

ANNALS OF IOWA

EDITORIAL DEPARTMENT

THE IOWA SUPREME COURT

There is presented herein the second group of sixteen former justices of the Iowa Supreme Court who went upon the bench in the last thirty years of the nineteenth century. In the July number of *THE ANNALS OF IOWA* were published the portraits and biographical sketches of the sixteen justices who preceded 1870. All of those who took office prior to 1900 are gone, but many of them are well within the memory of members of the bar still active.

It is the intention to publish in like manner sketches of all members of the court to the present time. For this material we are indebted to Hon. Frederick F. Faville, the present Supreme Court Reporter and Code Editor, and his assistant Wayne Faupel, as well as to members of the court and relatives.

More than half of these who became members of the court prior to the present century first went on the bench by appointment, either to fill a vacancy caused by resignation or first establishment of the office. There were ten who resigned and two died in office. In this period the court was increased from three to six in size. Territorial and first state justices were appointed, then election was by the General Assembly and later by popular vote. The first of the list of sixteen now presented served less than a year, but several were re-elected and served long terms. Some of them, after termination of their office on the Supreme bench, held other high positions in the judicial, legislative or administrative branches of the state or federal governments, engaged in teaching or in the business world.

In the first sixty-two years of the state and territory, there were thirty-two justices who served; in the forty years since the number has increased by forty and these will appear in subsequent numbers of this magazine.



ELIAS H. WILLIAMS

Served on the Iowa Supreme Court from January 19, 1870, when he was appointed to fill the vacancy occasioned by the retirement of John F. Dillon, until he himself resigned September 14 of the same year.

Born at Ledyard, Connecticut, July 23, 1819. He was graduated from Yale college and migrated to Clayton county in 1846 where he entered the practice of his profession at Garnavillo. Soon thereafter he was elected County Judge under the then new system of county courts and, in 1858, was elected Judge of the District Court which position he held until he came on the Supreme Bench.

Judge Williams was active as well in farming and the promotion of railroad enterprises. His wife was a sister of Governor William Larrabee.

Judge Williams died August 20, 1891.



JAMES G. DAY

Served on the Iowa Supreme Court from September 1, 1870, when he was appointed to fill the vacancy occasioned by the retirement of George G. Wright, until December 31, 1883. For three years he was Chief Justice.

Born in Jefferson county, Ohio, in 1832. He was graduated from Richmond College, Ohio, and later from the Cincinnati Law School in 1857. Soon thereafter he came to Afton, in Union county, later moving to Sidney, in Fremont county. He enlisted in the Union Army in the Civil War and was promoted to the rank of captain. He was severely wounded at the battle of Shiloh.

Judge Day's most famous decision was the rehearing opinion on the constitutionality of the prohibitory amendment to the Iowa Constitution. His independence of thought, as to the inviolability of that document, is well exemplified by this decision, declared in spite of the strong popular feeling which he probably foresaw would retire him from the bench at the coming election.

Judge Day died in Des Moines in 1898.



WILLIAM E. MILLER

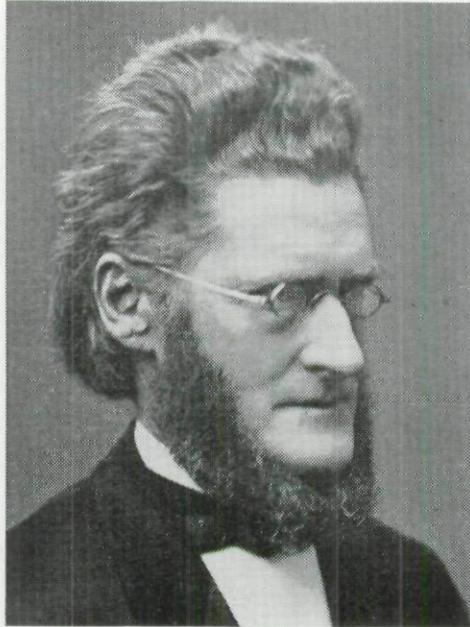
Served on the Iowa Supreme Court from September 14, 1870, when he was appointed to fill the vacancy occasioned by the retirement of Elias H. Williams, until December 31, 1875. For two years he was Chief Justice.

Born in Westmoreland county, Pennsylvania, in 1823. His early vocation was that of a molder in his father's iron foundry. By studying law in his leisure hours, at this time and later while a reporter on newspapers at Iowa City, he was able to gain admission to the bar in 1853. In 1857 he was elected Judge of the District Court. During the Civil War he was a colonel in the Union army.

