

the close of the year 1865. James Preston Amonett was elected in 1873. George H. Lee, the incumbent at the present writing, has been in office since 1877.

#### CORONERS.

Among the early coroners of the county were I. A. C. R. Shaw, Milton Sebastian and James C. Riggin. Sebastian was elected in 1842, and Riggin in 1844. James D. McPherson succeeded Riggin. Silas Campbell was elected in 1846, and served for several successive terms. Charles R. Bovingher then held the place for a long time by successive re-elections. John C. Hedenberg was coroner for a few months in 1874, by appointment to fill a vacancy. Henry D. Ritter was elected in November, 1874. He was succeeded by Isaac S. Whiteside, and he by the present coroner, Benjamin D. Stout, who has held the office since 1878.

#### JUSTICES OF THE PEACE.

Reference to the history of Schuyler county will show the names of a number of persons who hold the office of justice of the peace in what is now Brown county, while it was yet a part of Schuyler. After the organization of Brown county, the following magistrates were commissioned in the year 1839: Garland O. Wilson, Sept. 13th; S. H. B. Clarkson, probate justice; Harvey Lester, and Joseph M. Philips, Sept. 14th; Robert N. Curry, Harvey Persinger, Henry Coughennour, and Thomas Davis, Sept. 17th; Robert Trabue, Sept. 23d; Jas. C. Reid, William Barker and Thomas Sewell, on the thirtieth of the same month. Eli Hartley and David C. Long also filled the office of justice of the peace in this year. Fielding T. Glenn qualified on the 9th of January, 1840. Edward W. B. Newby, probate justice of the peace, qualified on the 15th of May, 1841. Thomas J. Rigg took the oath as justice on the 16th of February, 1842, and William O. F. Campbell on the 21st of December, 1844.

Among other early justices of the peace in the county, were James Harper, W. C. Hardin, J. R. Briggs, J. W. Wardwell, and John Haggarty. The list of justices commissioned in 1847, embraced Lewis Brockman, John C. Hedenberg, Jonathan Dearborn, John W. Price, William Lee, John Lomax, Emsley Jackson, Michael Summy, Samuel S. Black, John Bullard, Thomas Dawson, Thomas M. Barton, Arthur Martin, Thomas Wilson, and Joseph Miller. Some of these had served previously. Archibald A. Glenn and John Chapman were invested with the magistrate's office in 1848.

The new justices elected in 1849 were John Sevier, Benjamin D. Stout, Richard Mars, J. J. Pevehouse, Isaac Parker, Henry Ausmus, Bartholomew Boylan, Ichabod Perry, Alpius Brown, Thomas C. Reeves, George A. Taylor, Thomas J. Bradney, and George Windslow. In 1851 Abel H. Lamphier, William H. Glenn, and Morris U. Pettis came into office. Among the new justices in 1853, were David P. Metcalf, Willis Watts, John Miller, G. M. Pickett, Alexander Montgomery, and L. J. Hammond.

## CHAPTER IX.

### BENCH AND BAR.



EN love liberty as they love life. Law makes liberty possible; is its guardian spirit and its earnest advocate. He is the freest man who least feels restraint, and not to feel restraint is to be so disciplined that one acts unconscious of the physical, moral and spiritual restrictions which hedge him about. It is thus that he "looketh into the perfect law of liberty and continuing therein shall be blessed in his deeds."

Patrick Henry had no juster conception of freedom when he exclaimed, "Give me liberty or give me death," than had the framers of our government of the means to secure that freedom when they enacted the fundamental laws of the land, "to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessing of liberty." Law in its generic sense is a formal expression of authority. It is thus broad in application, "sets empress over thrones and globes." But our object is to show its social functions and bearings.

Nature fits man for association with his fellow-man, gives him affections, desires and ambitions that can be satisfied through no other agency, or avenue. History witnesses that in all ages, under all conditions of climate and vocation, men have grouped themselves into families, communities and nations. These groupings have never been mere social compacts, vouchsafing the faithful discharge of reciprocal duties, but result directly from the human constitution. Each attest the guiding hand of Him who gives parents authority to rear and discipline offspring and causes children intuitively to respect parental authority as exercised in love and for their good; who so impresses the community with the desirableness of common purposes that instinctively it recognizes the necessity of harmonious actions and the just regards of each for the rights of all; who so constitutes a nation that it dreads anarchy as the worst of political evils and lauds good order and wise government.

The human organism shows that "in union there is strength." Without the natural muscular strength of other animals we depend upon the co-operation of our species for protection against the attacks of beasts and enemies, and for the procuring of the necessaries of life. By means of speech labor is distributed so that a community accomplishes what the individual cannot attain.

This distribution cultivates reason, increases knowledge, develops new industries, points out unsupplied wants, keeps man in a progressive condition, whose achievements are a present satisfaction and a future incentive. Our emotional activities illustrate the same truth. To be banished and exiled from home, to be excluded from his kind has bereft man of his reason and speech.

Civil society is a fixed fact and needs no argument to prove its origin divine. We are born into the family membership. It is our natural state which we cannot avoid if we would, would not avoid if we could. It takes away none of our individual rights and adds nothing to the privilege of the masses. Besides the ordinary elements of existence, society furnishes the branches by which we climb to a higher civilization, thus improving our own existence and that of our immediate dependents.

A history of civilization, which is but another name for law, only narrates the developments of society, and the deductions of historians simply edify its members as to personal obligations, as to the debt of gratitude each owes mankind and its creator. Disregard for the regulation of a benefaction, and disrespect shown the benefactor has in all ages of the civilized world been regarded as the gravest of moral delinquencies.

As society antedates membership in it, its regulations are paramount to individual wishes, and the most fitting method of discharging the obligations it imposes is to render a cheerful acquiescence, or patiently and unostentatiously to labor in reforming what is objectionable. Each member has certain inalienable rights as distinctive, essential, and God-given, as those of the mass. Among these are equality in creation, life, liberty and the pursuit of happiness. To secure these rights governments are instituted among men, with power to suppress evil, and to repress the evil disposed, with additional power to advance common interests and individual worth.

