

NORTHERN JUDICIAL DISTRICT OF IOWA

By LEE MCNEELY¹

The story of the Northern Judicial District of Iowa necessarily includes some references to the Southern Judicial District of the state, and to the former Judicial District of Iowa.

The states of Iowa and Florida were admitted into the Union by act of congress approved March 3, 1845, (5 Stat.,² 742-743). By an act which was approved and took effect on that same day, (5 Stat., 789-790) the Judicial District of Iowa was created. That act was entitled "An act supplemental to the act for the admission of the states of Iowa and Florida into the Union." After providing for one judge, to be called a district judge, the act provided: "He shall hold, at the seat of government of the said state, two sessions of the said district court annually on the first Monday in January." Iowa City was the capital of the state at that time. It will be noted that no divisions of the district were created.

By act approved March 3, 1849, (9 Stat., 410) the Judicial District of Iowa was "separated" into three divisions, as follows:

All that part of said district lying within the Dubuque land district, as altered by the act to establish an additional land district in Iowa approved eighth August, eighteen hundred and forty-six, shall constitute the Northern division, and a regular term of said court for said division shall be held annually at Dubuque, to commence on the first Monday in January; all that part of said district lying within the Iowa land district . . . shall constitute the Middle division, and a regular term of said court for this division shall be held annually at Iowa City, to commence on the first Monday in October; and the residue of the state of Iowa shall constitute the Southern division, and a regular term of said court for this division shall be held annually at Burlington, to commence on the first Monday in June.

That act further provided that

Should the judge of the said district court fail to attend at the time and place of holding any one of the regular terms of the court,

¹ Clerk of U. S. district court, Northern district of Iowa, Dubuque.

² United States statutes at large.

for either of the said divisions of the aforesaid district, before the close of the fourth day of any such term, the business pending in such court shall stand adjourned to the next regular term thereof; Provided, that whenever the judge of said court, from any cause, shall fail to hold a regular term of said court for either of said divisions, it shall be his duty, if in his opinion the business in said court shall require, to hold an intermediate term of said court, at such time as he shall, by his order, under his hand and seal, direct, addressed to the clerk and marshal of said court, at least thirty days previous to the commencement of said term, and to be published, in the several newspapers published in the bounds of said division and district, the same length of time; and, at any and all such intermediate terms, the business of any such courts, of every nature and description whatsoever, shall have reference to, and be proceeded with, in the same manner as if the same were a regular term of said court.

Thus the District of Iowa was "separated" into three divisions, namely the Northern, Middle and Southern divisions, with a term of court to be held at Dubuque on the first Monday in January; at Iowa City on the first Monday in October; and at Burlington on the first Monday in June.

By the act of February 26, 1853 (10 Stat., 171-172) it was provided:

That instead of three terms annually of the District Court of the United States for the District of Iowa, as now prescribed by law, there shall hereafter be held annually six terms of said court, as follows: At Dubuque on the first Mondays of January and July; at Iowa City on the first Mondays of May and October; and at Burlington on the third Mondays of May and October.

The act of March 3, 1859 (11 Stat., 437-438) created the Northern, Southern and Western divisions of the District of Iowa and provided that court shall be held at Dubuque in the Northern division on the third Tuesdays in April and October; at Keokuk in the Southern division on the third Tuesdays in March and September; and at Des Moines in the Western division "one regular term of said court on the second Tuesday of November in each year."

It will be noted that only one term each year was thus provided for the Western division.

IOWA DISTRICT SUBDIVIDED

By act approved June 30, 1870, (16 Stat., 174) it was provided that the District of Iowa be further subdivided by making the counties of Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Fremont, and Page, to constitute a new western division, and making the division therefore denominated the Western division, with the exception held in the new Western division at Council Bluffs on the third Tuesday of January and third Tuesday of July in each year; terms in the central division to be held as theretofore provided for the former Western division.

In 1872 the Eighth judicial circuit was made up of the states of Missouri, Arkansas, Nebraska, Iowa, Kansas, and Minnesota. By act approved May 21, 1872 (17 Stat., 135-136) the times for holding United States circuit courts in the Eighth circuit were fixed. For the District of Iowa they were to commence on the second Monday of May and the second Monday of October in each year.

