

The Webster County Bar

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[A second installment of the article commenced in the April, 1951, issue of the ANNALS, entitled "When Justice, if Not Law, Came to Webster County."

An outline of the early judicial history of Webster and Hamilton counties, and the organization of their courts preceded the biographical sketches of the men who have graced the Webster county bar and other worthy individuals of the Eleventh judicial district who were associated with them, appeared in the first installment.

The length of the article occasioned a condensation of many of these sketches now continued, as well as dividing the publication in two issues of the ANNALS.—Editor.]

MEMBERS OF THE BAR

Judge DANIEL DARROW CHASE was born in Canajoharie, New York, July 4, 1830, a son of Oliver C. and Ruth (Darrow) Chase. Until seventeen, he remained at the old home-stead, attending school and laboring on the farm. The four ensuing years he passed at the Ames academy and the Cazenovia seminary. He became the principal of the public school at Cazenovia, and at the same time commenced the study of law with H. G. Paddock of that town. Afterward he took charge of New Woodstock academy where he taught, and at the same time continued his legal studies. His course of legal instruction was completed with his great uncle, Daniel Cady, an eminent lawyer.

Mr. Chase was admitted to the bar of New York, by the Supreme Court of Saratoga county, January 1, 1856. He entered at once upon the practice of law as a partner of William Wait, the well-known author of "Wait's New York Digest." Later Mr. Chase opened an office at Broadalbin, in Fulton county, and Mr. Wait remained at Johnstown. In August, 1858, Mr. Chase removed to Iowa and settled in Webster City, the county seat of the new county of Hamilton, which recently had been severed from Web-

ster county. Upon his arrival in the little frontier town which then contained scarcely four hundred people, he found the small legal practice in the hands of two older lawyers who previously had settled there. He rapidly won his way to a high place in the public estimation.

In the autumn of 1859, he was mentioned in connection with the position of county judge, a position in those days of great local power, but he declined the proffered honor. In the ensuing year, at the Republican judicial convention, he was unanimously tendered the nomination for member of the Iowa board of education and in October following was elected by a large majority. Before his term of office expired, he became district attorney for the Eleventh judicial district. In 1862 he was re-elected for the full term of four years. In 1865, he was appointed by Gov. William N. Stone to fill a vacancy that occurred in the office of judge of the Eleventh judicial district, and was twice elected to this position.

As a jurist Judge Chase attained a very enviable position. While serving as judge in 1873, he made the decision affirming the power of the legislature to fix the rate of charges for fare and freight on the railroads. At that time most of the great lawyers in this country denied existence of this power. Judge Chase's decision was that the right of eminent domain applies as well to franchises as to corporeal property, and the right to regulate the tariffs of freight and fare on railroads is an inherent right of the state. This was the first decision in Iowa affirming the validity of the Grange laws, and it is believed to be the first in the country.

At the close of nine years' continuous service on the district bench, Judge Chase declined a third nomination and, January 1, 1875, retired to private life. He was a Whig in his early life, but afterward became a Republican, and was made a delegate at large to the Republican national convention in 1864 when President Lincoln was nominated for his second term. In 1877, Judge Chase was elected to the state senate and served in that body with distinction.

For the balance of his life he devoted himself exclusively to the practice of law. As a lawyer, Judge Chase had few

superiors, and his ability and impartiality on the bench, unquestioned purity of character, and a great public usefulness, rightfully assigned him a distinguished place among the first men of Iowa. His son, Daniel Cady Chase, later was also a prominent lawyer of Webster City, and at one time state senator. Judge Chase died at his home in Webster City, April 27, 1891.

GALUSHA PARSONS was born in East Aurora, New York, May 22, 1828. He removed from New York to Iowa in 1865, and located at Fort Dodge, where he rapidly rose to be regarded as one of the first lawyers in this part of the state. Mr. Parsons was elected state representative from Webster county October 12, 1869, and served in the Thirteenth General Assembly of 1870. Mr. Parsons removed to Des Moines in 1873, being associated first with George H. Lewis and then with John S. Runnels, and became distinguished at the Des Moines bar. He removed to Tacoma, Washington, in 1890, and until his death continued in the practice of law, in which again he was successful and became distinguished there. It is stated that he had a son also practicing law in Tacoma in 1913. Mr. Parsons died at his home in Tacoma, March 10, 1908, and his body was brought to Des Moines and buried in Woodland cemetery March 19, 1908.

Judge S. L. ROSE of Rose Grove, in what is now Hamilton county, Iowa, was the first judge of the circuit court held in Webster county. He served from 1869 to 1872, as judge of the second circuit of the Eleventh judicial district which included Webster county. Perhaps few men played a more important part in the official management of Hamilton county than Judge Rose. Certainly no one was more influential and no man ever so completely dominated the affairs of a township than did Judge Rose those of Rose Grove township. In 1868, he had been a member of the board of supervisors of Hamilton county for several years, and from the first had been chairman. Notwithstanding his election as judge, he was also elected as supervisor

from Rose Grove township, and in the organization of the board in 1869 was again elected chairman.

Judge Rose was a colorful figure of his day. He was a man of commanding appearance, genial manners and political sagacity. He was well informed, a ready reasoner, and both ready and forceful speaker. He was an able lawyer, but not an especially profound one. He made a good judge and had a good legal mind. When the lawyers had finished with their "law and precedents," the judge generally had arrived at a correct legal conclusion. As a farmer he was an enthusiast and always expected to receive large financial returns, while benefiting the community at the same time by introducing new crops or new methods. Everybody who resided in the county at that time remembers his attempt to revolutionize farming and hog raising by the introduction of his Jerusalem artichoke.

The Rose Grove farm, a magnificent property for that time, originally consisting of two sections of land, was sold at sheriff's sale, and the splendid fortune with which the parents of Mrs. Rose had endowed her, dwindled rapidly. Judge Rose returned to the east after the death of his wife and daughter, broken in health and ruined in property and credit. With all his faults and misfortunes, he was still loved even by those he had injured. He was a man of both natural and acquired ability and respected for these. About the winter of 1868, he edited the *Hamilton County Freeman* published at Webster City.

Judge LEWIS M. OLcott was born in Rockingham, Windham county, Vermont, in the year 1812. In 1856, he moved to Fort Dodge and engaged in the real estate business. October 8, 1861, he was elected county judge of Webster county, which position he held until 1864. He afterward filled many honorable positions in the city and county, and was one of the prominent pioneers. He was the father-in-law of Charles B. Richards. Mr. Olcott died in Fort Dodge April 25, 1878.

CHARLES CLARKE SMELTZER was born in London county, Virginia, January 29, 1837. When he was quite young the

family moved to Fredericks county, Maryland. He worked on a farm and at intervals attended school until his father sold the place and moved to Middletown, Maryland. Here Mr. Smeltzer pursued a more regular course of study and entered Dickinson college at Carlisle, Pennsylvania, as a sophomore, later was graduated from Union at Schenectady, New York. He then took a course in the law department of the same institution.

After spending some time in the office of Governor Lowe of Frederick City, Maryland, he came west. He settled for a short time in Galena, Illinois, and from thence came to Dickinson county, Iowa, about the time of the Spirit Lake massacre. Later he assisted in the organization of a company of mounted men, known as the "Frontier Guards," for the protection of the settlers in northwestern Iowa. About 1858, Mr. Smeltzer moved to Clay county and in the fall of that year he was elected county judge, but soon after resigned. In 1861 he was elected to the legislature from Clay county.

Shortly afterward Mr. Smeltzer removed to Fort Dodge, where he made his home the remainder of his life. He practiced law, engaged in the real estate business, and made abstracts of title. He was one of the largest land-owners in northwestern Iowa. In 1865, he built a number of business houses in Fort Dodge. He was one of the incorporators of the First National Bank of Fort Dodge, of which for a long time he was its vice-president. November 3, 1868, he was elected a member of the board of supervisors of Webster county for Wahkonsa township. He was a candidate for circuit judge, and subsequently for congress in 1870, but was defeated by Jackson Orr. Mr. Smeltzer died at Fort Dodge, July 14, 1878.

Judge ISAAC J. MITCHELL was born in Cincinnati, Ohio, May 31, 1827 (or 1829). When yet a youth his parents moved to a farm in Clermont county, Ohio, where they remained for a number of years, after which they removed to Brazil, Indiana. While preparing to teach school he worked on a farm for \$2.00 a week. When he grew to manhood, young Mitchell taught school at Laurel, Ohio, and

Brazil, Indiana. He attended Asbury university one term when he stopped on account of failing health. He also studied medicine at the university. In 1855, he removed to Boonesboro, Iowa, and established a drug store. Neither the practice of medicine, nor the drug business, proving congenial to him, he entered upon the study of law. In 1857 or 1858, he was admitted to the bar. In 1856, he assisted in the organization of the Republican party in Boone county.

He was elected a member of the board of education of the state of Iowa in 1858 and served two years. In 1868, Mr. Mitchell was elected to the state senate and was a member in the Twelfth and Thirteenth General Assemblies. In 1870, Mr. Mitchell was appointed trustee of the State Agricultural college at Ames. He was elected judge of the Eleventh judicial district in 1874, and served four years.

Besides these positions to which he had been elected by the vote of the people, Judge Mitchell held at least two other important offices by appointment of the general government: that of draft commissioner, and assessor of internal revenue. Judge Mitchell was a man of more than ordinary culture and in religion was liberal and though not a church member, cooperated with the Methodists. He died at Boonesboro, Iowa, August 11, 1883.

Judge ISAAC YOUNG was born in Warren county, New Jersey, in the year 1835. He was a foundryman by trade, and conducted that business twenty-one years in the county of his birth. In 1852, he moved to Sandusky, Ohio. He moved to Black Hawk county, Iowa, in 1857, and from there to Webster county, in the fall of 1858, where he stopped for a short time. His son, Levi Young, had preceded the family and preempted a quarter section of land on Deer Creek about nine miles north of Fort Dodge. Here the family made their home for many years. Later several of Mr. Young's sons became prominent citizens of Fort Dodge. Probably the best known was Marshall Young, who conducted an undertaking business for many years. October 10, 1865, Isaac Young was elected county judge of Webster county. He at one time also was assistant revenue

collector. He died October 6, 1875, at the age of forty years.

Judge J. L. CHEYNEY was born in Fayette county, Pennsylvania, March 29, 1809. His father, John Cheyney, was a native of Cheshire county, Pennsylvania, and of English descent. His grandfather, Thomas Cheyney, was a soldier of the Revolutionary war, and Headley in his "Life of Washington" mentions the fact that Thomas Cheyney, then acting as scout, brought to Washington the first information that the British were approaching. As a result, Washington made a stand at Brandywine and that noted battle of the Revolution followed. He also adds that, had it not been for this timely information received by Washington, the American army doubtless would have been defeated.

Mr. Cheyney's parents moved to Wayne county, Ohio, in the fall of 1814, and he was reared amid the wild scenes of a new country. When twenty years old he became an apprentice to the trade of a cabinetmaker and he worked at cabinetmaking fifteen years, and then at the painter's trade. Mr. Cheyney was one of the first settlers of Fort Dodge, coming there March 24, 1855. In October, 1863, he was elected county judge and served one term. He was also county recorder one term and served as assessor of the city seven years. In early life Judge Cheyney was a Democrat, but from the repeal of the Missouri Compromise till the close of the Civil war he was a Republican. He later affiliated with the Greenback party. Judge Cheyney died at Fort Dodge, October 3, 1894.

Judge HENRY CLAY HENDERSON was born in Brownsville, Tennessee, December 6, 1827. He was for many years a resident of Marshalltown, Iowa, where he achieved a state reputation as a lawyer, editor, and Republican politician. In 1863, he was elected to the state senate for the term of four years. In 1864, he was chosen a presidential elector for the Sixth district of Iowa, casting his vote in the electoral college for Abraham Lincoln and Andrew Johnson. Mr. Henderson was elected judge of the Eleventh judicial district in 1881 and remained on the bench until January 1,

1887, when he resumed the practice of law. At one time Judge Henderson was a partner of Preston M. Sutton in Marshalltown.

