

## PROMINENT MEN OF EARLY IOWA.

BY EDWARD H. STILES.

SERRANUS CLINTON HASTINGS AND JACOB BUTLER.

Both of these men were striking figures in the legal and political history of early Iowa. I have heard many different opinions expressed in reference to Judge Hastings. He left the State at an early day. His real status has therefore been left somewhat in confusion. He was a man of strong will and characteristics, and in the political and sometimes personal frictions that prevailed, he doubtless played a strong and sometimes offensive part. As a consequence, he left behind him some personal enemies, or at least some who felt rather bitterly towards him.

Prominently, and I may say principally among these was Hawkins Taylor, who was hostile politically and personally to Hastings. Taylor was a very peculiar man with many strong points and some unenviable ones. He was an unrelenting foe, and towards his foes he could not refrain from expressing his enmities. Thus prompted and along this line Taylor wrote an article entitled "A Politician of the Primary Days," which appeared in the first series of THE ANNALS OF IOWA, October, 1871, and which does Hastings great injustice; in fact, outrageously misrepresents him. Nothing could be more unjust, or scarcely more slanderous of a man who had held public office and been greatly honored by the people. The private reasons that instigated this article I have no knowledge of, but that it was actuated by unfriendly impulses there can be no doubt. It was very briefly but nevertheless effectually refuted by a subsequent article of Suel Foster's appearing in the same series of THE ANNALS, January, 1872.

The fact is, that taken all in all, Hastings was a very remarkable man, as his career in both Iowa and California

fully verifies. The slanders that were heaped upon him make one realize the full force of the lines:

He who to mountain tops ascends,  
 Will find the highest peaks most wrapped in clouds and snow.  
 He who surpasses or subdues mankind,  
 Must look down upon the hate of those below.  
 Though high above the sun of glory glow,  
 And far beneath the earth and ocean spread,  
 Round him are icy rocks, and loudly blow  
 Contending tempests on his naked head,  
 And thus reward the toil that to their summit led.

That he had weaknesses, and especially one common to that time must be admitted. But if he were to be condemned on that ground, what would become of some of the great men of the past, among whom might perhaps be reckoned Webster, Clay, Douglas, Arthur, De Quincey, Coleridge, Byron, Poe *et id omne genus*? Men should be judged by their accomplishments. The scriptural saying "by their fruits ye shall know them" is still sound. Gauging him by this standard, let us briefly review the principal events in the life of this man.

He was born in Jefferson county, New York, in 1814. His early years were a struggle with poverty, but by extraordinary efforts he managed to pass the requisite tutelage at Gouverneur academy, from which he graduated with honors. At the age of twenty he became principal of Norwich academy in Chenango county, New York. What higher evidence could there be of his conspicuous talents and the impression he made upon the community?

He subsequently commenced the study of law, completing his legal course at Lawrenceburg, Indiana, to which place he had migrated. He did not immediately enter upon the practice. He became for a time the editor of the *Indiana Signal*, and vigorously supported Martin Van Buren for the presidency. His editorial career was short but it closed with the triumph of his candidate.

In December, 1836, he pushed farther westward—to Terre Haute, Indiana, where he was admitted to the bar. The following year he resolved to move still farther west, and came

to Burlington in January, 1837. In the spring of that year he came to the settlement of Bloomington, whence sprang the city of Muscatine. Iowa was then a part of Wisconsin.

Upon the organization of Iowa Territory, he had made such a favorable impression upon the people that he was elected a member of the House of the First and Second Legislative Assemblies. In 1840, he was elected to the Legislative Council and by successive elections served in the Third, Fourth, Seventh and Eighth Legislative Assemblies with marked distinction, and in 1845 was elected President of the Council. He exercised a wide influence in framing the early laws of the Territory. He was associated with James W. Grimes in compiling the laws, and reported from the committee the celebrated statute known in the early days and for many years as the "Blue Book." In 1846 he was elected one of the first congressmen in the State organization. Shepherd Leffler was the associate representative.

In 1848 he was appointed Chief Justice of the Supreme Court of Iowa. At the end of his term he removed to California, arriving in that State in the summer of 1849. In a comparatively short time he had made such a favorable impression upon the people and their representatives that he was unanimously elected by the Legislature as Chief Justice of the Supreme Court of California. In this position he served with distinction and general satisfaction. In 1851, the people of that State further showed their appreciation of his talents by electing him its Attorney General.