By act approved March 3, 1891, (26 Stat., 826-830) circuit courts of appeals were established and their jurisdiction was defined. The act provided for a term annually in each circuit; the term for the Eighth circuit to be at St. Louis.

By act approved July 23, 1894, (28 Stat., 115) an additional circuit judge for the Eighth judicial circuit was provided.

By act approved February 9, 1874, (18 Stat., part 3, 15) it was provided that

The terms of the district courts of the United States for the district of Iowa, to be held in the city of Keokuk and the city of Council Bluffs, shall commence at Keokuk on the third Tuesday of January and the third Tuesday of June, and at Council Bluffs

on the fourth Monday of March and the fourth Monday of September, in each year.

By act approved June 4, 1880, (21 Stat., 155) it was provided

That the circuit court of the United States for the district of Iowa shall ehreafter be held at the times and places provided by law for holding the United States District Court in and for said district.

That act also provided that

The Northern division of said district shall contain the following counties: Allamakee, Winneshiek, Howard, Mitchell, Floyd, Chickasaw, Fayette, Clayton, Butler, Bremer, Grundy, Black Hawk, Buchanan, Delaware, Dubuque, Benton, Linn, Jones, Jackson, and Clinton. The Southern division shall contain the counties of Cedar, Scott, Muscatine, Louisa, Washington, Keokuk, Mahaska, Monroe, Wapello, Jefferson, Henry, Des Moines, Lee, Van Buren, Davis, and Appanoose. The Western division shall contain the counties of Monona, Crawford, Carroll, Guthrie, Audubon, Shelby, Harrison, Pottawattamie, Cass, Adair, Union, Adams, Montgomery, Mills, Fremont, Page, Taylor and Ringgold. The Central division shall contain the remaining counties of the state.

TWO JUDICIAL DISTRICTS CREATED

The act dividing the state of Iowa into two judicial districts and creating the Northern and Southern districts was approved July 20, 1882 (22 Stat., 172). That act provided:

That the state of Iowa be, and the same is hereby, divided into two judicial districts, in manner following, to-wit: The counties of Clinton, Jones, Linn, Benton, Black Hawk, Grundy, Hardin, Hamilton, Webster, Calhoun, Sac, Ida, Monona and all the counties north of those named shall constitute a new district, to be known as the Northern district of Iowa. The remaining counties of the state shall constiute the Southern district of Iowa; and the present District Court of Iowa, from and after the passage of this act, shall be known as the district court for the Southern District of Iowa.

The act further provided for three divisions in the Northern district of Iowa, as follows: The Eastern division of Dubuque; the Central division at Fort Dodge; and the Western division at Sioux City.

The provisions of the act in that regard are as follows:

That for the purpose of holding terms of court the Northern district shall be divided into three divisions, to be known as the Eastern, Central, and Western divisions.

The counties of Clinton, Jackson, Jones, Linn, Benton, Black Hawk, Buchanan, Delaware, Dubuque, Clayton, Fayette, Bremer, Floyd, Chickasaw, Mitchell, Howard, Winneshiek, and Allamakee shall constitute the Eastern division, the courts for which shall be held at the city of Dubuque.

The counties of Grundy, Hardin, Hamilton, Webster, Calhoun, Pocahontas, Palo Alto, Emmet, Kossuth, Humboldt, Wright, Hancock, Winnebago, Worth, Cerro Gordo, Franklin, and Butler, shall constitute the Central division, the courts for which shall be held at Fort Dodge.

The counties of Monona, Woodbury, Plymouth, Sioux, Lyon, Osceola, O'Brien, Cherokee, Ida, Sac, Buena Vista, Clay, and Dickinson shall constitute the Western division, the courts for which shall be held at Sioux City.

The act further provided that court in the Northern district be held as follows:

Third Tuesdays in April and November at Dubuque; third Tuesdays in January and June at Fort Dodge; and second Tuesdays in February and July at Sioux City.

This make-up of the district and divisions continued until the Cedar Rapids division was created by the Act of February 24, 1891 (26 Stat., 767).

By act approved February 23, 1884, (23 Stat., 3) it was provided . . .

That the sessions of the circuit and district courts of the United States in the Northern district of Iowa shall begin and be held as follows: At Dubuque, on the first Tuesday in April and third Tuesday in November of each year; at Fort Dodge on the third Tuesdays in January and June of each year; and at Sioux City, on the second Tuesday of May and first Tuesday in October of each year.

