

## SKETCHES

From the history of Polk County, Iowa, from the Historic Reminiscences of the City of Des Moines—by H. B. Turrell.

## ANECDOTE OF JUDGE WILLIAMS.

Polk county, at its organization, was included in the second Judicial District, of which the Hon. Joseph Williams was Judge. He presided at the first Court held in the county, which convened on the second of April, 1836. One of the log shanties of the garrison, near where the "Great Western" may now be seen, was appropriated as the temporary abode of Justice. Here Court was opened in due form, and with as much dignity as the unpropitious circumstances would allow. John B. Lash, U. S. Marshal; Thomas Baker, District Attorney; and Perry L. Crossman, District Clerk, were present. It appearing that no grand jury had been summoned, the Court adjourned till the next day, when the Sheriff returned his *venire*, with the names of the following grand jurors, twenty-two\* "good men and true."

William Lamb, John B. Scott, Samuel Dilley, John Baird, George B. Warden, J. M. Thrift, Samuel Deford, Samuel Shafer, W. W. Clapp, Benjamin Saylor, Peter Newcomer, Newton Lamb, T. McMullen, Jeremiah Church, Thaddeus Wilman, A. Brannon, G. B. Clark, Wm. F. Ayres, J. D. Parmalee, Jas. Davis, J. J. Meldrun, Thomas Leonard.

The grand jury being impaneled, sworn and charged, were given in custody to Lewis Whitten, bailiff, and went out as usual to consider on such matters and things as might perchance be brought to their notice. Happily crimes had been but few, and they found nothing demanding their attention, consequently they brought in no "true bills," except for their

\*The Court Docket says *twenty-three*, but only twenty-two names are given. Perhaps by an error of the Clerk, one of them is omitted.

fees. They soon returned to Court, were discharged, and the Court adjourned till the next term.

Jeremiah Church, one of the jury, says in his journal, they were an uncouth and barbarous looking set; that he felt constrained to apologize to the Judge for their rough appearance—but Mr. Church does not state whether *his* habiliments were altogether up to the dignity of a grand juror or not. Judge Williams jocosely told him that men might have clean hearts under dirty shirts; and that in a new country every allowance was to be made for personal attire and appearance.

Judge Williams, afterwards Chief Justice of the Supreme Court of Iowa, possessed valuable and extensive legal acquirements, which his long judicial career in this State has abundantly proven. He was, withal, an inveterate joker, and never so happy as when he had an opportunity to give his mirthful proclivities full exercise. Many stories illustrating his ready wit and appetite for fun, are related. The only person, however, who ever beat him with the tongue, was a *woman*, Mary Hays. The feminine Charon of the Des Moines rather checked his loquacity, when one day he attempted to play off one of his jokes upon her. The Judge was boarding on the river—bridges existed only in the imaginations of the most enterprising—and in attending Court he crossed to and fro in a skiff. Sometimes one, sometime another ferried him over, but once there was no man at hand. Miss Hays, a young, and in all probability, a very good-looking lady, was washing near the river bank.

"Mary," said the Judge, "how am I to get across this river?"

"Why, in a skiff, I suppose," Mary quietly replied.

"But there is no one to bring back the boat, and I am a poor rower. Now, Mary, really, don't you think you could take pity on a man in such a troublesome predicament, leave your interesting work and volunteer to row me over? I'll pay you in any number of—kisses you ask, sweeter and heartier ones than you ever received in your life."

pleading. Mr. Young was for plaintiff; Bates and Jewett for defendants.

DAVIS' ANSWER.

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|---|---|--|
| Wm. D. Corkeram<br>vs.<br>Reuben Davis and<br>Wyatt Brownlee. | } | Before W. M'Clelland, a Justice of the<br>Peace within and for the township of<br>Des Moines, Polk county, and State of<br>Iowa. |
|---|---|--|

The separate answer of Reuben Davis to a petition filed against him in the above suit. And for answer to the charge in said plaintiff's account or petition first specified, defendant says: That the defendant never was a constable nor a deputy, nor did he ever officiate as one, nor did he ever directly or indirectly sell, bargain, or contract to sell, bargain or convey to said plaintiff any cow, bull, calf, steer or any other animal of that species, either as constable, deputy constable, sheriff, deputy sheriff, or in the character of any other officer, either judicial, ministerial or executive, or as a private person, for himself or anybody else, either as principal or agent.

