

At the National School Exhibit, held in Chicago, July 7-15, 1887, Kane County presented work from 125 schools and departments, engaging the attention of over 200 teachers. Most of the work was bound in half morocco, the expense of the same being met by the State and county.

Some of the early pedagogues were characters in their way, and James Bancroft, who held forth in St. Charles, was a notable example. F. G. Garfield, of Campton, in calling up memories of the olden days, wrote as follows concerning Mr. Bancroft, in the spring of 1885:

"Asa Haseltine, Fanny Bancroft and Horace Bancroft were born in the same neighborhood and were schoolmates of my father; and when, on May 23, 1841, a boy, I had arrived in St. Charles and put up with Wheelock about noon, I was considerably astonished two hours afterward by having all of those old schoolmates of my father, whom of course I knew nothing about, getting around me making inquiries of my father, when he would arrive, etc. But I was more than astonished when James Bancroft, the father of Horace and Fanny, introduced himself by telling me he had taught my father his letters, and was a school teacher then, which was the fact. He was a natural born school teacher—good for that and little else. For years he occupied the upper story of his son's Horace's stone building, on the corner west of the old hotel, and ran a school upon the pay-by-the-scholar principle. From the parents of some he would collect tuition, and from some he would not; but it was all the same to him if he was only imparting knowledge to the young. He got money enough from his patrons to pay for his clothes, his whisky and provisions, all of which at that time were cheap. Bark from the saw logs in the mill yard furnished him fuel, and he would always have from one to three cords of it packed up in the large room which was alike his kitchen, parlor, bedroom and schoolroom; and there, amidst piles of bark, accumulation of old clothes, dishes, dirt and fleas, he taught the male children of St. Charles the first rudiments of an education. He used to surrender his schoolroom to Judges Moody and Howard when they desired to hold court, and Sam Flint used to tell a story, how once when his

room was crowded, with Moody upon the bench and Fridley and Farnsworth as opposing counsel, the large audience crowding back against one of his piles of bark tipped it over, whereupon the fleas rushed out in such force as to tip the benches loaded with the crowd over and break up the court. But James Bancroft performed well the part for which it seemed that Providence designed him. Commencing school teaching at the age of sixteen, he taught for over a half century, and probably no man in St. Charles ever taught a greater number of scholars in the aggregate; and no man upon this continent ever exceeded him in the pleasing art of imparting knowledge to the young."

The first of the fine public school buildings in the county were erected in St. Charles, that on the West Side in 1854, and that on the East Side in 1856, costing, respectively, \$6,000 and \$15,000. These were considered in their day remarkably fine buildings, but, while still in use, they have been overshadowed by the splendid buildings erected at Dundee, Elgin, Geneva, Batavia and Aurora, the latter city especially being supplied with the very best of structures. The rural districts have mostly frame buildings of a simple style of architecture, though in places brick has been the material used.

COURTS—BENCH AND BAR.

THE county commissioners, at their meeting held in September, 1836, selected grand and petit jurors for the first term of the Kane County Circuit Court, who were as follows: Grand jurors—Isaac Wilson (made foreman of the jury), Sidney Kimball, Allen Ware, James T. Wheeler, William Van Nortwick, Samuel McCarty, Nicholas Gray, Edwin Knight, James Squares, Benjamin F. Phillips, Otho W. Perkins, Ansel Kimball, Walter Hotchkiss, John Van Fleet, William T. Elliott, John Ross, Friend Marks, Solomon Dunham, Marshall Starks, George Johnson, Lyman Barber. Petit jurors—Calvin Ward, Read Ferson, B. H. Smith, E. R. Mann, Solomon H. Hamilton, James H. Latham, Carlos Lattin, John V. King, James Ferson, John Douglas, Ira Merrick, and Gideon Young.

The first term of the circuit court was held at Geneva, in James Herrington's log-house, on the 19th of June, 1837, Judge John Pearson presiding. A. P. Hubbard acted as clerk *pro tem.*, and B. F. Fridley was sheriff. The first jury trial at this court was that of John Wilson, *et al.*, vs. Thomas Wilson, for trespass. The jury found the defendant guilty and assessed the plaintiff's damages at \$4,160.66, probably an amount equal to all the money in circulation in the county at the time. The calendar at that term was large, most of the actions being for trespass. The grand jury presented five indictments, two for riot and three for larceny; the rioters were fined \$5 and costs each at the following September term. Much of the business of this grand jury and of the first term of court was with claim-jumpers and house-burners. A couple of these worthies were in examination before the jury, and one of its members, Mr. Van Nortwick, became so disgusted with the testimony that he impatiently blurted out "Gentlemen, you can think what you please, but I believe these fellows swear to a d—d lie, both of them!" It was a favorite scheme with some of these claim jumpers to come from somewhere down the river, engage to do a job of plowing for a settler, and after having plowed two or three acres drive off and sell the claim to another party. These rascally proceedings did not always result healthfully for the perpetrators. The following from the diary of Capt. Thomas H. Thompson, of Dundee, is an illustration of the above subject, and good evidence of what the settlers were forced to go to law about:

"Fence put up Friday, September 15, 1836; commenced drawing logs to build house 16th; 18th, finished drawing logs and put up body of the house; the same day Benjamin Bell came on the premises and swore that Sutfin should not build, for he (Bell) was going to build and both of them could not stay on the claim; at night the logs were taken down, put in a pile and set fire to; 20th, more logs drawn, the house raised, the roof boards put on; 21st, 22d, 23d, work putting in gable ends, making door, chinking, hewing down the walls and mudding; evening of 23d, roof torn off; 24th, at daylight, Benjamin Bell and James Robinson came to the house; 25th, at night, house set on fire."

At this term of court Mark W. Fletcher was appointed clerk in place of Hubbard, who resigned after the first day. It is said that not a single lawyer was then living within the limits of Kane County. Alonzo Huntington was the State's attorney in attendance on the court. Selden M. Church had been appointed clerk originally, but removed to Rockford before court was held, and Mr. Hubbard received his appointment from Judge Ford, September 21, 1836. This first term of court lasted three days, during which time there were five jury trials, four changes of venue granted, fourteen judgments rendered, amounting to \$5,400, twenty suits continued and five dismissed; therefore it seems the pioneers dabbled quite extensively in legal proceedings, and usually for cause. It is recorded that Jacob B. Mills and H. N. Chapman were at this term granted the privilege of practicing as attorneys in the court. On the second day John Douglass, by birth a Scotchman, renounced his allegiance to the British Government and swore fealty to that of the United States.

In September, 1837, the second term of the court was held by Judge Thomas. Most of the settlers attended the terms of court, it is said, either as jurors, parties to suits or witnesses, or merely as spectators. Beside the suits brought on account of conflicting claims to lands, there was much trouble and litigation over prairie fires, carelessly kindled. These were, in the language of an eminent member of the bar and formerly a practitioner of the Kane County courts, "an annual terror," and caused great destruction of property. When Mark W. Fletcher was clerk of the courts he had a Bible upon which to swear witnesses, and on one side of it was a cross, while a dollar embellished the other side, the witness having his choice of objects to swear upon.

The first judge of the circuit court, for the district which included Kane County, was John Pearson, and the second Thomas Ford, who was in 1842 elected governor of the State. Hon. B. C. Cook has said of him: "He was one of the best circuit judges I ever knew." He was succeeded by Judge Caton, and the latter by Judge T. Lyle Dickey. Previous to 1852 the prosecuting attorneys of the district were Norman H. Purple, after-

ward a judge of the supreme court, and one of the ablest attorneys in the State; Seth B. Farwell, B. F. Fridley and Burton C. Cook, the latter holding from 1846 to 1852, and attending every term of the court held in the county. He succeeded Mr. Fridley, during whose term the courts were called upon to take in hand the work of suppressing a class of criminals such as are found at some period troubling the settlers in all new countries. Concerning this momentous period Mr. Cook says: "During the term of Mr. Fridley as prosecuting attorney, and for a part of my term, the northwestern part of the State was infested by a most dangerous and wicked association of outlaws, thieves and counterfeiters, such as are often found upon the frontiers of civilization, having grips, signs and passwords whereby they could identify each other, and bound by oaths to protect each other. They were the enemies of society, unscrupulous and brutal. The citizens of De Kalb and Ogle Counties organized bands of regulators to protect themselves and their property. Mr. Campbell, the captain of the regulators, was shot at his own house, at White Oak Grove, and then the citizens followed, captured and shot some of the more notorious of the gang, and it was finally broken up in this section. The able and efficient prosecution by my friend Mr. Fridley was greatly appreciated by the bar and by the citizens generally at the time, and was greatly instrumental in freeing the country from the presence of the evil-doers. The indignation excited by the torturing to death of Col. Davenport, at Rock Island, caused such persistent and hot pursuit of the rascals, and the execution of so many of them, that the gang was wholly suppressed."

The main trouble with these desperate outlaws was in the region lying along the Rock River and its tributaries, which was settled by a much less desirable class than that which for the most part peopled the Fox River Valley. But the records show that even in Kane County there was more or less difficulty with them. Their principal acts of outlawry consisted of horse-stealing, and they were adepts at the business. At the April (1848) term of the circuit court two men, Ames and Holmes, were convicted of stealing a span of horses from

William Lance, of Blackberry, and sentenced to eight years' imprisonment in the penitentiary at Alton, whither they were taken by Sheriff Spaulding. The county commissioners, in September of the same year, passed an order offering a reward, not exceeding \$50, for the apprehension and conviction of each person found guilty of stealing a horse, mare or mule, within the limits of Kane County.

