

county is officially described by the records of the County Commissioners' Court as follows:

"All of hewn logs or timber, one foot square, floors and sides; one window with good iron grates; the roof to be the same as that of the Court House; a good jail door and everything else to make it a strong, substantial jail."

This building was erected by contract by Osian M. Ross for the sum of \$276. It did service as a jail for about ten years. It was located upon a part of what is now the Court House square. In June, 1833, a new jail was constructed of logs at a cost of \$674. Samuel Cozard was the contractor. In April, 1845, this structure was burned by one James Knott, a prisoner confined therein. Knott was the sole occupant of the jail and after liberating himself he set fire to the structure and fled to the tall timber. When it was ascertained that the jail was on fire the inhabitants of the county seat became greatly excited for fear Knott would be incinerated and were greatly surprised after breaking into the jail to find that Knott had fled the realm. He was afterward captured and told the story of his escape.

The Commissioners' Court, before deciding to erect another jail, submitted the question to the people at the August election in 1846. It was proposed to build a structure of masonry, together with a jailer's residence. The voters of the county overwhelmingly defeated the proposition, and the order directing the building of the structure was vacated by the Commissioners' Court. Fulton County was without a jail until 1850, when one was ordered by the Board of Supervisors, notwithstanding a remonstrance containing 537 names was presented requesting that the question be again submitted to the voters of the county. The majority of the members of the board considered the law mandatory that a suitable place for the detention of prisoners be supplied. This was the report submitted by a committee of three supervisors, N. Walker, of Lewistown; Jonas Rawalt, of Orion, and L. H. Bradbury, of Union. The result, after a heated contest on the board, was that a jail twenty-four feet square, at a cost of \$4,214.22, was ordered erected on lot 218, in the city of Lewistown, which was purchased for that purpose. In 1867 lot 277 was purchased and added to the jail premises, and the building which is now used for a jail was constructed for the sum of \$28,300. With few altera-

tions this structure remains the same as when first erected. A complete steel interior has been provided, replacing the old cell rooms, thus making it more safe for the protection of life and the detention of prisoners.

POOR FARM.—The first Poor Farm owned by the county was the northwest quarter of Section 25 and the east half of the northwest quarter of Section 36 in Township Six North and Range Two East, that is to say, in Cass Township. On this was established the Poor House, a very incommodious structure, completed in 1848. Within three years the County Farm was abandoned as an extravagant method of caring for the poor of the county, and was sold to L. F. Ross for the sum of \$1,425, the original cost of the farm. This was in 1851. In 1852 it was resolved by the Board of Supervisors to again purchase a farm and resume caring for the county poor directly, instead of letting the same to the lowest bidder. In 1854 the present farm of eighty acres was purchased. It is located about two miles southeast of Canton. The original building erected thereon has been added to and altered until it is now a very serviceable structure for the uses and purposes for which it is designed.

The County Poor Farm, on which the County Poor House is located, is the north half of the northwest quarter of Section 1 in Township Six North, of Range Four East, that is to say, on Section 1 in the Township of Buckheart.

CHAPTER XIII.

COURTS—BENCH AND BAR.

FULTON COUNTY COURTS—JUDICIAL DISTRICTS OF WHICH THE COUNTY HAS FORMED A PART—FIRST JUDGES AND JURY PANELS—LIST OF JUDGES WHO HAVE PRESIDED OVER FULTON CIRCUIT COURTS—PROSECUTING ATTORNEYS AND MODES OF APPOINTMENT OR ELECTION—FIRST LAWYERS AND JUSTICES OF THE PEACE—CANTON CITY COURT—DECEASED AND PRESENT MEMBERS OF FULTON COUNTY BAR.

