

THE WRITINGS OF JUDGE GEORGE G. WRIGHT.

II.

BERNHART HENN.

I have referred to this early day official more than once, and especially as my successful competitor for Congress in 1850. He then, as he had for years before, and as he did until his death, resided in Fairfield. Had been in the U. S. Land office—first as a clerk and then as register—and was elected to the Twenty-second and also the Twenty-third Congress (1850-1852).

Henn was a friend and protege of Gen. A. C. Dodge, whom he greatly admired, and was a Democrat of the most pronounced stamp.

In the land office he was always most accommodating and very popular. Had a wonderful memory of faces and names. His acquaintance as a lawyer with the settlers was very extensive, for a large percent had met him in entering their lands and other matters connected therewith. It was a matter that I remarked often during our canvass of the district, that so well and clearly had he studied the maps, the surveys of the public lands in his office, that in places where he had never been, he could, by the topography of the country, the direction of the streams, the timber line or the prairie tell who lived at this point or that, and seldom made a mistake. Such a man of course had "locality" as the phrenologist would say, strongly developed. And coming to the farm, the owner of which he had in advance recalled, and knowing him, was calculated to make him popular. Then, too, he was a gentleman,—very polite and full of good nature, sense and manners, and finding friends and acquaintances everywhere, was much stronger than were others with more ability whether on the stump or in legislative halls.

Was not an attractive speaker by any means. He, however, was honorable and frank in the expression of his views,

always full of Democratic doctrines and fighting for his own and Democratic success. In person was not above if up to medium size. His face was not one to impress you as reflecting much intelligence nor did his manner on the stump help him much in this respect. We rode and slept and ate together for say a month or more,—speaking from the same wagon in the timber, at times in the same church or log court house, first one and then the other, the party opening replying in brief,—and closed our canvass with the best of feeling, nothing occurring to leave the least wound or sore. He felt happy over the result. I did not at the time, but frequently since have rejoiced that I was by the popular verdict required to still practice law and stay at home.

In Congress was not a big man and never would have been renowned as a speaker or active upon the floor. But for fidelity to every interest of his constituents, watchfulness of everything required by them, he was almost without a peer. Patient, industrious—of excellent business and other habits—modest and unpretentious—always in his place whether in committee room or in the House—ready to spend all the time necessary at the departments—prompt in responding to the call or requests of his correspondents, he was a most valuable and useful member. Such men are quite as important and safe in the discharge of their public duties and do quite as much for the welfare of the people as those more frequently heard or who make more noise, whether at home or in Washington. His industry and constant attention to his work rendered him a very useful member.

Died several years since, and long prior thereto was an active and efficient member of the Congregational church, aiding by his means and influence in building up the religious and educational interests of his place. He was also a member of the Rocky Mountain Real Estate firm of Henn, Williams & Co. and was known in business as a leading man in his locality.

Bernhart Henn was a most excellent citizen, a faithful and accommodating official—a kind-hearted gentleman—a devoted husband and father—true to his friends, and his life told well

upon the locality where he so long lived, as also upon the State.

CYRUS WALKER.

Of one whom I knew well—and who, though he did not reside in Iowa, was a most prominent lawyer in the south-eastern courts from say 1843 to 1852 or 1853, I must say a word. I refer to Cyrus Walker, of Illinois.

He first plead in the defense of William Ross for the shooting of Bradstreet in Burlington,—case tried in Fairfield. For years after he tried very many of the most important cases in Lee, Des Moines, Henry, Jefferson, Van Buren and occasionally in Wapello if not in Davis counties. He had long been a leading lawyer in Illinois,—was of Kentucky stock and his turning to Iowa for awhile grew out of the fact that his relations with Judge Stephen A. Douglas then on the bench were such that he wished not to practice there while he held the place.