Very comical incidents sometimes occurred in the court, human nature then being much the same as at the present day. During the December term, in 1858, a couple of rival horse doctors on the witness stand made considerable sport for the spectators. One of them solemnly swore to his positive knowledge of a disease among horses called the red belly-ache, while the other as solemnly and earnestly swore there was no such thing, and both adhered tenaciously to their belief, defending their positions with much loud talk and many emphatic gestures.

The probate court, originally, was simply a probate justice of the peace, who was his own clerk, and conducted the business of his office without the presence of the sheriff or his bailiff. Archibald Moody, of St. Charles, died July 27, 1836, and the first recorded act of the probate court was the granting of letters of administration to his widow, Lydia C. Moody, by Mark Daniels, probate justice, on the 6th of June, 1837. The bonds of the administratrix were \$2,000, with Gideon Young as surety. The first will probated was that of Warren Tyler, also of St. Charles. It was dated September 10, 1837, and proved and admitted to record November 6, 1837, by Isaac Wilson, who had succeeded Daniels as probate justice. The first letters of guardianship were issued to Moses Selby, as guardian of Rebecca Gillespie, November 5, 1838. The seal of this probate court is described as a "copper block, with a weeping willow and tombstone, emblematic, in those days, of grief for the dead." In 1849, under the new constitution, the probate justices gave place to the county court, of which Isaac G. Wilson, the present circuit judge, was elected first judge, with James Herrington as county clerk. They were elected in November, 1849, commissioned in December, and held

the first term of the county court in January, 1850, beginning on the 10th of the month. Of this court, Andrew J. Waldron and Marcus White were associate justices. Among other business transacted was the granting of grocers' licenses—*i. e.* licenses for the sale of liquors—to John D. Wygant, of Batavia, and William G. Webster, of Geneva, the charge for the same being \$25 each.

City Court of Aurora and Elgin.—When the original charter of the city of Aurora was granted by the Legislature in 1857, it was given an addendum providing for a city court at that place, the idea emanating from the brains of B. F. Parks and O. D. Day. A. C. Gibson was chosen the first judge. Elgin copied and adopted the Aurora charter, and a city court was also created at that place, of which C. H. Morgan was the first judge. By the terms of these charters, the expenses of the courts were to be met by their respective cities. An act was passed in 1859 providing that the same judge should preside over both courts, and the two were consolidated under the title of the court of common pleas of the cities of Aurora and Elgin. The bulk of business was transacted in the Aurora branch. In 1870, when the new State constitution was framed and adopted, a clause was inserted similar to that in the constitution of 1848, by which Kane County is entitled to have a superior court, with terms held at Elgin and Aurora. The present judge of this court is Hon. A. H. Barry, of Elgin. Several attempts have been made to abolish the court, but a necessity for its continuance seemed to exist, and the efforts proved unfruitful.

BENCH AND BAR.

The judicial district embracing Kane County has been remarkably fortunate in its choice of men to occupy the bench. Judge Ford, in his subsequent career as governor of Illinois, won an enviable reputation by his upright and straightforward administration of the affairs of the commonwealth. Judge John Dean Caton has been for many years an honored resident of La Salle County, and Judge Dickey, who was from the same county, only recently passed to that higher court whose Judge is ruler of the universe, his death having occurred

July 22, 1885. His duties as circuit judge were admirably discharged, and his marked ability was evident in his career as a judge of the supreme court of Illinois. Judge Pearson was judge of the Seventh Judicial Circuit, Kane County being in the Sixth, and held court several times in said county. Judge Jesse B. Thomas belonged in what was then the First Circuit, and Judge Caton was a justice of the supreme court at the same time his services were rendered in the Kane Circuit. His first term here began August 25, 1842. Hon. Isaac G. Wilson's first term of the Kane County Circuit Court began August 11, 1851, Phineas W. Platt being, at the time, State's attorney.

Judge Wilson is a native of Middlebury (now Wyoming) County, N. Y., and the son of an eminent lawyer and judge. He was graduated from Brown University, at Providence, R. I., in 1838, and removed at once to Chicago, whither his father had shortly before preceded him. He began the study of law under Butterfield & Collins, then prominent Illinois practitioners. About a year later he entered the law school at Cambridge, Mass., and in 1841 was admitted to the Massachusetts bar, returned to Illinois and began practice at Elgin, in August of that year. He was elevated to the bench in 1851, holding through subsequent elections for about seventeen years. In 1867 he removed to Chicago, remaining until 1871, when he lost his valuable law library in the great fire. He finally returned to Kane County, locating at Geneva, and is at present one of the judges of the Twelfth Judicial Circuit, having held the office continuously since 1879. The characteristics of Judge Wilson are remarkable industry, strict integrity, and opposition to needless litigation, and the delays which are so vexatious in most courts. He is regarded as one of the ablest lawyers in the country, and during his years upon the bench, has, several times, been chosen to represent his district in the appellate court.

Hon. Silvanus Wilcox, who succeeded Judge Wilson in 1867, is a native of Montgomery County, N. Y. He was a cadet at West Point for two years, beginning in April, 1836, but was obliged to resign on account of ill health, standing fifth in general merit, in a class of fifty. He spent five

months in the West, in 1840, and finally located in 1844, at Elgin, where he was the next year appointed postmaster by President Polk, holding the office during the latter's administration. He was admitted to the bar in 1846, and in 1867 elected judge of the Twenty-eighth Judicial Circuit, comprising the counties of Kane, Du Page and Kendall. He was re-elected in 1873, but resigned in 1874 because of poor health, his resignation being received with regret by the judiciary of the State.

Judges Wilson and Wilcox are the only citizens furnished by Kane County for the circuit bench of the district, but those from other counties who have performed its duties have been men of marked ability and high standing in the profession. Judge Hiram H. Cody, of Du Page, was no exception to the rule, and Judges Charles Kellum and Clark W. Upton, the present associates of Judge Wilson, stand also in the front rank.

Although numerous murders have been committed in Kane County, and some of them of the most diabolical character, but one man has been legally executed for his crime within the limits of the county. At the February term of the circuit court, in 1855, John Collins was convicted of murder for having, while intoxicated, killed his wife. He was sentenced to be hung, and the penalty was inflicted upon him by Sheriff Spaulding, April 21, 1854. N. S. Young, Esq., of Batavia, thus describes the incident:

"The sheriff and prisoner were escorted from the jail in the old stone court-house by an armed military company from Chicago, procured for the purpose, to a spot southwest from the court-house, in a hollow or ravine just north of the present Chicago & North-Western Railroad track, and in sight of the present depot grounds. The scaffold was made with a platform some three feet from the ground, with two upright posts eight or ten feet apart, and a cross-beam on top. The rope hanging down from the center of the cross-beam passed over a pulley and along the beam to the post, over another pulley and down to a large, heavy iron weight to which it was fastened. The prisoner was dressed in a nankeen suit of clothes; a white cotton cap was drawn over his head and face; his arms were tied to his body, the rope was

placed around his neck, and, standing west, the sheriff with a hatchet cut a rope which held the heavy weight. Falling quickly and heavily, it gave the culprit a sudden jerk upwards about one foot. A slight contraction of the legs was all there was to be seen of struggling, and soon they relaxed, and after hanging thirty minutes the doctors pronounced him dead. A large concourse of people was present on the rising grounds near, and all through the proceedings quiet and order prevailed, with no disturbance."

There has been several noted murder cases in the county, among them the following: April 3, 1868, Mrs. Mary Widner, second wife of Adam Widner, was found to have been murdered. The crime was laid to John Ferris and wife, who rented part of the Widner house, and with whom there had been a dispute and one or two lawsuits. The trial was held at Woodstock, McHenry County, and ended early in April, 1869, with a verdict of acquittal for Mrs. Ferris and a sentence of fourteen years in the penitentiary for the husband, who was proved to be undoubtedly guilty.

Rev. Isaac B. Smith was tried in the fall of 1869 for the alleged drowning of his wife in a creek between Elgin and Turner Junction. The trial was long, and excited great interest, but a verdict of not guilty was reached in November.

The Kimball case, tried in the circuit court in the fore part of May, 1881, was for the fatal wounding of Billings Wright by William Kimball, in the car shops at Aurora, October 22, 1880, while the latter was intoxicated. Wright died of his wounds in November following. The jury found Kimball not guilty, on the plea of emotional insanity.

On Sunday, June 1, 1884, Otto John Hope, a German farmer, residing in Sugar Grove Township, was killed, and his hired man, Ed Steinburn, dangerously wounded during a dispute over the feeding of some of Hope's cattle on the highway. Ozias W. Fletcher and his son Merritt W., were the guilty parties, the shooting being done with a revolver. The trial which ensued was intensely bitter, and resulted in sending the senior Fletcher for three years to Joliet, and sentencing the young man to death. Steinburn, the principal witness,

recovered and went to Europe, and, finally, after Merritt Fletcher had been confined in jail three years, he succeeded in having his sentence commuted to three years in the penitentiary, making an incarceration of six years.