Civil law is the basis of civil government, hence is the authorized expression of social authority and rights. As governments derive their just powers from the consent of the governed, each citizen of the state should recognize in its constitution the protection of his individuality, the security of his personal and political rights. Ignorance of law is no offset for crime—does not avert the penalty for wrong doing. He who is subject to a despotism is very foolish not to learn its characteristics, if for no higher purpose than self-protection; he who is a citizen of a republic such as ours, in which he not only is political in his personality, but helps to construct the government and administer its affairs, from a moral standpoint, is criminally negligent, if he fail to acquire the necessary knowledge for discharging the duties of citizenship.

Custom makes law—precedents rule its administration. Before men could make permanent records they resorted to current customs and traditions as the basis for deciding disputes. Thus originated the *Lex non scripta*, the unwritten law. After writing became established as an art laws were written, and took the statutory form. Undoubtedly the pivotal points of all law are: 1st. The nature, functions and limitations of government. 2d. The conditions and forms of ownership. 3d. The relations of family or domestic life, and 4th, The binding force of voluntary promises or contracts. From these centers the growth of the law has been complete and varied. It presupposes the existence of a supreme political authority, whose privilege and duty are to prescribe rules for the guidance of its subjects. This implies

obedience and the possibility of violations with penalties to guard against the latter. The supreme authority can change its laws, of course—in fact, can subvert them at the risk of its own existence, and is expected to be continually devising changes as the condition of its subjects may demand. It must also have the right to decide what are violations, and to inflict proper punishments. Thus, it is, that governments are legislative, judicial, and executive, the one function being easily distinguishable from the others.

The independent chief of an independent clan usually is the legislator, judge and ruler. If he be tyrannical and passionate his administration becomes a despotism, for there is no political power higher than his own, to call in question his measures and motions. As society improves and arts develop, as men "say unto wisdom thou art my sister, and call understanding kinswoman," municipalities multiply, the body corporate becomes more complex, its traditions more numerous and less authentic, its customs more binding from the authority of age and repetition, its statutes more voluminous from the comments of legal expounders, the decisions of judges, the enactments of legislatures; precedents multiply technicalities, and specialists introduce terms meaningless to the unpracticed. This is the history of nations and law. So intricate is the jurisprudence of a civilized people that men lose faith in the spirit of law, because they are easily involved in its meshes.

The laws of our republic have to do with the individual, the family, the village, the town, the city, the county, the district, the state, the national government, and with other governments. They have been accumulating for ages, have a cosmopolitan origin, a language that needs an interpreter, are burdened with forms and technicalities, and are so minute in details as to render lawyers more than a convenience—a positive necessity. Laws are both repressive and expansive, are enacted to check and punish crime, reform criminals, protect the innocent, and promote the general welfare by advancing commercial and other interests. The study of a lifetime could not master all these details, tracing them to their historical sources, and their application to the individual. That all men should know them is patent; that all men cannot acquire and know them is equally distinct. Hence the necessity for a class of men who study law as a profession, that they may place their knowledge thus obtained at the disposal of such of their friends and acquaintances as may need it.

#### THE BENCH OF SCHUYLER COUNTY.

"Be it remembered, that the county of Schuyler having been established by an Act of the General Assembly of the State of Illinois and by said Act made a part of the First Judicial Circuit of said State, and in pursuance of an order of the judge of said Circuit, which are in the words and figures following, to wit:

To the Clerk of the Circuit Court for the County of Schuyler,  
greeting:

By authority vested in me by an Act of the General Assembly of the State of Illinois, I hereby appoint the first Thursday

in the month of November next for holding a circuit court in and for the county of Schuyler and State of Illinois. You will take notice thereof and govern yourselves accordingly. [Signed]

JOHN YORK SAWYER,  
*Judge of First Judicial Circuit.*

Thereupon a circuit court for the said county of Schuyler is begun and held at Beardstown the seat of justice in and for said county on the 4th day of November, being the second day of the term in the year one thousand eight hundred and twenty-five, in pursuance of the above order and in obedience to the statute aforesaid.

Present:—The Honorable JOHN YORK SAWYER, *Judge*,  
JOHN TURNEY, *Attorney-General, Pro tem.*  
HART FELLOWS, *Circuit Clerk*,  
ORRIS McCARTNEY, *Sheriff*.

The sheriff returned into court his venire of grand jurors who were regularly empaneled and charged to inquire for the body of Schuyler county.

The First Judicial Circuit then embraced all the counties lying north and including Fayette, wherein was then located the seat of the State government. The court was held in a little cabin just west of Pleasant View where the county seat, (called Beardstown) was located. The cabin was at that time owned by Samuel Turner, for the use of which he received two dollars for three days' services for court purposes.

It was made the order of this court that the next term be held at Rushville, on Friday, the 4th day of June, 1826. There is no record of any court being held at that time. The next term in course was held at Rushville, October 12, 1826, by Judge Sawyer. At that term of court Richard Cox was admitted and licensed to practice; Hart Fellows, the circuit clerk, was appointed judge of probate for the county of Schuyler, and Jonathan Pugh, in the absence of the attorney-general, was appointed public prosecutor. The October term was the last court in the county presided over by Judge Sawyer. There are but few persons now living in the county who knew him personally, but it has come down through tradition that he was a rollicking fellow, fond of company and amusement, and much given to lingering over the wine and those things which contribute to sensual enjoyments; he was a man of large, portly or, rather obese form, a fair judge of law. At best, in those days, justice did not sit enthroned wrapped in the mantle of frigid dignity, nor have we learned that the blind goddess was less impartial than at present. After Judge Sawyer's retirement from the bench he returned to Edwardsville where he engaged in publishing a newspaper. In 1832 he was elected public printer and returned to Vandalia, then the seat of the state government. At the May term, 1828, Judge Samuel D. Lockwood presided; he was one of the judges of the supreme court but under the then existing laws was required to do circuit duty. He was a man of stainless purity of character, as well as a distinguished jurist; he came to Illinois at an early period in the history of the

state, and was prominently identified with its jurisprudence for many years.