By act approved April 19, 188 (25 Stat., 87) it was provided:

That hereafter the terms of the circuit and district courts of the United States in and for the Northern district of Iowa shall be held as follows: At Sioux City on the first Tuesdays in October and May; at Fort Dodge on the second Tuesday of November and first Tuesday in June; at Dubuque on the fourth Tuesday of November and first Tuesday in April.

COUNTIES ARE TRANSFERRED

When the two districts were created in 1882, Carroll, Crawford and Johnson counties were included in the Southern district, and Clinton county was included in the Northern district.

The Act of February 24, 1891 (26 Stat., 767) amending the act dividing the state into two judicial districts, transferred Cedar, Johnson, Iowa, and Tama counties from the Southern to the Northern district and provided that said counties and Grundy, Hardin, Benton, Linn, Jones, and Clinton counties shall constitute a new division in the Northern district to be called the Cedar Rapids division; also that court be held at Cedar Rapids on the third Tuesday in February and the second Tuesday in September.

By the act of March 3, 1913, (37 Stat., part 1 734-735) Carroll county was transferred to the Northern district and placed in the Central division.

By the act of June 19, 1906 (34 Stat., part 1, 304) Clinton county was transferred to the Southern district and made a part of the Davenport division.

By act approved April 27, 1916, (39 Stat., part 1, 55) Johnson county was transferred from the Northern to the Southern district and attached to the Davenport division.

By act approved July 5, 1937 (50 Stat., part 1, 474) Crawford county was transferred from the Southern to the Northern district and attached to the Western division.

The act of July 20, 1882 (22 Stat., 172) dividing Iowa into two judicial districts provided that the additional

courts at the places in the several divisions named in the act shall be held in buildings provided for that purpose without expense to the United States.

That provision was repealed by act approved Sept. 29, 1890 (26 Stat., 502).

The act of January 22, 1892 (27 Stat., 1) fixed the terms of U. S. district and circuit courts in the several divisions of the Northern district of Iowa as follows: In the Eastern division at Dubuque on the third Tuesday in April and first Tuesday in December; in the Central division at Fort Dodge on the first Tuesday in June and second Tuesday in November; in the Western division at Sioux City on the third Tuesday in May and the first Tuesday in October; in the Cedar Rapids division at Cedar Rapids on the first Tuesday in April and the second Tuesday in September.

By act of January 4, 1896, (29 Stat., 2) terms of circuit and district courts in the Northern and Southern districts of Iowa were fixed; those in the Northern district as follows:

In the Eastern division at Dubuque on the fourth Tuesday in April and the first Tuesday in December; in the Western division at Sioux City on the fourth Tuesday in May and the first Tuesday in October; in the Central division at Fort Dodge on the second Tuesday in June and the second Tuesday in November.

By act of February 20, 1907 (34 Stat., pt. 1, 912) terms of court in the Northern district were fixed as follows: In the Cedar Rapids division at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; in the Eastern division at Dubuque on the fourth Tuesday in April and the first Tuesday in December; in the Western division at Sioux City on the fourth Tuesday in May and the third Tuesday in October; in the Central division at Fort Dodge on the second Tuesday in June and the second Tuesday in November. Those times of holding the terms have never been

changed by act of congress. However, when congress in 1911 provided for holding federal court at Waterloo and in 1923 for holding federal court at Mason City, the times for the convening of the terms were fixed in the respective acts.

TERMS OF COURT FIXED

Pursuant to authority granted in Section 138 of Title 28 of the United States code entitled "Judicial Code and Judiciary," which became effective September 1, 1948; order was made by Henry N. Graven, judge of the Northern district of Iowa, on September 2, 1948, fixing the terms of court in the Northern district of Iowa as follows:

At Waterloo, first Tuesday in February and fourth Tuesday in August;

At Cedar Rapids, third Tuesday in February and second Tuesday in September;

At Dubuque, first Tuesday in March and fourth Tuesday in September;

At Sioux City, fourth Tuesday in March and second Tuesday in October;

At Fort Dodge, third Tuesday in April and first Tuesday in November;

At Mason City, first Tuesday in May and third Tuesday in November.