When Fulton County was organized it became a part of the First Judicial District of the State, and its Circuit Court was presided

over by Judge John Reynolds, afterward Governor of the State. Judge Reynolds was one of the Supreme Court Judges who, under the Constitution of 1818, did *nisi prius* work in the Circuit Courts of the First District. He presided at the first session of the Fulton County Court, which, according to the records, met on April 26, 1824, a year after the county was organized. Grand and Petit Jurors had been selected for the October term of 1823 by the County Commissioners' Court, but, for some reason not disclosed, no court was held until April of the next year. The first Grand Jurors selected for the term of the Circuit Court, which was to be holden in October, 1823, were the following citizens: A. C. Ransom, Joseph Ogee, Elijah Wentworth, Elijah Putman, Benjamin Seaville, Stephen Chase, John Totten, George Brown, John Eveland, Roswell B. Fenner, Thomas L. Ross, William T. Davidson, Hazel Putman, Amos Eveland, George Matthews, John Wolcott, Norman Seaville, Theodore Sergeant, David Gallatine, William Higgins, Isaac Swan, Peter Wood, Charles Gardner and James Eveland. The Petit Jurors selected for the same term were the following named citizens: Joseph Moffatt, Samuel Daugherty, John Griffin, William Eads, Aquila Moffatt, James Fulton, Seth Fulton, William Clark, David D. Harkness, James P. Harkness, Peter White, M. G. Fitch, Thomas Covill, D. W. Barnes, William Smith, John Pixley, Charles Sergeant, Reuben Eveland, A. W. Williams, Reuben Fenner, Ossian M. Ross, John L. Bogardus, Edward Carney and Isaac Eveland. Many of these jurors were from Ft. Clark, now Peoria.

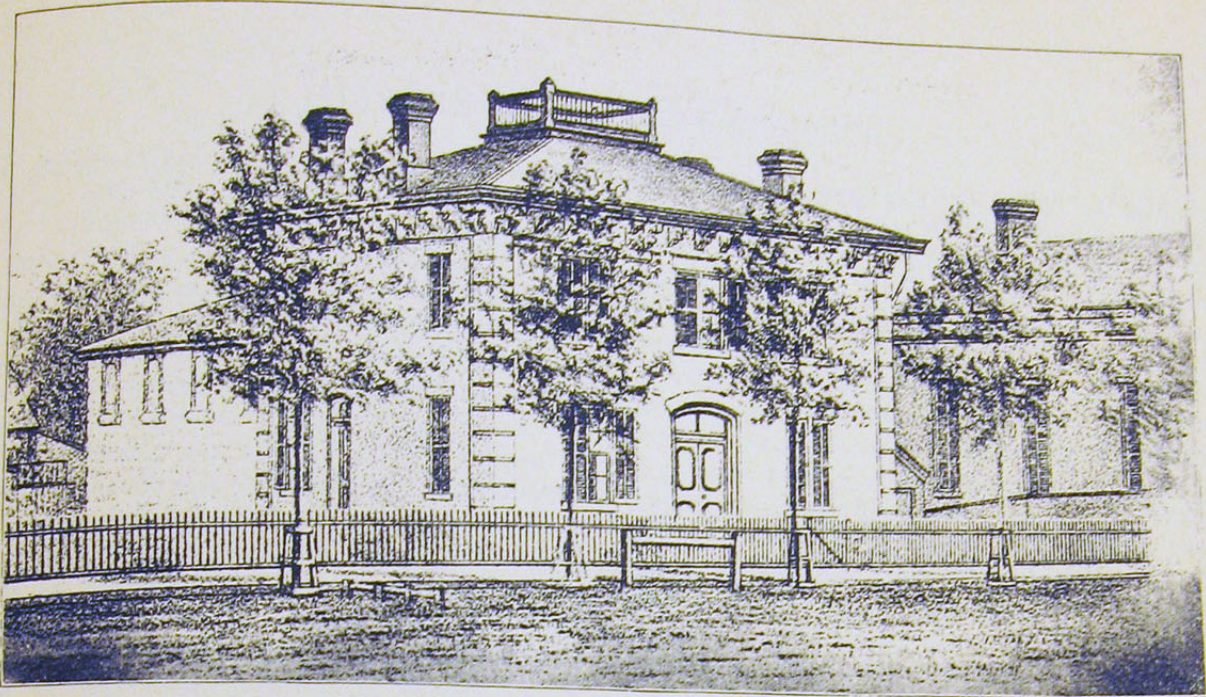
The Grand Jury which was finally empaneled at the session of the first Circuit Court of Fulton County April 26, 1825, consisted of the following citizens: Ossian M. Ross, foreman; John Wolcott, David Gallatine, Jeremiah Smith, Elijah Putman, Urban Ryalds, Hazel Putman, Reuben Fenner, William Clark, Stephen Chase, James Johnson, Roswell Tyrrell, Thomas Eveland, Lyman Tracy, Theodore Sergeant, Roswell B. Fenner, Joseph Ogee and Robert Brumb. The term was presided over by Judge John Reynolds.

