a short time in the same place, but very soon after Judge Drummond removed from Galena to Chicago, and perhaps before, the United States courts were held in what was known as the Saloon building, at the southeast corner of Clark and Lake streets. In 1857 the United States courts were removed to the Larmon building, corner of Clark and Washington. Immediately after the fire the courts, with the custom house, were removed to Congress hall, at the corner of Michigan avenue and Congress street, then they were transferred to the Republic Life building, on La Salle street, and later to the Government building, at the corner of Dearborn and Monroe streets.

Abraham Lincoln, prior to 1860, tried many cases in the United States District courts. The last case he tried in any of the courts in Cook county was what is known as the "Sand bar" case, which involved title to a large amount of "shore" property on Lake Michigan, north of the Chicago river. It had been tried three several times previously, and came on for the fourth time before Judge Drummond and a jury in the Larmon block, northeast corner of Clark and Washington streets, on March 19, 1860, two months prior to the great Chicago convention. Lincoln stopped at the Tremont House, and he never was in Chicago but twice afterward. The title of the case was William S. Johnson vs. William Jones and Sylvester Marsh. The counsel for the plaintiff were Buckner S. Morris, Isaac N. Arnold, and John A. Wills. The counsel for defendant were Abraham Lincoln, Samuel W. Fuller, Van H. Higgins, and John Van Arnam. The trial closed April 4 by a verdict for defendants.

The business directory which was published by J. W. Norris in January, 1846, contains the following list of attorneys, with their place of business: Abell, Sidney, 37 Clark street; Arnold (Isaac

N.) & Ogden (Mahlon D.), 123 Lake street; Brown, Henry and Andrew J., 126 Lake street; Brown, John, 90½ Lake street; Butterfield, Justin and J., Jr., 70 Lake street; Clarke, Henry W., southwest corner Clark and Lake streets; Cowles (Alfred) & Brown (William H.), State Bank building, southwest corner La Salle and South Water streets; Curtis, James, courthouse, southwest corner Randolph and Clark streets; De Wolf, Calvin, 71 Lake street; Dickey, Hugh T., 102½ Lake street; Freer, Lemuel Covell Paine, 53 Clark street, opposite City Hotel; Gardiner, Charles, 71 Lake street; Gregg, David L., U. S. attorney, 65 Lake street; Hamilton (Richard Jones) & Moore (Thomas C.), 59 Clark street; Hoyne, Thomas, 51 Clark street, opposite postoffice; Huntington, Alonzo, 98 Lake street; Leary, Albert Green, 53 Clark street; Lee, David, 103½ Lake street; McDougall, James A., 118 Lake street; McIlroy, Daniel, courthouse basement; Manierre (George) & Meeker (George W.), 100 Lake street; Morris (Buckner S.) & Greenwood (George W.), 59 Lake street; Phelps, Pallas, Clinton between Madison and Washington streets; Scammon (Jonathan Y.) & Judd (Norman B.), 23 Lake street; Skinner, Mark, 92 Lake street; Spring (Giles) & Goodrich (Grant), 124 Lake street; Stuart (William) & Larrabee (Charles R.), 59 Clark street; Thomas (Jesse Burgess) & Ballingall (Patrick), 92 Lake street; Tracey, Elisha Winslow, 123 Lake street; Wright, Walter, 94 Lake street.

Chicago became in a very short time the great objective point, and among the "sooners" were such men as Melville W. Fuller, S. K. Dow, Samuel W. Fuller, A. W. Arrington, B. F. Ayer, Cyrus Bentley, William C. Goudy, M. F. Tuley, Lambert Tree, Robert Hervey, Richard Merrick, Joseph P. Clarkson, E. W. Tracey, John Van Arnam, Emory A. Storrs, Wirt Dexter, James M. Walker, Charles Hitchcock, B. F. Gallup, John A. and George W. Thompson, Thomas F. Withrow, John P. Wilson, E. W. Evans, H. T. Helm, Alexander S. Prentiss, B. F. Strother, Sidney Smith, William W. Farewell, James L. High, William K. McAllister, Corydon Beckwith, H. G. Miller, Penoyer L. Sherman, William H. King, Ira W. Scott, George Payson, Joseph E. Gary, Henry M. Shepard, Van H. Higgins, John N. Jewett, John M. Douglass, James P. Root, A. M. Pence, D. L. Shorey, John A. Jamieson, Homer N. Hibbard, Robert S. Blackwell, Henry Frink, Henry S. Monroe, and many others.

Richard Merrick was for a time a partner with Corydon Beckwith. He possessed great oratorical powers and attained great distinction.

Corydon Beckwith was, without any question, one of the greatest lawyers that ever practiced at the Chicago bar, and he had as worthy compeers such men as William C. Goudy, Wirt Dexter, B. F. Ayer, Henry G. Miller, John A. Jewett, Melville W. Fuller, Emory A. Storrs, Sidney Smith, William K. McAllister, A. W. Arrington,

William H. King, Charles Hitchcock, John A. Jamieson, Robert Hervey, Joseph E. Gary, Van H. Higgins, and many others who would compare favorably with the members of any other bar in the United States.