After the war he was again elected to the District bench which position he held when appointed to the Supreme Bench.

Judge Miller was the compiler and editor of the Codes of Iowa known as "Miller's Codes".

Judge Miller died in Des Moines in 1896.



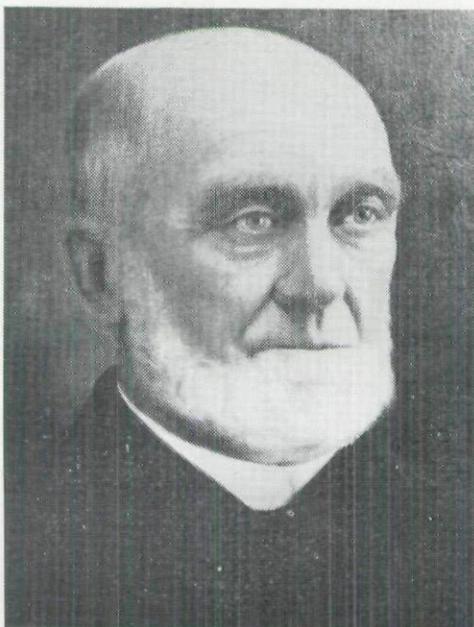
AUSTIN ADAMS

Served on the Iowa Supreme Court from January 1, 1876, to December 31, 1887. For four years he was Chief Justice.

Born in Windsor county, Vermont, in 1826, he belonged collaterally to the same family as did Samuel Adams, of Revolutionary War fame. His uncle, Alvin Adams, was the organizer of the Adams Express Company. He was graduated from Dartmouth college and later from the Harvard Law School. In 1854 he came to Dubuque where he began the practice of law.

Judge Adams had been for some years a professor before coming to the bar. In one way or another he was constantly engaged in educational work and for many years was a regent of the State University of Iowa.

Judge Adams died in Dubuque in 1890.



WILLIAM H. SEEVERS

Served on the Iowa Supreme Court from February 17, 1876, when he was appointed to fill the vacancy occasioned by the retirement of Chester C. Cole, until December 31, 1888. For three years he was Chief Justice.

Born in Shenandoah county, Virginia, in 1820. Came to Mahaska county, Iowa, in 1843, where he was admitted to the bar in 1846—one of the first lawyers in that county. In 1852 he was elected Judge of the District Court.

Judge Seevers was a member of the House of Representatives in the Seventh General Assembly, which was the first session following the adoption of the new Iowa Constitution. He was also one of the Code Commissioners who prepared the Code of 1873. He later served as a member of the Sixteenth General Assembly.

Judge Seevers wrote the opinion on the first appeal in the famous Jones County Calf Case. This case is often cited as an outstanding example of protracted litigation. (See 63 Iowa 529; 69 Iowa 562; 82 Iowa 693 and 93 Iowa 165.)

Judge Seevers died in Oskaloosa in 1895.



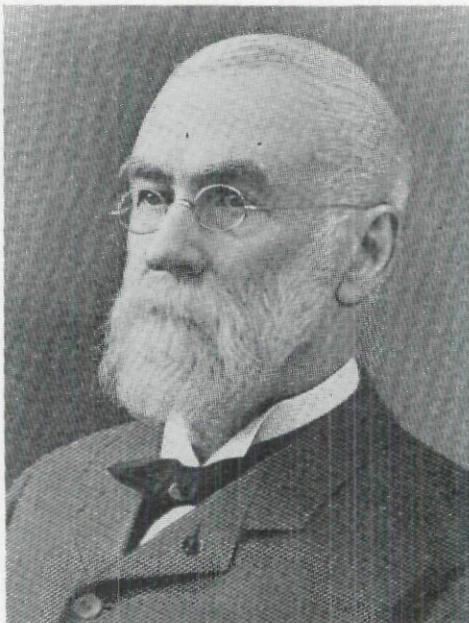
JAMES H. ROTHROCK

Served on the Iowa Supreme Court from February 24, 1876, when he was appointed in compliance with a legislative act increasing the personnel from four to five members, until December 31, 1896. For four years he was Chief Justice.

Born in New York in 1829, the family moved to Ohio in 1838. He was graduated from Franklin University and admitted to the Ohio bar in 1854. In 1860 he came to Tipton in Cedar county, from which county he was elected to membership in the House of Representatives of the Ninth General Assembly. He was speaker pro tem of that session. He was also a member of the Ninth Extra General Assembly.

Judge Rothrock served as a lieutenant colonel in the Civil War and took part in the siege of Vicksburg. In 1866 he was elected Judge of the District Court, which position he continued to hold until coming on the Supreme Bench.