He had edited the *Marshalltown Times* as early as 1860, but in 1865 he became its owner. He made the paper a recognized organ of the Republican party in that section of the state. He also was a member of the school board of Marshalltown. In 1891, Judge Henderson removed to Boulder, Colorado, where he practiced law until in 1901, when he removed to California. Judge Henderson was a man of culture, an able journalist and lawyer, and a judge who enjoyed universal confidence. At the time of his death the *Marshalltown Times-Republican* of August 15, 1903, gave an appreciative sketch of his useful life. Judge Henderson died at Los Angeles, California, August 13, 1903.

The parents of JAMES D. SPRINGER resided at Iowa City during the early fifties, where the father had been for some time employed as a laborer in a flouring mill owned and operated by Gov. Samuel J. Kirkwood. The family removed to Webster City and settled on a farm where James grew to the age of fourteen. In December, 1859, he went to Des Moines as a candidate for messenger or page in the state senate, appealing to Governor Kirkwood on the ground that he wished to earn money to attend school. Largely through the influence of the governor, James was elected. He was such a studious, excellent boy that he won the hearty friendship of George W. McCrary, a state senator from Keokuk, who afterward became a federal judge and secretary of war. Senator McCrary took James home with him at the end of the session and the young man studied law in his office. He was a bright student and became a very successful lawyer.

Mr. Springer practiced law some years in Fort Dodge. At one time he was associated with M. D. O'Connell under the firm name of O'Connell & Springer. Mr. Springer removed to Minneapolis to accept the position of general counsel for the Minneapolis & St. Louis Railroad company, and later was general counsel for the Great Northern Railroad company, and still later he was general counsel for

the Santa Fe railroad. He finally moved to Chicago, where he died, February 17, 1905, at the age of sixty years.

Several lawyers, who in years gone by, practiced in Webster county, about whom we are unable to give detailed information, include the following:

JOHN J. BARCLAY practiced law in Fort Dodge prior to 1860, and later. He served in the Civil war in Company "A" of the 11th Pennsylvania cavalry, a company which was organized in Fort Dodge in August, 1861, and was afterward sent east to become the above named Company "A". He enlisted as first sergeant August 15, 1861, and was later promoted to first lieutenant of the company. He was wounded and taken prisoner June 29, 1864, at Reams' Station, Virginia. He was mustered out September 28, 1864.

H. M. BLISS was one of the early lawyers of Webster county, but we find no record of when he came to Fort Dodge, or the date of his death. October 13, 1874, he was elected clerk of the district court of Webster county and served until 1879. November 2, 1880, he was re-elected and served until January 1, 1886.

CHARLES H. MOORE practiced law for a few years in Fort Dodge and was elected county attorney of Webster county November 6, 1888, in which office he served for two years. He went from Webster county, Iowa, to Indiana.

CHARLES W. HACKLER was born in Adams county, Illinois, January 2, 1869, his family moving to Nuckolls county, Nebraska, in 1885. His early education was received in Macon and Platt counties, Illinois, and he graduated from the high school of Superior, Nebraska, in 1887. He then taught for three years in Nuckolls county, and entered Iowa college at Grinnell in the fall of 1890, graduating from the classical course in 1894. He was superintendent of schools of New Sharon, Iowa, three years, and entered the law school of the State University of Iowa, in 1897 and graduated in 1898, at which time he was admitted to the practice of law, and opened his law office at Fort Dodge that year. On November

6, 1900, he was elected county attorney of Webster county and was re-elected November 4, 1902, and again in 1906. Mr. Hackler represented Webster county in the Thirty-second and Thirty-third General Assemblies in 1907 and 1909. He was a member of the Iowa code commission, which supervised the editing and publication of the Iowa code supplement of 1907. A number of years later he moved to California where he practiced law until his death about 1948.

Judge SILAS MATTESON WEAVER was born at Arkwright, in Chautauqua county, New York, December 18, 1843. He acquired his education at Fredonia academy in Fredonia, New York, and was admitted to the bar at Buffalo, New York, in 1868. In the same year he came to Iowa and began the practice of law at Iowa Falls. For the next eighteen years he devoted himself principally to his law practice, although from 1874 to 1879, he was editor of the *Iowa Falls Sentinel*. Later for a time he edited the *Hardin County Citizen*.

In 1883, Mr. Weaver was elected state representative and was re-elected in 1885, serving in the Twentieth and Twenty-first General Assemblies. In the Twentieth he was chairman of the judiciary committee. That was the session of the famous fight for the adoption of the prohibition statute after the constitutional amendment had been declared illegal by the supreme court. The house was so evenly divided on the measure that every vote of those favorable was required. Mr. Weaver, who at the time was ill at his home in Iowa Falls, arose from the sick bed, came to Des Moines and was carried into the house chamber on a stretcher. His vote for the measure helped to save it from defeat. The bill received fifty-two affirmative votes, one more than the necessary majority. In the Twenty-first General Assembly he was chairman of the board of managers in the famous impeachment trial of John L. Brown, auditor of state.

In 1886, Mr. Weaver began his judicial career, being elected judge of the district court in the Eleventh judicial district. He was re-elected in 1890, 1894, and 1898. In 1901, Judge Weaver was elected a judge of the supreme court of Iowa, and served from January 1, 1902 until his

death November 2, 1923. For three years he was chief justice. Thus for fifteen years he was on the district bench and for twenty-two years on the supreme bench, making thirty-seven years in all of continuous judicial service.

Judge Weaver was a lifelong Republican and a member of the Methodist church. He died November 6, 1923, at Iowa Falls where he had maintained his home for more than fifty years.

Judge JOHN LOOMIS STEVENS was born in Northfield, Vermont, May 19, 1850. His parents were John Loomis Stevens and Harriet E. (Tucker) Stevens. The family moved to Cedar Rapids, Iowa, in 1863, and later to Belle Plaine. John Loomis, Jr., attended primary school and academy in Northfield, Vermont, and public schools in Cedar Rapids and Belle Plaine. On the opening of the State Agricultural college at Ames, in 1868, he entered the freshman class and was graduated in 1872, in the first class of that institution, receiving the B.S. degree. He read law with Frank G. Clark of Belle Plaine and was admitted to the bar at Vinton in 1873. In November of that year he began practice at Ames in partnership with Daniel McCarthy. He served Ames as city recorder, then as city attorney, and in 1878 was elected district attorney for the Eleventh judicial district and was re-elected four years later, serving until January 1, 1887. He was thus of the last district attorneys under the old plan that preceded county attorneys.

In the fall of 1886, he was elected judge of the Eleventh judicial district and was re-elected in 1890. He resigned in 1893 and entered private practice in Boone, removing to that city. Besides his distinguished career as a lawyer he led in many business enterprises, such as the Ames-Nevada telephone line in 1881, the Boone County and the Boone and Marshalltown telephone companies, the Ames and College Railway company, and the Boone Brick and Tile company, being president at some time of most of these concerns. He was tenth district delegate to the Republican national convention of 1900, as well as of that held June 18, 1912. However, he was a delegate at large to the Progressive national convention of August 5, 1912,

and became the national committeeman for Iowa of the Progressive party, and also nominated September 4, 1912, as the candidate of the Progressive party for governor.

During World War I, Judge Stevens was Boone county chairman in the third and fourth liberty loan drives. Soon after the war he again made Ames his home. He induced Theodore Roosevelt to present to the State Historical department in Des Moines some souvenirs of his expeditions. Judge Stevens died in Ames, Iowa, October 23, 1933, and burial was made in the Ames cemetery.

Judge DAVID R. HINDMAN was born in Otsego county, New York, May 10, 1834, and the greater part of his youth was spent in Oneida county, New York. He supplemented his public school instruction by study in the Whitestown seminary, Whitestown, New York. He afterward entered the Clinton law school. Having completed his preparation for the bar, he removed to Portage City, Wisconsin, in 1860, and for some time engaged in active practice there. Following the outbreak of the Civil war he joined the army, enlisting first in response to the call for three months' troops, and afterwards re-enlisting as a private in the Nineteenth Wisconsin infantry. He rose from the ranks through successive promotions to the captaincy of the company.

With the close of the war, Mr. Hindman returned to Wisconsin, and in 1866 removed to Boonesboro. In 1875 he opened an office in Boone and entered upon the active practice of his profession. His ability won almost immediate recognition, and gained for him appointment to fill out from 1888 the unexpired term of Judge David D. Miracle of the Eleventh judicial district. He was then elected and afterward, re-elected. He retired from the bench in 1899, having served with distinction for eleven years, returning to the practice of law in Boone. Judge Hindman was a prominent Mason and attained the Knight Templar degree of the York rite. He died suddenly in Boone, April 17, 1908.

ALBERT EDSON CLARKE was born in Big Bend, Wisconsin, October 6, 1847, and received his early education in the

public schools. During the Civil war he enlisted in Company I, Second regiment, Minnesota volunteer cavalry, and served two years when he was mustered out with the rank of corporal. After the war he studied law at Winona, Minnesota, under Judge Yale and later completed his study at Trempeleau, Wisconsin, and when only twenty-one years of age, was admitted to the bar in Wisconsin, by Judge Bunn. The next year and a half he spent at sea, touching England, Germany, Wales, and finally landing on the coast of Cuba after being shipwrecked in the Gulf of Mexico. He and two companions were lashed to a spar, and only one companion and himself survived. After his return to Trempeleau, Wisconsin, he there married Hattie C. Noyes, daughter of the justice of the peace. He practiced law there four years and then removed to Humboldt, Iowa, where he resided for a short time before locating in Fort Dodge.

On November 2, 1886, he was elected county attorney of Webster county. He was the first to be designated by that title in the county. For nine years Mr. Clarke was division attorney for the Minneapolis & St. Louis railroad at Fort Dodge, and in 1889, he moved to Minneapolis, Minnesota, to become the general solicitor for that railroad, succeeding James D. Springer, formerly of Fort Dodge. Mr. Clarke continued as general solicitor for the M. & St. L. until the year 1905, when he resigned to re-enter private law practice. At the time of his death he was a partner with Daniel Carmichael, his son-in-law.

After he left the railroad service, Mr. Clarke was employed on numerous occasions as special counsel for the city of Minneapolis. His opinion was the prevailing one in the Minneapolis gas franchise case. The litigation was carried through to the United States supreme court being the case in which that high court decided that a municipality could compel a railway company to maintain at its own expense overhead crossings for public highways, whether the streets were laid out before or after the railroad was established. Mr. Clarke was employed as special counsel for the Northwestern Millers and carried through to completion the litigation in which a substantial reduction was granted

in the rate of flour transported from Minneapolis to the Atlantic seaboard via the Great Lakes, which secured to those millers an annual saving of half a million dollars, and in effect saved the milling industry for the city of Minneapolis.

The advantages of liberal education in his early youth were denied to him. His mother, Angeline Campbell, passed away when he was an infant two weeks of age. During his early life he engaged in various occupations as follows: clerk in dry goods store, wheelright, steamboat clerk, seaman, and newspaper editor. Mr. Clarke showed marked ability in the business field. He was stockholder and director of a corporation owning and operating retail lumber yards, the attorney and director of a national bank, and was very successful in real estate operations. He built a number of residences in Fort Dodge, for all of which he drew the plans himself. Mr. Clarke passed away at his home in Minneapolis, October 9, 1910.

Judge NORMAN B. HYATT was born in Erie county, Pennsylvania, January 26, 1837. He was educated at Knox college in Galesburg, Illinois, and at Albany law school where he graduated in 1858. He then went to California, Missouri, where he opened an office and continued in the practice of law until 1861, when he enlisted in the Third Missouri infantry and served until the close of the war. Then he removed westward and settled in Chicago, where he married. Later he moved to Webster City, Iowa, arriving February 2, 1866, and there continued in the practice of law through his remaining days, with the exception of one year when he served on the bench. In 1873, he formed a partnership with F. Q. Lee and the firm of Hyatt & Lee continued in business until 1876 when it dissolved. Mr. Hyatt then continued alone in business until 1888 when his son, Norman P. Hyatt, was admitted to the bar and became his partner. For some years Mr. Hyatt was a Republican, but in 1875 he left the party and affiliated with the Democrats until 1896, when he rejoined the Republicans.