William C. Goudy was one of the great lawyers of this State and in many respects had no superior. He was one of the best "all around" lawyers.

Samuel Snowden Hayes came to this city in 1850 and was, very soon after his arrival, employed as city solicitor. He was born in Nashville, Tenn., was a Democrat of the Douglas school and a very high-toned patriotic gentleman. He was city comptroller in 1862 and again in 1873.

Van H. Higgins became identified with our city and a member of our bar in 1852. He began practice in St. Louis in 1844, but removed to Galena in 1845, where he distinguished himself for his great industry and wonderful knowledge of decided cases.

Henry S. Monroe studied law with Henry R. Mygat at Oxford, Chenango county, N. Y., and was admitted to the bar in 1853, and came directly to Chicago. He was an excellent trial lawyer, strong and vigorous, and was engaged in many celebrated cases.

Joseph N. Barker studied law in the office of B. S. Morris and John J. Brown, and was admitted to the bar March 4, 1848. He took the census of Chicago in 1850 entirely alone, when the city was found to contain 28,250 inhabitants. He established a very large admiralty practice and from 1854 to 1860 was the leading lawyer in that department. He was at one time associated with George A. Meech, then with L. H. Hyatt, and then with Judge Tuley, afterward with H. F. Wait and Ira W. Buel.

John M. Douglass, who came to Chicago in 1856, became the general solicitor of the Illinois Central Railroad company and afterward its president. The Hon. Robert H. McClelland says that he was the deepest thinker and the profoundest lawyer of his time.

Benjamin F. Ayer belongs to the old regime and is one of the most accomplished lawyers that ever practiced at the Chicago bar.

Charles Hitchcock possessed a wonderfully comprehensive mind, and weighed every question presented him with judicial fairness and impartiality. His grasp of legal principles was great and he could enforce his views in the most luminous and logical manner. He was always calm and self-poised in his way, yet he possessed great force. He was a model presiding officer and he displayed great knowledge of parliamentary law. He attained a very high place at the Chicago bar.

Kirk Hawes is another gentleman who was not only well and favorably known as a lawyer of distinction, but as an orator of great power. He graduated from Williams College in 1864, studied law in the office of Bacon & Aldrich at Worcester, came West soon after, and went into partnership with H. T. Helm, was

elected one of the judges of the Superior court in 1880 and reelected in 1886, but was defeated by the Democratic cyclone which swept over the country in 1892, and then engaged in private practice.

Henry T. Helm came to Chicago in 1854, when he was admitted to the Illinois bar. He entered into partnership with George K. Clarke, and soon established a large business. Mr. Clarke died some years since. After that he became in turn a partner of Kirk Hawes, E. S. Taylor, John L. Manning, A. M. Pence and Walter Howland.

H. M. Shepard, who was for many years on the Superior court bench, and later a member of the Appellate court of the First district of Illinois, was an accomplished jurist and very able lawyer. He studied law first with General Divens at Elmira, N. Y., and afterward with John K. Porter, of Albany. He became a very fine chancery lawyer and his decisions were characterized by being broad and well considered.

Judge Gary was elected to the Superior court bench in 1863. He succeeded Judge Grant Goodrich. Judge Gary not only proved himself a great judge, but one of the best posted men in his profession. He presided at the celebrated trial of the anarchists and in accordance with the verdict of the jury condemned them to death. No judge ever worked harder or performed greater services on the bench than Judge Gary.

Henry E. Seelye removed to Chicago in 1850 and commenced reading law in the office of Morris & Goodrich and was admitted to the bar in 1852, and from that time to this has pursued the even tenor of his way.

Robert Rae made insurance and admiralty law a specialty and at one time did a larger business than any other lawyer at the bar. In 1882 he went to London and argued a case in the English Court of Commissions involving a large amount of money, and was successful. He was employed by the American Board of Underwriters and was the first American lawyer that ever appeared in any case in that court. He settled some very interesting commercial questions of admiralty, and by his researches contributed much to settle the admiralty practice in matters pertaining to our inland seas.

Cyrus Bentley is another lawyer of great merit and of the most exemplary character who deserves recognition and the most kindly remembrance. He came here in the '50s and established a fine practice, and was not only a gentleman of the highest type, but was a jurist fit to adorn the bench or any other position. He passed away many years ago.

Frederick Hampden Winston became very early, through his connection, interested in railroad law and railroad business and prospered finely.

Some of the most prominent lawyers who died from 1858 to 1867

were: Bolton F. Strother, 1862; Andrew Harvie, 1863; Lorenzo D. Wilkinson, 1863; George W. Roberts, killed at the battle of Murfreesboro, January, 1863; John A. Bross, July 30, 1864; Charles M. Willard, 1866; Edward P. Towne, 1866; Henry L. Rucker, 1867; Solomon M. Wilson, 1867.