And though said cow might have been sold,  
 And paid for in American gold;  
 Yet this defendant never did,  
 Either sell or take another's bid.

And as to the second account in said plaintiff's account or petition specified, this defendant for answer says: That he never was chosen either as plaintiff or defendant, in any suit at law or equity, which was tried before said Justice of the Peace, and if he ever was a party it was bald-faced meanness and transparent folly, not to inform him of it.

And that a suit could e'er be tried,  
 And the parties never notified—  
 Is clearly wrong—and this Court sees,  
 That we are not liable for the fees.

And as to the third charge in plaintiff's account or petition specified, defendant for answer says: That he never employed said plaintiff to keep a cow for him, that he paid him for all the keeping of cows he ever did for this defendant; and

lastly, that this defendant never had any cow that plaintiff could have kept.

And Why this defendant should be dunned  
For keeping of cows he never owned,  
Or wick he never agreed to pay,  
Is all submitted for the Court to say.

And as to the fourth and last charge in plaintiff's account or petition specified, this defendant for answer says: That he never employed said plaintiff to either defend or prosecute a suit for this defendant; that the last time he did employ him he managed it so badly that he was not entitled to any fees, and that this defendant has paid him all his services were worth.

And to charge this party with that load  
Is not according to the "Code."  
And the only way we think to end it,  
Is to render judgment for defendant.

J. E. Jewett, Att'y for Davis.

BROWNLEE'S ANSWER.

|                  |   |   |
|------------------|---|---|
| Wm. D. Corkeram  | } | Des Moines Township, Polk County,<br>Iowa, Feb. 26th, 1863. |
| vs.              |   |   |
| Reuben Davis and |   |   |
| Wyatt Brownlee.  |   |   |

Now, as you see,  
Comes the defendant) Brown'ee,  
And on his own hook defends—  
Because he seriously contends,  
That he is not indebted;  
As by said Corkeram stated.

"Persons having adverse interest to plaintiff,  
May, as defendants, be joined," says the Code:  
And to join those having unity  
Of interest, is the true mode.

But Brownlee doth most seriously declare,  
That he never joined with Davis in any affair;  
And why he is joined in the suit now pending,  
Is far beyond his comprehending.

Plaintiff's bill charges the defendants, sixteen dollars,  
As cash, paid by him for cow.

Which (as we gather from what follows),

He bought at a constable's sale, somehow—  
When she was offered as the property of the poor man Oakes,  
And being his only cow, the sale turned out a *hoax*.

That Corkeram in good faith, to the constable  
His money paid, isn't denied;  
Nor that the money was to the payment  
Of Davis' judgment applied.  
But what of that? This defendant was but a witness  
No party to the suit—  
Though he fed, for a short time,  
The old, dumb brute.  
But neither this,  
Nor the receipt of his fees,  
Could make him jointly liable  
With Davis;—if the Court please.  
Nor is he liable to *Corkeram*,  
In any event;  
He therefore asks for costs  
And for judgment!

Wyatt Brownlee, by his Att'y, C. Bates.

We need only add to conclude this amusing affair, that judgment was rendered for defendants; that the "poor man Oakes" kept his cow; that Davis kept the money he received from the sale of her, by the constable; and that Corkeram lost his sixteen dollars, which he paid to the constable; his four dollars for four weeks' cow-pasture; and his twenty dollars, alledged, in his bill as expenses of sundry law-suits.

Davis and Oakes were the most highly gratified at the result, as one received payment of a just debt; the other, in satisfying the debt, found his property undiminished. To Corkeram, it is yet an inexplicable mystery, why, when he had paid Oakes' debts, he could obtain no relief at law!

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