

Toil and Triumph" contain a number of poems written in early life, before my literary ambition waned; and a number of more recent date, pertaining to purely personal and family matters; but for the last quarter of a century I have written nothing *for the public*.

J. L. McCREERY.

Washington, D. C., Aug. 15, 1893.

CHIEF JUSTICE CALEB BALDWIN.

BY EX-CHIEF JUSTICE GEORGE G. WRIGHT.

Among the best and warmest friends I have ever had, personally, professionally, politically and officially, was the strong, able and true man whose name heads this article. He was from Pennsylvania, born in that county (Washington) which has sent out so many grand men to the West and the Nation, and a graduate of that school (Washington College) which has given as much, if not more, good and educated brains to the world than any institution East or West. In college with such men as Blaine and others of national reputation, he was ever admired by his old schoolmates, and none others rejoiced more in his successes and triumphs. From such a locality, he was naturally, by influence and association, a Presbyterian. A brief epitome of his life, private and public, would be this:

Born April 3, 1824; graduated in 1842; moved to Iowa in 1846, and was married to Jane Barr at Fairfield in 1848. To this union there were born eleven children, six now living: Laura, Lizzie (now Mrs. W. S. Ament, of Denver), Thomas, John N., Susan (now Mrs. Jason Walker, of Kentucky) and Janie. He was Prosecuting Attorney of Jefferson county for three successive terms—in 1856 was appointed Judge of the District Court by Governor Grimes, to fill a vacancy occasioned by the resignation of Hon. W. H. Seevers—moved to Council Bluffs in 1857, and in 1859 was elected to the Supreme Court of Iowa, at the first election under the present Constitution—in 1862, became Chief Justice; declining a re-election, he re-

sumed his practice in 1864—in 1865 was appointed by President Lincoln United States District Attorney for Iowa, and in 1874 became by appointment one of the Judges of the Court of Commissioners of Alabama Claims, which office he held at the time of his death at his home in Council Bluffs, December 15, 1876.

Settling in Fairfield where, as now, there was a large and influential Pennsylvania colony, he entered at once upon the practice of his profession and was soon recognized as a leading lawyer and prominent citizen. He took a most active interest in the organization of the State Agricultural Society, becoming one of its first officers. He was alike active in the organization of the County Society; and, indeed, there were few persons in that then new county who were more trusted or relied upon in any and all public matters, educational, benevolent or otherwise, than Judge Baldwin.

He was a man of immense stature (weighing in his prime 430 pounds)—and yet of proportions admirable and most commanding and impressive—among the largest, if not the largest man ever in public life in Iowa or elsewhere. This was to him a cause of constant sensitiveness and embarrassment; and yet it is not to be denied that often therefrom he commanded the most profound respect and attention. (Not at all for the purpose of demonstrating this, but as a pleasing incident, I relate that when the meeting was closed at which the State Agricultural Society was organized, the attendance not being very large, Dr. Shaffer, the Secretary, said to Judge (then Colonel) Clagett, the first President: "What shall I say, Colonel, about the meeting through the press?" "Well," said the Colonel, in his ever impulsive manner, "publish to the world that at a large and respectable meeting, etc." "Why," said the doctor, "isn't that stretching it a little?" "Not at all," said the Colonel, "for Baldwin makes it *large* and you and I make it *respectable*." And it was announced accordingly.)

For one of his attainments, splendid bearing, knowledge of men, and ability to care for himself, he was among the most timid and modest men I ever knew. I do not mean by this

that he was wanting in manly courage, for he was as bold as a lion and as defiant of opposition as any man you would meet, when occasion demanded; but rather that he was distrustful of himself and modest in pressing his views or provoking controversy, though he was exceedingly tenacious when once he had reached his conclusion, and could and always did sustain himself if the combat was forced. He was as tender-hearted as a child, and as gentle in manner and in his association with the world as the most refined lady in the land. And yet, strangely enough, he was an acknowledged leader of men, followed by politicians and people as few others ever were in our conventions and political contests, whether in nominations, platform, legislative assemblies or elsewhere. He was my chosen friend and leader when I received my nomination for the Senate in 1870, as he was after that of Senators Allison and Kirkwood. Judge R. P. Lowe, who, with Judge Baldwin, was my associate on the bench, from June, 1860, until the expiration of Judge Baldwin's term, was a most credulous man, taking every man to be honest and true until convinced otherwise; whereas, Judge Baldwin took nothing in politics or the affairs of life for granted—was not in the least credulous, but read men—had the power of analyzing, scrutinizing and combining, with wonderful tact in bringing others to his views, and without offense or provoking unnecessary antagonisms. His judgment of men was intuitive and almost uniformly correct, few deceiving him, and I remember very well that more than once in the contest of '70, above referred to, though I thought I knew my friends and supporters, he often satisfied me, after a seemingly most casual meeting of some supposed friend, that I was mistaken. Instead of taking doubtful or unknown things for granted, he counted them against us and organized for and upon the certain; and if this did not portend success, he was prepared for defeat. With marked ability to judge men, he was always ready to accommodate himself in speech and manner to their varied dispositions and positions. He was as much at home with the plain farmer as with the learned attorney;