Every bar has a number of natural-born leaders of men, great advocates, skilled trial lawyers, successful verdict-getters and brilliant orators, and the Chicago bar forms no exception to this rule. If anyone wanted to know in olden times what form of action to adopt or what pleas to put in in any common law case he would be told without hesitancy to go for advice to James H. Collins, to George W. Lay, the partner of Arnold; to Ezra B. McCagg, to Grant Goodrich, to J. Y. Scammon, or John M. Wilson; or, if it should be a complicated matter, coming within the chancery jurisdiction, it would be Collins, or Goodrich, Mark Skinner, George Manierre, Hugh T. Dickey, Erastus S. Williams, John Woodbridge, George Meeker, or N. B. Judd; but if a case was to be tried and it required skill, shrewdness, adroitness, a knowledge of the rules of evidence and eloquence, then it was Justin Butterfield, Thomas Hoyne, E. W. Tracey, E. G. Ryan, Isaac N. Arnold, E. C. Larned, Buckner S. Morris, or Grant Goodrich, or J. Y. Scammon. There were others who were great in their way, but these men were strong and tried every case with the most wonderful skill and power. They were at the head of the bar as it existed under the old régime and most worthily filled the positions universally awarded them, and they could be relied upon in any emergency.

Tradition has invested the name of Samuel Lisle Smith with a halo of glory. It is claimed that he was possessed of the most extraordinary mental endowments and the highest oratorical powers. At first he was likened to Curran or Grattan, but that claim has been surrendered, and it is now asserted that he was the S. S. Prentiss of the Chicago bar and was without a peer. He arose at a time when effusive speaking, or what is known as stump oratory, was at its height; when Tom Corwin, Tom Marshall, Ed Baker and Henry Clay had been exalted to the very highest places in the pantheon of fame, and a great wave of eloquence was sweeping over the land.

In 1835 Thomas Ford, who had become prominent as a lawyer and State's attorney in the Fifth Judicial circuit, was elected by the Legislature a judge of the newly created Sixth circuit. He exchanged with Judge Breese, who held the first term in Chicago in 1835. That term extended from May 23 to June 4, and the records show that a great deal of business was done during that period. Judge Breese was then but thirty-nine years of age, but was possessed of great executive ability and good attainments as a lawyer, and he allowed no one to linger. This term marks an era in our local history, for from that time onward the law business

increased steadily, and for the first time the legal fraternity began to flourish and assume a prominence which had never characterized the profession before.

The second term of the Circuit court for the year 1835 was, by arrangement between Ford and Stephen T. Logan, held by that great jurist in this city. It was not as long as the one held by Judge Breese, it having begun on the first Monday of October and closed on the 11th of that month. There were, according to the most authentic accounts, 103 civil suits on the docket, 70 of which were disposed of. The number of people's cases was 37, but 19 of these were against persons who had been summoned to serve on the jury, but failed to obey the summons; two were fined \$5 each.

In 1837 Cook county became a part of the Seventh circuit and John Pearson, of Danville, was elected judge. He had been admitted to the bar December 5, 1833, and his reputation as a lawyer was such that his appointment was considered an insult to the entire Chicago bar, and was most vigorously resented from the very first. The docket of the courts in Cook county had, by the opening of the May term, 1837, become greatly crowded and the Circuit court had at that time more than 700 cases on its docket.

At the meeting of the Twelfth General Assembly, February 10, 1841, the judges of the nine circuits were legislated out of office and five additional judges were added to the Supreme court, who were to do all the Circuit court business and hold two terms of the Supreme court at the capitol each year. By this arrangement Theophilus W. Smith was assigned to the Seventh circuit, which included Cook county, and he opened the spring term of that court for 1841 toward the close of April.

He also held the fall term, but when the time for holding the spring term for 1842 arrived he was too ill to hold court, and accordingly a special term was called for July, which was held by Stephen A. Douglas, commencing July 18, 1842. This was the only time that Mr. Douglas ever held court in this county. Judge Smith resigned December 26, 1842.

Prior to the year 1831 the cabins of John Kinzie, Jean Baptiste Beaubien and Alexander Wolcott were the temples of justice in what is now Cook county. The house in which Kinzie administered justice was built in 1779 by Jean Baptiste Point de Sable, near the interesection of North Water and Rush streets, became the property of Jean Baptiste le Mai in 1796 and of John Kinzie in 1804. Enlarged by Kinzie, the house came down intact to 1833. In 1812 Beaubien purchased the Lee cabin on the lake shore, or old river bank, at the foot of Madison street, but it is questionable if he ever held court therein; for, in 1817, he moved into a house, purchased from Contractor Dean, at the foot of Randolph street, and in 1823 into the United States factory, which he purchased

from the American Fur company for \$500. There he was residing when appointed justice of the peace in 1825 and there he made his home until 1840. Dr. Wolcott, appointed justice in 1825, held court at Cobweb castle, on the southwest corner of State and North Water streets, from 1828 to 1830, when death released him from further judicial service; and so with the other justices who succeeded them, the home, office or store formed the court room for years.