A fiendish murder was committed at Elgin March 3, 1883, when George Panton shot and killed his tenant, William Smith, in consequence of a dispute over the occupation of a house belonging to Panton. It was shown that the murder was deliberate, cold-blooded and unprovoked. Panton was arrested and tried on a change of venue in the Boone Circuit Court, the jury finding him guilty of murder in the first degree, and the judge sentencing him to be hanged. He was granted a new trial and a second time sentenced, but Gov. Oglesby commuted his sentence to imprisonment for life in the penitentiary. He was accordingly sent to Joliet, where he eventually became violently insane, and in the spring of 1887 he was removed to the asylum at Elgin.

Few books upon legal matters existed in the early circuit, and Hon. B. C. Cook describes the lawyers who "rode the circuit" as "strong men, dependent more upon their own intellectual strength than upon books." And he remarked that their intellectual strength proved a solid rock upon which they based a successful career. The bulk of business in the early courts was transacted by lawyers outside of the county, among whom were J. J. Brown, of Danville, Leslie Smith and J. D. Butterfield, of Chicago, Jonathan K. Cooper, Onslow Peters and Lincoln B. Knowlton, of Peoria, Judge Dickey, of Ottawa, and others. B. C. Cook was also from Ottawa, although he practiced to a great extent in the Kane County courts. When first known in the profession here he was a young man just entering upon his public career. From 1846 to 1852, as stated, he was prosecuting attorney of the district, and it has been said of him that he was a terror to all criminals, who, in their own language, "would rather have the devil after them than that young, pleasant, smiling, white-headed Cook." Mr. Cook was elected afterward to the State Senate, and later served several terms in Congress. He was a delegate from Illinois to the Peace Congress, to

arrange a settlement with the Southern States, when they were about going out of the Union, and took a bold and decided stand in favor of upholding the constitution, and preserving the Union at all hazards. He subsequently served many years as chief attorney for the Chicago & North-Western Railway, with headquarters at Chicago.

Among the first lawyers to locate in Kane County were Caleb A. Buckingham and H. N. Chapman, at Geneva, about 1837,* and S. S. Jones, at St. Charles. Buckingham was a young lawyer of fine promise, who acquired some prominence in his profession and in other directions, but was cut off by death about 1841, at Chicago. Chapman married and removed, it is thought, to Racine, Wis. Jones had visited the region in 1837, and in 1838 located with his family at St. Charles, coming by way of Naperville. He had been admitted to the bar at Montpelier, Vt., about 1835, and opened an office upon his arrival at St. Charles. He became a prominent attorney, but finally relinquished the profession to engage in newspaper publishing, his death occurring some years since in Chicago. He was the first lawyer to locate at St. Charles.

A. R. Dodge is said to have hung out his shingle at Aurora as early as 1837. He was a good speaker and a man of considerable ability, and at a later date was sent to the Legislature from Kendall County.

Orsamus D. Day settled at Aurora in 1839, and in the following year published his professional card in the nearest newspaper—the *Joliet Courier*. He died in the fall of 1861, having been elected mayor in 1860.

Among the early lawyers and well-known residents of Geneva were William B. Plato, who removed there from Aurora; Joel D. Harvey, who subsequently became a prominent citizen of Chicago; and Charles B. Wells, who won fame not only as a lawyer but as a soldier.

Edward E. Harvey was an honored pioneer lawyer of Elgin, who volunteered at the breaking out of the war with Mexico, and gave his life for his country during that struggle.

* Chapman, as elsewhere stated, was admitted to practice by the Kane County Circuit Court, in June, 1837.

Paul R. Wright, a native of Oneida County, N. Y., moved to Illinois in 1837, when eighteen years of age. He taught school five years, and during that time studied law. In 1844 he entered the office of E. E. Harvey, at Elgin, was admitted to the bar a year later, and opened an office in that place. In 1856 he was chosen circuit clerk on the Fremont ticket, and removed to Geneva. At the expiration of his term he resumed practice, but moved in 1862 to a farm in Union County, and thence in 1874 to Jonesboro, where he again entered practice.

Charles H. Morgan, the first judge of the Elgin Court of Common Pleas, became subsequently a United States judge in one of the Territories, and was a very able lawyer. His residence was also at Elgin.

Edmund Gifford, one of the early lawyers of Elgin, was well and favorably known for his legal ability, and became in after years a judge at New Orleans, La.

William D. Barry, who had been admitted to the bar in Henry County, Ohio, in 1836, located at St. Charles in the spring of 1840, and is now the oldest practicing lawyer in Kane County. Although nearly eighty years of age he continues in the field, the weight of years, however, rendering it impossible for him to transact the amount of business he was accustomed to in the palmy days of his practice. He was long judge of the Kane County Court. During the early days of his residence here he conducted many hard criminal trials, among them being the defense of Taylor Driscoll, of Ogle County, for the alleged murder of one Campbell during the dark days of horse-stealing and kindred crimes. Driscoll was tried at Woodstock, McHenry County, on a change of venue, and through Judge Barry's efforts acquitted.

Joseph W. Churchill, a young resident of Batavia,* was one of the first lawyers in the county. In 1837 he was chosen to a position on the board of county commissioners, and was otherwise prominent.

A good story of practice in the early days was related a number of years since by Henry B.

*Mr. Churchill is said to have located at Batavia in 1835, and was elected the following year to the State Senate. He removed to Davenport, Iowa, about 1853.

Peirce, now deceased. It seems that Churchill's estimate of his own ability was very great. A. M. Herrington, whom everybody knew most familiarly as "Gus," was then a law student in the office of Ralph Haskins, Esq., at Geneva, and had access to the latter's fine library. He had picked up many points in law, and was especially familiar with the decisions and opinions in "Coleman on Contracts." He had been engaged to try his first case before Squire McNair, in Blackberry Precinct, one in which suit had been brought for breach of contract. He took along his book, but hid it under a fence before entering the judicial presence. He had walked from Geneva, carrying his brogans over his shoulder until he had nearly reached his destination, when he stopped and put them on. The aforesaid Churchill was opposed to "Gus" in the case. After the evidence was heard, Herrington claimed a verdict by virtue of the law, which he quoted after bringing his authority into court. Churchill claimed the case for the plaintiff, stating that the law as read by the defense was not applicable to the case at all, and that the mere boy who had offered it had no educational advantages, and could not be expected to know the law or its application. Churchill sounded his own trumpet after the following manner: "May it please the Court, my father spent a thousand dollars to give me a collegiate education and fit me for the bar, and of course I ought to and I do know the law in this case."

After Churchill had finished his plea and taken his seat, young Herrington arose and said: "May it please the Court, the counsel for the plaintiff has stated to you that his father spent \$1,000 to give him an education. Now, I submit to the Court and the jury that, in view of the facts proven in this case and the bearing of the law thereon, it was a mighty poor investment, and would have paid better put into wild land at \$1.50 an acre." The jury rewarded the young counsel by deciding the case in favor of the defense, and his first legal fee was paid him—two new five franc pieces—which he coolly placed in the pocket of his tow trousers and proceeded homeward. When he was out of sight of the scene of his triumph he took out the coins, looked at them with a smile, and clinked them

together in true boyish satisfaction; and it is safe to say that he never afterward earned a fee which gave him so much genuine pleasure.

Augustus M. Herrington, the hero of the foregoing incident, came to Kane County with his father, James Herrington, in 1835, the family locating at Geneva. He studied law during his leisure moments, and was admitted to the bar in 1844. In 1856 he was an elector on the Democratic ticket, and in 1857 was appointed United States district attorney, a position he held until removed by President Buchanan, for being a friend to Stephen A. Douglas. In 1860 he was a delegate to the National Democratic Convention, and to similar bodies in 1864 and 1868. For many years he was attorney for the Chicago & North-Western Railway. Mr. Herrington was a man of positive likes and dislikes, and, while he would go to almost any length to favor a friend, his enemies knew they could expect nothing from him. He was a fine lawyer and an impressive speaker, and was possessed of purely original characteristics. He died August 14, 1883. Many stories are related of the tilts between himself and John F. Farnsworth. Herrington's cutting remarks were often met by an exercise of physical force on the part of Farnsworth, though never with any damaging result to either party.