with the humblest mechanic as the man of largest means ; with the "hale fellow well met" as with the most accomplished and fastidious divine. All this with him was not a matter of study, but a part of his nature ; and whatever his surroundings he was ever true to himself, and never other than the dignified gentleman. In society he was a favorite, for he was so kind, so gentle, so cordial, and in the evening circle, for instance, could with other affable qualities, so deftly touch the lightest keys of the piano, with his immense hands, that he was sought for and always in demand. (He could bring music also out of other instruments, for in the old band of Fairfield, say, in 1850, I remember that he blew the largest French horn, and with wonderful effect. With that he fairly made "the very hills to tremble.")

He had the keenest sense of the humorous ; and whether the incident bore upon himself or otherwise, it was alike enjoyed, unless some stranger, or one for whom he had little respect, made his size the occasion or excuse for the story or joke ; and then his whole manner changed and the offender was but too glad to escape his presence. Some man who, in his judgment, had no right to propound the inquiry, once asked him, "How much do you weigh ?" "I weigh a ton, sir !" and the manner in which he said it closed the conversation at once. His big sunny face when bright with laughter made mirth contagious, and one could no more resist than stand before a cyclone. Indeed, he laughed all over ; and when his whole 430 pounds joined the whirlwind it was indeed a cyclone of good humor and you, *nolens volens*, got into the way.

As a judge he was almost uniformly distrustful of his own conclusions. He was so anxious to do right, to declare the very law, so fearful that he would make a mistake or give reasons for his conclusions which attorneys would criticise or deem insufficient, that he would hesitate and turn the question over and over in his own mind and with his associates ; not because he did not have his own views, but because he wanted to be sure that he was in no danger of doing something wrong or reaching an untenable conclusion. His perceptions were:

unusually quick—his first conclusions perhaps as correct as those reached after reading and investigation; and yet in all cases alike he desired and courted support. He talked more readily than he wrote. In a few sentences, when in consultation, I have known him to state with admirable clearness his views on the question in hand, but upon going to his table to commit it to paper, would labor sometimes long and earnestly to give a like clear expression of what we all well understood, but which he had difficulty in saying with the pen. Often I have known him to hold his pen, hesitate, get up and look around; when asked to state the connection and the word suggested to him, confused as a little girl he would say, "Certainly, I knew that all the time, and why couldn't I get it?" He believed in good, plain Anglo-Saxon, without much polish or amplification; and when he was done, quit. What a rare virtue this is, whether in lawyer or judge! His opinions, I think, give abundant evidence of this. And yet notwithstanding his timidity and hesitation in reaching results, he was a very tower of positiveness when the conclusion was settled and the work over. Of such a man I need not say that he was among the most pleasant, affable and genial in the consultation room; for while he had his views he was equally tolerant of those of others, never dogmatically insisting upon his own conclusions, knowing, as an intelligent lawyer and judge, that others might be right and he wrong.

Few men had warmer friends or were more reliable as a friend. He had the most absolute contempt for the shyster or quack or pretender, and avoided and decried them in every way in his power. Young men he loved, and the worthy he was ever ready to help. He had not much ability in acquiring property, caring more for a happy home, the comforts of life and the education of his children than for great wealth. As a lawyer, he was successful from preparation, the confidence of court and jury, which he had beyond most men, and the absence of all tediousness on the trial, whether in taking testimony or argument rather than much argument or the force of some others in presenting his case. He did have success and a very

excellent business; for, differing from many others of more show, he grasped the main question and took no time with non-essentials.

Iowa has had few men taken in all the relations of life—the home circle, church, at the bar, his connection with state institutions, filling as he did so many positions and the very highest; and indeed in all his life-work—of whom the State, his friends or his family (the latter among the best and most honored in Iowa or elsewhere) should be more justly proud. When the work of frescoing the ceiling of the magnificent Hall of Representatives in our new capitol was in progress, it was deemed most appropriate to include among the portraits of State and National worthies that of one of our Iowa jurists. When this was suggested no other name was mentioned except that of Caleb Baldwin. Notwithstanding this portrait was copied from another, it is a very correct likeness of the man to whose precious memory it most appropriately stands as an imperishable monument.

THE CHARGE ON BATTERY ROBINET.

BY EX-GOVERNOR CYRUS C. CARPENTER.

(Concluded from July number.)

It is perhaps fitting in this connection that I should give a summary of the casualties and of deeds which received special mention, in the Iowa regiments engaged in the battle of Corinth. The 10th Regiment belonged to the Second Brigade, Third Division of the Army of the Mississippi. It was commanded by Major Nathaniel McCalla. In his report, Captain N. A. Holson, acting Lieutenant Colonel, and Captain Jackson Orr, acting Major, and the Adjutant, William Manning, were specially mentioned for coolness and courage. Ninety-six enlisted men and one officer were wounded and three enlisted men were killed. The 17th Regiment was conspicuous, especially during the second day's battle; charg-

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