After this service he devoted himself entirely to his profession and became one of the most widely-known and famous lawyers of California. His practice rapidly grew upon his hands. He was employed in cases of great importance; among them were some involving the title to large bodies of land under Spanish grants, which he prosecuted with success. Mr. Parvin says that he received in one case lands valued at a million dollars. In short, his professional success was such that in the end he became a millionaire. He gave largely to the public, and donated \$100,000.00 for the establishment of a law department in the University of California.

If these successive triumphs do not demonstrate that Judge Hastings was a man of great ability and high character, then by what test shall men be judged? He died in San Francisco in 1893, and I am gratified with the belief that what I have written may in a measure vindicate his memory against the aspersions that have been cast upon it in the manner before indicated.

In this connection I am constrained to embody the following excerpt from the reply of Suel Foster to Mr. Taylor hereinbefore referred to. Suel Foster was one of the leading citizens of the State, distinguished for his exalted character and integrity. He lived in Muscatine during all the period that Hastings did, and knew him intimately. He says:

That Judge Hastings took a very conspicuous part in politics in the early history of the Territory, or State, is true; and that he drank whisky, and used profane language, is also true. Is Mr. Taylor and the ANNALS correcting all these evils? If so, you have a great undertaking.

He is charged by Mr. Taylor with being a lawyer for the criminals. What of it? What criminal is without a lawyer? or what lawyer declines to serve in that capacity? \* \* \* "Expressionless countenance!" No man ever walked our fair State with a more expressive countenance, or a nobler-looking specimen of a man, than the subject of our remark. As a political leader of the Democratic party in this county, and in the Territory and State, very few men acted with better judgment and profound statesmanlike wisdom. \* \* \* Nor has Mr. Taylor pointed out a single dishonest act in Judge Hastings. He has left in Muscatine county an unblemished character for truth, veracity and honesty. In proof of the estimation and confidence the people put in him, in the twelve years he lived here he was twice elected to the House in our Legislature, once Speaker of the House, once to the State Senate, once to Congress, appointed by the governor a judge on the supreme bench. In all these offices of trust he discharged his official duties with ability and fidelity.

It seems to me that Mr. Taylor did not know intimately or had not observed closely the personality of Hastings, for he describes him as having "long, black hair, dark complexion and expressionless countenance." This is at utter variance with what Mr. Foster has said, and, also, as will be seen by reference, with the description given by Theodore S. Parvin, a fellow-townsmen and an intimate, who says: "Hastings

had red hair, red complexion, was tall, full of good humor and laugh."

In what has been said, I do not desire to be unjust to Hawkins Taylor, for he was an active and useful pioneer, and his sprightly writings along nearly the whole line of the ANNALS OF IOWA have contributed greatly to the history of the early times. But he was an intense political opponent of Hastings, a rabid prohibitionist, and exceedingly intolerant, as will readily be seen if one follows the course of his writings in which he sometimes indulges in rather unpardonable personalities.

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Jacob Butler was born in Franklin county, Ohio, in 1817. He graduated at Miami College. Among his classmates were John D. Deshler and Charles S. Foster. All three finally settled in Bloomington, now Muscatine. Butler studied law with Judge Swan of Columbus, author of "Swan's Treatise." Judge Swan took a great interest in young Butler, and insisted upon giving him one hundred and fifty dollars with which to make his start as a young lawyer in the further West.

Butler first went to New Orleans, then to St. Louis, and finally to Bloomington in 1841. The town then had only a few hundred inhabitants. He gradually rose to influence in his profession and with the people. He made accumulations, displayed great shrewdness in real estate investments and in the course of time became comparatively wealthy. He was for three years and a half president of the Muscatine National Bank and was also president of the Muscatine Gas Company. In 1863 he was elected Representative to the Tenth General Assembly and was chosen Speaker of the House.

Let us turn now to his professional career. He displayed decided ability as a lawyer, and especially as a vigorous and persuasive advocate, and soon made himself known throughout that part of the State. His name is found among the earliest reported cases: In *Jackson vs. Fletcher*, Morris 230; in *Humphreys vs. Humphreys*, Morris 359; in *Woodward vs. Gregg*, 3 G. Greene.

This shows his rapid progress and the decided mark he had so soon made. Judge Swan did not over-estimate his fine capacities for the profession, and had he continued in and devoted himself to it, he undoubtedly would have attained to the first rank, as his intellectual armor was excellent, his education thorough, his temperament active and his speech felicitous.