John F. Farnsworth, a native of Eaton, Canada East, was born of New England parentage, and removed with the family to Livingston County, Mich., in 1834. There he assisted his father in surveying, studied law, and was admitted to practice. He read in the office of Judge Josiah Turner, at Howell, in 1842-43, and was admitted to practice in 1843. He pushed at once for a new field in which to begin his professional labors, locating in the same year at St. Charles, Kane Co., Ill. The stage upon which he was journeying from Chicago stuck in a slough, and he, being, in his own language, unable to wait and without money, friends or library, took his trunk on his back, waded out and made his way to his new home. Previous to 1846 Mr. Farnsworth was a Democrat in politics, but in that year left the party and assisted in the nomination of Owen Lovejoy, for Congress. In 1856 and 1858 he was

elected to Congress by large majorities, on the Republican ticket, from what was then called the Chicago District. His speeches were widely copied by the newspapers, and he swept all opposition before him. In 1860, at the Chicago convention, he assisted in nominating Abraham Lincoln for President. In October, 1861, he left St. Charles in command of the Eighth Illinois Cavalry, a regiment 1,200 strong, which he had raised and which rendezvoused at St. Charles. It was one of the finest regiments which entered the service during the War of the Rebellion. In November, 1862, Col. Farnsworth was promoted to the rank of brigadier-general, and commanded the First Cavalry Brigade until after the battle of Fredericksburg, in December following. By being almost constantly in the saddle he had contracted a severe lameness, and was obliged to obtain leave of absence for medical treatment. Having been again elected to Congress in the fall of 1862, he resigned his commission in the army March 4, 1863, and took his seat once more in the national halls of legislation. In the fall of 1863 he was authorized to raise the Seventeenth Illinois Cavalry, with officers from his old regiment, the Eighth, and carried out the plan. By successive elections he was returned to Congress, term after term, until 1872, when he was defeated in the convention, after a large number of ballots, by Gen. Stephen A. Hurlbut, of Belvidere, who also had an enviable war record. In Congress, where he served for fourteen years, Gen. Farnsworth was active and prominent, and held numerous important committee chairmanships and positions. After his defeat in the Republican District Convention, in 1872, he espoused the Greeley cause, and about 1879 removed from St. Charles to Chicago. He was several times a candidate for office after 1872. In 1876 he was defeated for Congress in his old district by Hon. William Lathrop, and met defeat subsequently at Chicago as a Democratic candidate for congressional honors. He now resides in Washington, D. C., where he has a fine legal practice, and, besides, has extensive real estate interests in Kane County, Chicago and elsewhere.

Benjamin F. Fridley, now residing at Aurora,

is really entitled to the honor of being the first lawyer to locate within the present limits of Kane County. He had studied law in the East. Coming west in the fall of 1834, he joined his friends, the Gartons and Wormleys, near Oswego, November 1, making his home with them for some time. He subsequently located a claim on the east side of the river in Aurora Township, next north of that taken by William T. Elliott, afterward selling out to Charles Wagner. Mr. Fridley came to Aurora in 1835. In 1836 he was elected sheriff of Kane County, being the first to serve in that capacity. It is said of him that his experience while sheriff assisted him greatly in obtaining a knowledge of legal matters, which, combined with his native wit and judgment, enabled him to stand so high among the pioneers of the bar in this region. His term as sheriff closed in 1839, and he immediately entered upon the practice of his profession. From 1840 to 1846 he was prosecuting attorney of the district, which included twelve counties, extending from Ogle to Peoria, in each of which two and in some of which three terms of court had to be held annually, making the officer's work very laborious. Mr. Fridley was located at Geneva during his official career, and had an office with Mark W. Fletcher. In his travels over the circuit he used his own conveyance, and was usually accompanied by the judge or some member of the bar. He subsequently lived for a short time at Oswego, but returned to Aurora in 1857. He has not been engaged in practice for many years. Besides the business which naturally came to him as a resident lawyer, a large amount was placed in his hands by attorneys at Chicago, who did not desire to travel the circuit, and who were aware that their matters would be faithfully attended to by him. In short, he had one side of pretty much all the good cases in the twelve counties composing the district. He states that at the first term of the circuit court (June, 1837,) there were no practicing lawyers in Kane County, although both he and Mr. Fletcher, who still resides in St. Charles Township, were members of the profession.

Mark W. Fletcher, who, previous to coming to this region, had practiced law in the East, never

engaged in practice here because of being elected to office, and continued therein for years. He is a native of Orange County, Vt., and read law in Genesee, Livingston and Ontario Counties, N. Y. He located a claim in the township of St. Charles, in May, 1835, and has resided upon it since about 1848, when his official duties at the county seat were ended. He was the first county surveyor, first clerk of the commissioner's court, and the second circuit clerk of Kane County. He is now past eighty-four years of age, having been born in 1803.

As an instance of some of the means resorted to by the early courts to relieve the country of the presence of desperadoes and law-breakers of various kinds, B. F. Fridley relates the following anecdote: At one time, while horse-stealing and all sorts of kindred mischief were going on, a gang of counterfeiters was discovered, and it was necessary that decisive action should be taken. Accordingly, a *subpœna duces tecum* was issued, commanding the counterfeiters to appear before the court at a designated place, on such a date, and *bring with them all the counterfeit bills in their possession*. This was issued because it was deemed necessary that the bills should be used in evidence. Of course, the defendants were not obliged to pay any attention to the command, but of that fact they were not aware; and as the best way out of the difficulty they left for pastures new, and were not again heard of. The end sought was, therefore, attained without much trouble, and the region was rid of the counterfeiting gang.

Aside from the lawyers mentioned as having been in practice at Geneva, we find that C. H. McCubbin located quite early at that point, probably about 1841-42; but after remaining a short time he removed to Kendall County. Joseph W. Helm, of Yorkville, was also an early practitioner in the courts of Kane County.

Maj. J. H. Mayborne, who studied law in the State of New York, located at Chicago in 1846, and in 1848 removed to Geneva, where he has since been successfully engaged in the practice of law. During the War of the Rebellion he occupied the position of paymaster from 1863 to 1866, with headquarters at St. Louis, and has since

served in the Illinois State Senate, having been elected in 1876. He has also served a number of years as supervisor of Geneva Township, and has been prominent in politics since the formation of the Republican party, in 1854.

William J. Brown, who first practiced in the western part of the county, afterward located at Geneva. He was for some time master in chancery, and a popular lawyer. He removed farther west a few years since, but has recently returned to Geneva.

A. P. West, the well-known Geneva justice of the peace, is also a member of the bar and an able lawyer.

William Augustus Smith, a graduate of Wesleyan University, at Middletown, Conn., opened a law office in Geneva about 1857, and practiced nearly two years. He then abandoned the law and took up theology, becoming a noted Methodist minister. He was for sixteen years secretary of the Rock River Conference, and died suddenly at his home, in Rockford, during a session of the conference, September 30, 1887.

At St. Charles the number of lawyers who have been residents at various periods is considerable. S. S. Jones, the first one, has already been mentioned, as also Hon. W. D. Barry and Hon. J. F. Farnsworth. William J. Miller located at the place in 1841, but removed subsequently to Carroll County, Ill., and later to Chicago. Ralph V. M. Croes, who was at first engaged in mercantile business, afterward studied law and was admitted to practice; he was an early resident of the place. S. G. D. Howard practiced at St. Charles previous to 1846, in which year he removed from the place. Van H. Higgins was also a resident attorney previous to 1845. An attorney named Van Wormer, from Genesee County, N. Y., located at the same place with his family about 1846, and opened an office. His dealings were not looked upon with favor by the people, he having stirred up enmity among them in about the same manner a boy would disturb a hornets' nest. Finally Van Wormer was employed in a suit which brought matters to a focus and resulted in his obtaining a not very sleek coat of tar and feathers. The offenders in the case were brought before the grand jury at its next

session, but that body refused to consider the matter, and Van Wormer, recognizing at last that the prejudices of the community were decidedly not in his favor, soon after left the place. He removed to Algonquin, McHenry County, abandoned his family, and added still further to his record as an unprincipled villain.

James P. Vance located at St. Charles about 1845, and practiced law for several years in Kane County. He afterward changed his profession for the clerical, and removed from the place. In 1871 he was residing in Batavia.

H. F. Smith, from Wyoming County, N. Y., opened a law office in St. Charles in 1846, but, finding business dull, engaged for a time in peddling maps and canvassing for a life of John Quincy Adams. In the course of his journeyings, he reached Elkhorn, the seat of justice for Walworth County, Wis., where he formed a partnership with a local attorney, and where, the writer believes, he is still in practice.

John H. Ferguson, one of the ablest of the many able members of the Kane County bar, located at St. Charles about 1850-51, coming from the State of New York. He was for a time in partnership with J. F. Farnsworth, and "it was often remarked," says the editor of the *St. Charles Valley Chronicle*, in a brief mention, "that the two constituted the strongest legal team in the county. Ferguson was perhaps the best informed in legal authorities of any practicing attorney in the county, and his knowledge, reinforced by Farnsworth's oratorical powers before a jury, constituted a combination of talent which was well nigh irresistible." Mr. Ferguson opened an office in Chicago in 1855 or 1856, and died in that city suddenly, of a malignant throat disease, December 3, 1857.

David L. Eastman, a native of Washington County, Vt., settled at St. Charles, according to Judge Barry's recollection, in the fall of 1848. He formed a law partnership with S. S. Jones, and later, in Chicago, with the present Gen. and ex-Gov. John L. Beveridge. He rose very rapidly in his profession, and had he lived would undoubtedly have won name and fame; but he fell a victim to consumption in 1860, and his am-

bitious hopes were mostly never realized. During the few years of his residence in Kane County, he became one of its brightest legal lights, and the profession and those who knew him yet do honor to his memory.

Lewis A. Norton, William and Warren Brown all studied law in the office of Judge Barry, at St. Charles, and were admitted to the bar. Norton removed subsequently to California, of which State he is still a resident, and in which he has risen to prominence in his profession.