By a provision in Section 81 of the act of March 3, 1911, (36 Stat., part 1, 1087-1169), which took effect January 1, 1912, and which enacted the judicial code, the holding of terms of United States district court at Waterloo was provided. It is contained in the following provision:

Terms of the district court for the Eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September.

No new division was created for Waterloo. It was continued in the Eastern division, as it has been ever since.

Section 81 of the judicial code also fixed the other terms in the Northern district making them the same times as fixed by the act of February 20, 1907 (34 Stat., part 1, 912).

In Section 1 of the judicial code (36 Stat., part 1, 1087) it was provided that "Every district judge shall reside in the district or one of the districts for which he is appointed." When Martin J. Wade, of Iowa City, was appointed United States district judge for the Southern District of Iowa on March 3, 1915, Johnson county was in the Northern district. That county was transferred to the Southern district by act of April 27, 1916 (39 Stat., part 1, 55), as heretofore stated.

CIRCUIT COURTS OF APPEALS

As bearing on the history of the Northern district of Iowa, it may be noted that the judicial code enacted in 1911 established nine judicial circuits with circuit courts of appeal, and designated the states to constitute them. Nebraska, Minnesota, Iowa, Missouri, Kansas, Arkansas, Colorado, Wyoming, North Dakota, South Dakota, Utah, and Oklahoma, constituted the Eighth circuit. The act provided for four circuit judges in the Eighth circuit.

By act approved September 14, 1922, (42 Stat., Part 1, 837-840) it was again provided that the Eighth circuit have four circuit judges.

By act approved February 28, 1929, (45 Stat., Part 1, 1346-1348) ten judicial circuits were provided; the Eighth circuit was divided and the following states were left in it: Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Missouri and Arkansas. Those states still comprise the Eighth circuit. By that act five circuit judges were provided for the Eighth circuit.

By act approved May 24, 1940, (54 Stat., Part 1, 219) two additional circuit judges were provided for the Eighth circuit, bringing the total number to seven, and it has remained so ever since.

Provision for holding court at Mason City was made by the act of March 4, 1923, (42 Stat., part 1, 1483). This was done by adding the words "and at Mason City on the fourth Tuesdays in June and November," to the following provision for holding court for the Central division: "at Fort Dodge on the second Tuesdays in June and November." No separate division of the district was created for Mason City which remains in the Central division.

The times of holding court at Mason City remained as fixed by the act of March 4, 1923 (42 Stat., part 1, 1483) until changed by order made by Judge Henry N. Graven, on September 2, 1948, as stated heretofore.

The records of proceedings in Federal court in Waterloo and Mason City are kept in Dubuque and Fort Dodge, respectively.

The first entry in the records of the United States district court for the Northern District of Iowa, is the recording of the oath of office of Oliver P. Shiras, as judge, on August 21, 1882, (Minutes E, page 352, Eastern division at Dubuque).

FIRST TERMS OF COURT HELD

The record shows that the first term of court held in the Northern district of Iowa convened at Dubuque on November 21, 1882. The dates of convening of first terms at the other places are as follows: Fort Dodge, January 16, 1883; Sioux City, February 13, 1883; Cedar Rapids, September 8, 1891; Waterloo, May 14, 1912; Mason City, June 26, 1923.

At the present time the divisions and the counties which comprise them are as follows:

EASTERN DIVISION—Allamakee, Dubuque, Jackson, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Black Hawk, Floyd, and Mitchell.

CEDAR RAPIDS DIVISION—Jones, Cedar, Linn, Iowa, Benton, Tama, Grundy and Hardin.

CENTRAL DIVISION—Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler.

WESTERN DIVISION—Dickinson, Clay, Crawford, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona.

As a possibly interesting side-light it may be stated that in the record of the second term held at Fort Dodge, on Tuesday, June 19, 1883, there is (at page 35 of Volume 1 of the minutes) the following entry:

Upon motion, the following named gentlemen, practicing members of bar of the courts of this state—namely C. A. Irwin, Thomas Beammons, and Woolsey Welles, a gentlemen eighty-one years of age and who sixty-one years ago was admitted to practice before the supreme court of the state of Ohio, and H. M. Pollard, a member of the bar of the state of Missouri, were admitted to practice in attorneys, proctors and counsellors in this court.