As before stated, he was Speaker of the House in the Tenth General Assembly, of which the writer was also a member. He was a person of strongly-marked individuality, a man of decided ability and high character, but of the most irrepres- sible disposition. He was extremely irascible, rather inclined to be aristocratic, haughty, dictatorial, and could brook no op- position to what he thought ought to go ahead. Prompted by this characteristic, he would frequently resign the gavel to some other member, descend from the Speaker's stand, walk about half-way up the aisle, face about and address himself to the subject with such nervous vigor of manner and force- fulness of expression as to leave no doubt of his earnestness. He was a radical of the first order; positive and impatient to the last degree; a fierce hater of slavery; was denominated an abolitionist, and had he lived in Boston would have been a worthy and efficient coadjutor of Wendell Phillips and William Lloyd Garrison.

The following circumstance will illustrate the confidence he had in his ability to impress himself on other men. Some years after we had separated at the close of the session, I walked into a Chicago depot to take a train homeward. I casually noticed a genteelly-dressed man and a fine-looking woman with several children. The man seemed to be ner- vous, frequently rising, walking about and sitting down again. Looking more closely as he walked in my direction, I saw it was Butler, and stepped forward to greet him. "You are just the man I want to see," he said; "Have you got any money?" "A little," I replied. "I would like to borrow ten dollars," said he. "I have my railroad tickets, but we are tired and want sleepers and I have no money." Of course I gladly let him have the money. He then gave me this ex-

planation of his penniless condition: he had been visiting seaside resorts with his family; the last one was the beautiful town of Stamford on the Sound. When he came to go, the amount of his hotel bill obliged him to recuperate his funds to get home on; this he put off to the last minute, on the way to the depot directing the driver to stop at the National Bank of Stamford. This was done, and Butler went in, called for a blank draft, made it on the First National Bank of Muscatine, handed it to the cashier with the statement that he was the president of that bank, and desired him to cash the draft. Instead of rushing to do so, the cashier looked at him significantly out of the corner of his eye, and said: "Oh, that is too old a trick to be played in this part of the country." He positively refused to let him have any money until Butler had angrily thrown down his heavy gold watch and chain as security for a sum much less than he wanted, and of which every dollar had been spent before he reached Chicago.

He quit the practice to engage in banking, became wealthy, removed to Chicago to engage in the same business on a larger scale, met reverses that wrecked his fortune and caused him to die under unhappy conditions. The great Chicago bank collapsed, leaving him on the strand. His sensitive nature could not endure the shock, and he perished amid the wreckage,—a notable instance of the un wisdom of men leaving prosperous conditions and old friends to embark among strangers on venturesome seas.

He was not well calculated for a politician, though he was active in politics. He could not 'pretend to see things that he did not.' His seemingly dictatorial bearing was an obstacle to general political success. He was chosen Speaker of the House not because of his strength as a politician, but because of his positive qualities and unswerving principles. At the bottom he was one of the kindest of men, his sympathies were quickly touched, and he was gracefully pliant when rightly handled. Between us there grew up a strong friendship. On the adjournment of the Legislature, we agreed to exchange photographs. The following letter, written nearly

fifty years ago, not only shows a kindly spirit, but also characteristically expresses his political preferences:

Muscatine, 14th June, 1864.

Friend Stiles: I have not forgotten your letter and the photograph I am indebted to you for, although so much time has elapsed since their receipt. I enclose my rather surly-looking effigy in exchange for yours which frankly I do not think does you justice.

I am just home from the East, and although I was not at Baltimore, I am delighted with what was done there. I have not seen a Fremont man during a tour of four weeks, extending as far east as Boston. I think we shall make as clean a sweep of the whole country as we did of Iowa last year. I am,

Very truly yours,

JACOB BUTLER.

In stature he was if anything rather below the medium in height, but well and roundly built; his face full, his expression heroic, his address pleasing. His final sorrow and untimely death,—for he was still in his prime,—was a source of general grief.

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Lectures at Garnavillo.—Our readers will be glad to learn that Professor Craig intends shortly to deliver a course of lectures embracing Geology, Astronomy and Spiritualism, in this place. We have no doubt of Mr. Craig receiving the patronage of every lover of science and philosophical inquiry in this neighborhood, while treating on subjects to which his well known talents fit him to do ample justice. We need not allude to the popular character of the Professor's former lectures here and elsewhere, or to his many communications in our paper.—*Clayton County Herald*, December 13, 1854.

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