Alonzo H. Barry, brother of Hon. W. D. Barry, studied in the office of the latter, and was admitted to practice in Kane County in 1853. Until 1870 he continued to reside at St. Charles, but in that year removed to Elgin and formed a law partnership with Judge R. N. Botsford and Joseph Healy. The latter gentleman died, and E. C. Lovell, the present county judge, was a member of the firm for two years. John G. Kribs and John A. Russell were afterward law partners at different times with Messrs. Barry and Botsford. In the spring of 1883, Mr. Barry was elected judge of the City Court of Aurora and Elgin, a position he filled with such great ability that he was re-elected at the end of his term, in 1887. Judge Barry opened an office in W. J. Meehan's block, at Elgin, in 1885. He has also an enviable military record, having been elected major of the Thirty-sixth Illinois Infantry in 1861, with which command he served over two years. Previous to the war he had served as captain of the St. Charles Cavalry, to succeed P. J. Burchell, elected major of the battalion. Judge Barry is one of the ablest criminal lawyers in the West, and on the bench administers justice in an impartial manner.

A. S. Babcock, who had previously practiced a few years at Blackberry Station (now Elburn), was located at St. Charles from 1868 to 1872, in the law and insurance business. He subsequently practiced at Sycamore, and in 1876 removed to Oregon, Ill., from whence he journeyed, a year or two later, to California. He died at San Jose, in the latter State, September 11, 1887.

John McGuire and John J. Flannery studied in Mr. Babcock's office, at St. Charles, and both

were admitted to the bar. Mr. Flannery also studied in the law department of the University of Michigan, and with A. M. Herrington at Geneva, and was admitted to the bar in September, 1873. He removed subsequently to Sycamore.

T. E. Ryan studied law in Judge Barry's office, and was admitted to the bar in 1870. He opened an office of his own in 1876. In 1880 he was elected State's attorney for Kane County, serving four years, and he has also been prominently engaged as attorney for several railway companies. He still resides in St. Charles, and is its present city attorney.

Wilbur C. Hunt, George F. Ross and Edward H. Bowman are later attorneys. Mr. Hunt has served several years as city attorney for St. Charles, as did also Mr. Ross, who removed to Omaha, Neb., in the autumn of 1887. Mr. Bowman, who has an office in Chicago, is a graduate of the University of Michigan and of the Harvard Law School.

Richard Nichols Botsford, a native of Connecticut, located at St. Charles in 1851, and taught in a select school. He taught later in Missouri and elsewhere, and in 1856 began the study of law with C. C. Pope, at Black River Falls, Wis., being admitted to the bar in 1857. Returning to St. Charles, he was for a time engaged in the publication of the *Argus* at that place, but disposed of it and opened a law office in partnership with D. L. Eastman. After the latter's death, in 1860, Mr. Botsford associated himself with S. S. Jones, thus continuing until 1865. In 1861 he was elected judge of the county court, a position he filled with great credit for four years. He removed to Elgin in 1867, and has since made that city his home. Judge Botsford is recognized as one of the ablest lawyers in the district. It has been said of him that he is always ready for trial when his cases are called, and it is a fact that he has made a marked success in his chosen profession.

Capt. J. F. Richmond, who served during the War of the Rebellion in the One Hundred and Twenty-seventh Illinois Infantry, studied law subsequent to the close of his term of service, and since about 1870 has had an office in Chicago.

J. L. Ward, also of St. Charles, studied law at an early day, and was admitted to the bar, but has never regularly practiced the profession.

In Elgin the first representative of the legal profession was Edward E. Harvey, who has been already mentioned. He located in the place in 1840, having been previously a student in the office of Joseph W. Churchill, at Batavia. He is remembered as an able and eloquent lawyer.

Isaac G. Wilson, the present judge of the circuit court, was the next to hang out his professional shingle in the aspiring young city, becoming a resident in 1841, and removing a few years later to Geneva, upon his election to the bench in the county court. From 1846 to 1850 he was a law partner with Silvanus Wilcox, who has already been mentioned. A former writer says: "The practice thus ably commenced was continued by Edmund Gifford, from 1845 to 1861; Paul R. Wright, A. J. Waldron and Charles H. Morgan, from 1847 to 1863; E. S. Joslyn, from 1852 to the outbreak of the Rebellion; John S. Riddle, from 1857 to 1862; Thomas W. Grosvenor, from 1858 to 1861; Joseph Healy, E. W. Vining, A. H. Barry, R. N. Botsford, J. W. Ranstead, William H. Wing, W. F. Lynch, Eugene Clifford, Henry B. Willis, Cyrus K. Wilbur, John McBride and others. Many of the above left their professions to serve their country in the late war, and some died from wounds received upon the battlefield."

Eugene Clifford, now practicing in Chicago, studied in Elgin law offices, and was admitted to practice by the Illinois Supreme Court in March, 1871; was town clerk of Elgin in 1872; city attorney, 1873 to 1877, inclusive; master in chancery of the Elgin City Court, and in 1882 revised the Elgin city ordinances.

Oliver P. Chisholm, from Grant County, Wis., came to Illinois in October, 1862, and was a member of Company C, One Hundred and Fifty-third Illinois Infantry, in the War of the Rebellion. He has represented his township on the board of supervisors, and been otherwise prominent.

John H. Becker studied law at Elgin, where he now resides, graduated at Union College in 1861, and was admitted to practice by the Supreme

Court of Illinois, Chicago examination, May 11, 1886. He has been a justice of the peace in the town of Elgin since 1877.

James Coleman studied for his profession at Elgin, with Col. E. S. Joslyn, and was there admitted to the bar by the superior court in 1863. He was city attorney from 1863 to 1865, and in April, 1886, was elected police magistrate, which office he now holds. Mr. Coleman has also dabbled to some extent in newspaper work.

Robert M. Ireland studied law at Chicago, and was admitted to the bar on diploma of Union College of Law of Chicago, at the June, 1876, term of the supreme court at Mount Vernon. He is also a resident of Elgin.

Clinton F. Irwin, now of Elgin, studied law in the office of W. H. H. Kennedy, at Maple Park, and was admitted to the bar at Chicago in April, 1879. He first practiced at Maple Park, and in 1881-82 was supervisor of Virgil Township. Subsequently removing to Elgin, he was assistant supervisor of that township in 1885-86.

Frank W. Joslyn, of Elgin, studied in the office of his father, Col. E. S. Joslyn, and was admitted to the bar at Ottawa, May 23, 1883. He is now serving his second term as city attorney of Elgin.

Col. Edward S. Joslyn, father of Frank, was one of the ablest lawyers and readiest and most eloquent speakers who ever practiced in the courts of Kane County. He acquired a national reputation, and some of the best of his life work was done in the service of the Government in Utah Territory. He was one of the first to volunteer upon the breaking out of the Rebellion, and served with distinction while in the army. At his death, which occurred in 1885, he was mourned by the bar as one of its most gifted members.

Oscar Jones prepared himself for his profession at Sycamore, Ill., and was admitted to the bar at Ottawa, May 16, 1883. He had previously been successfully engaged as a teacher at St. Charles and elsewhere. Since September, 1883, he has been master in chancery of the city court of Elgin.

John P. Mann is a graduate of the University of Michigan, class of 1882. He was admitted to

the Michigan bar, April 11, 1882, and to the Illinois bar at Ottawa, upon motion, September 17, 1885. He resides at Elgin.

Thomas J. Rushton studied law with Judge Smith at Woodstock, and graduated from the law school of the State University of Iowa, at Iowa City, in June, 1880. He took the degree of LL. B., was admitted to the Iowa bar in 1880, to the Illinois bar in 1881, and located at Elgin in June, 1882, where he is a law partner with C. A. Van Horne. The latter is also a graduate of the Iowa State University (June, 1880); took the degree of LL. B.; admitted in Iowa, in 1880, in Minnesota in 1881, and in Illinois in 1884. Has practiced seven years, and came to Elgin in June, 1887.

Hon. John W. Ranstead, who is a native of Kane County, was graduated from the law department of the University of Michigan in 1866, and in the same year was admitted to the bar at Ottawa, Ill. He is a lawyer of marked ability, and from 1873 to 1882 served as county judge of Kane County. As the county is overwhelmingly Republican, and Judge Ranstead is a Democrat, the compliment can be readily appreciated.

Charles Stephen Reeves, of Elgin, is a graduate of the University of Michigan, and has been admitted to the bars of both Michigan and Illinois.

Ezra Rue, a native of Steuben County, N. Y., came to Elgin in 1858, when a boy. He was admitted to the bar in 1876.

David B. Sherwood, one of the most prominent members of the Elgin bar, studied law at Galveston, Tex., where he was admitted to practice in November, 1870.

John H. Williams, a graduate of the Iowa State University, was admitted to the bar at Ottawa, Ill., in 1881, and in 1882 located at Elgin, where he still resides.

William H. Wing studied law with Hon. S. Wilcox, at Elgin, in 1865-66; was admitted to the bar for Illinois, at Elgin, in the spring of 1867, and later at Chicago, for the United States courts. He was city attorney of Elgin in 1871-72; treasurer of the Illinois Northern Hospital for the Insane for five years from April 1, 1880, and for the past four years has been a director of the First National Bank of Elgin, over which he has his

office. Mr. Wing came to Elgin in 1846. For four years he was a law partner with Col. E. S. Joslyn.

William H. Wilcox, a native of Montgomery County, N. Y., came to Elgin with his father, Gen. Elijah Wilcox, in 1842. He served with distinction in the Union army, during the War of the Rebellion. His connection with the legal profession dates from 1871, when he was admitted to the bar.