At the October term in the same year he appointed William Brown to prosecute for the people. Mr. Brown subsequently became a circuit judge, and filled many offices of public trust; he was a man of brilliant talents, and was most devotedly attached to his profession. He is still a resident of Jacksonville, Illinois.

Judge Lockwood presided in the first judicial circuit until the June term, 1829, when he was succeeded by Hon. Richard M. Young, who then resided in Quincy, Illinois; he was also one of the first judges of the supreme court.

In 1831, the act of the General Assembly changing the circuits was passed and approved February 16th of the same year. It was entitled "An Act supplemental to the several acts regulating the Supreme and Circuit Courts of this State." It provided, among other things, "that the chief justice of the Supreme Court and the associate justices thereof, and the circuit judge of the fifth judicial circuit shall hold the circuit courts of the state at the times and in the manner hereinafter provided." The state was then divided into five judicial circuits. The counties of Cook, La Salle, Putnam, Peoria, Fulton, Schuyler, Adams, Hancock, McDonough, Knox, Warren, Jo Daviess, Mercer, Rock Island, and Henry constituted the fifth judicial circuit. "Samuel D. Lockwood shall perform circuit duties in the first judicial circuit; Theophilus W. Smith in the second; Thomas C. Brown in the third; William Wilson in the fourth, and Richard M. Young in the fifth." This arrangement of the judicial circuits continued until 1839, when an act was passed by the General Assembly creating more circuits, and reducing the number of counties in the old circuits. The act was approved February 23d, 1839. By this act the counties of Adams, Hancock, Warren, Mercer, Knox, Fulton, Schuyler, Brown, and McDonough composed the fifth circuit, Schuyler county remained in the fifth judicial circuit throughout all the changes from 1831 to 1874, when it became a part of the eleventh. No change was then made until the consolidation of the circuits and the creation of the appellate courts in 1877, then the counties of Pike, Brown, Fulton, Schuyler, and McDonough became the sixth judicial circuit in which they still remain.

At the October term of the circuit court, 1831, held at Rushville, Judge Young appointed Thomas Ford State's attorney for the circuit. Mr. Ford was an early resident of Schuyler county, and was the first successfully to prosecute the first crime of murder in the courts of Schuyler county. He was a young man then of fine talents and a promising future. He rose rapidly in his profession, became a circuit judge, and in 1842 was elected Governor of the State. He died some years ago at his home in Peoria. At the June term, 1835, Hon. Stephen T. Logan presided on change with Judge Young. While Judge Logan was not regularly appointed to this circuit, yet we cannot refrain from making bare mention of this remarkable man and jurist. He was a resident of Springfield, (where he lived for many years, and where he died a few years ago), and practiced in this circuit when not upon the bench. He was a man who, if he had

any fine social qualities, they were absorbed in the greater love and enthusiasm of his profession. His deep and profound knowledge of elementary law was apparently inexhaustible, and unsurpassed by that of any jurist in the west. Although having for opponents and contemporaries men of massive minds and brilliant intellects; men, who in after years achieved honor and renown, and stood in the very front ranks of fame, yet when measured by the incomparable legal mind of Stephen T. Logan they shrink into mediocrity. It is said of him that his unerring mind never failed to find the true line of equity in every case in which he was called upon to act or decide. Statutes enacted by the law-making power, precedents and decisions of courts were nothing to him, but law based upon the immutable and unchangeable principles of equity, everything.

JUDGE YOUNG continued to preside in the Fifth Circuit until the March term, 1837. He was in some respects a remarkable man. He is remembered as a most excellent Judge, possessed of a methodical mind; large in stature and imposing in appearance. He was elected to the United States Senate, and served one term. During the time that the state was in the throes of the "Internal Improvement" question, he was sent to Europe as agent for the State, to negotiate and sell her bonds, the proceeds of which was needed to carry on the improvements. He failed to find any purchasers, and returned home. After his return, he was made Land Commissioner. He died in Washington, about 1850.

HON. JAMES H. RALSTON succeeded Judge Young in the Fifth Circuit. He held the first term in March, 1837, and presided until 1841. He was a native of Kentucky, and was admitted to the bar in that state. When he first came to Illinois, he settled in the southern part of the state. He presided as Judge in the St. Clair county courts as early as 1826; subsequently he removed to Quincy, in Adams county, and continued to reside there while upon the bench in the Fifth Circuit. At the breaking out of the Mexican war, he entered the service, and was appointed Quartermaster, with the rank of Captain. After the expiration of his term of service, he returned to Quincy, and remained there until the discovery of gold in California. In company with others, he went by the overland route to the Golden State, and settled in Sacramento, where he resumed the practice of his profession. He amassed a fortune and rose to prominence in his adopted state. He was repeatedly elected to offices of high honor and trust. In the winter of 1870-71, he lost his life while attempting to cross the mountains in a terrible snow storm. He lost his way, and when found, was frozen to death. As a Judge, he was just and impartial. His scholastic attainments were not of a high order, but his native ability and strong common sense, aided by extensive and varied experience, counterbalanced the lack of them. During Judge Ralston's occupancy of the bench in this circuit, Henry L. Bryant was State's Attorney. He is a native of New York, and of the same family as the late poet and author, William Cullen Bryant. He is a resident of Fulton county, and was, for many years, County Judge. At the present time, he is Master in Chancery of that county.

HON. PETER LOTT succeeded Judge Ralston, and held three terms of the court. At the April term, 1841, Hon. Stephen A. Douglas presided for the first time. He was also one of the Judges of the Supreme Court. The history and subsequent career of Judge Douglas is so well known to every student of American history that it is needless to reproduce it here. He presided up to and through the April term, 1843, when he was succeeded by Hon. Jesse B. Thomas, who held the courts until the April term, 1845. Of Judge Thomas, it may be said that he was more of a politician than a Judge. He was a gentleman of fine appearance and commanding mien, and whether in the senate, on the bench, or in a public assemblage, impressed the multitude with his dignified and respectful bearing.