Hugh R. Coulter had been appointed clerk of the Circuit Court, this office not being elective but appointive.

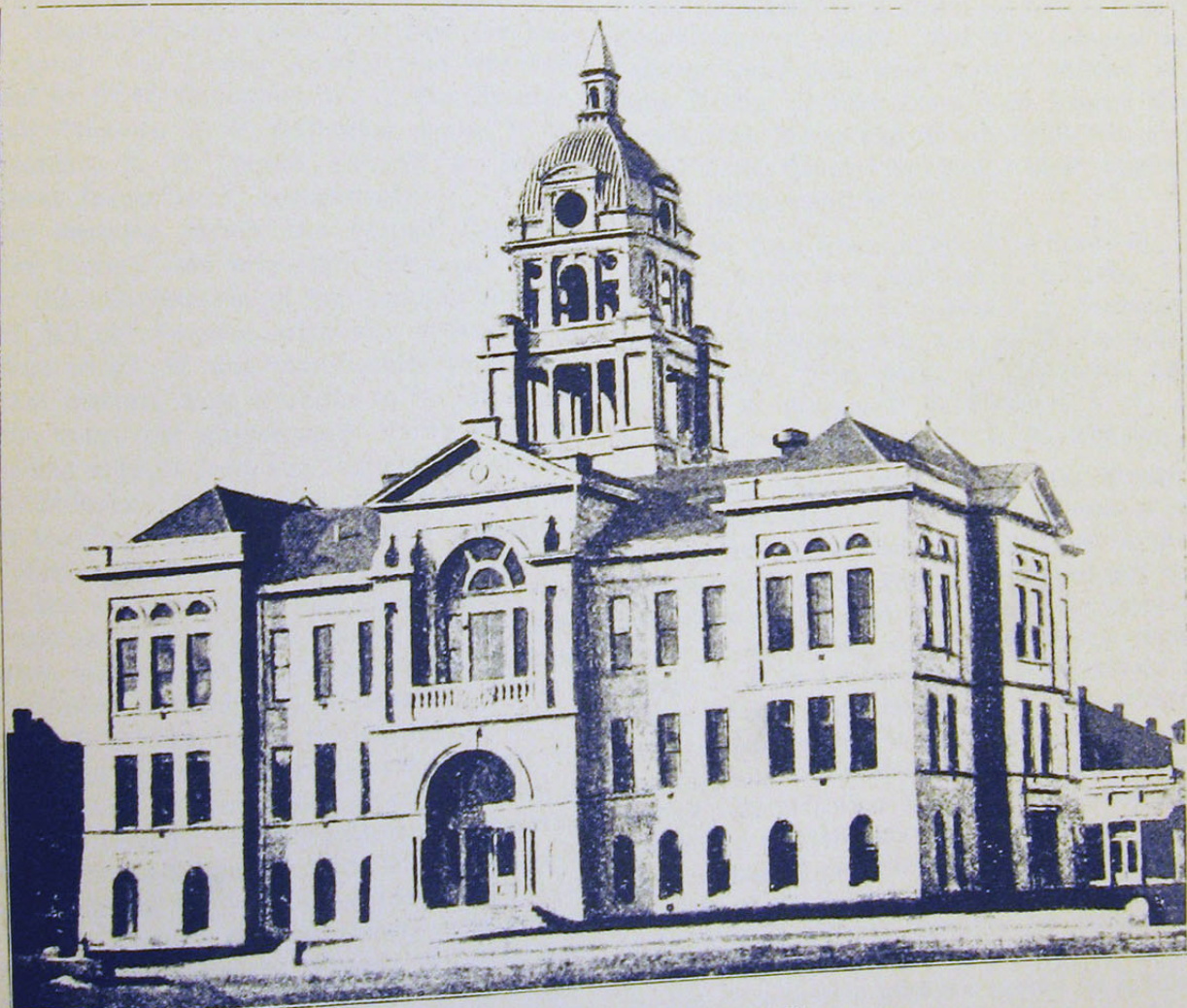
The first case on the docket was entitled