Hon. Henry B. Willis is a native of Bennington, Vt. He located at Sycamore, Ill., in 1852, when a child, and in July, 1872, came to Elgin. He had graduated in the previous year, at Albany, N. Y., and was, the same year, admitted to the bar of that State. His admission to the Illinois bar occurred in 1872. He has been several times elected to responsible and honorable official positions, among them supervisor of Elgin Township, and city attorney and mayor of the city of Elgin. He was succeeded as mayor by the present incumbent, V. S. Lovell, in the spring of 1887.

Judges R. N. Botsford and A. H. Barry have been previously noted among the lawyers of St. Charles, where they were for many years engaged in practice.

Col. John S. Wilcox, a native of the State of New York, came to Elgin with the family of his father, Gen. Elijah Wilcox, in 1842, when nine years of age. He began the study of law about 1852, with his brother, Hon. Silvanus Wilcox, was admitted to the bar in 1854, and entered upon the practice of his profession. Col. T. W. Grosvenor (afterward killed in Chicago), Judge E. C. Lovell and Justice A. T. Lewis, of Elgin, were among the students in his office, and Mr. Lewis was, for a time, in partnership with him. In the fall of 1861 Mr. Wilcox entered the United States service, enlisting in the Fifty-second Illinois Infantry. He went into camp as captain, and was promoted successively to lieutenant-colonel (going to the field with that rank), and colonel. He resigned in 1864 to take the stump in behalf of President Lincoln's re-election, and made able speeches in numerous portions of the State. He held a brevet brigadier-general's commission at the close of his service. In the spring of 1864, after his resignation, he took command of the camp of organization of the

One Hundred and Forty-first Illinois Infantry, a three months' regiment, and continued until the command was ready for the field. This service was gratuitous to the State. He was elected mayor of Elgin in 1865, and also resumed the practice of his profession, being in partnership one year with his brother, Judge Wilcox. In the fall of 1871 he became a director in and general solicitor for the Chicago & Pacific Railroad Company, continuing in that position over six years, since when he has not been in practice. He is now engaged in the coal trade in Elgin. Col. Wilcox is a fine orator, a genial gentleman, energetic and persevering in business, and was a successful lawyer.

Hon. Edward C. Lovell, present county judge, read law in the office of Col. J. S. Wilcox, and is a graduate of the University of Michigan. He was admitted to the bar at Detroit in April, 1870. He is a fine scholar, an able lawyer, and an honored citizen. He has long been identified with the educational interests of Elgin, and with the up-building of her splendid free public library, of which he was a director during the first six years of its existence. He is at present serving his second term as judge of the county court of Kane County, having first been elected in 1882. He was also mayor of Elgin in 1877, member of the Illinois Legislature in 1879, and city attorney of Elgin in 1879-80.

John A. Russell is one of the successful young lawyers of Elgin. He studied with Messrs. Botsford & Barry, and, after his admission to the bar, became a partner with them—thus continuing several years. In the fall of 1884 he was elected State's attorney for Kane County, on the Republican ticket, and has proved an energetic and efficient officer.

Carl E. Botsford, son of Judge R. N. Botsford, is one of the youngest members of the profession in Elgin. He studied under the guidance of his father, and is a recent graduate of an Eastern law school. He turned his attention in the early part of 1887 to newspaper editorial work, in the office of the *Elgin Democrat*.

Charles H. Wayne studied law with A. B. Coon, at Marengo, Ill., and was admitted to the bar before the appellate court at Ottawa, Ill., in December, 1882.

Albert T. Lewis read law in the office of Col. J. S. Wilcox, and was admitted to the bar at Ottawa, Ill., January 31, 1868. He has been a justice of the peace over six years, and a notary public since 1867.

Charles R. Hopson studied law and graduated at Ann Arbor, Michigan, and was admitted to the bar, both in that State and Illinois, in June, 1877. He has since been in practice at Elgin.

Other Elgin attorneys are George H. McDonald, Frank Crosby (who formerly practiced at Hampshire), Robert S. Egan and Cyrus Wilbur.

Hon. Samuel Drake Lockwood, who located at Batavia in 1853, and died there April 23, 1874, was licensed to practice law in February, 1811, and opened an office at Batavia, N. Y. In the fall of 1818 he settled at Carmi, Ill., entered there upon the practice of his profession, and in 1821 was elected attorney-general of the State. In 1823 he became Secretary of State upon Gov. Cole's nomination, but resigned soon afterward to accept a commission from President Monroe, as receiver of public moneys at the land office in Edwardsville, Ill.; both positions being unsought and a surprise to him. In 1824-25 he was elected by the Legislature as a judge of the supreme court, holding until 1848, when the new constitution placed the election of supreme judges in the power of the people. Beside other important positions which he filled, he was, in 1851, appointed by the Legislature trustee of the land department of the Illinois Central Railroad, which position he held until his death. He was one of the founders of the Republican party, and during his early term as State's attorney succeeded in bringing to punishment the survivor of a fatal duel—the only one ever fought in the State. He assisted in revising the State laws in 1826-27.

W. H. H. Kennedy, now deceased, was a promising lawyer, who formerly resided at Maple Park (then Lodi), where he located in 1857. He was admitted to the bar in 1860, and for several years represented his township on the board of supervisors.

James O. McClellan, a graduate of the Columbian College Law School, at Washington, D. C., was admitted to the bar in Illinois, September 13,

1869. He is a well-known lawyer, of recognized ability, and has held the position of master in chancery of the circuit court of Kane County since 1875. He resides at Batavia.

Thomas Cincinnatus Moore, also of Batavia, is an old and respected member of the bar. He studied law at Marshall, Ill., where he was admitted to practice in May, 1843. He has been a well-known figure in the courts of Kane County for many years. His practice has been extensive.

Charles T. Barney, now attorney for the U. S. Wind Engine & Pump Company, located at Batavia, studied law at Burlington, Vt., and Albany, N. Y., and graduated at the Albany law school in the class of 1883. He was admitted to the Vermont bar, at Burlington, at the September term, 1883, and to the New York bar, at Albany, at the November term, in the same year. Was city attorney of Hoosick Falls, N. Y., in 1884-85.

F. G. Garfield, of Campton, who came to Kane County in 1841, commenced the practice of law about 1857, although he was not regularly admitted to the bar until 1865. There is scarcely a man in the county who has become a more familiar visitant in the court rooms at Geneva, and his native shrewdness has assisted more than once in the discomfiture of an opponent. Though "Green" by name he is scarcely so by nature, and in his advancing age he enjoys a fine competence.

Ebenezer Barry, of Burlington Township, brother to Judges W. D. and A. H. Barry, has been for many years a resident of the county, and, while his principal pursuit has been farming, he has found time to practice law to a considerable extent. Perhaps no man in Kane County enjoys a racy suit before a justice of the peace better than Mr. Barry, although there are numerous others who are not far in the rear.

W. R. S. Hunter, of Elburn, studied law under the direction of Hon. W. D. Barry, W. J. Brown and W. H. H. Kennedy, and was admitted to the bar at Chicago March 24, 1880. He was deputy sheriff under Sheriff Ethan J. Allen; postmaster at Blackberry Station under President Lincoln; local attorney for the Chicago & North-Western Railway, and is now corporation attorney of Elburn, a position he has held since the place was incorporated. For

twelve years he has been a notary public, and once ran for justice of the peace.

At Aurora there has been a long list of attorneys, and many of them have been very prominent, not alone at home but in State and national affairs. A few of them have been already named.

Leander R. Wagner came to the place with his parents in 1837, when a small child. He studied law in the State of New York with his uncle, Peter J. Wagner, also with W. B. Plato, at Geneva, and with A. B. Fuller, being admitted to the bar in 1857. He was a brilliant and gifted lawyer, and was district attorney for the district including Kane County from 1864 to 1868. He died of consumption March 29, 1869.

John M. Little, a practitioner residing in Aurora, died of consumption August 21, 1868, and was taken to his father's home, in De Kalb, for burial.

Hon. William B. Plato, now deceased, was an exceedingly able lawyer, an eloquent speaker, and possessed a reputation second to that of no lawyer in the State. He was a tailor by trade, and settled at Aurora, in 1839. He soon after took up the study of law, and subsequently removed to Geneva, where he was for a time in partnership with Judge Wilson.

James G. Barr, a native of Pennsylvania, came to Aurora when seventeen years old, in 1844, with the family of his father, Oliver Barr. He studied law with W. B. Plato, in 1846, and was subsequently admitted to practice. He was superintendent of schools in Kendall County in 1849, but located permanently in Aurora in 1851. He was the first justice of the peace elected from Aurora under the township organization; was town clerk two years; first city clerk, holding six years; four years clerk of the Aurora Court of Common Pleas, etc. He died January 27, 1872, and was at that time and had been for seven years assistant United States assessor for southern Kane County.

Charles J. Metzner, a fine lawyer and a thorough gentleman, was a native of Saxony, and came to Erie, Penn., when three years old. He afterward removed to Sheboygan, Wis., thence to Naperville, Ill., and, in 1856-57, to Aurora. He first worked at blacksmithing, but was forced to

give up the trade because of an injury to his eye from a flying spark from the anvil. He studied law with B. F. Parks, and was admitted in 1859. He was State's attorney four years, and died at Aurora, August 8, 1874, aged forty years.

Sewell W. Brown, a native of Jefferson County, N. Y., was educated at Watertown, its seat of justice, studied law, and practiced several years in the South. He came to Aurora in 1858, and practiced until his death, which occurred March 13, 1878.