Judge Rothrock died in Cedar Rapids in 1899.



JOSEPH R. REED

Served on the Iowa Supreme Court from January 1, 1884, until he resigned February 28, 1889. He had been Chief Justice for two months when he resigned.

Born in Ashland county, Ohio, March 12, 1835. Came to Iowa in 1857, taught a country school, later locating at Adel in Dallas county. In 1859 he was admitted to the Iowa bar. Served as a captain of artillery during the Civil War, after which he was elected to membership in the Senate of the Eleventh and Twelfth General Assemblies. Not long after his service in the legislature he moved to Council Bluffs where he became a Judge of the District Court in 1872. In 1883 he was elected to the Supreme Court and while yet a member of the court he was elected to congress in 1888. He resigned from congress in 1891 upon his appointment by the president as Chief Justice of the Court of Private Land Claims.

Judge Reed died in Council Bluffs April 2, 1925.



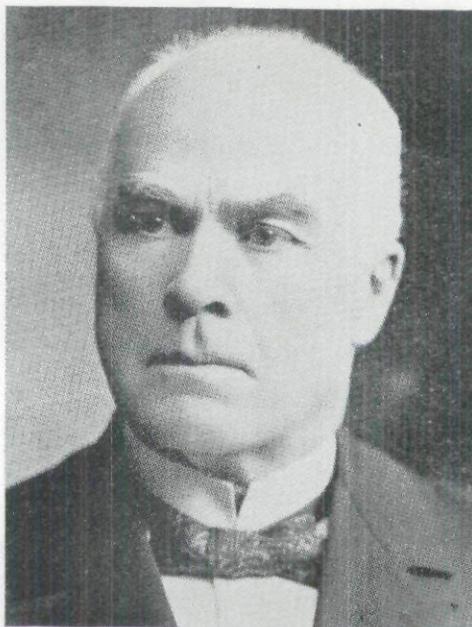
GIFFORD S. ROBINSON

Served on the Iowa Supreme Court from January 1, 1888, until December 31, 1899. For three years he was Chief Justice.

Born at Tremont, Illinois, May 28, 1843. Graduated from the Illinois State Normal University, where, after graduation, he taught for several years. He enlisted in the Civil War as a private and was severely wounded at Chickamauga. After the war he studied law at Washington University where he graduated in 1869. In 1870 he moved to Storm Lake in Buena Vista county, Iowa, where he entered upon the practice of his profession.

Judge Robinson was a member of the House of Representatives in the Sixteenth General Assembly and a Senator in the Nineteenth, Twentieth, and Twenty-first General Assemblies. After his service on the court he was appointed to membership on the Iowa Board of Control where he served from 1900 to 1913.

Judge Robinson died at West Okoboji lake May 28, 1936.

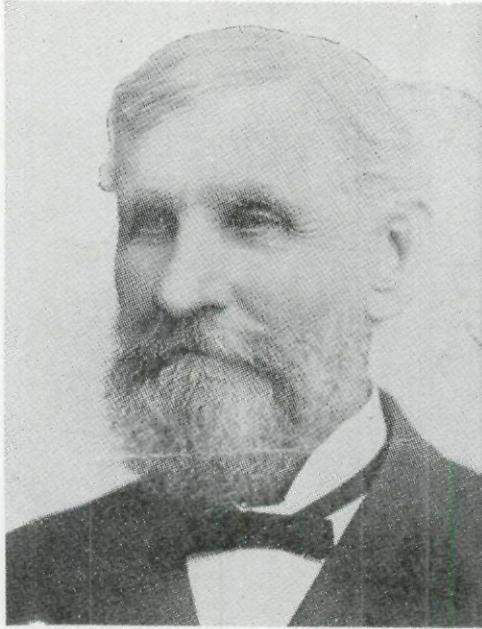


CHARLES T. GRANGER

Served on the Iowa Supreme Court from January 1, 1889, until December 31, 1900. For two years he was Chief Justice.

Born in Monroe county, New York, October 9, 1835. While he was yet a child his family moved to Lake county, Ohio. In 1854 he married and moved to Allamakee county, Iowa. In 1855 he returned to Illinois, where he had lived a short time previous to his marriage, and attended the Waukegan Academy. In 1860 he returned to Iowa where he was admitted to the bar. At the outbreak of the Civil War he entered the army as a captain and served throughout the war. In 1873 he was elected Circuit Judge and later a District Judge. In these capacities he served for seventeen years before his election to the Supreme Bench. Judge Granger wrote the famous meteorite decision of the court reported in 86 Iowa 71.