At the April term, 1845, Hon. Richard M. Young presided on change for Judge Thomas.

During the same year HON. NORMAN H. PURPLE was appointed to the Judgeship in the Fifth Circuit. He held the first term in Rushville, in September, 1845, and remained on the circuit until 1849. He was a sound lawyer and possessed of much executive ability. Consequently, the business of the courts was expedited, and the docket cleared up in what was then regarded as a remarkably short time. In his manners, particularly upon the bench, Judge Purple was gruff, many times to such a degree that it bordered upon incivility. In consequence of this unsocial trait, he did not have that reverence and respect of the bar to the extent warranted by his ability as a lawyer. During his term as judge, James Johnson was state's attorney.

In 1849, at the March term, HON. DAVID M. WOODSON, of Carrollton, presided.

The same year WILLIAM A. MINSHALL, of Rushville, was elected Judge of the Fifth Judicial Circuit. He was a native of Ohio and came to Rushville at an early day. He represented his district in the General Assembly of the State, and was a member of the Constitutional Convention in 1848. He was well educated, and, in addition, possessed much native ability. While a practicing attorney, he stood at the head of the bar of Schuyler county, which in that day was an exceptionally good one. He died before the expiration of his term as judge.

At a special election called to fill the vacancy, PINCKNEY H. WALKER was elected. In 1855 he was elected for the full term. He remained Judge of the Circuit until April 1858, when he was appointed to the bench of the supreme court by Governor Bissell, to fill the vacancy caused by the resignation of Judge O. C. Skinner.

The same year Judge Walker was elected for the full term—nine years. In 1867 he was re-elected, and in 1876 again elected, and at present still remains upon the supreme bench. Judge Walker is a native of Kentucky. He emigrated to Illinois in 1834, and settled in Schuyler county. In 1838 he removed to Macomb, in McDonough county, and commenced the study of law in the office and under the tuition of his uncle, Cyrus Walker, a distinguished lawyer and advocate in the early courts of the state. Pinckney H. was admitted to the bar in McDonough county in 1839, and practiced in that and surrounding counties until 1848, when

he removed to Rushville. Here he continued the practice until elected judge in 1853. Judge Walker has been upon the supreme bench for nearly a quarter of a century. In that time he has acquired great legal learning, and his opinions and discussions are marked by great clearness, exhibiting profound knowledge of the principles of law, thorough research and careful analysis, and are held in high estimation by the bar throughout the state.

During Judge Walker's occupancy of the circuit bench John S. Bailey was State's Attorney. He was a resident of Mt. Sterling, Brown county, Illinois, and was there admitted to the bar in 1842. In 1858 he was elected Judge of the Fifth judicial circuit to fill out the unexpired term of Judge Walker who had, as stated above, been appointed and a short time after elected to a position upon the Supreme bench. Judge Bailey presided until the October term 1861. He was a painstaking careful Judge, of fair legal attainments, and suffered as few reverses as any of the judges who had preceded him. In 1846 he removed to Macomb, where he yet resides, and at present is master in Chancery of McDonough county.

Judge Bailey was succeeded by CHANCEY L. HIGBEE of Pittsfield, Illinois. He held his first term in Rushville in October 1861, and continued to be elected and re-elected and presided until 1877, when the circuits were consolidated and the appellate courts were formed. He became one of the Judges of the latter. Of Judge Higbee it may be said that no Judge presided in any circuit in Illinois who gave such complete and unqualified satisfaction, to both the bar and people as he did. He is not only a profound lawyer, but possesses executive ability to an eminent degree, and has the faculty of keeping every one about him busy in time of court, yet hurrying no one; his exceeding good humor, bland and gentlemanly manner, keeping lawyers and litigants in the best of humor at all times. There is but one opinion among all classes in the circuit, and that is that he was not only the ablest Judge, but the best one who ever presided in the Fifth Judicial circuit.

In 1877 HON. S. P. SHOPE of Lewistown was elected Judge of the Sixth Judicial circuit (under the consolidation of the circuits it was changed to the sixth), and in 1879 was re-elected for the full term.

STATES' ATTORNEYS FOR DISTRICT AND COUNTY.

At this late day it is impossible to get the names of the Prosecuting Attorneys for the circuit, except as their names appear upon the court records. From them we have made up the following names and dates:

John Turney, . . . . .	Attorney General, 1825 to 1826.
Jonathan H. Pugh, . . . . .	1826, <i>pro tem.</i>
William Brown, . . . . .	1826, "
Thomas Ford, . . . . .	1831, 1834.
William A. Richardson, . . . . .	1834, 1838.
William Elliott, . . . . .	1838, 1844.
Henry L. Bryant, . . . . .	1844, 1848.
Robert S. Blackwell, . . . . .	1848, 1852.
John S. Bailey, . . . . .	1852, 1858.
L. H. Waters, . . . . .	1858, 1860.

De Witt C. Johnston, . . . . .	1859, <i>pro tem.</i>
Thomas E. Morgan, . . . . .	1860, 1868.
L. W. James, . . . . .	1868, 1872.
E. P. Vail, . . . . .	1872, 1876.
Sylvanus B. Montgomery, . . . . .	1876, 1880.
Re-elected in . . . . .	1880.

THE EARLY BAR OF SCHUYLER COUNTY.

In the days of the first courts of Schuyler county, the bar numbered but few members. They were residents of Vandalia, Pittsfield, and Quincy. At the first and second courts, in 1825 and 1826, the lawyers were James Turney, Attorney General John Turney, Jonathan H. Pugh, A. N. Cavarly, and Daniel Prickett.

At the October term, 1826, RICHARD COX was admitted to the bar of Schuyler county. It is not known whether he was a practicing attorney prior to his admission here, but presume he was.