He was appointed judge of the district court of the Elev-

enth judicial district by Governor Boies in 1892, and held the position about one year, filling out the unexpired term of Judge Stevens who had resigned. On account of his political affiliations, Judge Hyatt could not be re-elected, though he was nominated by the Democrats and ran ahead of his ticket. After he was appointed to the bench it became the ambition of his life to make an honorable and distinguished record as a jurist. In this he was successful insofar as he was permitted to go. He died in 1901, after having been a member of the Hamilton county bar for thirty-five years.

Judge BENJAMIN P. BIRDSALL was born in Weyauwega, in Waupaca county, Wisconsin, October 26, 1858. He came to Hardin county, Iowa, with his parents in 1871. He was educated in the public schools at Alden, and later at the State University of Iowa. He was admitted to the bar at Hampton in 1878, and practiced law at Alden until in 1884, when he removed to Clarion and formed a partnership with Corydon M. Nagle. In 1893, Mr. Birdsall was elected one of the judges of the Eleventh judicial district of Iowa and served from January 1, 1894 until October 1, 1900, when, because of poor health, he resigned. Judge Birdsall then resumed the practice of law in Clarion, being associated with his son, M. F. Birdsall.

When Col. D. B. Henderson declined a renomination for congress in the third district in 1902, Judge Birdsall was nominated and ran against ex-Governor Boies, the Democratic nominee. He was elected by over five thousand majority. He was re-elected to the two subsequent terms, thus serving from 1903 to 1909, when he declined to again be a candidate. Judge Birdsall returned to the practice of law with his son and continued until his death, at his home in Clarion, May 16, 1916.

MELANCTHON WOOLSEY WELLES, better known to Fort Dodgers as Woolsey Welles, was born in Lanesboro, Berkshire county, Massachusetts, May 26, 1802. He traced his ancestry to Thomas Welles, who came to this country from England in 1635. Mr. Welles was educated at Lowville

academy, in Lewis county, New York, and left school at the age of seventeen. The last year in school he served as tutor in Latin and Greek, showing the proficiency he had attained at the age of sixteen. In 1819, he went to Cleveland, Ohio, and read law in the office of Kelly & Cowles, then a prominent firm there. In August, 1823, he was admitted to the bar at the age of twenty-one, the youngest member in northern Ohio at that time. He practiced law in Cleveland until 1828, when he moved to Akron, Ohio, which was his home for some years. He lived in Akron when the Ohio canal from Cleveland to Portsmouth was completed, a great industrial and commercial enterprise in its day. He was appointed and served as the first collector of tolls on this canal at Akron. He practiced law there and at Elyria and Cleveland until 1849. In Cleveland his partner in the firm of Wade & Welles was Edward Wade, brother of the famous Ohio senator, Ben Wade.

In 1849, Mr. Welles located at Defiance, Ohio, as agent for the western reserve school lands, and held this position until these lands were disposed of. Those years in Ohio, about thirty-nine in all, were years of very active life. He advocated the abolition of slavery and surrendered his best paying business to adhere to the cause of the slave. His first client as a young lawyer was a friendless negro boy in trouble. Mr. Welles began in politics as a Whig, but early gave himself without reservation to the cause of abolition. He left the Whig party and assisted in organizing the Liberty party. He voted for James G. Birney for president in 1844, and for the Free Soil candidates in 1848 and 1852. In 1856 he joined the Republican party. He was an active agent in promoting the escape of runaway slaves. At that time what was called the "underground railway" was maintained, and Mr. Welles' home was one of the "stations". But the anti-slavery work alone did not occupy his energies. He was one of the early agitators of the temperance movement. He became an active member of the American temperance society and took up the work of organizing temperance societies all over the state of Ohio.

Mr. Welles was also active in the promotion of all edu-

cational work. He had an important part in the founding of Hudson college, a leading institution of learning in Ohio, afterward removed to Cleveland and the name changed to Adelbert college. He was present and made an address at the laying of the cornerstone of the first building erected at the establishment of Oberlin college.

In 1858, Mr. Welles came to Fort Dodge with his family in the interest of his brother, William B. Welles, who was one of the owners of the Des Moines river lands. He was a member of the Presbyterian church and from 1832 to his death was an elder in that church. He was the first president of the Webster county Bible society. During the Civil war he served as a member of the board of enrollment for the draft for northwestern Iowa. Mr. Welles was one of the founders of Coe college at Cedar Rapids, Iowa, and June 12, 1888 that institution conferred on him the degree of LL.D. He died at his home in Fort Dodge, November 16, 1896, at the age of over ninety-four years. He was buried in Oakland cemetery.

Judge JOSEPH R. WHITAKER was born in Philadelphia, Pennsylvania, June 3, 1852, his parents being Charles and Catherine (Ripka) Whitaker, who are also natives of the Keystone state. Following the outbreak of the Civil war, his father offered his services to the government, becoming a colonel of the 28th regiment of Wisconsin volunteers with which he served throughout the war. When he left Philadelphia to establish his home in the middle west, he settled in Waukesha county, Wisconsin, and resided there until 1866, when he brought his family to Iowa, settling first in Boonesboro. His father subsequently moved to Boone where he engaged in the hardware business, and in 1868 he moved to a farm in Hamilton county. Joseph R. was fourteen years of age when the family came to Iowa. He supplemented his public school education by study in the Iowa State college, from which he graduated in 1874. He was admitted to the bar at Fort Dodge in 1876. He afterward told of being induced to go to Lehigh by the rumor that the county seat was to be moved there.

In 1878, Mr. Whitaker opened a law office in Boone in

partnership with John A. Hull, Sr., the association continuing for five years. He was elected city attorney in 1883, and the following year was elected mayor of Boone, and in 1885, was elected to the office of county attorney, in which he continued through re-election, for three terms. In 1898, he was elected judge of the district court of the Eleventh judicial district, and at the end of his first term, was re-elected. On his retirement from the bench he resumed the private practice of law and his name was associated with the most important litigated interests that had been tried in the courts of the district for more than thirty-five years. Judge Whitaker was a member of the Knights of Pythias, and attended the Presbyterian church. His political allegiance was always given to the Republican party. He died February 16, 1938.

Capt. JOSEPH A. O. YEOMAN was born at Washington Court House, Ohio, September 13, 1842. He entered college at Denison university, Granville, Ohio, in the fall of 1858, and in the winter term of 1861 he attended Delaware university at Delaware, Ohio. At the breaking out of the Civil war he enlisted in the First Ohio cavalry in July, 1861, as a private. The early part of his campaigning was in West Virginia, where his command opposed Stonewall Jackson. He was in the army throughout the war, a total of four years and three months, and had attained the rank of captain upon termination of his service.

Captain Yeoman's military fame is linked with the capture of Jefferson Davis. On his own suggestion he was detached with a party of thirty-three picked men in the disguise of rebel soldiers, to endeavor to secure news of Davis. The expedition was unique and stands single and alone of its kind. Individual scouts and spies had been common in all species of warfare, but never before had any person attempted to transform an entire company of men, penetrate the lines of the enemy and march and mingle with their various commands. After hard riding and numberless adventures, Captain Yeoman and his men succeeded in joining the escort which was accompanying the rebel president, but was prevented from capturing Davis by a sudden attack

by the watchfulness of the Confederate escort. He succeeded in sending news to the Federal forces of Davis' movements which ultimately resulted in his capture.

Captain Yeoman was but twenty-two years of age at the time of this exploit. Samuel J. Robertson, later a prominent citizen of Fort Dodge, was one of the men in his company, and was but seventeen years of age at the most. In recognition of his services, Captain Yeoman, by special act of congress, was voted \$3,000 of the grant of \$100,000 made by congress for the capture of the president of the Confederacy. The Fortieth congress placed the importance of the services of Yeoman and his men before that of the captains of the companies capturing Davis, placing General Wilson first and Captain Yeoman second. Captain Yeoman also received special mention as the only officer who had actually risked his life in the capture.

On being mustered out of the service, Captain Yeoman entered the Albany law school from which he graduated and was admitted to the bar in 1867. He immediately came west and settled in Fort Dodge in October, 1867, where he continued in the practice of law until his death. During the last two years of his life he was associated with Maurice O'Connor. In politics Captain Yeoman was a Democrat. In 1879, he was nominated for lieutenant governor. In 1888, he was the opponent of Jonathan P. Dolliver for member of congress, and in the campaign he and Dolliver stumped the state and together held a series of joint debates, which was long remembered in the tenth congressional district. On the election of Grover Cleveland he was a prominent candidate for district attorney for northern Iowa, though unsuccessfully. He was a member of the Sons of the Revolution, Loyal Legion of the United States, a Knight of Pythias, Past Exalted Ruler of the Elk's Lodge, and a member of other secret societies. Captain Yeoman died at Washington Court House, Ohio, November 17, 1900, while on a visit at his old home.

JOHN DOUD, Jr., was born in Louisville, New York, August 8, 1826. He graduated from Williams college in Massachusetts in 1854. Later he studied law with Judge Porter

at Albany, New York, and then graduated from the Albany law school. From Albany he went to Ogdensburg, New York, and in 1857 removed to Dubuque, Iowa, where he began the practice of law as one of the firm of Wilson, Utley & Doud, consisting of Judge David S. Wilson, Henry T. Utley, and John Doud, Jr.

After the war, Mr. Doud and Col. David S. Wilson resumed their former partnership, which continued until the latter went to the bench. Shortly thereafter, in 1873, Mr. Doud moved to Fort Dodge and practiced law there. During the last few years of his life, Mr. Doud withdrew from active practice of law and devoted his time to real estate and other business interests in which he was very successful. He was a member of the Masonic bodies, and a consistent Democrat throughout his life. He died at Fort Dodge, May 22, 1902.

Judge WILLIAM D. EVANS was born in Marquette county, Wisconsin, May 10, 1852. His parents, Evan J. and Ann (Davis) Evans removed their family to Williamsburg, Iowa, in 1858. He there received his primary education in the public schools, and when sixteen years old, owing to the illness of a teacher in some of his classes, substituted as teacher for a considerable time. When seventeen he taught at Marengo, and for a few years followed teaching.

In 1873, he entered the State University of Iowa. While a student at the university, he taught school and was also an instructor in a number of teachers' institutes during vacations. In 1875, he organized and taught in a high school at Geneva, near Hampton. He was graduated from the liberal arts course at the university in 1878, and from the law department in 1879. After his admission to the bar, he located at Hampton in 1879, forming a partnership for the practice of law with T. B. Taylor under the name of Taylor & Evans, this partnership continuing for twenty-three years.

In 1902, Mr. Evans was elected judge of the Eleventh judicial district. He remained on the district bench until 1908. During the year 1907 and 1908, he was law lecturer at the State University of Iowa. July 9, 1908, Charles A.

Bishop, a justice of the supreme court, died, and a specially-called Republican state convention nominated Judge Evans, on September 10, as a candidate for the vacancy. September 17, Governor Cummins appointed him to the vacancy and he was elected in November. By reason of re-elections, he served until December 31, 1934, over twenty-six years, the longest career on the supreme court in the history of the state. The author of more than two thousand opinions, he wrote on every branch of the law, and his opinions were clear, definite and illuminating. His marvelous contribution to the jurisprudence of Iowa will last through the years to come. Judge Evans died May 4, 1936, in Hampton, Iowa, where he was buried.

JOHN D. STROW was born in Weatherfield, Windsor county, Vermont, April 11, 1831. He was a son of Reuben and Elizabeth (McEwen) Strow, the former of English and the latter of Scotch descent. His father was killed when John D. was but a young boy. Mr. Strow prepared for college in his native state, and in 1849 entered Dartmouth college where he remained two years. In September, 1851, he went to New York and began the study of law with his brother, James R. Strow, and was admitted to the bar. In August, 1855, the two brothers came to Fort Dodge and engaged in the real estate and loan business. They associated in business during a long and successful career. Mrs. John D. Strow and Mrs. James E. Strow were sisters. In politics, John D. Strow was formerly a Whig, but after its organization he supported the Republican party. He died in Fort Dodge, March 20, 1907.