When Cook county was attached to the Fifth Judicial circuit in February, 1831, a term of court was ordered to be held in Cook county in April and a fall term in September, 1831. Under this order the court is said to have been held in a room on the first floor of the brick building of Fort Dearborn on September 6, 1831. In 1832 Judge Young arrived with two circuit riders of the bar, bringing the news that the Sacs and Foxes were on the warpath. He came to hold court, but there is no record of the spring term being ever held. The same year the commissioners authorized the sheriff to rent rooms from John Kinzie for court purposes, but there is not a record to show that the September term was opened. In May, 1833, Judge Young opened court, but no one knows more about the location or the business transacted, while the same must be written of the fall term, which the late Thomas Hoyne asserted was duly held.

Meantime the new justices of the peace, such as 'Squire Harmon, introduced a new fashion in the matter of location by selecting one or other of the favorite taverns as a court room, the Green Tree tavern, on the northeast corner of Canal and Lake street, being Harmon's principal rendezvous. This fashion was so well established by the spring of 1834 that when Judge Young arrived in May he did not hesitate to preside in an unfinished room of Dexter Graves' tavern, known as the Mansion house, which occupied the sites of the building now known as 84-86 Lake street. His Honor did not relocate in the fall, for court was held in an unfinished store room on Dearborn street nearer Water than Lake street. In 1835 and 1836 the First Presbyterian church, on Clark street, north of the present Sherman house, was used for court purposes. The meeting house, though built in 1834, was moved and removed, and this, with the rough usage to which it was subjected while given over to the uses of the Circuit court, rendered it as unsafe and uncomfortable as it was devoid of taste and architectural expression.

The Municipal court was inaugurated in 1837 at the New York house, a tavern which stood on the north side of Lake street near Fifth avenue. When the Saloon building on the southeast corner of Lake and Clark streets was completed the city officers took possession of a part of the building and with them came the Municipal court, for the county watched its single court room, a block away, with jealousy.

In 1835 a one-story and basement county building was erected on the southwest corner of Clark and Randolph streets, of which the main floor was dedicated to court purposes and the basement to the uses of the ordinary business of the county. In 1845 the Legislature enacted a law providing that four terms of the County court of Cook county should be held and making it mandatory on the commissioners to provide a suitable courtroom; for the judges complained of the accommodations in the Chapman building, on Randolph street and Fifth avenue, which was used from 1840 to 1842, and of the room improvised out of the clerk and recorder's offices in 1844. The erection of the Market building in the center of State street, fronting on Randolph, in 1848, was to accommodate the city courts and offices, rather than offer any hospitality to the county judges; but more than once the original idea was set aside and the courts of record held therein. In 1853 the city and county erected a building on the public square, on the third story of which was the courtroom—an elegant apartment for that time—and herein the Circuit and kindred courts were held until the fire of 1871 reduced the room and building to ruins.

When the first Federal court was opened here by Judge Pope in July, 1848, the office of George W. Meeker, or rather his vacant storeroom, on Lake street east of Dearborn, was considered the most available place for holding court. In July, 1849, court was held in the office of Buckner S. Morris, and again in the Saloon building, until 1857, when a regular courtroom was established in the Larmon building, on the corner of Clark and Washington streets. In 1860 the Federal building, on the site of the present First National bank, was completed and there the sessions of the court were held until October, 1871, when fire destroyed the house. Temporary quarters were then obtained in Congress hall, on Michigan avenue and Congress street, but the fire of 1874 destroyed that building, and, to insure against future disappointments and losses, the courts took shelter in the Mutual Life Insurance company's building on La Salle street, leaving the restored Federal building to be dedicated to theatrical purposes. In April, 1880, the judges entered the "new Federal building." It may be added that prior to 1853 the courtroom of the pioneer courthouse of the county was sometimes offered to the Federal judges and the offer accepted on a few occasions.

The old Criminal Court building on the North side was completed in 1873 and therein courts were held until the modern criminal courthouses were completed. The Circuit, Superior, County and Probate courts occupied the County building after 1881-82. After the destruction of the old courthouse in the great fire, courts were held in the West Side High School building until January, 1872, when the temporary house known as "The Rookery," on the southeast corner of Adams and La Salle streets, was completed. For

The probate matters of Cook county were, under an act of January 2, 1829, in the hands of probate judges chosen by the General Assembly, who held office during "good behavior" or until they should resign. The first probate judge thus appointed by the General Assembly was Richard J. Hamilton. He served from February, 1831, to the latter part of 1835, when he was succeeded by Isaac Harmon. In 1837 a new order of things was inaugurated and the probate judges were elected by the people. Charles V. Dyer was the first judge to occupy the bench under the new conditions. He was elected in January, 1837, and was followed by Walter Kimball, Mahlon D. Ogden, and Thomas Hoyne, whose term expired in 1849.

With the establishment of the County court that organization was invested with all probate authority and the judges were elected for a term of four years. This continued until 1877, when, under the new Constitution of 1870, it was provided that county courts should be courts of record and have original jurisdiction in all matters of probate. This Constitution also made provision for the establishment of a Probate court, which was done, and Joshua C. Knickerbocker was its first judge.