Judge Granger died at Long Beach, California, October 26, 1915.



JOSIAH GIVEN

Served on the Iowa Supreme Court from March 12, 1889, when he was appointed to fill the vacancy occasioned by the retirement of Joseph R. Reed, until December 31, 1901. For three years he was Chief Justice.

Born at Murrysville, Westmoreland county, Pennsylvania, August 31, 1828. In 1838 the family moved to Holmes county, Ohio. He served with an Ohio regiment throughout the war with Mexico. After studying law in the office of his brother he was admitted to the bar in 1850. At the beginning of the Civil War he entered as a captain, and was engaged in twenty-two battles. At the close of the war he was retired as a brigadier general. For a short time he served as United States Commissioner of Internal Revenue. In 1868 he came to Des Moines and in 1880 was elected Judge of the Circuit Court and in 1887 a Judge of the District Court.

Judge Given died in Des Moines February 3, 1908.



LA VEGA G. KINNE

Served on the Iowa Supreme Court from January 1, 1892, until December 31, 1897. For one year he was Chief Justice.

Born at Syracuse, New York, November 5, 1846. He was graduated from the University of Michigan law school in 1868. Began the practice of law in Illinois but soon moved to Toledo, Iowa, in 1869. Judge Kinne was a law partner with H. J. Stiger at Toledo. In 1886 he was elected Judge of the District Court. After one term on the District Court he came to Des Moines as editor of a daily newspaper. He soon returned to Toledo, however, and was again elected District Judge, which position he held until elected to the Supreme Bench. After his retirement from the bench he practiced law in Des Moines until appointed a member of the first Iowa Board of Control, in which capacity he served two terms.

Judge Kinne frequently gave lectures on legal subjects at both the University of Iowa and the Iowa College of Law at Des Moines.

Judge Kinne died at Des Moines March 16, 1906.



HORACE E. DEEMER

Served on the Iowa Supreme Court from May 8, 1894, when he was appointed in compliance with a legislative act increasing the personnel from five to six members, until February 26, 1917. For four years he was Chief Justice.

Born September 24, 1858, at Bourbon, Marshall county, Indiana. In 1866 the family moved to West Liberty, Iowa. Judge Deemer was graduated in 1879 from the University of Iowa law department. The same year he entered upon the practice of law at Red Oak. In 1886 he was elected Judge of the District Court at the age of twenty-eight. Judge Deemer's service on the court was one of the longest in its history, although he died while still in middle life.

Judge Deemer was the author of several books and papers and was a lecturer on law at the State University.

Judge Deemer died at Red Oak February 26, 1917, while a member of the court.



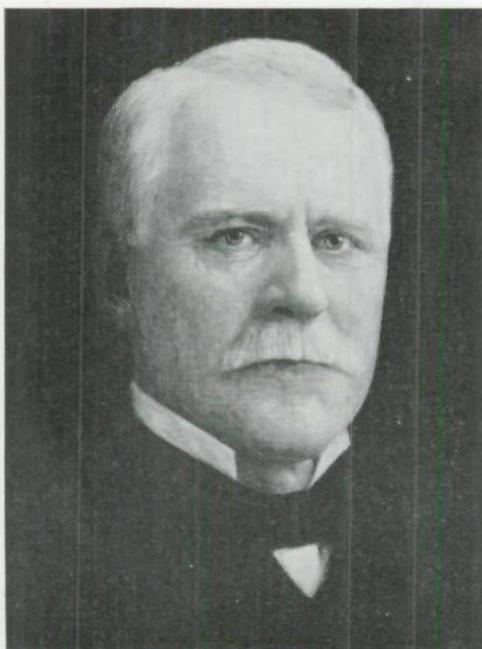
SCOTT M. LADD

Served on the Iowa Supreme Court from January 1, 1897, until December 31, 1920. For four years of this period he was Chief Justice.

Born at Sharon, Wisconsin, June 19, 1855. He was graduated from Carthage College, Illinois, in 1879, and from the University of Iowa in 1881. He entered upon the practice of law at Sheldon, Iowa, in the same year. In the fall of 1886 he was elected Judge of the District Court, in which position he served for ten years and until elected to the Supreme Court. Judge Ladd's service on the court was equal to that of Judge Beck's—the second longest in the history of the Supreme Court. After terminating his service on the court he associated himself with his two sons in the practice of law in Des Moines. One son, Mason Ladd, is now dean of the Law School at the State University and the other, Loy Ladd, is Judge of the District Court at Des Moines.