VICTOR BROWN DOLLIVER was born March 18, 1861, at Morgantown, near Kingwood, West Virginia, which was once in Preston county, Virginia. He was the third son of the Rev. James J. and Eliza (Brown) Dolliver. In the parsonages and churches of which his father had charge, Victor received his tuition in the principles of Christianity, and his ambition to be educated. He had to walk from five to seven miles to attend the elementary schools. He managed to take a three-year course in the state normal school at

Fairmont, West Virginia, and a year at what is now DePauw university, at Greencastle, Indiana.

In 1881, he came with his parents to Fort Dodge, his brothers Jonathan and Robert having preceded the family by two years. For a time he was a student in the high school at Fort Dodge, and taught in the Center school in Jackson township for a year. He then took the courses at Cornell college at Mount Vernon, Iowa, from which he graduated. He paid his way through college by peddling Daniels' Illustrated History of Methodism all over that part of Iowa. After his graduation from Cornell college he became principal of the public schools at Gowrie, Iowa. Later he was principal of the Methodist seminary in Salt Lake City, Utah. During all this time he studied law, read miscellaneous literature, and in due course graduated from Columbia law college in Washington, D.C., and was admitted to the bar.

"Vic," as he was known, returned to Iowa from Utah and practiced in Fort Dodge for a while. In 1896, he married Miss Augusta Larrabee, the oldest daughter of Governor Larrabee of Clermont, and they moved to Minneapolis, where he opened a law office in January, 1897. Mrs. Dolliver died about two months later, and her death seemed to change the course of his life. From that time he seemed to devote himself to living for others. He submerged his own personal interests to those of his brother, Jonathan. He was never jealous of the big brother, but did all he could to promote his welfare both politically and personally. While overshadowed by his famous brother, "Vic" was a man of great brilliance in his own right. He had the Dolliver oratorical ability and was known far and wide as one of the most powerful and effective campaigners in the nation. Mark Hanna, while chairman of the Republican national committee, said that Victor Dolliver was the greatest campaigner upon the stump in the United States. He commanded the very largest fees that were paid the campaign speakers. He was sent into nearly every pivotal and critical state in successive national and state campaigns.

During the later years of his life, he devoted much of his

time to the lecture platform. Over six feet in height, robust of form, with piercing voice and eloquent tongue, he was a striking figure wherever he spoke. Although Mr. Dolliver had not followed the practice of his profession, through his excellent business judgment he had accumulated a good-sized fortune by investments in land. He was a half-owner, with his brother Jonathan, of the Dolliver farm of about five hundred acres near Fort Dodge. After his sister, Miss Gay Dolliver, became dean of the women's department of Morningside college, he turned his attention to the welfare of that institution, with all the loyalty that he had for anything in which his sister was interested. The summer before his death, he made a donation of \$10,000 to endow a chair in that institution. Mr. Dolliver died while sleeping, February 24, 1907, at Fort Dodge, and his remains were taken to Clermont for burial beside his wife.

Judge CHARLES E. ALBROOK was born in Pennsylvania, October 23, 1851. When a boy he came with his parents to Delaware county, Iowa. He attended common schools and graduated from Cornell college at Mount Vernon. In 1874, he went to Eldora and began the study of law in the office of Judge Porter and W. J. Moir. After being admitted to the bar he was a partner of Judge Porter for some time and later practiced alone until 1893, when he became the senior member of the firm of Albrook & Lundy, which continued for about fifteen years. In 1908, Mr. Albrook was appointed one of the judges of the Eleventh judicial district of Iowa. He was later elected and served in that position until 1914, when he retired and removed to San Diego, California, where he died February 10, 1919. He was buried at Eldora, Iowa.

THOMAS D. HEALY was born in Lansing, Iowa, May 25, 1865, a son of Michael and Catharine (Murphy) Healy. He received his early education in the schools of Lansing and later graduated from Notre Dame university; also was a graduate of the law department of the State University of Iowa, and the University of Michigan, graduating from the latter law department in the class of 1886. With his

parents he removed in 1883, to Fort Dodge, where he resided until his death. Soon after his admission to the bar, Mr. Healy entered upon the practice of law at Fort Dodge and continued therein actively during the remainder of his life.

In 1895, he was elected to the state senate where he served during the sessions of four general assemblies. Mr. Healy was the youngest senator in the Twenty-sixth General Assembly, having just passed his thirtieth birthday. Keenly interested in the cause of reform and in the methods employed by the state to further the ends of institutional reform, as a member of the legislative committee, he visited several eastern states and studied their methods. He was largely influential in the legislation securing establishment of the state board of control. This measure was adopted by the Twenty-seventh General Assembly.

Senator Healy's important part in revising the code of Iowa in 1897, was overshadowed by his more brilliant achievements on the floor of the senate. In constructive, reformatory and progressive legislation he was a leader. Upon the retirement of Judge O. P. Shiras from the bench of the Federal court for the Northern district of Iowa, Mr. Healy became a candidate for that position. He had, to a remarkable degree, the support of the bar and of the people of the district, but not having the judicial experience, as well as the independent character of his course as a member of the senate, he did not receive the appointment.

At the close of his second senatorial term, Hr. Healy became the Iowa attorney for the Chicago Great Western Railway company, and later filled the same position with the Illinois Central Railroad company. At the same time he continued the general practice with his brother, M. F. Healy. The last honor conferred upon him was his appointment by Governor Cummins in 1907, as a regent of the state university from the Tenth district. At Mr. Healy's death, all of the flags on the university buildings were flown at half mast. Never a man of robust health, the burdens of rapidly-expanding business and increasing responsibilities at length proved too great for even his limitless energy

and determination and he died at his home in Fort Dodge, January 15, 1909, at the age of forty-four.

JONATHAN PRENTISS DOLLIVER was born February 6, 1858, near the town of Kingwood, in that section of West Virginia which was formerly Preston county, Virginia. His father, the Rev. James J. Dolliver, was a well-known minister of the Methodist Episcopal church, being one of the "circuit riders" of early days. Jonathan was brought up in a home in which piety and poverty were mingled. There was "more piety than poverty, perhaps, but there was plenty of the latter," so often said by him. He supplemented a public school education in West Virginia by a course of study in the state university, from which he was graduated with the class of 1875. His college work prepared him for the profession of teaching. He taught for a year in Sandwich, Illinois, and then became a law student in the office of his uncle, John J. Brown, a prominent attorney of Morgantown, West Virginia, who directed his reading with the thoroughness that made it a strong and broad foundation for his later success. While pursuing his legal course he returned to Sandwich, Illinois, where for a year he was principal of the high school. In 1878, he resumed his law reading, and with his brother, Robert H. Dolliver, invested his savings in law books. In the spring of that year they came west and located in Fort Dodge, Iowa, where he was admitted to the bar.

So much has been written about Jonathan P. Dolliver, that it is difficult to condense his biography into a short sketch. It is the story of a youth of twenty who came to Fort Dodge with practically no means, and by his own efforts rose to be one of the great public figures of this state and the nation. The events of his career which led to fame have been told in all the histories of the people of Iowa, and we read about them with pride. But through it all we still see the Dolliver that his home town knew, his wholesome and stalwart character, his unaffected good nature and friendliness, his ready wit and humor.

As the junior member of the firm of Dolliver Brothers,

he began the practice of law. The Fort Dodge bar included several men of high rank among the lawyers of the state and it was a formidable undertaking for two unknown youths, one not much above majority and the other under, to attempt to make a living as lawyers in such company. Their resources were slender but their pluck was good. They retrenched upon expenditures. They slept in their office from the beginning, and soon were cooking their own meals there. Jonathan, with his abounding humor, used to say that they were "cutting their own hair and pulling their own teeth." Even the amount of the poll tax was more than he liked to spare out of his purse, when he had so much time on his hands, so he good-naturedly stood the chaffing of passers-by and, in his bare feet, worked out the tax on the public streets.

In 1878, the very first year of his residence in Fort Dodge, he took an active part in the exciting contest with the Greenback movement, in which ex-Governor Carpenter was the Republican candidate for congress against the Greenback candidate, and at the age of twenty, won his spurs as a champion of sound money. Meantime the Dolliver brothers were becoming known, their ability as public speakers being of great assistance in this respect. Within two years Jonathan had been elected city attorney. Soon afterward the brothers bought a home and brought their parents and their two younger sisters and younger brother, Victor, from West Virginia, and thus definitely established the family at Fort Dodge. Later, Robert, his older brother, discontinued the practice of law and became a minister of the Methodist church.

Jonathan possessed rare oratorical ability and was frequently called upon to deliver public addresses, but was practically unknown outside Iowa until in 1884, when on August 20, he was called upon to fill the temporary chairmanship of the Republican state convention held in Des Moines. Dolliver awoke the next morning to find that fame was his. His brilliant mind was recognized by Republican leaders and his talents were hailed as national assets in the Republican campaign. He was called east and took a con-

spicuously aggressive part in the memorable campaign in which James G. Blaine was defeated for president.

In 1886, Mr. Dolliver was a candidate for congress in the tenth district, but on the 188th ballot at the convention, he was defeated. Two years later he was nominated in the Republican convention at Webster City. The congressional campaign in 1888 was memorable. He was opposed by Capt. J. A. O. Yeoman of Fort Dodge, an old soldier and a veteran in politics. The two stumped the district together and held a series of joint debates long remembered. Mr. Dolliver was elected and never after that time did he meet setbacks in his political career. He was re-nominated by acclamation and elected to the United States house of representatives every year up to and including 1900.

Early in 1893, Mr. Dolliver entered into partnership with Maurice D. O'Connell, who had long been one of the leading lawyers of northern Iowa. No doubt Mr. Dolliver would have made a successful lawyer, but he went into public life too early to have established a broad and deep foundation of experience as a trial lawyer. He never claimed any special ability in the trial of causes. His strength was with the jury. Owing to the death of U.S. Sen. John H. Gear, Governor Shaw appointed Mr. Dolliver August 22, 1900, to fill out the unexpired term of Senator Gear. He was elected unanimously by the state legislature in 1902, and was re-elected by acclamation in 1908, remaining a member of the senate until his death in 1910. Dolliver might have been president, for in 1900 he enjoyed great favor as a prospective nominee for the vice-presidency on the Republican ticket with President McKinley, delegates from Iowa and many other states supporting him with enthusiastic fervor. Editor Lafe Young, of the *Des Moines Capital*, a delegate, had a nominating speech in readiness. He was acceptable to McKinley as a running-mate, but after the convention assembled at Philadelphia, eastern elements on the party developed other plans. Dolliver then gracefully withdrew his name from consideration and Theodore Roosevelt was nominated and elected. Only a little

later President McKinley was the victim of the assassin's bullet at Buffalo, and Theodore Roosevelt ascended to the presidency.

In 1906 Dolliver assumed joint leadership with Senators Cummins, LeFollette, Beveridge and others in the Republican party, for strengthening the interstate commerce laws. They found the powers of capitalized industry, not only in their party, but also in the opposition, hostile to "the progressive movement." But, by dint of a magnificent fight, the needed legislation was enacted. Following closely upon this came the consideration of the tariff legislation in the session of 1909. Dolliver and this group of midwest senators fought for a rate reduction program promised in the party platform and by their presidential candidate; but influential leaders had a different program, which in the end prevailed.

Those opposing Dolliver sought to read him out of party councils, but he knew that the vast number of the rank and file in his party was with him, and he withstood the scorn and attacks of his assailants. As he stood in the senate on June 13, 1910, defying the agents of privilege and "regularity," he warned them that they were entering upon a course in which the nation would not follow. That was the masterly message, the last of his life, and the greatest, using all that he possessed of eloquence, of sarcasm, invective, irony, and appeal; but in vain, so far as the immediate action of congress might govern. And with this supreme effort the congressional career of Senator Dolliver closed. Scarce four months later death came and the earthly career of Jonathan P. Dolliver was ended. The physical strain on him had been terrific. He had known for a long time that his hold on life was insecure; that organic disorders had weakened his heart and that he might go suddenly at any time. Knowing that, he never spared himself. He died suddenly at his home in Fort Dodge, October 15, 1910. Dolliver Memorial state park was dedicated to his memory, June 28, 1925.