The present Federal building in Mason City was completed and occupied on September 24, 1932. As to the first session of Federal court held in the new building, it appearing that there were "no causes on the trial docket and no other matters needing the attention of the court on November 22, 1932, the date on which the November 1932 term at Mason City in the Central division would convene as provided by law", order was made by the judge, Geo. C. Scott, postponing the said term until a date to be fixed by order of court. It was on June 27, 1933, that the first term of court to be held in the new Federal building at Mason City, was convened. Prior to the occupancy of that building, sessions of Federal court were held in one of the court rooms in the Cerro Gordo county court house.

JUDGES AND OTHER OFFICERS

The judges of the Northern District of Iowa, have been as follows:

Name	Residence	Date of Commencement of Service
Oliver P. Shiras.....	Dubuque.....	August 21, 1882
Henry T. Reed.....	Cresco.....	March 7, 1904
George C. Scott.....	Sioux City.....	March 4, 1922
Henry N. Graven.....	Greene.....	March 30, 1944

The roll of those who have served as United States attorneys for the Northern district of Iowa, is as follows:

Name	Residence	Date of Commission or Appointment
Maurice D. O'Connell.....	Fort Dodge.....	January 29, 1883
Timothy P. Murphy.....	Sioux City.....	March 1, 1886
Maurice D. O'Connell.....	Fort Dodge.....	January 27, 1890
Cato Sells.....	Vinton.....	January 17, 1894
Horace G. McMillan.....	Cedar Rapids.....	February 2, 1898
Frederick F. Faville.....	Storm Lake.....	December 10, 1907
Anthony Van Wageman.....	Sioux City.....	May 16, 1913
Frank A. O'Connor.....	New Hampton.....	January 2, 1914
G. P. Linville.....	Cedar Rapids.....	November 15, 1921
Bennett E. Rhinehart.....	Anamosa.....	March 9, 1927
Harry M. Reed.....	Waterloo.....	March 4, 1931
Edward G. Dunn.....	Mason City.....	September 20, 1934
Tobias E. Diamond.....	Sheldon.....	November 22, 1940

Following is the list of United States Marshals for the Northern district of Iowa:

Name	Residence	Date of Commission or Appointment
George C. Heberling.....	Sabula.....	September 25, 1882
George D. Perkins.....	Sioux City.....	January 29, 1883
William M. Desmond.....	Clinton.....	June 23, 1886
Edward Knott.....	Waverly.....	March 6, 1890
William M. Desmond.....	Clinton.....	February 19, 1894
Edward Knott.....	Waverly.....	February 19, 1898
E. Roscoe Moore.....	Anamosa.....	June 19, 1914
Fred Davis.....	Sioux City.....	July 7, 1921
Charles Kloster.....	Sioux City.....	December 14, 1925
Don A. Preussner.....	Manchester.....	January 16, 1930
John B. Keefe.....	Sioux City.....	March 9, 1934
Fred E. Biermann.....	Decorah.....	October 10, 1940

It is interesting to add that Geo. C. Heberling, the first U. S. marshal for the Northern District of Iowa,

was appointed by Associate Justice Samuel F. Miller of the U. S. supreme court. Heberling was appointed until there could be an appointment by the president. Mr. Perkins was the first marshal for the district appointed by the president.

The clerks of court in the Northern district have been as follows:

Name	Residence	Date of Commencement of Service
Alonzo J. Van Duzee.....	Dubuque.....	August 21, 1882
Lee McNeely.....	Dubuque.....	December 12, 1912

Until December 31, 1911, there were two courts in each of the two judicial districts of Iowa, a circuit and a district court. In the Northern district, Mr. Van Duzee was clerk of both courts. From January 1, 1912, until his death in November of that year, he was clerk of the district court, the circuit court having been abolished.

The first judge of the District of Iowa was John J. Dyer, of Dubuque. He was appointed in 1846 and served until his death in 1856. He was born in Franklin, Pendleton county, Virginia, in 1809; was graduated from the University of Virginia, and, after practicing in Virginia, came to and settled in Jackson county, Iowa, in 1835. During one of his return visits to his old home he was taken sick and died. He was buried at Woodstock, Virginia. Among the important cases at which Judge Dyer presided was that of the noted fugitive slave case of Ruel Daggs vs Elihu Frazier, tried at Burlington at the June 1850 term. He also tried the case of Henry Choteau vs Patrick Maloney, which involved title to land comprising the site of the city of Dubuque. The claimants were assignees of Julien Dubuque who, it was alleged, derived title under a Spanish grant. The case went to the supreme court of the United States. The decision, to the effect that Julien Dubuque acquired only the right to mine for lead

and did not have title to the land, is reported in U. S. Reports, 57, 16 Howard, 202-242.