One of the earliest lawyers here was GEN. G. W. P. MAXWELL. He was a resident of Rushville, and for many years the leading local lawyer. He represented Schuyler, Fulton, Knox, Calhoun, McDonough, and Warren counties in the State Senate, in the session of 1834-1836. He removed to Mt. Sterling after the county of Brown was erected, and died in Mt. Sterling a number of years ago.

ADOLPHUS HUBBARD was an early practitioner and local lawyer of Rushville. He came to the county in 1831. After the seat of government was removed from Vandalia to Springfield, practiced in Schuyler county and in the Fifth Judicial Circuit.

JOHN T. STUART, who is yet a resident of Springfield, commenced the practice here in 1833. He is well remembered by the older residents of Rushville, on account of his fine scholastic and dignified appearance, fine apparel, and affable and pleasant manners. He represented the district in Congress when it was composed of forty-eight counties, and was then the largest Congressional district in the United States.

JOSIAH LAMBORN also practiced here. He was a fine advocate and good lawyer, but to some extent marred his excellent legal reputation by a too free and habitual indulgence in the flowing bowl.

In after years, other members of the Springfield bar practiced here, conspicuous among whom was E. D. BAKER, perhaps the most gifted and brilliant orator of his day.

ABRAHAM LINCOLN, the emancipator of a race and martyred President; and others of less national reputation, but all good lawyers, and many of them distinguished advocates.

The Jacksonville bar furnished a number of lawyers who followed the court around the circuit.

Of these WILLIAM THOMAS was perhaps the best. He was a painstaking, careful and safe lawyer, not so brilliant as some others, but always reliable. He was a fine special pleader, and it was exceedingly rare that he went out of court upon informalities or technicalities.

JACK GRIMSHAW was a lawyer of considerable note forty years ago. He was a resident of Pittsfield in Pike county, and was an able advocate but not so profound a lawyer as many others who were his colleagues and contemporaries.

At the May term of the court held in 1833, at Rushville

on motion of Gen G. W. P. Maxwell, WILLIAM A. RICHARDSON was admitted to the practice in the courts of Schuyler county. Mr. Richardson was born in Fayette county, Kentucky. He received his early educational training in the rude log school-houses so common in the pioneer era of his native state. From them he was transferred to the Walnut Hill Seminary, where he was prepared for entrance to Center College, at Danville, Ky. Subsequently he entered the Transylvania University at Lexington, where he remained until he had completed his junior year, then he entered the law office of Allen & Simpson, as a student, and pursued his studies diligently until in March 1831, when he was admitted to the bar. The same year he came to Illinois and settled in Shelbyville, Shelby county. In the spring of 1833 he came to Rushville and opened a law office, and in May following was admitted as above stated. In 1834 he was elected States Attorney for the circuit, and served the people as public prosecutor for a number of years. In 1836 he was elected to represent Schuyler county in the Tenth General Assembly, and in 1838 he was elected State Senator from the district. In the Eleventh General Assembly he met many of the leading men of both parties in the state, conspicuous among whom were Lincoln, Douglas, Browning, Hardin, Shields, Baker, Moore, French, Edwards, Ficklin, Thornton, Snyder, Gridley, and others who afterwards shed lustre upon the state and country. At the breaking out of the Mexican war he raised a company for the service, was elected captain, and led his men through many of the battles, and skirmishes up to and including the memorable battle of Buena Vista. At the close of the war he returned home, and in 1847 was elected to represent his district in Congress. In 1848 he was re-elected, and was continuously a member until 1856. He was the Democratic candidate for the speakership of the House in the memorable contest of 1856, and was defeated by N. P. Banks. He resigned his seat in Congress the same year to accept the candidacy for Governor, and was also defeated. He was soon after appointed by President Buchanan, Territorial Governor of Nebraska. In 1860 he was again elected to Congress, and in 1863, to the United States Senate, where he served until 1865, when he practically retired from political life, returned to his home in Quincy, Illinois, where he remained until his death, which occurred December 27th, 1875. He is well remembered by many of the older citizens of Rushville and by some of the present members of the bar. As a lawyer, he was not particularly brilliant, rather the opposite, yet withal, sound and practical. His strong points were his consummate knowledge of human nature, skill in selecting a jury favorable to him or his client, and his forcible manner of presenting his case. He was large, well formed, and possessed of much personal magnetism. His was rather an indolent mind, consequently his law points and citations were not generally voluminous nor the statutes exhausted in fortifying his case. Outside of the court room he was a most genial companion, of easy, pleasant manner, and fine social qualities whom everybody knew intimately, and everybody liked.

At the October term, 1834, of the circuit court, JOHN T.

WORTHINGTON, and JAMES FAIRWEATHER were admitted to the bar. Mr. Worthington followed the profession of law for several years, then abandoned it and entered the ministry of the Episcopal Church. He died in Pittsfield, Pike county, Illinois, while engaged in his sacred calling. Mr. Fairweather remained in Rushville for a few years, then followed the stream of emigration westward, since which time all trace of him has been lost.