It will thus be seen that the Probate court and the County court of Cook county were practically the same until the divorcement, in 1877, under the new Constitution. But, besides these matters of estates and wills, the new County court established under the Constitution of 1848 had jurisdiction over all matters relating to taxes and revenue; the transaction of county business; insanity and insolvent cases; the appointment of conservators for lunatics, idiots, drunkards, and spendthrifts. At different times, subsequently, some important changes have been made in the province of this court, which will be referred to in their proper order. As it was, however, in the early day of its establishment, the matters over which it had jurisdiction show it was an organization of vast importance, and one which has played a prominent part in the judicial history of Cook county and of the great metropolis of the West.

The first judge of the County court proper was Henry L. Rucker. He was elected to office in 1849 and served two terms. Judge Rucker had been before the people for a number of years. He had held the office of justice of the peace, and he achieved no little prominence from cases arising from the famous beer riots in the spring of 1855. The saloon faction interested in this fight contended that as the cases were criminal an indictment was necessary, and that they were out of the jurisdiction of a Police court. Justice Rucker claimed that he had the right to try the cases, and, while this matter was being settled, feeling ran so high that a riot was precipitated, with more or less serious results.

Judge Rucker's firmness during those exciting days was warmly commended and his reputation as a sound and able judge was in-

creased. He was undoubtedly one of the best probate lawyers in Cook county at that time, and this being so strong a factor in the business of the County court is no doubt one primary reason for his selection as county judge. There was one custom prevailing at that time, followed by both Judge Rucker and his successor, which has been rather severely criticised. The custom was that of making out certain classes of papers upon which the county judge must pass and the collection of a fee for doing it. In the light of these later days it does certainly look absurd for a man in the capacity of a lawyer to draw up certain instruments for which, if they are passed upon by the county judge, he is to receive a fee, and have the county judge and the lawyer be one and the same individual. But that custom, as well as some others which laid this court open to severe censure, has long ago been abolished.

The insolvent debtor law, as it stood at that time, afforded the best opportunities for the practice of abuses. There was not, previous to 1877, any statute providing for voluntary assignments. It was an easy matter then to have a man arrested for debt, and have him thrown into prison. Advantage was taken of this, and it was no uncommon thing to have a small army of debtors arrested on Saturday afternoon, the hope of the creditor being that, in order not to be locked up in jail over Sunday, some extra effort would be made to settle matters. Great injustice was often done, and the fact that the law has practically become inoperative through disuse is perhaps the best and strongest argument against it as a just and wise measure. At least, the liberal Constitution in favor of personal liberty has had much to do with the dying out of the earlier form of the insolvent debtor law.

William T. Barron was the successor of Judge Rucker. He was elected in November, 1857, and served until 1861. Judge Barron was not only a popular member of the bar on account of his social qualities, but he was an able lawyer, and filled the position of county judge with the greatest credit to himself and to the entire satisfaction of all with whom he had to deal. Nothing of any great importance occurred during his term of office. The business of the court increased in volume, particularly in connection with probate matters.

Cook county is peculiar in this, that it is the only county in the State of Illinois having adopted this election law of 1885 and that has a separate Probate court. By reading the synopsis of the election law in the books it will be seen that an enormous power is given into the hands of the judge of the County court of Cook county. He, a single individual, practically controls the elections, as, if he chance to be a Republican, he can choose as commissioners one Republican, one Democrat, and one other person, who may have the strongest of Republican tendencies, though he may be called a "mugwump." This would, of course, mean the selection of a Re-

publican clerk of the board, and he is in himself, by reason of the powers placed in his hands by law, a strong factor in any political contest. In a word, the election law of 1885 is the lever of the political engine, and the clerk of the Board of Election commissioners is the engineer, with his hand upon the lever.

The County court of Cook county as it is to-day is one of the most important judicial institutions in the county. Its duties demand talents of the highest order. The salary of \$7,000 per year, which is in the hands of the county commissioners to lessen or increase, as they choose, is none too large. The men who are fit to occupy this bench should be too high, both in probity and ability, to devote their time for any small sum of money. The future of the County court of Cook county is great.

By act, passed in 1849, the title of the county court was changed to that of the Cook County Court of Common Pleas and the terms of said court were changed to the first Mondays of February and September in each year.

And it was further enacted that the Cook County Court of Common Pleas and the Circuit court of Cook county shall have equal and concurrent jurisdiction in all cases of misdemeanor arising under the criminal laws of this State, and in all cases of appeals from justices of the peace arising or instituted within said county of Cook, and that all appeals from justices may be taken to whichever of said courts the term of which shall be held next after such appeal shall have been applied for and taken.

Judge Dickey resigning, Giles Spring was elected judge of said court, and began holding court April 14, 1849; he died on the 15th of May, 1851. Upon his death Mark Skinner was elected judge, and acted as such until 1853, declining to be reelected on account of ill-health.

It may be noted that on the 7th day of February, 1853, the Cook County Court of Common Pleas occupied the new courthouse the first term. On the 4th day of April, 1853, John M. Wilson was elected judge of said court, Walter Kimball clerk, and Daniel McIlroy prosecuting attorney. In 1857 Judge Wilson and Walter Kimball were respectively reelected judge and clerk of said court.

