



W. G. Woodward

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JUDGE WILLIAM G. WOODWARD.

BY JUDGE W. F. BRANNAN.

Judge Woodward was one of the earliest pioneer lawyers who came to Muscatine for the purpose of making it a permanent home for himself and family. He came in 1839. The pursuit of health was the inducing cause that impelled him to abandon his home, friends and business in Boston, and the hope that his strength and vigor could be regained in a new territory of the far northwest, of which but little was known in the New England states at that time, and which had been opened for white settlement only five years before, and then only in a narrow strip west of the Mississippi, the rest of the territory being Indian reservations.

He was born in Hanover, New Hampshire, in 1808, and graduated with high honors at Dartmouth college. He then applied himself closely to the study of the law, and after a rigid examination was admitted to the bar.

He had a full cousin, Benjamin R. Curtis, who was a little more than a year younger than himself and who while yet a youth, gave promise of intellectual gifts of a remarkably high order. He too studied law, and on his admission to the bar, he and Woodward who were strongly attached to each other, entered into a partnership, and concluded to open an office in Boston, which they did. They were young, had at first few acquaintances in Boston, and had to quietly bear the probation incident to beginners in practice, in a community where they were practically unknown. Opportunity came to them sooner than they expected when they could be heard in a trial at court. The client was poor, but the questions at issue were of importance, and the opposing counsel had the advantage of long experience. The case was tried to the court without a jury. Curtis made the opening argument, and the judge who presided listened with great interest, as did some lawyers who were present, at a speech coming from one who looked like a beardless youth. It had the eloquent language of the accomplished scholar, and every proposition presented was fortified with appropriate authorities,

with the skill and force of the studied logician. His opponent who had anticipated an easy victory over his youthful looking antagonist, was not chagrined at his defeat, when the judge announced his conclusion. He extended his hand to Curtis, saying, "Young man, you seem to be all brain," and the judge, when he came down from his seat, said to Curtis, "You have great ability for one of your age; don't become vain."

The wonderful capacity of young Curtis spread among the lawyers. He was not only treated with marked respect by them, but some of them had retainers sent to the new firm for assistance in the trial of important and difficult cases. The reputation of the law firm of Woodward & Curtis grew rapidly, with gratifying results to its members. Clients came to them from the wealthy merchants, in cases involving large amounts, and from other sources.

Mr. Woodward now, in 1838, took to himself a wife, Miss Arabella Brooks, to whom he had for some time been affianced. She was an accomplished young lady who was held in general esteem for the high and graceful womanly qualities that adorned her character, and made her a favorite with all who knew her.

Mr. Woodward had been enjoying excellent health until about a year after his marriage, when an insidious disease, not uncommon in that climate, began to manifest itself, as he feared. His father had fallen a victim to consumption at a comparatively early age, and such had been the fate of many near and dear relatives. He at once consulted an eminent physician, who after a careful examination, confirmed his fears. He told Woodward that the disease was yet in its incipient stage and that it could be arrested and its progress changed only by a change of climate, and that this climatic change should be made without delay. He had to turn his back upon the prosperity that shed its bright colors for the future, and the high rank in his profession which his firm was rapidly attaining. He felt that all these considerations must give way to a sense of duty which he owed to the wife he had recently married. She concurred with him that his health was an object of the highest concern. He wrote at once to Mr. Brownell, whose wife was a sister to Mrs. Wood-

ward, and who for years had been, and was still a resident of Iowa. He sent a prompt answer that the climate of Iowa was redolent with health; that the strong heavy damps of the Atlantic coast, that bred fatal disease, had no existence in Iowa. He spoke in the highest terms of the fertility of the soil, with its gentle undulating surface, and of the picturesque scenery.

On the receipt of Mr. Brownell's letter, he and his wife at once started for Iowa, and on reaching Keokuk, where Mr. Brownell was then living, stopped with him, and by his advice rode up to Muscatine (then known as Bloomington) and concluded to make that his home. He bought a choice lot on the river front and built a house in which he lived the rest of his days.

He found the town with a small population and modest houses but of "great expectations." There were young lawyers, some of whom remained while others sought more productive pastures. The emoluments of the lawyers were such as to enforce rigid economy. But Mr. Woodward found what he most needed, a pure and health-giving atmosphere, and a conquest over the threatened disease. He jogged along quietly like the rest of the lawyers. He did not, however, remain unknown and unappreciated.

The first session of the legislature of the State paid a high and worthy compliment to Mr. Woodward. It passed an act creating a commission to consist of three to frame a complete code of laws for the new State. It was conceded that peculiar ability and fitness should be made the test in selecting the members of this commission. The democrats controlled both legislative branches. Charles Mason, of Burlington, who had been Chief Justice of the territory for years, William G. Woodward, and Stephen Hempstead, of Dubuque, an eminent lawyer, constituted the commission. Mason and Hempstead were democrats and Woodward was a whig. Hempstead was elected the second Governor of the State. The work required time and study, great care for its labors, and when completed was reported to, examined by, and met the approval of the legislature.