HON. CYRUS WALKER was probably the most able lawyer and advocate who ever practiced at the bar of Schuyler county. He was a native of Kentucky, and was there educated and admitted to the bar. He came west to Illinois, where his fame as an advocate and reputation as a lawyer had preceded him. He settled in Macomb, McDonough county, and attended the courts there and in surrounding counties for many years. As a criminal lawyer and prosecutor he had no equal in the state. His greatest effort at the Schuyler bar was the successful prosecution and conviction of the McFaddens, father and son, charged with the murder of John Wilson. He spoke for six hours, and his speech upon that occasion is remembered as the most powerful and masterly array of law and evidence, and the greatest forensic effort ever made before or since at the bar of Schuyler county. He is remembered by many of the older citizens, who all admit his superior ability as an advocate, but are divided in their opinions as to who was the ablest lawyer, he or O. H. Browning. The latter practiced at the Schuyler county bar for many years. Of this remarkable and good man, we cannot do better than quote from the address of Hon. James W. Singleton, delivered before the court of Adams county, announcing the death of that distinguished lawyer and amiable and exemplary citizen. He said: "His domestic life was beautiful and exemplary. Ardent and constant in his affections, he was a most tenderly devoted husband and father; to him there was truly no place like home. He was warm, generous, and confiding by nature, a liberal and unselfish friend, a kind neighbor, and public-spirited citizen, whose integrity and honesty were beyond question. Outspoken and straightforward in all his dealings, sincere in all he said or did, wholly without guile, and an entire stranger to duplicity, and intrigue. In all matters of public concern he was conspicuous for a manly independence of thought, and his opinions were always carefully formed, fearlessly expressed, and firmly maintained. In the Senate, the Cabinet, his office or his home, he was always the same accessible, easy, and courteous gentleman towards all who approached him. As early as 1835 he attained a high reputation for professional skill and knowledge and was retained in most important cases. His early success and popularity in his profession was owing no less to his powers as an advocate than to his knowledge of the principles of law and his familiarity with the proceedings of courts. He possessed a naturally vigorous mind, cultivated by close study and severe thought, until it was distinguished by the amplitude of its grasp and the delicacy of its tact. He had a most extraordinary quickness of perception, united to the close and clear reasoning of the logician. He was an ardent and eloquent speaker, his language copious and

chaste, and his arguments concise and forcible. His style was manly and perspicuous, evincing great sagacity and reflection by the clearness and ability with which he handled and discussed practical questions. He would gather the points involved in a discussion by intuition, and his comprehensiveness of view always led him to accurate generalization. As a lawyer he would have been called great in any age or country; as a citizen, he was watchful of its good and obedient to its laws."

At the March term, 1837, Judge Ralston presiding, William Perkins and Theophilus L. Dickey were admitted to the bar. The latter was then a young man of brilliant talents and fine oratorical powers. In 1840 he engaged in the newspaper business in Rushville, but soon abandoned it and resumed his profession. He removed to Ottawa in this state a few years later, and there he has made his home to the present. He rose rapidly in his profession, and in 1876 was elected to a position on the supreme bench of the state and at present is the chief justice of the court. Horace S. Cooley, a young lawyer and native of Maine, came to Rushville in 1840, and remained a few years, then removed to Quincy, Illinois. In 1846 he was elected secretary of state, and served under Gov. French's administration. He was a well-educated and bright young man. A lawyer of the name of Hewitt, of the Springfield bar, practiced for several years in this court. He is better remembered by his pleading law in the courts during the week, and preaching Campbellite doctrine on the Sabbath. He was quite an orator, but not much of a lawyer.

WILLIAM HINNEMAN, son of Gen. Hinneman of revolutionary fame, was a native of New York. He came to Rushville about 1850, and practiced law for several years.

DANIEL T. BERRY was a native of Schuyler county, and was here admitted to the bar. He went to California, and there died. Hon. Jesse M. McCutcheon was one of the early lawyers at this bar. He represented Schuyler county in the Eleventh General Assembly, 1838-40. In 1846 he abandoned the practice and engaged in farming. De Witt C. Johnston was a native of Ohio, and there read law and was admitted to the practice. Prior to that, however, he had been regularly ordained a minister of the gospel, and was stationed on a circuit in the Southern States, and for a considerable portion of that time was resident minister in charge of a congregation at New Orleans. He came to Rushville in 1852, and a few years later engaged in editing a newspaper. In 1859 he was appointed States' attorney *pro tem*. He served one term as county judge, and also one term as county clerk. He was not a profound lawyer, but rather a fair average one. His strong points consisted in his powers as an orator, which were much above the average, and the faculty of gathering the strong points of evidence in a case, and presenting it in a forcible manner to the court or jury. He was an adept in the use of language, in which abounded beautiful metaphors, glowing and well-rounded periods, but which frequently lacked logic, solidity and compactness, very essential features when addressed to courts or juries. He was eccentric in his manners, though a kind-hearted and generous friend.

During William A. Minshall's term as circuit judge, Robert S. Blackwell was states' attorney. He was an able lawyer and prosecutor. In 1853 he removed to Chicago and there died. He was the author and compiler of a text book known as "Blackwell on Tax Titles," which is regarded as standard authority upon that subject, and is held in high repute by the bar of the state. In connection with judges Seates and Treat of the supreme court he compiled the statutes of Illinois.

Between the years of 1840 and 1845 the witty and eloquent U. F. SNIDER practiced at the Schuyler bar. He was a resident of Rushville for a short time, and moved from here to Charleston in Coles county.

L. H. WATERS was a Kentuckian by birth and a resident of Macomb in McDonough county, when he attended the courts in this county. In 1858, he was appointed states' attorney for the circuit to fill out the unexpired term of Hon. John S. Bailey, who had been elected judge of the circuit. He continued in office until the fall of 1860. Soon after the breaking out of the late war, he entered the service and was appointed and commissioned colonel of the 84th regiment Illinois volunteer infantry. After the close of the war he returned to Macomb, and a few years later removed to Kansas City. At present he is United States' District Attorney for Northern Missouri.

THOMAS E. MORGAN was a resident of Macomb. He was elected states' attorney for the circuit in 1860, and in 1864 was re-elected and served until 1868. He was a vigorous and efficient prosecutor and able lawyer. He died in Macomb a few years ago. James Johnston, a lawyer and resident of Fulton county, practiced regularly for some years at this bar. He was states' attorney *pro tem* for several terms of the court while Judge Purple was on the bench.

WILLIAM ELLIOTT was a resident of Fulton county, and was public prosecutor for a number of years. He served in that capacity when Judge Lott and Judge Douglas were on the bench in the fifth circuit.

HON. L. W. JAMES, now of Peoria, Illinois, practiced law for many years in Schuyler county. He was a resident of Rushville. He was regarded as an able lawyer and an excellent pleader. He represented the county in the Twenty-fourth General Assembly in 1864-66. At that time he was a resident of Lewiston, in Fulton county. In 1868 he was elected State's Attorney for the circuit. At the close of his term in 1872 he removed to Peoria, where he has, by diligence and the exercise of his abilities, risen to a prominent position in the profession, and is regarded as one of the able lawyers of the State.