Hon. Alexander C. Gibson had been a prominent practitioner and citizen in Washington County, N. Y., before coming to Aurora in 1847. After one and a half years in town, he located on a farm in the vicinity of North Aurora. He was interested in railroad and agricultural society matters; edited the *Daily Beacon* during the Fremont campaign, in 1856; and in 1857 was chosen the first judge of the Aurora Court of Common Pleas, holding the position two years. He then retired to his farm, where he died fifteen years later, August 14, 1874, aged eighty years. He was a man very greatly respected. He had come west originally to look after some property interests he had in the region, having furnished at an early day the funds with which his brother, Hugh, purchased a quantity of land for him, and stocked and carried on stores at Clybournville (Mill Creek) and other places.

Hon. John C. Sherwin, a native of St. Lawrence County, N. Y., came to Kendall County, Ill., in 1856, and during the War of the Rebellion served in the ranks of the Eighty-ninth Illinois Infantry. He located at Aurora in 1865, and studied law with Wagner & Canfield. After being admitted to the bar he continued in practice until 1873, when he was elected county clerk, a position to which he was re-elected in 1877. In 1878 he was the successful candidate of the Republicans of the then Fourth District, for Congress, resigning as county clerk. He was again elected to Congress in 1880, serving altogether four years. He removed to Nebraska in the fall of 1883.

Hon. Benjamin Franklin Parks is a native of Oakland County, Mich., and was graduated from

the University of Michigan, at Ann Arbor, in 1848. He studied law with Ferry & Searles at Waukegan, Ill., and was admitted to the bar in 1850, coming to Aurora the same year. Mr. Parks was for many years regarded as one of the ablest lawyers in the Fox River Valley. He was the first city attorney of Aurora; was elected judge of the city court in 1859, and served four years; and was mayor of the city in 1869. He also represented his district in the Illinois Legislature. Judge Parks met with a severe accident a few years since, falling upon an icy sidewalk in Aurora and sustaining injuries of a permanent character.

B. F. Herrington, now of Kendall County, was located in Aurora for some time, dating from June, 1876. He had an office with Eugene Canfield, and had studied law and begun practice in the State of New York.

Hon. Charles Wheaton is a native of Rhode Island, and a graduate of Trinity College, Hartford, Conn., in 1849. He read law with Hon. Benjamin F. Thomas, at Worcester, Mass., where he was admitted to the bar, September 7, 1851. Removing to Illinois in the fall of 1854, he was located five years at Batavia, and removed to Aurora in the spring 1859, opening an office and engaging in what has proved a very successful practice. In 1873 he established an office also in Chicago. Mr. Wheaton was elected mayor of Aurora, on the Prohibition ticket, in 1864, but resigned after one month, as his views and those of the council did not coincide upon the question of license.

Capt. Alexander C. Little, of Aurora, is a native of Rome, N. Y., and a thorough student in both law and medicine. He studied medicine in Joliet, Ill., with Drs. Harwood & Danforth, commencing in the fall of 1855; read the next year with Drs. Young & Hard, in Aurora; matriculated in the fall of 1856 in the medical department of the Iowa University, at Keokuk, and attended one course of lectures. He returned to Joliet in 1857, and, while still continuing his studies, began practice with his first preceptor, Dr. Willis Danforth. He graduated from the Iowa University in the spring of 1858, receiving his diploma and the degree of doctor of medicine.

The study of law was commenced by him at Aurora, with Hon. Charles Wheaton, in 1866, and after attending law school at Ann Arbor, Mich., he was admitted to the bar of Kane County in August, 1867. He was elected city attorney of Aurora in 1873, and mayor in 1874. He won an honorable record in the War of the Rebellion as an officer in the One Hundred and Twenty-seventh Illinois Infantry.

Hon. Eugene Canfield, another Vermonter, and one of the best educated lawyers in the West, located at Aurora in 1860. In 1861 and again in 1872 he served as city attorney, and was subsequently chosen from this district to the State Senate. For a number of years he has been much of the time in Washington Territory, where he has considerable property, and has become prominent in connection with Territorial affairs.

Among the earlier lawyers in Aurora, we find H. C. Kelly occupying the field in July, 1848, and he had probably been here for some time at that date. W. C. Taylor and R. G. Montony had their cards in the local papers in 1850, the former on the west side and the latter on the east side of the river.

Judge Richard G. Montony, one of the most careful and painstaking lawyers who ever made Kane County his home, has resided in Aurora since 1846, and been engaged in practice since 1849. Mr. Montony is a native of New Jersey. He came to Chicago, September 1, 1845; taught school at Newark the following winter, and located at Aurora in May, 1846. He read law with O. D. Day, and was admitted to the bar in June, 1849. In 1858 he was city attorney of Aurora. From 1873 to 1886 he had an office in Chicago.

D. W. Poindexter was practicing in Aurora in the beginning of 1855, as was also N. J. Smith, who had but lately arrived from Worcester County, Mass. A. B. Fuller was practicing in the place in the spring of the same year. In the summer of 1858 we find William R. Parker and Daniel Eastman on the list. The latter had temporarily relinquished the medical profession and turned his attention in a successful manner to the law. Mr. Parker was a gifted lawyer and somewhat of a politician, becoming a prominent and

greatly esteemed citizen, and at one time representing the district in the State Legislature. He died January 5, 1859, aged about forty years.

In 1859 the newspaper files show additional attorneys in Aurora, in the persons of C. J. Metzner, John W. Ray, L. R. Wagner and E. A. Prichard. George W. Grow came some time previous to 1860.

In December, 1847, Messrs. Champlin & Dodge (John C. Champlin, of Ottawa, and A. R. Dodge, of Aurora) announced through the columns of the *Beacon* that they were ready to practice law in the counties of Kane, Kendall, De Kalb and McHenry. Mr. Dodge has been previously mentioned.

Hon. Albert J. Hopkins is a native of De Kalb County, Ill., and a graduate (1870) of Hillsdale (Mich.) College. In August, 1870, he came to Aurora, and began the study of law with C. J. Metzner, at that time one of the leading members of the Kane County bar. In September, 1871, Mr. Hopkins was admitted to practice by the Supreme Court of Illinois, and a year later in all the United States courts. He was elected State's attorney for Kane County in 1872, and made a splendid record, the beginning of the career which has placed him at the head of the criminal lawyers of the county. He enjoys an extensive and increasing practice, and the well-known firm of Hopkins, Aldrich & Thatcher are acknowledged leaders among the professional firms of Northern Illinois. In 1885 Mr. Hopkins was elected to Congress from the Fifth District of Illinois, to fill out the unexpired term of Hon. Reuben Ellwood (deceased), of Sycamore. He was re-elected for the full term in the fall of 1886, and has made an excellent record during his stay at the National capital.

N. J. Aldrich studied law at Aurora with M. O. Southworth, and took a two years' course at Ann Arbor, Mich., graduating in 1876. He was admitted to the bar the same year at Mount Vernon, Ill., before the Supreme Court, and commenced practice at Aurora with A. J. Hopkins, in 1878.

Frank H. Thatcher was graduated from the East Aurora High School in 1877, and from the Northwestern University, at Evanston, Ill., in the

class of 1881, receiving the degree of Ph. B. In 1883 that institution conferred upon him also the honorary degree of Ph. M. Mr. Thatcher studied law for two years with Hopkins & Aldrich, was admitted to the bar in May, 1883, upon examination by Judge Upton, of the appellate court, and has been a member of the firm of Hopkins, Aldrich & Thatcher since 1884. He is president of the Young Men's Republican Club, of Aurora.

William George was graduated from the West Aurora High School in 1879, and took a collegiate course in the University of Iowa. He studied law with W. H. & J. H. Moore, in Chicago, and at the same time took a full course in the Union College of Law in that city, receiving the degree of LL. B. He was graduated from that institution and admitted to the bar at Ottawa in June, 1885, and is now practicing in Aurora. For two years he was associated with the firm of Hopkins, Aldrich & Thatcher. He at present occupies the position of secretary and treasurer of the North Aurora Mill Company.

Fayette D. Winslow, a native of Kane County, and a graduate of the West Aurora High School, is also a graduate from Sterling College at Beloit, Wis., and the Columbia Law School, at New York City. He was admitted to practice upon examination before the appellate court at Ottawa, Ill., in December, 1883, and in June, 1884, opened an office in Aurora, in company with Frank G. Hanchett.

Frank G. Hanchett is also a graduate from the West Aurora High School. In 1882 he was graduated with high honors from the University of Chicago, and took a thorough law course at Iowa City, Iowa, graduating in 1883. He was admitted to the Illinois bar in 1884, and has since been engaged in practice at Aurora.

Charles L. Allen, now of Sterling, Colo., where he is engaged in lucrative business, was formerly a resident of Aurora, and numbered among the able young lawyers of that city. He was at one time city attorney.

J. P. Cass, John C. Murphy and A. J. King were all examined and admitted to the bar in September, 1882, before the appellate court. Mr. Cass, who was graduated from the East Aurora

High School in 1879, and subsequently a teacher for two years, studied law with Judge Parks and A. G. McDole. He opened an office in October, 1882, since when he has been engaged in practice. In 1884-85 he served as alderman from what was then the Fifth Ward of Aurora. He was in partnership with Judge Parks for a short time; is now a member of the public library board, and second lieutenant of Company D, Third Regiment, Illinois National Guards.* Mr. Murphy has been for over two years assistant United States attorney for Dakota Territory, and Mr. King, who was for a time in Company with M. O. Southworth, is now prospering in the law, loan and real estate business at Oberlin, Kas.