Judge Ladd was interested in the development of the State Historical department and also in making the capitol grounds one of the finest in America.

Judge Ladd died in Des Moines April 14, 1931.

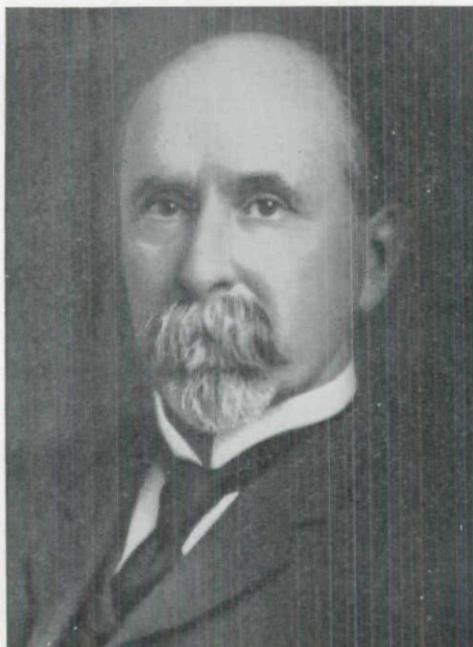


CHARLES M. WATERMAN

Served on the Iowa Supreme Court from January 1, 1898, until he resigned June 18, 1902.

Born at Frankfort, Kentucky, January 5, 1847. In 1854 the family located at Davenport, but not long thereafter moved to Ohio. After graduating from an academy in Frankfort, he returned to Davenport and read law in a private law office. He was admitted to the bar in 1871, and in 1877 was elected to membership in the House of Representatives of the Seventeenth General Assembly. In 1887 he was appointed to fill a vacancy in the District Court, where he continued to serve until 1898, having been elected the previous year to membership on the Supreme Court. In 1902 he resigned from the court and formed a partnership with Joe R. Lane for the private practice of law in Davenport.

Judge Waterman died in Davenport January 28, 1924.



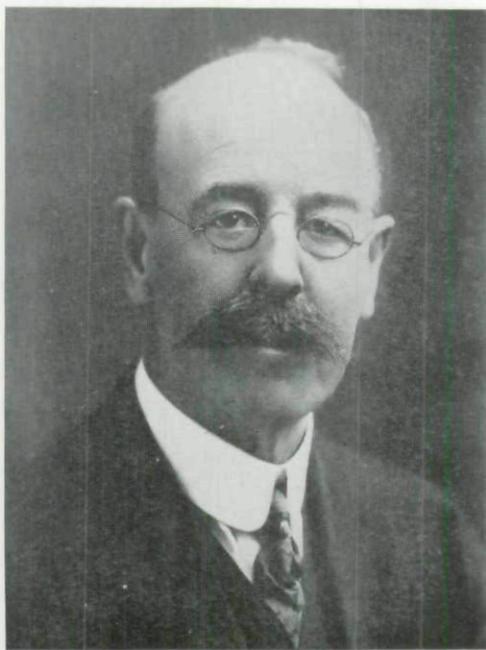
JOHN C. SHERWIN

Served on the Iowa Supreme Court from January 1, 1900, until December 31, 1912. For two years he was Chief Justice.

Born at Berlin, Ohio, February 6, 1851. When an infant he came with his parents to LaCrosse, Wisconsin. In 1875 he was graduated from the law department of the University of Wisconsin.

In 1876 he came to Iowa, locating at Mason City, where he entered upon the practice of law. He served in various public capacities in Mason City, including that of mayor. In 1888 he was appointed a Judge of the District Court, where he continued to serve until coming on the Supreme Court. After retiring from the court he continued to reside in Mason City.

Judge Sherwin died at Mason City February 3, 1919.



EMLIN McCLAIN

Served on the Iowa Supreme Court from January 1, 1901, until December 31, 1912. For two years he was Chief Justice.

Born in Salem, Ohio, November 26, 1851. Came to Tipton, Iowa, with his parents in 1855. He was graduated from the law department of the State University in 1873. He came to Des Moines and practiced law until 1890, when he became dean of the law department at the University of Iowa. He continued as dean at the university until elected a Judge of the Supreme Court.

After his retirement from the court he moved to California where he was professor of law at Leland Stanford Jr. University. In 1914 he again became dean of the law department of the University of Iowa.

Judge McClain was one of the commissioners who prepared the Code of 1897. He was also author of numerous legal textbooks and was the compiler and editor of the codes of Iowa known as "McClain's Codes".

Judge McClain died at Iowa City May 25, 1915.

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