Mr. James was succeeded by E. P. Vail, who was the first State's Attorney elected under the new law establishing County Attorneys. He was elected in 1872, and served until 1876. In 1877 he removed to Decatur, at which place he has built up a reasonably lucrative practice.

JAMES LAWS ANDERSON, an old lawyer and successful practitioner, was a Scotchman by birth. He came to Rushville about 1840. He was elected probate judge for several terms. By his long experience in that capacity he became a most excellent judge of probate law. He formed a law

partnership with Hon. John C. Bagby, which continued for a number of years. He died in August, 1865.

EDGAR ANDERSON, his son, read law in the office of Bagby & Anderson, and was admitted to the bar in 1863. He formed a partnership with his preceptor after the death of his father, and remained in the practice until his death in 1879.

HENRY S. METZ was a native of Schuyler county. He read law with Hon. P. H. Walker, and was admitted to the bar in 1868. He died in 1881. He was a young man of much promise, but unfortunately had contracted habits that led to his untimely death.

#### PRESENT MEMBERS OF THE SCHUYLER BAR.

The oldest lawyer and practitioner at the bar in Schuyler county is HON. JOHN C. BAGBY. He is a native of Kentucky, and was educated at Glasgow and Beacon College in that state. He read law with Judge Christopher Tompkins, of Glasgow, and was admitted to the bar in 1846. The same year he came to Illinois and settled in Rushville, where he opened a law office and has continued in the practice to the present. In 1874 he was elected to represent his district in Congress, and served with distinction in that body. At present he is Master in Chancery. He is a matter-of-fact lawyer, an excellent special pleader, and has been for many years in possession of a large and lucrative practice. He is recognized as the best lawyer at the bar of Schuyler county.

HON. EPHRAIM J. PEMBERTON is a native of Kentucky. He came with his father's family to Schuyler county in 1836. He commenced the study of law in 1859, in the office of Hon. D. W. C. Johnson, and was admitted to the bar in December, 1861. He has been elected County Judge several terms, and at present is acting in that official capacity, in which he has merited the esteem and increased respect of those who honored him with their suffrages.

SYLVANUS B. MONTGOMERY is a native of Rushville. He received his education in the schools of his native town. He read law in the office of Hon. John C. Bagby, and was admitted to the bar in 1872. The same year he was appointed Master in Chancery. In 1876, he was elected State's Attorney, and in 1880, was re-elected. He is regarded as a vigilant and successful prosecutor and good lawyer.

STEPHEN E. CARLIN is a native of Fulton county, Illinois. He received his legal education in the Law Department of the University of Michigan, at Ann Arbor, and graduated in the class of 1868. In January, 1877, he commenced the practice in Rushville. He is a diligent student, and has a bright future before him.

DAVID H. GLASS is a native of Indiana. He was educated in the Wabash College at Crawfordsville. In 1871, he came to Mt. Sterling, in Brown county, and read law in the office of Hon. William L. Vandevanter; then entered the Law Department of the University of Iowa, at Iowa City, and graduated; and was admitted to the practice in the Iowa courts. He returned home, and in 1878, came to Rushville, and commenced the practice in connection with S. B. Montgomery. He is of studious habits, and, in time,

we hope to see him advance and honor the profession of which he has become a member.

#### THE BENCH OF BROWN COUNTY.

The County of Brown was erected in 1839. It comprised a part of the Fifth Judicial Circuit, from its first organization until 1872, when it became a part of the Eleventh. In 1877, when the circuits were consolidated, and the Appellate Courts were organized, it became a part of the Sixth circuit. The first term of the Circuit Court was held in Mt. Sterling, April 6th, 1840. The officers of the court were Hon. Peter Lott, Judge; William Elliott, State's Attorney; James M. Burt, Circuit Clerk; and Elisha Davis, Sheriff. At the April term, 1842, Hon. Stephen A. Douglas presided as Judge. He continued in the circuit until the September term, when Hon. Jesse B. Thomas was appointed Judge of the circuit. At the April term, 1845, Hon. Richard M. Young, who had been Judge of the Fifth Judicial Circuit from 1829 to 1837, presided on change and for Judge Thomas. On the 8th of September, 1845, Hon. Norman Purple came to the bench, and continued Judge of the circuit until in 1848, when he was succeeded by Hon. William A. Minshall, who was elected Judge of the circuit.

Judge Minshall died before his term expired, and Hon. P. H. Walker was elected to fill the vacancy. He held his first term of court in Mt. Sterling in April 1853. In 1855 Walker was elected for the full term. In 1858 he resigned the judgeship of the circuit to accept a seat on the supreme bench, tendered him by Governor Bissell. A special election was called to fill the vacancy. Hon. John S. Bailey, a former resident and lawyer of Mt. Sterling, was elected. He was then serving his second term as state's attorney for the circuit. Judge Bailey retired in 1861, when he was succeeded by Hon. Chauncey L. Higbee, who continued judge of the circuit until 1877, or until the circuits were consolidated, when he became one of the judges of the appellate court. At the special election in 1877 Hon. S. P. Shope was elected judge of the circuit which had under the new organization been changed to the sixth. In 1879, Judge Shope was elected for the full term, and at present is one of the three judges who preside in this circuit.

As will be seen by the foregoing, Brown county has since its organization been in the same circuit with Schuyler county, consequently the same judges presided in both. We have given a slight sketch of each on the bench in Schuyler and deem a repetition here unnecessary.