In the year 1859 a new act was passed by the Legislature of Illinois, which took effect February 21, 1859, in and by which the title of the court known as the Cook County Court of Common Pleas was changed to that of the Superior Court of Chicago, and it provided, among other things, that said court should be composed of three justices and that the present judge of said court shall, during the time for which he was elected, be one of the judges of said court; that on the first Tuesday of April, 1859, an election shall be held in Cook county, at which there shall be chosen two judges of said Superior court, who shall severally hold their offices for the following time, to-wit: The person receiving the greatest number of

By act approved March 4, 1837, so much of the former act as relates to the establishment of courts of probate in the several counties in this State is repealed, to take effect after the first Monday in August. The second section of this act provides that an election shall be held on the first Monday in August, also the first Monday in August in the year 1839, and on the first Monday in August every four years thereafter, for the purpose of electing one way of eminence and distinction a probate justice of the peace" of their respective counties. This probate justice of the peace was given the same jurisdiction as justices of the peace and was to have jurisdiction in all cases of debt or assumpsit where executors or administrators shall be party plaintiff or defendant, when the amount claimed to be due does not exceed \$1,000.

Richard J. Hamilton was the first judge of probate for Cook county. Isaac Harmon held the office of probate judge from October, 1835, to March, 1837. He was one of Chicago's respected pioneers, and performed the duties of the office with fidelity and as any good business man would have done.

Dr. Charles V. Dyer was probate judge from March, 1837, until December of that year. Walter Kimball had the "honor and distinction" of being the first probate justice of the peace ever elected in Cook county.

Mahlon D. Ogden was elected probate justice of the peace, and served from September, 1839, to September, 1847. He was a brother of William B. Ogden, a gentleman of liberal education, and graduated at Trinity College, Geneva, N. Y., in 1832.

During the first thirty years of the existence of the State the courts having probate jurisdiction underwent many changes. First this jurisdiction was exercised by the County Commissioners' courts, then by a Probate court, which was abolished four times by legislative act and a similar court created, the principal object appearing to be to get rid of the judges who were elected by the General Assembly and were to hold their office during good behavior, and consequently could not be removed from office except by impeachment or abolishing the courts over which they presided. This jurisdiction was exercised by the probate justices of the peace from December, 1837, to December, 1849.

The Constitution of 1848 provided for the creation of a County court in each county of the State, which should have jurisdiction of all probate matters, and from December, 1849, until 1877, there was no such court by name in the State as a Probate court.

By section 20, article 6, of the Constitution of 1870, the General Assembly provided for the establishment of a Probate court in each county having a population of over 50,000, and for the election of a judge thereof, whose term of office should be the same as that of the county judge, and who should be elected at the same time and

in the same manner. Said courts, when established, should have original jurisdiction of all probate matters, settlement of estates of deceased persons, the appointment of guardians and conservators, and settlement of their accounts in all matters relating to apprentices and in cases of the sales of real estate of deceased persons for the payment of debts.

Under this section of the Constitution in 1877 the General Assembly passed an act establishing Probate courts in all counties of the State having a population of 100,000 or more, providing that the probate judges should be elected at the same time and for the same terms as the county judges in the State. In 1881 this act was so changed as to establish Probate courts in all counties having a population of 70,000 or more. The first time the question of the constitutionality of the act establishing Probate courts under the Constitution of 1870 came before the Supreme court, it decided the are to be unconstitutional, but upon a rehearing by a divided court it held that the act was constitutional. (See *Knickerbocker vs. The People, ex rel.*, 102 Ill., 218; *Klokke vs. Dodge*, 103 Ill., 125.) It was also held, upon the establishment of a Probate court in a particular county, the County court of such county "is at once, by operation of law, deprived of its jurisdiction in matters of probate and all other matters upon which Probate courts are given jurisdiction, and that the jurisdiction of the Probate court is exclusive."

In 1854 Calvin de Wolf was elected a justice in the South Town, and filled the office continuously, by elections and appointments, for more than a quarter of a century. He came to Chicago in an early day, was admitted to the bar and was a partner at one time of the late L. C. P. Freer.

The justices in 1857 were Isaac L. Milliken, Calvin de Wolf, C. L. Diehl, J. A. Hoisington, and L. H. Davis for the South Town; Franklin Thwing, Charles H. J. Muller, S. B. Vernon, W. H. Stickney, and August Brunning for the North Town; Caleb D. Fitz, William Windoes, C. H. Barnum, Hiram H. De Mary, and Austin D. Sturtevant for West Chicago. Of the above named, Justices Milliken, de Wolf, Diehl, Hoisington, Muller, Stickney, Barnum, and Sturtevant were serving in 1865, with J. Summerfield, Aaron Haven, Charles McDonnell, Nicholas Berdell, and John M. Moore for the South Town; John G. Rommeis, John Cuthbertson, Edward Kehoe, John Atwater and Owen Dougherty for the North Town, and Nathan Allen, H. B. Ruger, and W. H. Hasse for the West Town. In 1870 Justices Milliken, de Wolf, Hoisington, Stickney, Dougherty, Sturtevant, and Moore were yet in the harness of petty judicial life, with James Winship and Henry Arnold in the South Town, John S. Quinn, Peter L. Hawkinson, and S. J. Dresser in the North Town, and August Kovatts, Andrew Enzenbacker, and George Sitts in the West Town. Many of the justices up to this time, some of whom were then in office, were men of learning, in-

tegrity, and honor, and conscientiously administered their judicial duties in accordance with the evidence and the law. Rucker, De Wolf, Stickney, and Brown were lawyers. Barnum became one after the expiration of his term. Isaac L. Milliken had served one term as mayor of the city of Chicago. Sturtevant had been a principal for years of one of our public schools, and there were others of equal ability and probity. Notwithstanding these, there were the Banyons and O'Malleys.

