

JUDGE CATON IS DEAD.

PIONEER CITIZEN AND EMINENT
JURIST PASSES AWAY.

Death Takes Place at His Residence, No. 1900 Calumet Avenue—Two Years Ago Judge Caton Had a Stroke of Paralysis, and from Its Effects He Never Recovered—Physically He Was Incapacitated, but Mentally He Was Untouched—History of His Great Life.

Judge John Dean Caton died at his residence, No. 1900 Calumet avenue, at 9:30 o'clock yesterday morning. Judge Caton became unconscious shortly after 3 o'clock Monday afternoon and did not regain consciousness to the hour of his death.

Two years ago Judge Caton had a stroke of paralysis, and from its effects he never recovered. Physically he was incapacitated from more than slight exertion, but his mind



JUDGE JOHN DEAN CATON.

was untouched and remained clear save during his unconscious moments until the end. Sunday was the sixtieth anniversary of his wedding. His wife died three years ago.

The Sunday prior to July 2 Arthur J. Caton took his father driving. It was the last time the Judge left his house. He had a chill, congestive in its nature, July 2, and from that time he grew constantly weaker. For the last two weeks Judge Caton was conscious only at intervals. At 3 o'clock Monday afternoon he regained his faculties and called for his son by name. Mr. Caton, who was in a room adjoining, went at once to his father's bedside. Judge Caton recognized him and asked after his daughter and his son's wife, Mrs. Arthur J. Caton. He was answered and understood what was said. He said: "Tell them good-by." Then he became unconscious once more, and so remained until his death yesterday morning.

Arrangements for the funeral have not yet been made. It will be held probably, however, Saturday. There will be a short service at the house and the remains will be taken to Ottawa, where they will be interred by the side of those of Judge Caton's wife.

Mrs. A. J. Caton is at Bar Harbor and Judge Caton's daughter is in Europe. Definite funeral arrangements will be made as soon as communication with them has been had.

SKETCH OF JUDGE CATON'S CAREER.

Rounds Out a Long Life of Singular Activity and Success.

The death of Chief Justice Caton rounds out a long and distinguished career, interesting in itself and marvelous in its environments. Born March 19, 1812, he was contemporaneous with earliest Chicago, the time when the first Fort Dearborn was still standing, for he was 4 months old when the fort was burned and the garrison and citizens massacred. At the building of the new fort he was 4 years old; at the opening and building up of the first streets (1833, the year of his arrival) he was 21; at the flood of 1818 he was 36; at the breaking out of the war he was 48; at the time of the great fire he was 59.

Robert Caton, first of the name to cross the Atlantic, was of Irish birth and served in the British army, but had come over and settled in Maryland early in the last century. [The name of Caton ranks high in Baltimore.] His son Robert was born [1701] at his father's plantation in that State, and though so young he took part in the revolutionary war. After the peace he settled on the banks of the Hudson. He had sixteen children, John Dean being the fifteenth, the third by the third wife, Hannah Dean. They were Quakers and John was brought up in that faith. In 1816 he was taken by his mother, then a widow, to Oneida County, N. Y., where, in straitened circumstances, he was brought up, and received the beginnings of a common school education. At 9 years old he was set at work, his first earnings—at \$2.50 a month—being represented by a quarter of beef brought proudly home to his mother.

Work even at such wages was scarce and he had his winters at school, until, at 15, pursuant to his father's wishes, he was set to learn a trade. Even thus early he felt the beginning of the shadow which clouded the end of his life; his eyes troubled him, the trade had to be given up, and, at 17, we find him living with his mother at Utica, N. Y., where he had the priceless boon of a term at the academy, during which he managed to help his mother's slender income with money earned by teaching and by surveying.

Beginning at Law.

At the school of Mr. Grosvenor, in Rome, N. Y., he learned something of the classics; and, while still teaching and studying, he showed his lifelong bent by doing a little practice in the Justice courts. At 19 he entered the law office of Beardsley & Matteson, in Utica, as a student, and after that of James H. Collins, who in later years moved to Illinois and became his partner and a very well-known practitioner at the Chicago bar.