WITTER H. JOHNSTON was born in Sidney, New York, July 24, 1837. His parents were of Scotch-Irish, English, and

German descent and were highly educated people of New England birth. In one direct line of his ancestry were six physicians. Also there were prominent ministers and patriots in this and other lines. Mr. Johnston was educated in the common schools of New York and at Franklin academy. He spent a year in Wabash college at Crawfordsville, Indiana. After devoting some time to school teaching, he enlisted in the 144th New York infantry. His regiment participated in the battle of James Island, South Carolina, February 10, 1865, where Captain Johnston was severely wounded. Upon being discharged from the hospital he returned to Binghamton, New York, where he finished his law study and was admitted to the bar. He soon removed to Fort Dodge where he began the practice of law, continuing until his appointment to the deputy clerkship of the United States district court for the Northern District of Iowa, central division, at Fort Dodge, which office he held for many years.

Captain Johnston performed his greatest public service through an unselfish and untiring application of his talents to library interests. He was first to establish a private library association in Fort Dodge and induced others to help him in the creation of a small library and reading room in his office. He served gratuitously as the librarian for many years. Out of this grew the present Fort Dodge public library which largely through the labors of Captain Johnston, has become more than merely a beautiful edifice housing a collection of books, but has developed a deep and genuine taste by the public of Fort Dodge for library advantages. His influence extended far beyond the limits of Fort Dodge, into and through the work of the Iowa State Library association, of which he was one of the founders, its president, and, at the time of his death, an honorary president. He was a molding influence in the Iowa library commission of which he had been a member for many years, and was rewarded for his arduous and effective work by his appointment as president of that body. Captain Johnston died at Fort Dodge, June 6, 1911.

CYRUS A. BRYANT was born on a farm near Battle Creek in Calhoun county, Michigan, November 28, 1852. His

early education was obtained in the public schools of his native county. He attended the law department of the University of Michigan at Ann Arbor, and from that institution he received his degree of bachelor of law in 1876. Thereafter he was engaged in the practice of law in the city of Toledo, Ohio, and in 1889, came to Iowa and established his residence in Pocahontas. There he continued his law practice two years and then went to Sioux City, where he entered the service of the Illinois Central Railroad with which he continued for nineteen years.

He then resumed the private practice of law, and after 1912, he made his home in Fort Dodge. He served as justice of the peace and also as United States commissioner, and as referee in bankruptcy, a position he retained four years. For three years he was a member of the Fort Dodge city council. He was elected clerk of the district court of Webster county November 6, 1906, and served three terms. He served as secretary and treasurer of the Webster County Bar association. "Dick" Bryant, as he was familiarly called by his many friends, was a Republican and took an active part in county politics. His hobby was raising flowers, in which he became adept, and his chief recreation was hunting and fishing. It was while pheasant hunting that his death occurred, November 1, 1930.

Z. W. THOMAS was a native of Damascus, Columbiana county, Ohio, and was born May 18, 1856. His parents were Jesse and Johanna B. (Stanley) Thomas, both of whom were natives of the Buckeye state. In 1865, Z. W. Thomas came with his parents to Oskaloosa, Iowa, where he obtained his early education which was later supplemented by a course in philosophy in Penn college there. When a young man, he engaged in merchandising and for one year followed farming. He spent four years teaching in the public schools. After his graduation from Penn college, he entered the office of Captain Searle of Oskaloosa, acquiring knowledge of the abstract and insurance business. He then read law for a year with Maj. J. F. Lacey, later congressman from the sixth Iowa district. Mr. Thomas afterward entered the law department of the State University

at Iowa City, where he graduated with the class of 1884. Immediately thereafter he was admitted to the bar and the same year was licensed to practice in the United States district and circuit courts. Mr. Thomas read law with the view of engaging in the real estate, abstract, and loan business. Having completed his studies, he came to Fort Dodge in the fall of 1884. He became one of the most extensive landowners in the county, owning 2,200 acres in Webster county in addition to property in various other places.

In connection with his business, he practiced real estate law in the courts. He also did a general insurance business. In addition to all his other interests, he individually operated two farms, which he stocked with fine grades of cattle and horses. He had two creameries, one at Fort Dodge and the other at Industry. He owned and conducted a milk depot and was the proprietor of Oakdale dairy in Fort Dodge. He served one term as a member of the city council. Mr. Thomas lost most of his fortune through unfortunate investments, a few years before his death, which occurred at Fort Dodge, June 16, 1914.

MAURICE O'CONNER was born on a farm near Missouri Valley, in Harrison county, Iowa, in 1875. He received his early education in the Missouri Valley public schools and graduated from the high school at that place. Then entered school for a year in Lincoln, Nebraska. Following this, he attended the Woodbine normal school and the State University of Iowa. He graduated from the law department of that university in 1898. Mr. O'Conner taught country schools during intervals while he was securing his education. He practiced law a short time in South Dakota, and then moved to Fort Dodge, where he made his home the remainder of his life.

He became a partner with Capt. J. A. O. Yeoman, but after the Captain's death, was associated with John F. Duncombe and William S. Kenyon, and later with D. M. Kelleher, but practiced alone for a number of years before his death. In 1904, he was the Democratic nominee for attorney general, and in 1912, for judge of the supreme court.

In 1912, Mr. O'Conner was a delegate to the Democratic national convention. He died at Fort Dodge, May 5, 1917.

AUSTIN N. BOTSFORD was born in Newton, Connecticut, about the year 1842. His ancestors on both sides came from England in 1667. Mr. Botsford received his early education in a boys' school at Poughkeepsie, New York, and graduated from the high school at New Britton, Connecticut. Later he attended Yale college and graduated from the law school in the class of 1864. He taught school for a short time while attending college. He first practiced law with his brother, Judge Richard Botsford, in Elgin, Illinois. In 1867 he came to Fort Dodge where he remained until his death, long the senior member of the Webster county bar. Mr. Botsford was a member of the firm of Botsford, Healy & Healy for over ten years. At the time of his death he was associated with B. J. Price. He was a lifelong member of the Episcopal church. He died November 24, 1919, at a Des Moines hospital. His funeral was held at his home in Fort Dodge, November 26, 1919, and he was buried in Oakland cemetery.

Judge GEORGE D. THOMPSON was born in Bureau county, Illinois, June 12, 1867. His parents, Hiram E. and Mary L. (Studley) Thompson removed with their family from Illinois to a farm in Hamilton county, Iowa, in 1873. Mr. Thompson attended country school, Webster City high school, and Iowa State Teachers college at Cedar Falls, from which institution he was graduated in 1890. For six years he was principal of the schools at Rippey, in Greene county. While teaching he read law and was admitted to the bar in 1898. However, for two years he followed banking, being president of the LeHigh Valley bank. In 1900, Mr. Thompson removed to Webster City, and with J. H. Richard formed the law firm of Richard & Thompson. Two years later, Mr. Richard went on the bench, after which Mr. Thompson practiced alone. When the Thirty-seventh General Assembly in 1917 provided for an additional judge in the Eleventh judicial district, Governor Harding appointed Mr. Thompson. He was regularly elected there-

after as his terms expired and was serving at the time of his death in Webster City, February 25, 1928.

FRANK FARRELL was born in Shelburne, Vermont, August 9, 1844. In preparing for college he attended the Green Mountain seminary at Underhill, Vermont. In 1862, he entered the University of Vermont from which he graduated in 1866, thereafter, as principal, teaching in the high school at Bradford, Vermont, for a year. He then studied law at Michigan university and was admitted to the bar at Janesville, Wisconsin, in 1868. Mr. Farrell came to Fort Dodge in December, that year, where he continued in the practice of law until his death, February 13, 1918. October 10, 1871, he was elected county superintendent of schools of Webster county, and was re-elected in 1873. He also served on the school board of Fort Dodge. In June, 1916, fifty years after his graduation, the University of Vermont conferred upon him the degree of doctor of laws.

HOMER E. BUSBY was born in Mahaska county, Iowa, July 20, 1872. He received his education at Penn college at Oskaloosa, Iowa, Tobin college in Fort Dodge, and the law department of the State University of Iowa, at Iowa City. He was admitted to the bar in 1896. Immediately afterward he practiced law in LeMars and Cherokee, and then came to Fort Dodge about 1898, where he continued to reside until his death, at Fort Dodge, May 26, 1926. In addition to practicing law he was associated with Z. W. Thomas in the abstract of title, insurance, and loan business. Mr. Busby was a justice of the peace for Wahkonsa township for eighteen years and was to have been a candidate for re-election when he died. He also served on the school board of Fort Dodge for a time, and as acting coroner.

HERMAN A. STOWE was born at Lamartine, near Fond du Lac, Wisconsin, August 20, 1846. He lived on a farm until he enlisted in the Union army, December 7, 1863. Although but barely past seventeen years of age at time of his enlistment, he served in Company D, First Wisconsin cavalry. He participated in the stirring scenes and historic events

of Sheman's march to the sea. He engaged in many battles, and at the end of the war had the honor of taking part in the actual capture of Jefferson Davis, May 10, 1865. Mr. Stowe was honorably discharged July 19, 1865, at the close of the war. Subsequently he attended school at Lawrence university, at Appleton, Wisconsin. He taught school for a time, later studied law and was admitted to the bar in Allamakee county, Iowa, in 1872. He located at Postville, Iowa, where he practiced law until the spring of 1883, when he moved with his family to Clarion, Iowa, continuing a member of the Webster county bar from that date down to the time of his death. For forty-five years Mr. Stowe was a member of the First Methodist church of Fort Dodge. In politics he was a lifelong Republican. He died at Fort Dodge, October 27, 1919, and was buried in Oakland cemetery.

PATRICK F. NUGENT was born in Aplington, Iowa, January 26, 1869. He graduated from the law class of the State University of Iowa in 1893, and went almost at once to Fort Dodge and entered the law office of R. M. Wright, later a partner until Mr. Wright became judge. He died May 10, 1921, after a brief illness, and was buried in Corpus Christie cemetery.

MAURICE D. O'CONNELL was born in Constable, Franklin county, New York, April 23, 1839, where he lived until 1864. He was educated at Franklin academy at Malone, New York, and at Columbian (now George Washington) university in Washington, D.C., being graduated from the latter in 1866, and immediately admitted to the bar. For some years in his early life he had a position under the United States comptroller of the treasury at Washington and became chief of a division in that department. In 1868 and 1869, he was employed in the First National bank of San Antonio, Texas, but in 1869 removed to Fort Dodge and engaged in the practice of law. Soon after going there he became a partner of George B. Sherman under the firm name of O'Connell & Sherman. Later he was associated

with James D. Springer under the name of O'Connell & Springer.

November 5, 1872, Mr. O'Connell was elected district attorney for the Eleventh judicial district of Iowa, to fill a vacancy caused by the resignation of John H. Bradley. October 13, 1874, he was re-elected for a full term for four years. Mr. O'Connell served as United States district attorney for the Northern district of Iowa, in 1883 to 1885, and again in 1889 to 1893. Early in 1893, he entered into partnership with Jonathan P. Dolliver in the practice of law. Mr. O'Connell was solicitor of the United States treasury department from 1897 to 1905, and after accepting that position, lived in Washington, but retained all his interests in Fort Dodge for which place he had great affection. Mr. O'Connell and George E. Roberts are to be given credit for securing the gift of \$30,000 from Andrew Carnegie to aid in the erection of the public library building at Fort Dodge. Mr. O'Connell died in Washington, August 26, 1922, as the result of an accident, when hit by a streetcar in April of that year. His remains were returned to Fort Dodge for burial.

JAMES MARTIN was born in Owens county, Indiana, October 25, 1851. When he was seven years old his family removed to Boone, Iowa, where his father, the Rev. W. C. Martin, was a Methodist minister. Mr. Martin was educated in the public schools and at Simpson college at Indianola, Iowa. He taught school for several years, during which time he began the study of law. He was admitted to the bar in 1879. Shortly thereafter he moved to Lehigh, Iowa, where he practiced law until he was elected county attorney of Webster county, November 5, 1890. He then moved to Fort Dodge where he made his home the remainder of his life. Mr. Martin served on the city council of Fort Dodge. For eleven years he was United States commissioner and deputy clerk of the United States District Court for the Northern District of Iowa, central division, at Fort Dodge, from which position he resigned in 1922, on account of failing health. His daughter, Miss Viola Martin, who had been his assistant, was appointed his successor and

served in that position for many years. Mr. Martin died at his home in Fort Dodge, April 5, 1923.