Peoria county, including the region of Chicago, was set apart from Fulton county January 13, 1825, and on the same day Austin Crocker and John Kinzie were confirmed by the State Senate as justices of the peace for the new county. John Kinzie was not commissioned, however, until July 28, 1825. He was, therefore, not only the first resident justice in Chicago, but one of the first confirmed for Peoria county. It is doubtful whether he received any commission under his former appointment.

Alexander Wolcott and Jean Baptiste Beaubien were made justices of the peace September 10, 1825, and they and Kinzie were judges of election in the Chicago precinct December 27, 1825. Justices were made elective by the law.

John S. C. Hogan was elected July 24, 1830, and commissioned October 9, 1830, and Stephen Forbes was elected November 25, 1830. Chicago was still in Peoria county. After the organization of Cook county by act of January 15, 1831, four justices of the peace were elected for Cook county. Only one, William See, was a resident of Chicago; another, Archibald Clybourn, did not reside in Chicago at that day, although what was then his farm is now within the city limits. Russell E. Heacock was commissioned justice of the peace September 10, 1831, and was probably the first justice before whom trials were held in Chicago. Isaac Harmon was elected June 4, 1832, probably to succeed Justice See. Justice Heacock and Justice Harmon, so far as can be learned, served until August, 1835, and Harmon was reelected August 9, 1835, for four years. John Dean Caton, who subsequently served for several years on the Supreme court bench with honor and distinction, was elected a justice of the peace July 12, 1834 and served more than a year in that capacity. William E. Casey was elected justice of the peace August 9, 1835, but did not serve long.

Previous to August, 1827, justices were nominated by the House of Representatives, confirmed by the Senate, and commissioned by the Governor. The act of December 30, 1826, repealed the act of February 19, 1819, and the county commissioners were ordered to establish not less than two or more than eight justices' districts in each county, and in each district two justices of the peace were to be elected except in that in which the county seat was located, which was entitled to three justices. The term of office was four years and until the successor qualified.

In May, 1827, justices' jurisdiction was again extended to include cases of assault and of assault and battery. In 1833 the Legislature, recognizing that some of the justices were irresponsible and conducted their official duties not in a judicial manner, required a bond for not only faithful performance of duty, but also for an exact accounting of all moneys passing through his hands as justice of the peace.

The act of January 15, 1831, establishing Cook county, led to its organization on March 8, that year, when J. S. C. Hogan, as justice of the peace, administered the oath of office to the three members of the Commissioners' court. Under the new order of affairs the election of justices was carried out according to law, and for many years the system was quite satisfactory.

By an act approved February 27, 1845, justices of the peace were to be elected after August, 1847, for two years only. This act was repealed by act approved February 12, 1849.

Among the justices who held office here prior to the creation of the three towns in 1851 and subsequent to the repealing act just referred to were L. C. Kercheval, L. O. Doolittle, H. L. Rucker, and H. Magee, each of whom filled the office prior to 1849 and after 1851.

The act providing for township organization in force April 1, 1851, provided that counties might at any of their annual elections vote for or against township organizations, and that whenever township organizations were adopted by a county the County court should appoint three commissioners, residents of the county, to divide the county into towns, and each town should elect two justices of the peace. On the first election after the act went into force Cook county voted to adopt township organizations, and Chicago was divided into towns of South Chicago, North Chicago, and West Chicago, and two justices were elected in each town.

Under this act H. L. Rucker, L. C. Kercheval, S. J. Lowe, F. A. Howe, and V. A. Boyer meted out justice in the South Town, Ammon Moon and Jeremiah H. Sullivan in the West Town, and J. D. Aymar and Ache Kasson in the North Town. In 1852-3 Justices Howe, Kercheval, and Boyer were still on the South Town bench, Peter Duffey and Owen McCarthy were on the bench of the North Town, and Ammon Moon and J. H. Sullivan on that of the West Town.

In compliance with the Constitution the Legislature, at its next meeting, by act approved and in force March 30, 1871 (amended by act of March 25, 1875), provided that on or before the first of April and every four years thereafter that the justices of the peace, Circuit, Superior and County courts of Cook county, a majority of the justices concurring therein, should recommend to the Governor seven fit and competent persons to fill the office of justice of the peace in the town of West Chicago; also seven fit and competent

persons to fill the office of justice of the peace in the Town of South Chicago; also five fit and competent persons to fill the office of justice of the peace in the Town of North Chicago, and the persons thus recommended the Governor shall nominate, and by and with the advice and consent of the Senate (a majority of the Senators elected concurring by "yeas" and "nays") appoint justices of the peace in and for each of said towns respectively; and in case the Governor rejects any person recommended, or the Senate refuses to confirm any persons nominated, the Governor shall give notice of such rejection. Later the Municipal courts of Chicago superseded the old justice court system, which had fallen into disrepute.