John was now of age, and had by this time fallen in love with Miss Laura Adelaide Sherrill of New Hartford, Oneida County. With this as an added incentive to effort and enterprise he started for the West. His bold move was spontaneous, his exact destination quite unfixed. The Erie Canal took him to Buffalo, the steamer Sheldon Thompson to Detroit, a stage to Ann Arbor, and a wagon to White Pigeon. Dr. Temple, a true pioneer of Chicago (father of Mrs. Hoyne, who died but a few weeks since), chanced to be in White Pigeon getting "sawed lumber," that rare luxury, to build the historic Temple Building on Lake street. His acquaintance was quickly made and the result was the young man's embarkation on Temple's raft of lumber, in navigating which down the St. Joseph's River to Lake Michigan young Caton's great strength came in use. He crossed the lake on the lumber-laden schooner Arladne and landed from it on the well-remembered sand spit which of old pushed the river mouth down to about where Madison street now is.

The next occurrence of enduring importance in his life was his marriage (1835) to Miss Sherrill and their romantic wedding trip, a part of which, from Buffalo to Chicago was by the schooner Queen Charlotte, one of the vessels captured in Perry's victory on Lake Erie. The vessel had been sunk in the action and lain on the bottom of the lake for twenty years, and was then raised and put in commission. A cannon ball was imbedded in its side and excited great interest in the minds of her passengers. The union of the young Western lawyer with the lovely Eastern girl of his choice proved a perfect and ideal marriage, the happy wedded life lasting until Mrs. Caton's death only a year before her husband. In 1836 Mr. Caton formed a partnership

with Norman B. Judd, and in the same year he built the first dwelling within that part of the "School Section" which lies west of the river. It stood on the southeast corner of Clinton and Harrison streets, a spot near the present center of population, but at that time so far away from any other residence that the house was called the "prairie cottage." It stood, a well-known landmark, until burned in the great fire. An observer timed its destruction on that terrible Sunday evening and found that after its thirty-six years of usefulness it took but eight minutes to disappear utterly.

Returns to Farming Again.

Eighteen thirty-seven, with its industrial convulsion, was a severe blow to the young lawyer. Added to his other troubles, his health failed under the unaccustomed confinement and lack of open-air work. In 1838, acting under the advice of Dr. Brainard, he turned once more to his old business of farming and entered a tract of land near Plainfield, which in succeeding years he built up into a model farm, and which forms part of the great estate left by him to his heirs. But even while guiding the plow and caring for the crops he never gave up his law practice. He tried the first jury case on the dockets of both Kane and Will Counties, as he had already

done for the first on that of the County of Cook.

In 1842 Mr. Caton was appointed an Associate Justice of the Supreme Court of Illinois, and by successive elections his service on that bench reached the unprecedented length of twenty-two years, during the larger part of which he held the exalted station of Chief Justice. His decisions, though always tersely expressed and free from argumentative or otherwise superfluous matter, fill an immense number of the pages of the Supreme Court Reports from III. Scammon to XXXIII. Illinois. Through them all runs the stream of common sense (which is common law) with a current strong, clear, wise, and just, reflecting the mind and heart of the great and upright Judge.

The larger portion of the fortune left by ex-Chief Justice Caton sprang from the electric telegraph. At the outset this matter was in a manner thrust upon him. In "the '40s" some friends who had invested in the rude, small, scattered, imperfect, and unprofitable beginnings of this great system in Illinois, finding their enterprise stranded, their lines in a ruinous state, and their money and credit gone, induced Judge Caton to attend for them a meeting held at La Salle, to which place he chanced to be going. The corporation was in debt to everybody and had sunk so low that it could not buy a pound of acid or a quire of stationery except for cash, although it controlled the right for Illinois to all the Morse patents.

By Judge Caton's help the company was reorganized, and he was made its President. Under his guidance the railways adopted the telegraph, and it soon became a public necessity second only to the railways themselves. From that time forward its life was bound up in his. When any discouraged shareholder wished to sell he was ready to buy. When any new line was called for he was ready to build it. During the war the service was immensely extended, and finally, when the gigantic Western Union was organized he made such terms as constituted fortunes for himself and his fellow-shareholders.

His Mental and Physical Power.

During this part of his life Justice Caton scarcely knew weariness, whether of mind or body, both answering all demands upon them without distress or exhaustion. The duties of his high office as Chief Justice were completed so far as concerned the daily business of the court, before he slept, no matter how much of the night they might require, and in those days that court kept up with its docket. His powers as a man of general affairs surprised himself, and the administration of the business of the telegraph company, though vast and varied, ranging from the shaping of legislation down to the purchase of timber and the employment of labor, was a mere recreation to his limitless energies.