Russell P. Goodwin studied law with Judge Cody, at Naperville, and M. O. Southworth at Aurora, and was admitted to the bar January 17, 1879, by examination before the appellate court at Ottawa, since when he has been engaged in practice at Aurora. He has been public administrator for Kane County since January, 1882, and city attorney of Aurora since March, 1886.

Thomas B. Swan studied law at Indiana, Penn., and was there admitted to practice in the fall of 1878. He had been previously graduated from Washington and Jefferson College, Pennsylvania. He practiced a few months at Blairsville, in that State, and in 1879 came to Aurora, where he still resides, and where, for most of the time, he has held a notary public's commission.

A. E. Searles studied law with Judge A. O. Aldis at St. Albans, Vt., where he was admitted to the bar in 1842. After practicing about twelve years at Sheldon, in the same county (Franklin), he was located in practice at St. Albans, until the spring of 1858, when he removed to Aurora, and has since been in active practice. He was several times city attorney of Aurora; and was in partnership with R. G. Montony, until the latter was elected judge of the city court. They had an office in Chicago in 1873-74.

Osborn A. Holcomb read law over two years with A. E. Searles, and was admitted to practice at Ottawa in December, 1885. He is now engaged in practice at Aurora.

* Early in 1888 Mr. Cass removed to the Pacific coast.

N. F. Nichols came to Aurora in September, 1857, fresh from the Wesleyan University at Middletown, Conn., where he had just been graduated. He taught school several years at Kaneville, Geneva and Aurora; read law with J. H. Mayborne, at Geneva, and S. W. Brown, at Aurora; was admitted to the bar in 1865, upon examination at Chicago; began practice at Aurora, in partnership with S. W. Brown, about 1867, and still continues. Mr. Nichols was several times city attorney of Aurora, and previously superintendent of schools in Kane County.

D. M. Clapsaddle, who died at Huron, Dak., in 1886, was in practice in Aurora for a few years, and for a time in partnership with N. F. Nichols.

Randall Cassem, an able lawyer, for some years in practice at Yorkville, Ill., removed to Aurora in the fall of 1887.

Frederick Brown was admitted to the bar in 1853, at Ravenna, Ohio, having studied with Judge Ezra B. Taylor (present member of Congress and successor to Garfield) and John L. Ranney. After practicing a year and a half he came west and located at Pecatonica, Winnebago Co., Ill., where he practiced five years. He was appointed postmaster in April, 1861, upon the recommendation of Hon. E. B. Washburne, and held the position over twelve years. During the time he served four years in the army, leaving the office in charge of his wife. Resigning the postmastership in 1873, he came to Aurora, where he continues in the practice of his profession. He was once a justice of the peace at Pecatonica, but resigned. He has held a similar office at Aurora since 1881; has been school trustee, etc.

Samuel Alschuler, who studied law at Aurora with Capt. A. C. Little, was admitted to the bar before the appellate court at Ottawa, in December, 1880, and has been in practice since the latter part of 1881. Mr. Alschuler has made an enviable record as an attorney.

Charles I. McNett read law at Ottawa, Ill., and was admitted before the appellate court in December, 1881. Since December, 1882, he has been a resident in Aurora.

Asa G. McDole, born in Sugar Grove Township, Kane Co., Ill., was the first white male child

whose birth occurred within that township, the date being June 12, 1836. Beginning in 1858, he studied law a year with Judge Parks, at Aurora, and in 1859-60 attended for six months the first term of the law school at Ann Arbor, Mich. He was examined for admission to the bar in the fall of 1860, at Chicago, by Ebenezer Peck, and was duly admitted in January, 1861, since when he has been in practice at Aurora. He was city attorney of Aurora from April, 1862, to April, 1864, and again from April, 1879, to April, 1882. He revised the ordinances of the city in 1863, and was for a time master in chancery of the Aurora City Court.

George W. Grove was a practicing attorney at Aurora when Mr. McDole entered the professional field, but subsequently removed from the city and is now deceased.

M. O. Southworth studied law in 1864-65 with De Wolf & Pinckney, at Dixon, Ill., and in 1869-70 at the University of Michigan, from which he was graduated in the spring of 1871. He began business at Aurora the same spring, and in 1873 entered into partnership with Sewell W. Brown, who is universally mentioned as one of the most upright citizens Aurora ever possessed. Since Mr. Brown's death Mr. Southworth has practiced mostly alone. He was city attorney of Aurora several terms, and in 1882 a candidate for the position of county judge.

Hon. C. D. F. Smith, at present a resident of Aurora, practices mostly in Chicago, and is in all respects an excellent lawyer. He has held the position of judge of the Aurora City Court, and also that of county judge of Kane County.

Hon. F. M. Annis, of Aurora, is a lawyer of fine repute, who was at one time judge of the Aurora City Court. His present office partner, Luther M. Dearborn, is a promising young lawyer, who recently removed to Aurora from Chicago. Mr. Dearborn is a son of Hon. Luther Dearborn, an early settler of Kane County, who became prominent here and also in Chicago, where for many years he resided. His present home is at Aurora.

Marcus White, now retired from practice, is a resident of Aurora, and one of the pioneers of the county. Ira S. Smith, formerly a resident practi-

tioner, has removed from the city. L. W. Rood resides in Aurora, but has an office in Chicago. E. D. Northam, late one of the proprietors of the *Aurora Daily News*, is a regular practitioner, having been for a time connected with the legal department of the Chicago & North-Western Railway. He was in 1887 appointed official stenographer of the Kane County Circuit Court.

J. D. Fox came to Kane County in 1857, and soon after commenced the study of law with C. J. Metzner, continuing same until 1863, when he enlisted in the army. After his return he resumed his studies in the office of his old preceptor, and was admitted to the bar in 1865.

A list of lawyers in Kane County in 1858 shows the following to have been then in practice:

At Aurora—James G. Barr, O. M. Bates (law student), S. W. Brown, O. D. Day, S. N. Dickinson, B. F. Fridley, A. C. Gibson, John Little (law student), Charles J. Metzner, R. G. Montony, William R. Parker, Samuel Parker (law student), B. F. Parks, E. A. Pritchard, A. E. Searles, N. J. Smith, James Van Allen (law student), L. R. Wagner.

At Batavia—Judge Samuel D. Lockwood, Thomas C. Moore, Charles Wheaton.

At Elgin—John Calvert, F. Colby, Edmund Gifford, A. B. Phiney.

At Geneva—Judge Isaac G. Wilson, Augustus M. Herrington, J. H. Mayborne, W. B. Plato.

At Lodi Station (now Maple Park)—William J. Brown, who was also postmaster.

At St. Charles—Alonzo H. Barry, Judge William D. Barry, D. L. Eastman, John F. Farnsworth, J. H. Ferguson, S. S. Jones.

There have doubtless been many others in practice in the county, at various periods, whose names are not here recorded, but it is impossible to make a complete record, and the foregoing chapter is submitted for whatever of value it may contain.

THE MEDICAL PROFESSION.

PIONEER physicians of Kane County were men of ability and determination, both necessary qualifications in a region whose diseases were peculiar to it, and whose inhabitants were widely scattered and far from medical men or establishments where medicines could be pro-

cured. The doctor who rode—or as often walked—over the broad prairies and forded the streams in the early days, did not write a prescription which could in a few minutes or even hours be filled at a neighboring druggist's, but, by force of necessity, carried a supply of medicines, suited to the wants of the people, in his saddle-bags. He was, in truth, a benefactor, and, like the people whom he served, he must share the hardships and struggles of life in a new country, away from conveniences of all kinds, where his lonely rides often carried him for many miles without seeing a solitary habitation of a fellow man. The medicines which he carried were very often exceedingly costly, yet they were dealt out without stint whenever his professional services were in demand. His fees were small, and, as money was an article not possessed in abundance by many of the settlers, he was obliged to take his pay in such products as the afflicted person could provide. Often, indeed, the doctor's ministrations were a labor of charity, for his fees were not always forthcoming. Yet he lived and toiled on in his work of relieving the sick and distressed, and shared with the people their prosperity or adversity.

It is not quite easy to determine who was the first physician to locate within the present boundaries of the county of Kane, but from the information at hand the honor appears to belong to Dr. N. H. Palmer, who located in Sugar Grove Township at a very early day. Settlers who came to that township in the spring of 1836 found that he had come some time before them, and Dr. Eastman, who located at Aurora in the early summer of 1835, stated, some years later, at a pioneer meeting, that he did not come as early as Dr. Palmer. The latter, after the death of his wife, which occurred April 8, 1848, removed to Winnebago County.

Dr. Daniel Eastman, the first physician to settle at Aurora, took up his residence at that place in June, 1835,* and for years was a skillful and successful physician and surgeon, always main-

* One account of Dr. Eastman states that he came to Aurora previous to 1837. He was a man of kind and genial disposition, and it is said of him that he attended a patient, regardless of poverty, with the same care as though expecting large pay. He belonged to the regular school, and was possessed of a fine education. Through the efforts of friends a handsome monument to his memory was erected in Spring Lake Cemetery, at Aurora, in 1870.

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