The office of police magistrate was abolished in the city of Chicago by the Constitution of 1870. The office of police justices created by the city ordinances are filled by the appointment of justices of the peace.

The judges of Cook county, in obedience to the above requirements, recommended to the Governor as the first justices of the peace under the new order of things for the South Town, A. H. Banyon, N. B. Boyden, Charles B. Doggett, Calvin de Wolf, J. Charles Haines, S. C. Hinsdale, Charles Drandorff; for the North Town, Thomas Cannon, Robert C. Hammill, Henry A. Kaufman, Franz Rolle, Peter L. Hawkinson; for the West Town, Henry S. Austin, Max Eberhardt, Daniel Scully, John Van Woutd, A. D. Sturtevant. While most of the above appointments met with the approbation of the bar and the community, some were neither fit nor competent, and it is putting it mild to say there was much disappointment felt by those who had hoped for better things. During the term of office for which the above were appointed some of the most unfit for the position did the greatest amount of business. They were known as "plaintiff's justices."

In 1875 the South Town justices were Calvin de Wolf, John Summerfield, Peter Foote, Joseph Pollock, George A. Meech, Logan D. Wallace and J. Charles Haines; the West Town were Daniel Scully, Alvin Salisbury, Max Eberhardt, Orlin P. Ingersoll, Redmond Sheridan, A. L. Morrison and C. R. Matson, while the North Town justices were H. A. Kaufman, W. H. Robinson, Martin Paulson, W. F. de Wolf and R. C. Hammill. In 1879 there were appointed for the South Town D. Harry Hammer, John Summerfield, Peter Foote, Joseph Pollock, George A. Meech, Logan D. Wallace and Hardin B. Brayton; for the West Town, Daniel Scully, David Walsh, Max Eberhardt, Orlin P. Ingersoll, Alex L. Morrison and Canute R. Matson, and for the North Town, H. C. Kaufman, Archibald H. Robinson, John M. Wilson, Henry Hudson and Peter L. Hawkinson.

In 1883 the appointments for the South Town were Thomas D. Brown, Hardin B. Brayton, D. Harry Hammer, George A. Meech, David J. Lyon, Peter Foote and Randall H. White; for the West

Town were Daniel Scully, Charles W. Woodman, Max Eberhardt, Orlin P. Ingersoll, Francis C. Russell, Charles J. White, Edward Fisher, and for the North Town were Charles Arnd, Louis Kistler, John C. Barker and George Kersten.

In 1887 there were appointed for the South Town Hardin B. Brayton, D. Harry Hammer, David J. Lyon, Randall H. White, John K. Prindiville, Robert W. Smith and Thomas B. Bradwell; for the West Town, Daniel Scully, Max Eberhardt, Charles J. White, James Doyle, Michael A. Le Roy and Jarvis Blume, and for the North Town, George Kersten, E. C. Hamberger, Judson F. Young and Thomas Sweeney.

The justices in 1891 for the South Town were Hardin B. Brayton, David J. Lyon, Randall H. White, John K. Prindiville, E. T. Glennon, Thomas Bradwell, M. R. M. Wallace, William S. Everett and George R. Foster; for the West Town, Daniel Scully, Max Eberhardt, Charles J. White, James M. Doyle, Michael A. Le Roy, Jarvis Blume, Charles W. Woodman, Olof F. Stevenson and James C. Dooley; and for the North Town, George Kersten, E. C. Hamberger, Daniel L. Wheeler, Walter J. Gibbons and Charles Hoglund.

In March, 1849, James H. Woodworth, elected mayor for a second term that year, suggested to the council the expediency of establishing "The Mayor's court." The reasons set forth were substantially that Chicago, being on the high-road between the East and West, a class of citizens found their way here who had no regard for the rights of property or the precepts of the law, and that such a condition called for a well regulated police force and court for the arrest and trial of violators of the ordinances. In accordance with this suggestion, the court was established and opened on April 26, 1849, under authority given in the charter. In 1851 this court fell into disuse, during the administration of Mayor Gurnee, but was revived in April, 1853, by Mayor Charles M. Gray, who had a room fitted up in the southeast corner of the courthouse. It is said that next to the old municipal court, the mayor's court was the most useful and best administered ever known in Chicago. The incumbent of the office made it a point to be just in all cases, and there were very few instances recorded where his decisions were reversed. The business of the court was carried on in a business-like way, for the mayor, personally and officially, enforced a strict observance of judicial forms and would not tolerate the indecent language or ugly customs heard or followed in the other courts of the period.

The Recorder's court was established under the act of February 12, 1853, with the same civil and criminal jurisdiction as the Circuit court, except treason and murder, and cases where the amount involved exceeded \$100. Robert S. Wilson was the first judge and, though his qualifications were questioned, after holding the position for almost a year, the Supreme court decided that his election and

HISTORY

OF

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BY A. T. ANDREAS.

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