VERNE M. MYERS was born January 27, 1897, near Duncombe, Iowa, a son of Mr. and Mrs. M. L. Myers.. He graduated from the Fort Dodge high school in 1915, after which he attended the State University of Iowa. He left school to enter the service during World War I, and was a lieutenant in aviation. Following the war he returned to the university and completed his law course. He was admitted to the bar and began the practice of law in Fort Dodge. For a time he was associated with E. E. Cavanaugh, but shortly before his death he had opened an office for himself. Mr. Myers was a member of the Iowa National guard, and was captain of the Fort Dodge Company G at the time of his death. He was also prominent in American Legion activities. He died after a short illness, December 7, 1923, at the early age of twenty-six years, and was buried in Oakland cemetery at Fort Dodge, with military honors and full Masonic ritual.

WILLIAM BROOKS LIVINGSTON was born at Churdan, Iowa, October 4, 1891. He went to Fort Dodge with his parents in 1900, where he attended the public schools and graduated from the high school in 1909. He then attended Grinnell college for two years, after which he worked for a year in the offices of the Illinois Central Railroad company in Fort Dodge, to earn money for his law course. He graduated from the college of law of the State University of Iowa, June 16, 1915. Thereafter he entered the legal department of the Illinois Central Railroad company as a claim agent with headquarters at Paducah, Kentucky, where he remained continuously until World War I was declared in 1917. He entered the first officers' training school at Fort Benjamin Harrison in Indianapolis, May 15, 1917, and was commissioned second lieutenant August 15, 1917, and first lieutenant November 7, 1917. In the summer of 1918 he was sent to Camp Perry, Ohio, for six weeks' special training, and August 27, 1918, he was made aide-de-camp to Brig. Gen. F. M. Caldwell at Camp Shelby, Hattiesburg, Mississippi.

In October, 1918, he went overseas and served in the army of occupation. Later he was transferred to the Rainbow division (42nd), and continued to serve as aide-de-camp to Brig. Gen. Caldwell at headquarters of the 83rd infantry brigade at Coblenz, Germany. He received his honorable discharge April 27, 1919, at Camp Dix, New Jersey. He then resumed his position with the Illinois Central Railroad company as claim agent at Paducah, Kentucky. Mr. Livingston died at Fort Dodge, April 23, 1925, after a long illness.

Judge FRANK H. HELSELL was born in Millersburg, Ohio, June 9, 1857. His parents, the Rev. Jesse and Eliza A. (Smith) Helsell, removed with their family to Cedar county, Iowa, in 1863, and later to Sac county. Mr. Helsell attended Iowa State Agricultural college at Ames, and later, Carthage college at Carthage, Illinois, from which he was graduated. He taught a year in Hillsboro, Illinois, later at Alden, Iowa. During these years he had been reading law, and was admitted to the bar and began to practice at Sioux Rapids in 1882. In this he achieved success. He was judge of the Fourteenth judicial district from 1898 to 1900, but declined further service in order to resume practice.

Judge Helsell was interested in seven or more banks in his part of the state, having helped organize most of them, and being attorney for all of them. He was local attorney for five different railroads in his section of Iowa, and in 1912, removed to Fort Dodge, becoming district attorney for the Illinois Central Railroad company. He had charge of all its legal affairs west of the Mississippi river. Judge Helsell became interested in political matters, and was a delegate to the Republican national conventions of 1888 and 1896. He died in Fort Dodge, April 8, 1927.

MICHAEL F. HEALY was born at Lansing, Iowa, April 1, 1863, and was the oldest of nine children of Michael and Catharine (Murphy) Healy. As a boy he attended the public schools in Lansing, and later went to Columbia college at Dubuque. From there he went to Notre Dame uni-

versity, then to Harvard university, and to the University of Michigan, at Ann Arbor, where he graduated from the law department in 1885. He then rejoined his family, who in the meantime had moved to Fort Dodge, and started the practice of law in the office of John F. Duncombe, who influenced him to an active interest in the Democratic party. In 1888, when twenty-five years old, he was temporary chairman of the Democratic state convention at Des Moines, after which he was a favorite at conventions of his party in Iowa, as well as on the stump. Nine times Mr. Healy was a delegate to national Democratic conventions, where his gifts as an orator won him recognition and prestige. He gave much time to politics but held no political offices.

Some twelve years before his death, he became totally blind. This did not prevent him from continuing his law practice, nor from delivering public addresses. One of the most notable events of his career took place in New York City in 1924, at the national convention, where he won notable ovation when he seconded the nomination of Alfred E. Smith for president. The impression he made at that time was unforgettable to the thousands who heard him and saw him being led to the platform by his youngest daughter. Metropolitan newspapers devoted columns to the incident and the terms "blind and silver-tongued orator" lost their triteness and became truly descriptive. In the 1928 convention, he was also accorded an ovation. In his legal career he was connected at various times with many members of the Webster county bar, including John F. Duncombe, A. N. Botsford, his brothers, Thomas D. and Robert Healy, D. M. Kelleher, B. B. Burnquist, Seth Thomas, and his son, Thomas M. Healy, who was his last law partner. Mr. Healy passed away June 23, 1929, and Fort Dodge lost one of its outstanding citizens of all time.

ROBERT HEALY was born in Lansing, Iowa, August 11, 1872, the youngest son of Michael and Catharine (Murphy) Healy, who removed with their family to Fort Dodge when Robert was only a boy. He received his early education in the Fort Dodge public schools. He attended Notre Dame university two years, going from there to Michigan univer-

sity at Ann Arbor, from which he was graduated in 1898. He practiced law first at Rockwell City, but soon located at Fort Dodge, and during different periods was associated with A. N. Botsford, his brothers, Thomas D. and Michael F. Healy, D. M. Kelleher, B. B. Burnquist, M. J. Breen and F. F. Faville. During the last few years of his life he practiced alone. Like his brothers, he was gifted with a shrewd legal mind and ability as an orator. In the court room he was his best, fearless in the interest of his client.

Mr. Healy was a Republican in politics, but never held any public office. He was a delegate to the Republican national convention in 1908, and was permanent chairman of the second Republican state convention in that year. He was also a delegate to the Republican national convention in 1916. Robert Healy died at Fort Dodge, October 6, 1929.

Judge ROBERT MULLINS WRIGHT was born in Sheffield, England, November 1, 1844. When he was five years old his parents, Thomas and Mary (Mullins) Wright, determined to move to the United States. En route the lad once narrowly escaped being swept overboard, but was saved by the vigilance of a sailor, who caught him in time. Arriving in New York, they proceeded to Buffalo, thence by lake vessel to Milwaukee and on to Chicago, which then was no larger than Fort Dodge now. The family settled near Lisbon in Kendall county, Illinois, where a 160-acre farm was purchased. Three years later they moved to a farm in DeKalb county, Illinois. Robert attended the country schools, but finally entered the University of Michigan at Ann Arbor and was graduated with the degree of B.A. in 1871. Three years later, he received the degree master of arts. Money was scarce in those days, and in order to continue his studies, Mr. Wright labored on farms for hire. After leaving college he spent five years teaching school, during the last four of which he was principal of the high school at Fort Wayne, Indiana. While teaching he prepared for the bar by private study.

In July, 1876, Mr. Wright moved to Fort Dodge and began the practice of law, continuing until 1906, when he was

elected judge of the Eleventh judicial district of Iowa. He occupied this position for sixteen years, until January 1, 1923, when he retired. Judge Wright was elected representative from Webster county in 1881, and again in 1903, thus serving in the Nineteenth, Thirtieth and Thirty-first General Assemblies. He died at his home in Fort Dodge, June 11, 1931, and was buried in Oakland cemetery.

VERNE E. GABRIELSON was born on a farm near Dayton, Iowa, November 6, 1884, and spent his boyhood there. He was a son of Mr. and Mrs. C. A. Gabrielson. He attended Tobin college in Fort Dodge, where he completed the accounting and liberal arts courses, and was graduated from its normal and commercial departments. He then taught in the rural schools near his home for two years, entered the State University of Iowa at Iowa City in 1907, and graduated in the law class of 1910, then being admitted to the bar. Mr. Gabrielson returned to Fort Dodge and began the practice of law. His first partner there was William S. Johnston, who later located in Estherville. They practiced together until 1913, when Mr. Gabrielson became a partner in the law firm of Files, Maher, Gabrielson and Hemingway. A year later Mr. Gabrielson and Max Hemingway established a law firm, which existed until 1917.

Mr. Gabrielson was appointed assistant county attorney of Webster county in 1917 and 1918. He was elected county attorney in 1918 and served three terms. He was exceptionally successful as a prosecutor. In November, 1926, he became associated with Emmett E. Cavanaugh in the law firm of Gabrielson & Cavanaugh, and they remained partners until Mr. Gabrielson's death, which occurred at Fort Dodge, April 16, 1932. Burial was in Dayton cemetery.

FRANK W. PAIGE was born in Springfield, Massachusetts, son of the Rev. Whitney Paige and Gracie L. Paige of New England. His brother, William J. Paige, was rector of St. Mark's Episcopal church in Fort Dodge for many years. Mr. Paige spent his early life in the New England states. He was graduated from Yale college in the class of 1877, and came west in the early '80s, completing his law course

at Iowa City. Although he practiced law for a while, science was his great interest and it was not long until he retired from practice to give his entire time to nature study. He was a member of the Iowa Academy of Science and made a study of, and collected all grasses and hedges found in the state of Iowa. He also made pressed specimens which he presented to Dr. Pammel of the state conservation board, and they were taken to Iowa State college at Ames for study and display. Mr. Paige had also a most unusual collection of mushrooms, numbering around four hundred specimens. Because of the study he had made of this form of plant life, he was one of the state's leading authorities on mushrooms. This collection he also gave to Iowa State college. Mr. Paige was a bachelor. He died at Fort Dodge in November, 1932, and was buried in Oakland cemetery.

WILLIAM SQUIRE KENYON was born in Elyria, Ohio, June 10, 1869. He was a son of the Rev. Fergus L. Kenyon, a native of Scotland, and Hattie A. (Squire) Kenyon. The family moved to Iowa City in 1878, his father becoming pastor of the Congregational church there. Receiving his early education in the public schools, he later attended Iowa college, now Grinnell college, and the State University of Iowa, and graduated from the law department of the latter institution in 1891. He was then admitted to the bar and entered upon the practice of law at Fort Dodge, for a time practicing alone, and then entered into a partnership with Captain Yeoman. Shortly thereafter the partnership was dissolved and Mr. Kenyon became a partner of John F. Duncombe. From almost the beginning of his practice, his success was assured. Before he was thirty he served two terms as county attorney of Webster county, being elected to that office November 8, 1892, and re-elected November 6, 1894. In 1900, at the early age of thirty-one, he was elected judge of the district court of the Eleventh judicial district of Iowa. After two years on the bench, he resigned to again take up the private practice of law, becoming a member of the firm of Kenyon, Kelleher & O'Connor. Mr. Kenyon was attorney for the Illinois Central Railroad company one year, and general counsel for three years.

March 14, 1910, Judge Kenyon was appointed by President Taft to serve as assistant to the attorney general of the United States. While holding that office he had charge for the interstate commerce commission of cases arising under the Hepburn rate act, and the Sherman anti-trust law. He prosecuted rebate suits against the Southern Pacific, Hocking Valley, and several other railroads. He also received wide recognition in the famous packers' rebate cases in Chicago. He held this position until in April, 1911, when he resigned, being elected United States senator to fill out the unexpired term of Jonathan P. Dolliver.

Senator Kenyon entered the senate in 1912 and served until February 24, 1922, when President Harding appointed him judge of the United States Circuit Court of Appeals for the Eighth judicial circuit. While serving on the circuit court of appeals in St. Louis, Judge Kenyon wrote a decision in the famous Teapot Dome oil case condemning the transaction and reversing the district court at Cheyenne, Wyoming, which had held there was no fraud in the dealings between the Mammoth Oil company and the department of the interior under Albert B. Fall. His findings in the Teapot Dome case, in certain veterans' litigation, and in a notable case growing out of the prohibition act, made valuable legal history.