Mr. Woodward was chosen to prepare the marginal notes,

arrange in proper divisions, index and superintend its publication. When published it was called the Code of 1851.

The legislature was named the General Assembly in the constitution under which Iowa was admitted as a State, and the power was conferred upon it of electing the judges of the supreme court. The democratic party, which had hitherto dominated the politics of the Territory and State, had lost its supremacy in 1854, and its opponents came into power. The terms of the three supreme judges, all democrats, were about to expire, and the legislature in the month of January, 1855, convened as one body, and on the vote for chief justice, George G. Wright received 53 votes and Mr. Woodward 51 votes, and Judge Wright having received the larger vote, became chief justice and Woodward associate supreme judge. The vote for the third judge was split among a number of candidates and it took a week or more to secure an election. Judge Wright told me, at the funeral of Judge Grant at Davenport, that at his first election to the supreme bench, he was present, that he expected Judge Woodward would be elected chief justice, and he was greatly surprised at his own election to that position, and further, that he never knew how it happened.

Judge Woodward served six years on the supreme bench. He had his share of the opinions to write. Those he wrote were drawn in scholarly language, bore ample evidence of the care he bestowed in coming to just conclusions, and the clearness with which they were expressed.

In 1861 he was elected to the State senate from Muscatine county, but resigned in 1863 to accept the more lucrative position of clerk of the Circuit Court of the United States. He died on the 24th of February, 1871. Death had robbed him of his excellent wife on the 31st of March of the preceding year.

I never heard Judge Woodward deliver a speech in or out of court. I came to Iowa a few months after he had been placed on the bench. He had a case then pending in the district court in which he took great interest. His position as one of the judges of the supreme court precluded him from taking a part in the trial, and Judge Grant, of Davenport,

was retained as counsel in the case. I was called into the case, not so much to aid in the case; but to keep watch over it. I was present at their conferences, but was simply a listener, although I noted all that was said. Judge Woodward's face always wore an expression that invited cordiality, and a polished but gentle manner that made no distinction between individuals. He had a quiet dignity that won respect without anything like assumption to mar it.

He had always been a great reader and his mind was stored with useful information. In social life, he had fine conversational powers and could readily interest an intelligent company on topics relating to science, history or physics, and even politics. Visitors at his home always met with a pleasant reception, and no efforts were spared for rational enjoyment.

Judge J. Scott Richman commenced his law practice in Muscatine the same year that Woodward did, in 1839, and they were much together. He tells me that Woodward had a high sense of the professional ethics that should govern a lawyer, and that he could not be persuaded to bring a suit unless he had good reason to believe that it would be successful, and that he would not seek to win a case by unfair means. He also says that Woodward was a smooth, easy talker, improving with time, and that his arguments showed earnest research for the law applicable to the case. If there was material conflict in the testimony, he sought to discover where the truth lay, by mild means and not by abuse. Judge Richman further states that Mr. Woodward from the beginning, by his courteous deportment, was treated with a degree of deference that was seldom accorded to any of his legal brethren.

The strong attachment that existed between Woodward and young Curtis, and the fact that they united as partners in the legal profession, and the wonderful talents that were developed in Curtis at an early age, have been referred to. It may not be amiss to trace the career of Curtis after the partnership ceased and more than a thousand miles lay between them. Woodward was conscious of the lofty professional heights that could be scaled by Curtis. It is more than likely that a correspondence was had between them. Woodward

learned that Curtis, instead of moving forward by degrees, leaped forward by bounds, and before he was thirty stood in the foremost ranks of his profession, the equal of the ablest. He applied himself closely to his profession and an enormous amount of business came to him. He was a decided whig, but he mingled but little in politics. On the death of Judge Woodbury a vacancy was created in the Supreme Court of the United States, and the vacant seat was offered to him. It required a great deal of persuasion to induce him to accept the appointment, and President Fillmore in 1851, signed his commission. The office was not to his taste, and in 1857 he resigned and resumed practice. He was on the supreme bench when the celebrated Dred Scott case was before the Supreme Court. The dissenting opinion of Judge Curtis was widely read and warmly commended. In 1868 he was one of the counsel that defended President Johnson when his impeachment was sought on certain charges filed and presented against him by the House of Representatives. The speech of Judge Curtis had an effect that doubtless contributed to defeat the impeachment of President Johnson, and Johnson was allowed to fill out the few months of his term.

A negro was in 1848 arrested in Muscatine as a fugitive slave, on a warrant issued by D. C. Cloud, who was justice of the peace. His owner lived in St. Louis, Missouri. He was not at the trial and the case was dismissed. J. Scott Richman and W. G. Woodward appeared for the negro. An appeal was taken, but nothing was done with it. The negro was discharged as a free man. The feeling in the community was naturally very strong for the negro. It was, I believe, the second and last case where the fugitive slave law was declared inoperative in Iowa.

Of Judge Woodward it may be truly said that his disposition was mild, incapable of intended offense, either in word or manner, and conciliatory to the last degree.

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