#### THE PAST BAR OF BROWN COUNTY.

The members of the Quincy, Pittsfield, Rushville, Jacksonville and a few of the Springfield bar were the attorneys during the first courts of Brown county. Prominent among the foreign attorneys who frequented the early courts, were Judge O. C. Skinner, O. H. Browning, Archie Williams, I. N. Morris, Calvin Warren, Jack Grimshaw, Daniel M. Gilmer, William Brown, C. L. Higbee and members of the Rushville bar. Among the resident lawyers of Brown county thirty-five years ago, was Hon. John S. Bailey. He was admitted to the bar in Mt. Sterling in 1842. He rep-



resented Brown and Schuyler counties in the Fifteenth General Assembly, 1846-48. A more extended sketch of him will be found in the Bench of Schuyler county.

JAMES W. SINGLETON, now of Quincy, Illinois, was among the early settlers of Mt. Sterling. He was engaged in mercantile business as well as the law. He represented Brown county in the Seventeenth General Assembly, 1850-52.

JAMES B. MOORE was one of the early members of the Brown county bar, and is yet a resident of Mt. Sterling. During the late war he raised a company of men and was elected captain. He entered into active service and did gallant and meritorious work for the Union. After the war he returned home. He never regained his practice, which before the war was extensive and lucrative, and of late years owing to physical disabilities has been compelled to abandon it entirely. Thirty years ago he was regarded as a good lawyer, and stood in the front rank of attorneys in this circuit.

L. B. WHEAT came to Mt. Sterling in 1843, and remained until 1862, then removed to Leavenworth, Kansas. He was a good lawyer.

JAMES S. IRWIN was admitted to the bar of Brown county in 1842, and remained in the practice here until 1862, when he removed to Pittsfield, in Pike county, Ills., where he still resides and practices his profession. He is a man of considerable ability and legal information, and is one of the leading and prominent attorneys of Pike county.

A young man by the name of THOMAS PAYNE practiced law in Mt. Sterling about the year 1848. He remained but a short time.

WILLIAM C. WAGLEY, of Warsaw, Ills., practiced in the courts of this county from 1848 to 1852.

WILLIAM L. and EUGENE GROSS, brothers, both lawyers, came to Mt. Sterling and remained until 1858 or 1859, then removed to Springfield.

A lawyer by the name of PETER STAATS came to Mt. Sterling in 1872, and remained here a short time; then removed to Pike county.

The county has not been prolific of lawyers, and at no time has the profession been over-crowded, as in most counties.

#### PRESENT MEMBERS OF THE BAR.

HON. WILLIAM L. VANDEVENTER, may be regarded as the oldest practitioner at the Brown county bar. He is a native of Mt. Sterling, and was educated in the common schools and academy of his native town. The most of his education is self-culture. In 1857 he commenced reading law in the office of L. B. Wheat, and was admitted to the bar September 17th, 1859, and immediately thereafter commenced the practice in Brown and surrounding counties. He rose rapidly in his profession, and is now confessedly at the head of the bar in his native county. In 1861 he was appointed master in chancery, and has held the office up to the present.

He was elected a member of the Constitutional Convention of 1870-71, and in 1876 represented his district in the Legislature. He is an able lawyer and a superior advocate.

NELSON LOVETT is a native of Maine, and was educated in the Gorham Seminary. He came west to Bloomington, Illinois, and there read law in the office of General Asahel Gridley. Subsequently he read law in the office of Hon. Amasi McWilliams, of the same city, and was admitted to the bar in 1853. He commenced the practice in Mt. Sterling in 1860. He has confined himself to the general practice, in which he has been very successful.

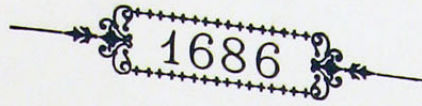
ALEXANDER H. LOWRY is a native of Pennsylvania. He came west at an early age, and settled in Poweshiek county, Iowa, where he read law and was admitted to the bar. He commenced the practice in McDonough county, Illinois. In 1861 he came to Mt. Sterling. The same year he was elected county superintendent of schools. In 1863 he was elected county treasurer, but soon after resigned and went to California. He returned to Mt. Sterling in 1867, and resumed the practice of law. He has no specialties, but engages in the general practice.

JOSEPH M. LOWRY read law in the office of A. H. Lowry and was admitted to the practice in Brown county. In 1872 he was elected States' Attorney for the county, but resigned before the expiration of his term of office. He has since that time abandoned the practice.

JOHN J. TEEFEY, the present efficient States' Attorney, is a native of Ireland. The family emigrated to America and settled in Brown county while he was yet young. He read law in the office of Nelson Lovett of Mt. Sterling then entered the law department of the University of Iowa, at Iowa City, and graduated in the class of 1874. The same year he commenced the practice in Mt. Sterling. In 1875 he was elected to fill the vacancy in the office of States' Attorney, caused by the resignation of Joseph M. Lowry. In 1876 he was elected for the full term, and in 1880 re-elected. He is an able, vigilant and successful prosecutor.

JOHN J. MCDANNOLD is a native of Illinois. He received his education in the public schools of Quincy. In 1872 he entered the Law School in the Iowa State University, and graduated in June, 1874. He commenced the practice in Mt. Sterling the same year. He is a young lawyer of much promise. At present he is Mayor of the City of Mt. Sterling.

This, in brief, is a sketch of the past and present bench and bar of Schuyler and Brown counties. We have gleaned much of this information from the records and the best recollections of the present inhabitants and old settlers of both counties. We have carefully refrained from fulsome praise of any one, believing that it is not coveted by the scholarly or refined mind. The profession of law is unlike any other. Nothing but true merit will win in it. The law is a jealous mistress, and requires from her devotees their undivided attention, best thoughts and energies if they would succeed.



COMBINED HISTORY

OF

SCHUYLER AND BROWN

COUNTIES, ILLINOIS

WITH

ILLUSTRATIONS DESCRIPTIVE OF THEIR SCENERY,

AND

**BIOGRAPHICAL SKETCHES OF SOME OF THEIR PROMINENT MEN AND PIONEERS.**



Re-Printed by

STEVENS PUBLISHING CO.

ASTORIA, ILL. 61501

In cooperation with the Schuyler County Historical Society