The earliest record of proceedings in the District of Iowa which is to be found in the clerk's office in Dubuque shows a session "At a district court of the United States for the Northern division of the district of Iowa—held at the city of Dubuque on Monday the 7th day of January A. D. 1850."

Under date of April 21, 1944, Nicholas F. Reed, Clerk of the U. S. district court for the Southern district of Iowa, wrote that in the clerk's office at Keokuk there is "a leather-bound book with a complete abstract of all judgements and decrees rendered in the district court from March 3, 1845 to July 15, 1872."

Immediately prior to the division of Iowa into the Northern and Southern districts, the circuit judge was John F. Dillon of Davenport, under commission dated December 22, 1869. The district judge was James M. Love, of Keokuk, under commission dated February 21, 1856. The clerk of the circuit court was George B. Corkhill, of Mt. Pleasant, under commission dated December 10, 1868. The clerk of the district court was Henry K. Love, of Dubuque. On December 9, 1879, George W. McCrary, of Keokuk, became the circuit judge, and after the division of Iowa into the Northern and Southern districts, he was the circuit judge for the Northern and Southern districts. Judge James M. Love continued as district judge in the Southern Districts, and Judge Oliver P. Shiras became district judge for the Northern district.

BIOGRAPHICAL

Oliver Perry Shiras, the first judge of the Northern judicial district of Iowa, was born October 22, 1833, at Pittsburg, Pa. In his youth the family home was on a farm on the Ohio river twenty miles from Pittsburg. When he was fifteen he enrolled in the preparatory department of Ohio university at Athens. He was graduated from there in 1853. He then went to Yale and

spent a year in scientific study, after which he decided to be a lawyer. In 1856 he received the degree of LLB from Yale. He came west expecting to locate in Chicago, but in his investigations of various communities he visited Dubuque, and being impressed with the possibilities the city offered, decided to locate there. He was admitted to the Iowa bar on August 9, 1856. He served in the Civil war from August 1862, to December 1863, when he resigned from army service and returned to Dubuque to resume the practice of law . . .

When it was proposed to have Iowa divided into two judicial districts, Colonel David B. Henderson, who has served with distinction and was severely wounded in the Civil war, offered his services in the efforts to have the necessary legislation enacted by congress. He went to Washington and received considerable credit for aiding in getting the bill enacted into law. As a result of that favorable reputation and by reason of his having taken an active interest in politics, and being an accomplished public speaker, Colonel Henderson was elected to congress in the fall of 1882 and served with great honor until he retired in 1902 after having been elected speaker of the house in the 52d and 53d Congresses. Shiras became the judge of the new Northern district of Iowa and Alonzo J. Van Duzee was appointed clerk of the courts, circuit and district . . .

Judge Shiras retired in November 1903. His death occurred January 7, 1916, in his 83d year. History records in glowing terms the great career of Oliver P. Shiras as a lawyer and judge.

It might be interesting to recall an incident which was related by the late Sen. William B. Allison, of Dubuque. He had gone to the White House in 1892 to confer with Pres. Benjamin Harrison about some routine matters. When the visit was over and Senator Allison was about to leave for the capitol, the president said:

"Senator, I am sending up to the senate today the nomination of a man for membership on the supreme court. I hope there will be no question about his confirmation."

"Who is he?" inquired Senator Allison.

The president answered: "George Shiras, Jr., of Pennsylvania."

"Oh yes," said the senator, "I know him and his splendid qualifications for the position and I am sure his nomination will be confirmed promptly by the senate. But as long as you have mentioned the subject, I might say that I know a man who would make just as good if not a better member of the supreme court as George Shiras, Jr."

"Who is that?" said the president.

Senator Allison replied: "His brother, Oliver P. Shiras, who lives in my home city, Dubuque, Iowa, and is U. S. district judge for the Northern district of Iowa."