In March 1929, President Hoover appointed him a member of the law enforcement commission, popularly known as the Wickersham commission. This appointment was a recognition of Judge Kenyon's outstanding character, but it brought him much hard labor, when he already was sufficiently burdened. Judge Kenyon retained his residence and citizenship in Fort Dodge until his death and was a member of the Webster county bar association. He was a lifelong member of the Masonic lodge.

President Coolidge offered to make him secretary of the navy in his cabinet, but he declined the distinction, saying that he was not qualified for the place. Judge Kenyon died at his summer home, on the coast of Maine, September 9, 1933. A beautiful bronze statue has been erected in the paved court next to the Webster county courthouse in

memory of Judge Kenyon, by his widow, who was Mary Judith Duncombe, the oldest daughter of John F. Duncombe.

Judge EDWARD MONTGOMERY McCALL was born in Nevada, Iowa, August 30, 1873. He was the youngest of four children of Thomas Clifton McCall and Mary Abigail (Boynton) McCall, both of Ohio. His father was a very successful lawyer and was elected to the state senate. Judge McCall obtained his early education in the public schools of Nevada, took one year in the preparatory department of Cornell college at Mount Vernon, three years in liberal arts in the Iowa State Agricultural college at Ames, and was graduated from the law department of the State University of Iowa in 1896. He began the practice of law in Nevada. He was city attorney of Nevada from 1900 to 1902, and county attorney of Story county four years (1905-1909). In 1910 he joined with J. A. Fitzpatrick in the law firm of Fitzpatrick & McCall.

In the fall of 1914 he was elected judge of the Eleventh judicial district of Iowa and served ten years, or until 1925, when he removed to Fort Dodge to become a member of the firm of Helsell, McCall & Dolliver. When Charles A. Helsell was transferred to Chicago in the legal department of the Illinois Central Railroad company in January, 1934, Judge McCall was named district attorney for the railroad. In politics Judge McCall was a Republican. Since 1895, he had been affiliated with Masonic orders, and a member of the Fort Dodge library board. Judge McCall died in Fort Dodge, October 28, 1934, and was buried at Nevada.

JOHN B. BUTLER was born in Newbury, Ontario, Canada, November 27, 1856, and came to Webster county with his parents the same year. The family settled on a farm near Badger township where Mr. Butler attended the country schools. He afterward spent three years at the Iowa State Agricultural college at Ames, where he was a member of the class of 1877. After finishing his studies at Ames, he returned to Webster county, where he taught school for several years. On October 11, 1881, he was elected county superintendent of schools of Webster county, which office

he held for four years. He studied law in the office of Frank Farrell and was admitted to the bar March 15, 1883.

About that time the price of Iowa land began to increase rapidly in value and Mr. Butler went into the farm loan and real estate business. Later, in partnership with his brother-in-law, Daniel Rhodes, he added the making of abstracts of title to his business. Also, he had many other business interests. He was secretary of the business men's association of Fort Dodge for several years. He was business manager of the *Fort Dodge Post*, vice-president of the Fort Dodge Savings and loan association, a director of the Cardiff Gypsum Plaster company, and secretary and treasurer of the Holiday Creek Coal company.

Always active in civic affairs, Mr. Butler was a member of the Fort Dodge school board for twenty-seven years. The Butler school in southeast Fort Dodge was named in his honor. He was one of the first presidents of the chamber of commerce and two years before his death was made an honorary president. It was through Mr. Butler's support that the chamber of commerce acquired the armory, its home for several years. For six years he served as a member of the state board of control, as the Democrat member. Mr. Butler died at Fort Dodge, March 1, 1940.

EDWARD HJALAMAR JOHNSON was born at Raritan, Illinois, April 30, 1877. In 1892, his parents moved to Iowa and settled on a farm near Coalville. He first attended the schools there, and later the high school in Fort Dodge. He studied law at the Iowa College of Law in Des Moines, from which he was graduated in 1898. Soon after, he entered into the practice of law at Dayton. In 1901 he removed to Fort Dodge and opened an office, where he continued to practice until retirement a few months prior to his death. For nine years he was a member of the Fort Dodge school board, and his good judgment was valued in this as in other matters. June 22, 1910, he was married to Miss Ruth Stockman of Mason City. The ceremony was performed by John C. Sherwin, justice of the supreme court of Iowa. Mr. Johnson was always a staunch Republican. He was chosen at the 1928 Republican convention as an

alternate delegate to the national convention in Kansas City. He died at his home in Fort Dodge, April 4, 1940.

GROVER M. NEESE was born September 20, 1885, near Stratford, Iowa, a son of William Neese and Sarah (Bell) Neese, both descendants of Hamilton county pioneers. Mrs. Neese was a daughter of Benjamin Bell, Jr. The Bell family, including Benjamin Bell, Sr., was among the first to settle in Hamilton county, coming early in 1852, from Des Moines, where they had spent the winter. The senior Benjamin had been a soldier in the Revolutionary war, had gone from Virginia to Pennsylvania, and made a major of the minute men of that time. Grover Neese received his early education in the public schools of Stratford where he grew to manhood. He taught for a while in the country schools near Stratford and later was engaged in the retail lumber business. He graduated from the law school of Drake university, after which, in 1912, was admitted to the bar. He first began the practice of law in Webster City, Iowa, with the late Sen. J. L. Kamrar. He later served as assistant United States district attorney for the Northern District of Iowa, at Sioux City. Following his service as assistant district attorney, he removed to Fort Dodge where he continued in the practice of law until his death. For a number of years Mr. Neese served as police judge in Fort Dodge. He took a prominent part in politics and was an active worker in the Democratic party. Mr. Neese was a veteran of World war I, and a member of the American Legion. He also belonged to the Masonic lodge, the Elks, and the Webster county bar association. Mr. Neese died suddenly from a heart attack at Ely, Minnesota, June 11, 1940, while on a fishing trip. Burial was in North Lawn cemetery at Fort Dodge.

Judge S. N. MAGOWAN was born in Tama, Iowa, October 18, 1875. He attended the Tama schools and then studied at the State University of Iowa, where he received his law degree. He came to Fort Dodge in 1897, and began the practice of law. The following year, with Company G of the Fifty-second Iowa volunteers, he saw service in the

Spanish-American war. Returning to Fort Dodge after the regiment was mustered out, he resumed his law practice. Mr. Magowan was police judge for about ten years and was the first to hold that office in Fort Dodge under the commission form of government. In addition to his law practice, Mr. Magowan was active in business and banking. He was associated with the Fort Dodge Serum company in its early years and was assistant manager of the firm. He left the Serum company to become an official of the Commercial National bank of Fort Dodge. During his association with the bank, ill health forced him to retire from active work and to spend his winters in more favorable climates. In his later years he resided in Hot Springs, Arkansas, a large portion of each year, returning each spring to Fort Dodge, which was always home to him. Mr. Magowan was a member of the Elks and the Odd Fellows. He died at Fort Dodge, June 14, 1941, a few hours after his return from Hot Springs. He was buried in Memorial Park cemetery at Fort Dodge.

EDWIN PAUL TINKHAM was born in Morris, Illinois, April 19, 1866. He was a descendant of the colonial Governor Dudley of Massachusetts and Benoni Fleming, a Connecticut Revolutionary soldier. Mr. Tinkham's parents moved to Illinois in 1856, and later to Humboldt county, Iowa, where he grew to manhood. He attended the schools of Humboldt county and was graduated from Humboldt college. Before his first service as a court reporter, Mr. Tinkham's experience in shorthand work was limited to about two years in the office of M. D. O'Connell, United States district attorney, and Robert M. Wright in the general practice, alternating days and parts of days in the two offices.

His first experience in court reporting was at Clarion, where he acted as a substitute reporter at the last term of the year 1890, at which Judge D. R. Hindman of Boone presided. In September, 1891, he was appointed an official reporter by Judge Hindman, with whom he served for eight years. Thereafter, he was with Judge Whitaker of Boone for eight years, Judge Wright of Webster county for sixteen years, and Judge Clock of Hampton for fourteen

years, making in all a continuous record of service of forty-six years (1891 to 1937) when he retired.

This was the longest period any man ever served as court reporter in Iowa. On his resignation, the Webster county bar association gave a farewell banquet for him and a large delegation from each of the seven counties comprising the Eleventh judicial district, attended. Among them was Judge Whitaker, with whom he had been associated almost forty years previous. He was a member of the Blanden Memorial board of trustees, the Fort Dodge Federation of Art, the Camera club, and the Sons of the American Revolution, of which he was state secretary at the time of his death in Fort Dodge, March 6, 1942.

HARLOW MUNSON PRATT was born in Otho township, Webster county, Iowa, October 21, 1876. When about one year of age his parents moved to Charlotte, Clinton county, Iowa. In 1886 they returned to Webster county, and the father engaged in farming. In the winters of 1893 and 1894, he attended Tobin college at Fort Dodge, and graduated from the normal department with the class of 1897. For two years he taught in rural schools in Webster county. In 1899, he entered the State University of Iowa, graduating from the college of liberal arts in 1903, and from the college of law in 1905. While at the university, Mr. Pratt became interested in newspaper work and held both the position of editor and manager of the *Daily Iowan*, a college paper. He was also city editor of the *Iowa Citizen* of Iowa City, for one year.

In the fall of 1905, he became a resident of Fort Dodge and began the practice of law, and was a member of the Webster county bar association. For a number of years Mr. Pratt served as United States commissioner. He was a member of the Iowa National Guard from 1896 to 1907, and was the captain of Company G of the Fifty-second Regiment in 1906 and 1907. He was also a member of the G.A.R., the Sons of the American Revolution, Sons of Union Veterans of the Civil war, the Webster County Historical society, the Masonic lodge and the Eastern Star. Mr.

Pratt was interested in historical subjects and was instrumental in organizing a local historical society in June, 1906, of which he was curator during its existence. In collaboration with Mrs. Pratt, he published the history of Fort Dodge and Webster county in 1913, which is a worthy addition to the list of histories of Iowa counties. For five years he held the office of secretary of the Fort Dodge commercial club. Politically Mr. Pratt was always a Republican. He died at Fort Dodge, April 26, 1943.

BERTRAM JOHN PRICE was born in Lansford, Pennsylvania, January 17, 1878, a son of Mr. and Mrs. Thomas Price. The family moved to Duluth, Minnesota, when he was a boy, and he graduated from the Duluth high school in 1892, attended Carleton college at Northfield, Minnesota, and graduated from there in 1897. He then went to Iowa Falls, Iowa, to teach at Ellsworth college, while he read law in the office of F. M. Williams. He was admitted to the bar in 1899, locating at Fort Dodge and began the practice of law with Frank Farrell. He left the firm in 1905, to serve for two terms as county attorney of Webster county. From 1909 to 1914, he was a partner of M. M. Joyce, who was later a Federal judge in Minnesota. From 1914 to 1918, he was a member of the law firm of Kenyon, Kelleher, O'Connor & Price. He entered into partnership with B. B. Burnquist in 1918, and the firm of Price & Burnquist continued for twenty years. He was also associated with A. N. Botsford until Mr. Botsford's death in 1919. After 1938, Mr. Price shared offices with Dwight G. Rider, later a judge of the district court, and Fred J. Keefe, who left Fort Dodge to accept a position in Des Moines.

From 1905 to 1910, he was captain of Company G of the Fifty-eighth Iowa National guard. During World War I, he took an active part in the bond drive committee. Mr. Price was a former president of the chamber of commerce of Fort Dodge, a charter member of the Fort Dodge Kiwanis club, and later, national counselor of Kiwanis International, a charter member and the first president of the Fort Dodge country club. He was formerly district attorney for the

Minneapolis & St. Louis railroad, and local attorney for the Chicago & Northwestern railway. He was counsel for the Sioux City Gas & Electric company, the Iowa Public Service company, the Fort Dodge Gas & Electric company, the Tobin Packing company, the Fort Dodge National bank, and the Estherville Packing company. He had an enviable reputation as a corporation lawyer. Mr. Price was a Republican and was active in politics. At one time he headed the Webster county central committee and was chairman of the Eleventh judicial district committee and chairman of the old Tenth congressional district committee. Mr. Price died at Fort Dodge, July 14, 1944, after a long illness.