In 1861 Chief Justice Caton left the bench and since then had devoted himself to the care of his private interests, to literary pursuits, and to travel. Early in life he was an enthusiastic sportsman and a good shot, and he had always been a most studious and observant naturalist, having written books and magazine articles on the game of the West, which rank as authorities on their several subjects. Among his published works are "The Antelope and Deer of America," "A Summer in Norway," "Miscellanies," and "Early Bench and Bar of Illinois."

His diversion has been the reading of

books of travel, a pursuit which engrossed his leisure up to the last days of his life. All works relating to African exploration were delightful to him, and his retentive memory enabled him to keep the thread of the story and the picture of the country in his mind long after the failure of his eyes forced him to rely on others to read to him. The very latest of all the long line of these books to occupy his attention was the new edition of the Lewis and Clark explorations, that memorable expedition sent in the early part of the present century to find a path across the Rockies.

His latest published work is the "Early Bench and Bar of Illinois," a handsome volume, illustrated with nineteen portraits of his old-time associates on the Supreme Bench. Much of the matter has appeared in scattered articles contributed by him to the Chicago Legal News, and that company has done admirable work in the getting up of the book. Its preparation occupied the late Chief Justice in the closing year of his life and is a lasting testimonial to the freshness, strength, appreciation of humor, and genuine literary ability which in his nature endured so far beyond the so-called "natural term of life" as to show no decline even when the 80th milestone of the journey was far past. The book, with its history, biography, legal lore, "local color," anecdote, romance, pathos, and genuine fun, is a delight to the lover of real life in the West—or the East, North, and South, for that matter.

His Eyesight Saved.

Some years ago Justice Caton's eyes, always his most vulnerable point, began to show the approach of cataract. It was near his 80th birthday he decided to have the operation of "couching" performed, that wonderful proceeding by which the surgeon's instruments are made to lift up the pupil of the eye and remove the obstruction which has grown on the inner surface. To this operation the octogenarian submitted heroically, refusing the use of anesthetics to mitigate its terror. The experiment was partly successful, and up to the beginning of 1893, by the aid of bright light and the strongest glasses, he could still enjoy some little of that solace of the aging mind—the perusal of books. But the aid of a reading attendant, which had already been in use for a long time, grew more and more needful, and the old jurist's last look at a printed page was taken some time in the summer of 1893.

The Judge's greatest trial, next to the loss of sight, was the gradual failure of his limbs to equal the task of supporting his still massive frame. In youth and middle age he had been, as has already been observed, a giant in strength. His height at maturity was over 6 feet and his weight at one time much more than 200 pounds. At the same time he was of tireless activity, and nothing

pleased him so well as uncounted miles of walking in pursuit of game. Therefore the loss of the power of unrestricted locomotion was one more severe call upon his philosophy.

Still he did not repine. To one who was intimate enough to visit him often and talk freely he said: "I do not lament the advance of age and the loss of faculties; not one bit. I enjoy my life and thankfully recognize the numberless compensations and alleviations that are mercifully left to me. No; I am well content."

• Intercourse with him during these closing years was full of pleasure and profit, not only in the contemplation of the calm and cheer that fill the instructed and philosophic soul, even in extreme old age, but also in the unflinching interest awakened by the reminiscences of the old pioneer, looking back at the early, simple days of his chosen city with a memory which had grown brighter as the trivial matters of late years were cleared away and lost sight of; nature's pleasant fashion of softening man's closing scene. To hear Judge Caton and another of the men of 1833, Silas H. Cobb, talk of the occurrences on the oozy margin of the Chicago creek in the days when South Water street was almost the only business thoroughfare was better than a play. Each of the simple tales was a bit of homely village life; trivial in itself, but made striking by the marvelous events which, in the same place and within the same lifetime, have transformed a mud-bank into a metropolis.

Judge Caton lost a beloved daughter, her mother's namesake, in 1891, and in 1892 Mrs. Caton also passed away—the breaking up of one of the most perfect and flawless unions ever formed between man and woman. These bereavements were borne with outward dignity and calmness, but it was plain to see that the attachment to life was weakening as tendrils after tendrils were broken. In August, 1893, a stroke of partial paralysis supervened, and thence forward the Judge's spirit, though equally brave, was less bright than before, and then some complications arose wherein physical pain (to which he had been through life almost a stranger) had its part; and so at last the approach of death was welcomed by the aged sufferer and hailed as a relief and release.