The successor to Judge Shiras was Henry Thomas Reed, of Cresco. He was born October 1, 1846, at Alburg, Vermont. In 1855 his parents removed with their family to a farm in Howard county, Iowa. Henry T. Reed attended the public schools of that county and Craig academy at Lime Springs. He served as deputy county clerk of Howard county in 1865 and 1866. For several years thereafter he was a clerk in a bank at Cresco, during which time he studied law. He was admitted to the bar in 1870. He was not long in gaining distinction and success as a practitioner in the courts—state and federal. He was elected in 1875 a state representative in the Sixteenth General Assembly. He was appointed U. S. district judge on March 16, 1904, by Pres. Theodore Roosevelt. He served until December 1, 1921, when he voluntarily retired. He died on February 24, 1924, at Cresco, and is buried there.

George Cromwell Scott, of Sioux City took the oath of office as judge of the Northern District of Iowa, on

March 22, 1922, having been appointed by Pres. Warren G. Harding. He was born in Monroe county, New York, August 8, 1864. He came to Iowa in 1880. He attended the county schools in Dallas county and high school at Dallas Center. He was admitted to the bar in 1887 and moved to LeMars where he began the practice of law in 1888. His law partner was J. Uriah Sammis. He moved to Sioux City in 1901 and made his home there until his death on October 6, 1948. He was a member of the U. S. House of Representatives in the 62d, 63d, and 65th congresses, from the then Eleventh Congressional district of Iowa . . . He retired as judge effective November 1, 1943.

Judge Henry N. Graven was born at St. James, Minnesota, on June 1, 1893. He obtained the BA. and LLB. degrees from the University of Minnesota in 1921. He was given the degree of LLD. by Capital University, Columbus, Ohio, in 1942. He was admitted to the bar in 1921. In 1936-1937 he was special assistant attorney general of Iowa and counsel to the Iowa state highway commission. He was judge of the twelfth judicial district of the state of Iowa (Winnebago, Worth, Mitchell, Hancock, Cerro Gordo, Floyd, and Butler counties) 1937-1944. Being appointed judge of the United States district court for the Northern district of Iowa, by Pres. Franklin D. Roosevelt, he took the oath of office and entered upon his duties as judge on March 30, 1944. During World War I he served with the combat engineers of the U. S. army. He is chairman of the board of pensions of the American Lutheran church. He is a member of the Order of Coif, and during the period 1919-1921 was a member of the editorial board of the *Minnesota Law Review*. The family home is in Greene.

Alonzo J. Van Duzee, clerk of the Northern district of Iowa, was born at Gouverneur, New York, January 6, 1834. While engaged in the practice of law in Dubuque when the Northern judicial district was created, he was appointed clerk by Judge Shiras on August 21, 1882, and took the oath of office and entered upon his

duties on that day. He died November 15, 1912, at his home in Dubuque.

Lee McNeely, of Dubuque, was appointed clerk by Judge Reed November 27, 1912, and took the oath of office and began his service on December 12, 1912.

The records of the court show among the proceedings on various dates tributes in praise and memory of the judges now deceased, who were conspicuous for their long terms of service, the high rank attained by them as jurists, and their voluntary retirement at mature age with mental and bodily vigor unimpaired. Commendatory resolutions and eulogistic expressions of appreciation were voiced by members of the bar and committees of state and county bar associations, acclaiming their marked success and great distinction, all of which was richly merited.

WAUKON'S CENTENNIAL

Just 100 years ago—in July, 1849—the first settler stopped in what is now Waukon. He was George C. Shattuck, who built the first log cabin there, and deeded forty acres of his land to the community on condition that Waukon be named the Allamakee county seat. To-day, the town, which was named for John Waukon, or Wawkon, a Winnebago chief, has population of about 3,300. It is known among sportsmen for the unusually good trout fishing in neighboring streams. It also is the center of an important beef cattle area.—*Des Moines Register*.

QUIET WITH ONE'S SOUL

The art of meditation may be exercised at all hours, and in all places; and men of genius, in their walks, at table, and amidst assemblies, turning the eye of the mind inwards, can form an artificial solitude, retired amidst a crowd, calm amidst distraction, and write amidst folly.—*Isaac D'Israeli*.

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