"Elias P. Avery vs. John Totten, appeal from Justice's court." Avery resided at Ft. Clark; Totten on Totten's Prairie, now in Cass Township. The entry shows, "suit dismissed, each party paying his own costs." This entry was made on April 27, 1824, the second day of the term. The next term of the Circuit Court held in Fulton County was November 10, 1825, more than a year later. It was presided over by Judge John Y. Sawyer, who had recently been appointed Judge of the newly created Fifth Circuit. Judge Sawyer was soon legislated out of office and Judge Reynolds resumed the duties of presiding in the circuit. In 1829 a redistricting was had and Fulton County was placed in the Fifth Judicial Circuit. The Judges performing duty in that circuit were Richard M. Young, John H. Ralston and Peter Lott, successively. Another change in the law placed Judges Stephen A. Douglas, Jesse B. Thomas and Norman H. Purple in the district. Under the Constitution of 1848 Fulton County was again placed in the Fifth Judicial Circuit, and its courts were presided over by William A. Minshall, Pinkey H. Walker, John S. Bailey and Chauncey L. Higbee, successively. Under the Constitution of 1870 Fulton County was placed in the Eleventh Judicial District, presided over by Chauncey L. Higbee until, under the law of 1877, it was placed in the Sixth Judicial District with three Judges presiding. Under this apportionment the following were the Judges for the district—three for each district until the reapportionment in 1897: Chauncey L. Higbee, John Sibley, S. P. Shope, John H. Williams, William Marsh, Charles J. Scofield, John C. Bagby, Oscar P. Bonney and Jefferson Orr. In the reapportionment of 1897 Fulton County was placed in the Ninth Judicial Circuit. The following is a list of the names of the Judges who have presided in this circuit since the reapportionment of 1897, viz.: John J. Glenn, John A. Gray, George W. Thompson and Robert J. Grier. The last three are the Presiding Judges of the Circuit Court at the present time.

PROSECUTING ATTORNEYS.—Until 1829 the Attorney-General of the State, or an assistant from his office, represented the people of the State of Illinois in all prosecutions. At the first term of the Fulton County Circuit Court the Attorney-General, James Turney, was present in person. The following term John Twing



COUNTY JAIL, LEWISTOWN



COURT HOUSE, LEWISTOWN
Built in 1897

was appointed *pro tem.* to represent the Attorney-General's office. Turney was succeeded by John Forquer. Forquer was succeeded by Ninian W. Edwards, but Edwards was never called to appear as Prosecutor in Fulton County, as the law creating the office of District Attorney to represent the people in criminal cases was enacted shortly after he assumed the duties of office. The District Attorney was the prosecuting attorney for all the Circuit Courts in the judicial circuit or district. The District Attorneys for the various successive judicial districts of which Fulton County was a part were as follows: Thomas Ford, William A. Richardson, Henry L. Bryant, William Elliott, Robert S. Blackwell, Calvin A. Warren, Harmon G. Reynolds, William C. Goudy, A. M. Craig, John S. Bailey, L. H. Waters, Thomas E. Morgan and L. W. James.