Judge JOSEPH H. RICHARD was born in Logansport, Indiana, in June, 1867, a son of W. H. and Catharine (Byers) Richard, the former a native of Pennsylvania and the latter of Indiana. In 1877, W. H. Richard moved with his family to Hamilton county, Iowa, where he engaged in merchandising in connection with grain and live stock. Joseph began his education in the schools of Indiana, and continued his studies in those of Hamilton county. He was employed in his father's business until sixteen years of age. The following year he entered the Iowa State Agricultural college at Ames, where he spent portions of four years, teaching in the country schools during the winter terms. He also completed two courses of study in Drake university in Des Moines, one of which was law.

Mr. Richard was elected county superintendent of schools of Hamilton county and on the expiration of his first term was re-elected without opposition. He resigned the position at the beginning of the second term, after which he was city superintendent of schools at Iowa Falls for two years. In 1890, Mr. Richard completed his law course. After practicing in Webster City for a short time, he was elected to the office of city attorney and filled that position for six years when he resigned in order to go upon the bench as a judge of the Eleventh judicial district of Iowa. He was elected to that office to fill a vacancy caused by the resignation of Judge S. M. Weaver, who had been elected to the

supreme bench, and then received the unanimous nomination of the Republican convention, again being elected in 1902 for the full term of four years. He was associated for a time in the practice of law with George Wambach under the firm name of Wambach & Richard, and later was associated with G. B. Thompson under the firm name of Richard & Thompson, the latter firm being maintained until his election to the bench. After closing his term as judge, he went to Minneapolis in 1906, and later to Denver, engaging in the practice of law in both cities. He continued to practice in Denver up until the time of his death at the latter city, December 2, 1945. In politics he was always a Republican. In 1897, he was a candidate for the nomination for senator of the Thirty-seventh senatorial district, but withdrew in favor of the candidate of Hardin county, after three days of convention balloting.

Judge EMMETT E. CAVANAUGH was born in Lehigh, Iowa, July 29, 1881. He received his early education in the grade and high schools of Lehigh. Young Cavanaugh went to Tobin college in Fort Dodge for his college preparatory work. While there he made all of his expenses by doing Janitor work in the college building. Immediately after his graduation from Tobin college in 1902, he was selected to take charge of the Lehigh schools. He taught in every grade in them, afterward becoming superintendent, which position he resigned when elected, November 6, 1906, county superintendent of schools in Webster county, serving two terms. In 1903 and 1904, he attended the Iowa State Teachers college for a while, and in the summer of 1909, was engaged to instruct in the teachers' institute in Woodbury county, where he did creditable work. He received his legal education at the State University of Iowa school of law, graduated in 1910 and was admitted to the bar.

Mr. Cavanaugh returned to Fort Dodge and began the practice of law. In 1912, he was elected county attorney of Webster county and served two terms. Later, in 1924, he was elected state senator from the Webster and Calhoun district. He was appointed and served several years as

police judge of Fort Dodge. At different times he was associated with Verne Myers and V. E. Gabrielson in the practice of law. Judge Cavanaugh gave much time to civic affairs. He served on the civil service commission of Fort Dodge, and the board of trustees of the public library and the Blanden Art Memorial. For a time he was a member of the Kiwanis club of Fort Dodge. He was a member of the Masonic bodies. On July 7, 1938, he was elected grand commander of the Knights Templar of Iowa during the seventy-fifth annual conclave of the Commandry at Templar Park on Spirit Lake, and he was the first Fort Dodger in the seventy-five year history of the conclave to hold this post. Judge Cavanaugh was a lover of outdoor sports and spent much of his leisure time in hunting and fishing. He served as president and also as secretary of the national association of scientific angling clubs. In August, 1935, he won the fly casting championship of America at Milwaukee, Wisconsin, and in August, 1938, he won the national all-around accuracy championship at Columbus, Ohio. He won the state bait and fly casting championship several times, and few casters have equalled his record over a period of years. Judge Cavanaugh died from an accidental gunshot wound in his home at Fort Dodge, February 9, 1946.

Judge DEAN W. PEISEN was born at Eldora, Iowa, June 3, 1888. He attended the Eldora public schools and graduated from the high school in 1905. He then attended Cornell college from which he graduated in 1909, and from Harvard university law school in 1912. In 1913, he began the practice of law in Eldora. Mr. Peisen served in the general assembly in the sessions of 1937 and 1939. In the latter session he led the action reorganizing several of the state departments, the greatest change being the creation of a department of public safety. January 1, 1941, he became judge of the Eleventh judicial district of Iowa, in which capacity he was serving at the time of his death. He also served as a trustee of Cornell college, and on the board of the Eldora Methodist church, and died November 26, 1946, near New Providence, Iowa, at the farm home of his son, George.

FRANK MAHER was born September 13, 1884, on a farm in Badger township, in Webster county, a few miles north of Fort Dodge, and was the sixth child of Charles W. and Mary E. (Calligan) Maher. His parents were pioneer residents of Webster county, coming in 1856. His grandfather, Stephen Maher, was the first settler in Badger township, having settled there in April, 1855. The Maher family moved from the farm to Fort Dodge in 1893. Frank attended the city schools, and was graduated from the high school in 1902, after which, for a year, he attended Morgan Park Military academy near Chicago, Illinois, and Notre Dame university at South Bend, Indiana, for a year. He entered the University of Iowa law school in 1904, and received his degree in 1907. Following his admission to the bar in 1907, Mr. Maher returned to Fort Dodge to begin practice. He was first associated with the firm of Kenyon & O'Connor. Entering the practice of law at a time when the Fort Dodge bar was achieving outstanding position in the state, Mr. Maher quickly became an experienced trial lawyer. For a time he was associated with J. Ray Files, and then practiced alone for a number of years. He was particularly interested in and considerate of young men beginning the practice of law, and in later years was associated at different times with young attorneys, among them being Horner Fisher, Horace Van Meter, Leslie Parry, and Everett Norelius. From 1929, his law partner was Francis J. Mullen. He died in Pasadena, California, January 23, 1947, after a long illness. His body later was returned to Fort Dodge for burial.

HERMAN WILMER STOWE was born in Postville, Iowa, April 14, 1879, a son of the late Mr. and Mrs. H. A. Stowe. His father was a well-known member of the Webster county bar for many years. In 1883, when Wilmer was a small boy, his parents moved from Postville to Clarion, Iowa. In 1886 the family moved to Fort Dodge, where he resided the remainder of his life. He attended the Fort Dodge public schools and was graduated from the high school in 1896. He then attended Northwestern university and was

graduated from the college of liberal arts in 1903; also was graduated from Northwestern university law school in 1905. After his admission to the Iowa bar in the fall of that year, he practiced law alone in Fort Dodge until the fall of 1924, when he formed a partnership with Jacob Kirchner under the firm name of Stowe & Kirchner. In subsequent years his partner was Verne A. Kramer.

For three years Mr. Stowe served as police judge of Fort Dodge. He was also a member of the Fort Dodge board of education for a number of years. In addition to his law business, Judge Stowe took an active interest in local and state politics, in the Republican party. For many years he was a regular delegate to the various district and state conventions. He was the eighth district Republican chairman in the thirties, and a member of the Iowa delegation to the national convention in 1936. In 1940, Judge Stowe was an unsuccessful candidate for the Republican nomination for the Iowa supreme court. He died in Fort Dodge, December 6, 1949.

THOMAS M. HEALY was born in Fort Dodge, November 30, 1893. He was a son of Michael F. and Mary (Kerndt) Healy. He received his early education in the public school of Fort Dodge. After attending high school, he entered the preparatory school of Notre Dame university at South Bend, Indiana, in 1912. Later he studied in the university and received the degree of bachelor of laws in the class of 1917. In July, 1918, he enlisted in the army and received intensive training at Camp Colt, at Gettysburg, Pennsylvania, but was not called for overseas duty. He received an honorable discharge in 1918, after which he continued his law studies in the office of Healy & Thomas, a law firm in which his father and Judge Seth Thomas were partners.

Thomas M. Healy was admitted to the bar in 1921, and entered the firm, which became Healy, Thomas & Healy. Since his father's death in 1929, Mr. Healy has practiced alone. Politically, Mr. Healy was a Republican, but he never sought public office. When County Attorney Ralph Bastian entered the navy during World War II, Mr. Healy

was appointed acting county attorney and served in that office until Mr. Bastian's return. Mr. Healy was a member of the Elks, American Legion, and the Knights of Columbus, of which he was grand knight for one term. He died at Fort Dodge, September 11, 1949, of a heart attack, which came without warning.

Advocated Peace Without Victory

The story of Iowa's Civil war copperheads outlined in a recent issue of the *ANNALS* by Frank Arena, in an accurately-documented article, renewed interest in the traitorous activities of that era led nationally by Clement L. Vallandigham, of Ohio. With such able and aggressive sponsorship the movement occasioned no little concern on the part of the Federal government, as Villandigham became a congressman from an Ohio district, though finally banished behind Confederate lines by President Lincoln.

Recently published extracts from the diary of Sarah Elizabeth Rogers, of Butler county, Ohio, with notes by E. N. Clopper, entitled "Country Life During the Civil War," in the *Bulletin of the Historical and Philosophical Society of Ohio*, contain this enlightening note:

Clement L. Vallandigham, leader of Ohio's Peace Democrats during the Civil war, was born in Ohio in 1820, being the son of a Presbyterian minister and descended from a Flemish Huguenot named Van Landegham, who settled in Virginia in the 17th century—and Clement was ever proud of his Southern ancestry. After having been admitted to the bar, his law practice in Dayton grew rapidly and he became known as a political speaker. Before he was thirty years of age he served in the state legislature and was chosen as speaker of the house.

As a Democrat he was opposed to centralization of government and to the building up of a strong national army, but served in the Ohio militia and became a brigadier-general in 1857. Although he disapproved of slavery on both moral and political grounds, he was not in favor of interfering with it where it existed and urged that extremists among the abolitionists be suppressed. He upheld the doctrine of state rights and, after the outbreak of war, proclaimed that the Democratic party's policy should be "to maintain the constitution as it is, and to restore the Union as it was."

His party nominated him for congress from 1852 until well into the Civil war and once afterwards, and the people elected him in 1856, '58, and '60. He stood fearlessly for freedom of speech and

of the press, and denounced sectionalism wherever it might be found. Republicans hated him for his opposition to defense measures in the house at Washington after the war had begun, and from that time he was looked upon as the chief among the Peace Democrats or "Copperheads" in the Northwest.

In the spring of 1863, Gen. Ambrose E. Burnside, in command of the Army of the Ohio, issued an order warning the peace party that the "habit of declaring sympathies for the enemy" must stop and that expressed or implied treason would not be tolerated in the military district of Ohio. In public speeches Vallandigham then responded by denouncing the "wicked and cruel" war as a diabolical attempt to destroy slavery and to set up a Republican despotism, whereupon he was arrested in Dayton and tried in Cincinnati by a military commission for having expressed treasonable sympathy. The verdict was guilty and he was sentenced to imprisonment, but President Lincoln wisely commuted this to banishment behind the Confederate lines. Soon afterwards he managed to get to Canada.

The Peace Democrats nominated him for the governorship of Ohio in that year of 1863 but, although he polled a large vote in spite of his handicap of absence from the country, he was defeated. On June 15, 1864, he suddenly appeared in Hamilton, Ohio, and delivered a speech before a convention of Democrats, being escorted afterwards in triumph to Dayton. President Lincoln paid no further attention to him. He continued to be active in Democratic party politics for a few more years, his death occurring in 1871.

Sarah Elizabeth Rogers was a member of a family loyal to the Democratic party and, as both her sweetheart and eldest brother were soldiers in the Union army, one can readily understand her enthusiasm for Vallandigham, the champion of peace, tolerance, and free speech.

A Just and Generous System

Abraham Lincoln: The prudent, penniless beginner in the world labors for wages awhile, saves a surplus with which to buy tools or land for himself, and at length hires another new beginner to help him. This is the just and generous and prosperous system which opens the way to all—gives hope to all, and consequent energy and progress and improvement of conditions to all.—Presidential Message to Congress, 1861.

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