Under the Constitution of 1870 each county has elected its own Prosecuting Attorney. The first incumbent under this provision for Fulton County was Daniel Abbott, who was succeeded by P. W. Gallagher, W. M. Vandeventer, Kinsey Thomas, P. W. Gallagher again, B. M. Chipperfield, B. H. Taylor and W. S. Jewell (present incumbent), successively.

The business before the Circuit Court of Fulton County was very light for many years after the organization of the county, and the court did not convene with any great degree of regularity. It was many years before important matters were brought to the attention of the court for adjustment. Petty criminal cases and appeals from the Justices' and County Commissioners' Courts and adjustments of estates took up what little attention was given the people's business by the court. It was not until the contests over land titles began that the sessions of the Fulton County Circuit Court became really important and interesting from a professional standpoint, at least.

Hugh R. Coulter holds the distinction of being Fulton County's first lawyer, though he did not follow the profession as an avocation to any great extent. He was admitted to practice law in Illinois by Judge John Y. Sawyer upon the occasion of the holding of the second term of Fulton County Circuit Court, over which Judge Sawyer presided. Among the first lawyers appearing in Fulton County Courts may be mentioned Alfred W. Caverly, of Greene County; Nicholas Hansen and John Shaw, of

Pike County; Jonathan H. Pugh, of Sangamon County, and John L. Bogardus, of Peoria County. Aside from Hugh R. Coulter, W. C. Osborn, William Elliott and E. T. Warren were the very early members of the Fulton County Bar.

Ossian M. Ross and Hugh R. Coulter were both acting Justices of the Peace for Pike County before Fulton County was organized, and later were appointed for Fulton County. Among the other very early Justices of Fulton County were John Hamlin, Seth Fulton, Amherst C. Ransom and William Eads, all residing at Fort Clark; John Kinsey, residing at Chicago, and Jacob Ellis, Jeremiah Smith, George Smith, George Matthews, Reuben Fenner and Peter Wood, residing in what is now the confines of Fulton County. These Justices were appointed by the State General Assembly in 1825 or earlier.

The Constables were appointed by the County Commissioners' Court. The first persons appointed Constables were Aquila Moffatt and John Griffin, of Fort Clark, and George Matthews, John Totten and Horace Enos from present Fulton County territory, their appointments being made in 1823.

CANTON CITY COURT.—The City Court of the city of Canton was established in 1889. The Judges of this court have been R. B. Stevenson, William H. Hemenover and P. W. Gallagher, successively. The Clerks of this court have been D. W. Maple, T. L. Frazier, A. T. Atwater, Harry E. Moran and W. B. Gleason.

DECEASED ATTORNEYS.—Below is given a fairly representative list of the names of the various attorneys who, at some time in their professional career, were members of the Fulton County Bar, but who are now deceased. Some of these men spent their entire professional lives in Fulton County, while others remained but a few years at most. No attempt at classification has been made, the names being given in alphabetical order. Some of these names call attention to illustrious citizens of the State and Nation; others suggest merely the passing of an ordinary individual. Where the life of the individual has left its impress upon Fulton County history, its record has been exemplified in its proper place; therefore, it suffices to merely give the names, as follows: H. S. Austin, Jacob Abbott, John P. Boice,

POLITICAL.

Floyd Brown, Thomas H. Bruner, Granville Barrere, Thomas A. Boyd, Henry L. Bryant, John S. Clendennin, Lewis Corbin, Stephen E. Carlin, John W. David, Asa Lee Davison, Caleb J. Dilworth, Henry B. Evans, Robert Farwell, William C. Goudy, Samuel A. Ghee, Frank B. Gregory, W. H. H. Haskell, George S. Hill, M. F. Hufford, James Johnson, S. Corning Judd, William Kellogg, Myron Kimball, A. G. Kirkpatrick, Thomas J. Little, Sidney V. McClung, C. J. Main, Joseph L. Murphy, Samuel B. Oberlander, George Phelps, Stephen H. Pitkins, John W. Ross, Leonard F. Ross, Lewis W. Ross, John Sharp, Henry B. Stillman, George W. Stipp, R. B. Stevenson, Washington J. Taylor, S. S. Tipton, John A. Thompson, Henry Walker, Cash Whitney, John S. Winter, H. M. Weed, Ira O. Wilkinson, A. C. Woolfolk and Frank L. Winegar.

PRESENT MEMBERS OF THE BAR.—Within the past year Hardin W. Masters, one of the most prominent members of the Fulton County Bar for many years, accompanied by his son, Thomas D. Masters, who was also his partner, removed to Springfield, Ill.; M. W. O'Hern, of Astoria, and his brother, P. T., of Lewistown, removed to Kansas City, and W. A. Babcock, of Lewistown, to Oklahoma during the last year. The following is a list of the present members of the Fulton County Bar, with place of residence:

Farmington—A. A. Luckey.

Canton—Daniel Abbott, O. J. Boyer, Warden Barrere, B. M. Chiperfield, C. E. Chiperfield, Frederick M. Grant, Jesse Heylin, Gilbert L. Miller, Frederic A. Perkins, Floyd F. Putman, Fred H. Snyder, A. E. Taff and B. H. Taylor. Judge John A. Gray, one of the Circuit Judges for the Ninth Judicial District, and Judge P. W. Gallagher, of the City Court of Canton, reside in Canton.

Lewistown—H. H. Atherton, Hobart S. Boyd, John D. Breckenridge, A. M. Barnett, Frank Comstock, C. M. Dowd, W. S. Edwards, Lucian Gray, W. S. Jewell, L. W. James, E. W. Keefer, M. P. Rice, M. T. Robison, Harry M. Waggoner and W. C. Worley.

Vermont—John D. O'Hern and W. C. Karr.

Astoria—U. G. Butcher.

Cuba—J. C. Thomas.

FIRST ELECTION IN FULTON COUNTY—THE OSSIAN M. ROSS HOUSE THE POLLING PLACE FOR THE MOST NORTHERLY PRECINCT IN PIKE COUNTY—METHODS OF VOTING THEN BY VIVA VOCE—THE PRO-SLAVERY STRUGGLE OF 1822-24—APPORTIONMENTS FOR REPRESENTATION IN CONGRESS, AND LIST OF MEMBERS WHO HAVE REPRESENTED FULTON COUNTY—LEGISLATIVE APPORTIONMENTS—LIST OF SENATORS AND REPRESENTATIVES WHO HAVE REPRESENTED THE FULTON DISTRICT.

The first election ever held in Fulton County after its organization was the one called for April 14, 1823, by act of the Legislature which created the county. This election was held at the home of Ossian M. Ross, at Lewistown, and was for the election of local officers only, who held office from the date of their election and qualification until August, 1824, the date of the next general election. Reference to this election is made in the chapter treating of the organization of the county. At the general election held the preceding August, that is to say, August 5, 1822, the most northerly voting precinct of Pike County, of which Fulton was a part at that time, was located at the home of Ossian M. Ross. At this election Abner Eads, Stephen Chase and Reuben Fenner were judges, and John Totten was clerk. Edward Coles received nineteen votes for Governor at this precinct, Joseph Phillips seven and Thomas C. Brown six. At the election held on April 14, 1823, the judges were George Brown, Amos Eveland and Hazel Putman, and the clerks were Thomas Lee Ross and John Totten. Harvey Lee Ross says in his book, "Early Pioneers and Events," written in 1898, that the original poll books of these two elections were in his possession at the time.

Under the Constitution of 1818, elections were held on the first Monday in August of the even years; therefore, the first general election held

HISTORICAL
ENCYCLOPEDIA
OF
ILLINOIS

EDITED BY

NEWTON BATEMAN, LL. D.

PAUL SELBY, A. M.



AND HISTORY OF

FULTON COUNTY

EDITED BY

JESSE HEVLIN

ILLUSTRATED

CHICAGO:
MUNSELL PUBLISHING COMPANY,
PUBLISHERS.
1908