I have said he was of Kentucky stock, and he had that familiarity with land law and equity proceedings which in those days so particularly characterized the profession in that state. A man when I first knew him, say forty-five years of age—of good size and presence, the most affable manner—a musical voice—gentlemanly and courtly in all his relations to court, bar and people—of the best habits—ready command of language—unusually apt and happy in his illustrations—a thorough scholar in the law—of varied information and broad culture—plausible—strong in argument and logic—he was, I need not say, a recognized power whether before court or jury. I was then young, and making due allowance for my admiration in this younger life, for those of his ability and high attainments, I nevertheless say that as I now remember him he was the most effective talker to a jury, had a larger fund of wit and more ability in the ready and happy presentation of questions and cases to a court than any man I ever met. I know there are those who did not and do not estimate him so high,—but this in brief is my opinion of Cyrus Walker. How often have I listened to him and asked,

is it possible that I can ever even approximate him in eloquence of statement—force and originality of argument—ease and style of manner and apparent fairness in stating, meeting and overthrowing the pleas and arguments of opposite counsel? Though a good land and equity lawyer, he was sought for and had retainers in almost every criminal case of any magnitude.

I have occasion to remember his helpful hand when we were, as often, together, and then, too, his sledge-hammer logic and unequalled plausibility when on opposite sides.

Among the last cases I remember in which we were associated was that of another Ross (brother of William) for the killing of David Wright in Ottumwa at the time of a public sale of lands belonging to the Des Moines River Improvement grant. He was tried on change of venue in Union county. J. C. Hall, Mr. Walker, my partner (Judge Knapp) and myself for the defense—the District Attorney—assisted by Augustus Hall, Brumfield and perhaps another for the prosecution. It lasted a week,—was most hotly contested, and yielding due praise to others, I have always thought that the acquittal of our client was at least to a large extent due to the tact in cross examination, the adroitness with which he enabled us to meet every question and the masterly argument to the jury of the eloquent man of whom I am now speaking. Always the soul of honor—ever respectful to court, jury and opposite counsel—a suave manner and plausibility that captivated if it not always convinced by its force—never misstating the testimony or attempting to mislead the court—he threw doubts if he did not break down all opposite theories and views and carried a jury almost *volens volens*. The case referred to will be long remembered in and about Wapello and Monroe counties, and not a few yet remember how effective was his work in that most memorable judicial contest. The jury was out all night and even longer—then hung, as we afterward learned, by one recalcitrant “good and lawful man” who nearly brought about a new trial but who finally, at a late hour Sunday morning, surrendered, and Ross was acquitted.

But I will not say more of this grand man. I allow much for my youthful admiration for his, to me, peculiar manner—great power as an advocate—and his high character as a gentleman and citizen—and yet cannot but express the truth that the profession, though full of good, honorable and strong men, had none like him in all that goes to make the gentleman, the lawyer and the truest manhood.

Let me add parenthetically, and as well here as elsewhere, as tending to show the currency in which we then dealt and how our fees were paid, that on that trip when myself and partner got home, we had beside the horse we were driving, six others; two of them as part return for our work in the Ross case and the others picked up from other clients or paid for in notes of hand for still others. Then horses were legal tender almost—were very cheap—but you could turn them into money or in the payment of debts (and we often needed them for the latter!) about as readily as any other property. Think of two young lawyers passing through the county with six horses led by the side of one driven, and behind. If seen now there would be not a few surprised people ready to believe that more than one man's barn or pasture had been entered!

But we were never arrested nor a question made as to our title. For as we could not get money—it was not to be had—we took horses or goods or whatsoever our clients could pay. If money was scarce so fees were low—and in a spirit of accommodation all classes managed to live and let live. We seldom closed the work of a term without a horse or horses as the fruit of our toil. Or, if not a horse, then goods or something else which could be used by ourselves or families—all of what we could use and which clients could better and easier pay than money. Barter was the order of the day, and all classes—preachers, lawyers and doctors—all alike accepted the situation.

Once, I remember, fall of 1842, I had just returned from a trip on which I had been paid in cloth for an overcoat which I much needed. A neighbor, to whom I owed ten dollars, and I believe more, called and asked for money to buy some goods,

or an order to the store. On inquiry I found that he wanted an overcoat (no ready made goods then) and I turned over to him the pattern I had. He had a new coat and I wore the old one. But I paid that much of my debt. He was happy and so was I. We were both young and unmarried, and though I occasionally felt a little hurt through the winter as he sported his new wrap, I have long since forgiven the willing spoliation!

DAVENPORT,

Wednesday, November 13, 1839.

Saturday, Nov. 9, a fine day. A meeting was held at 11 o'clock, to appoint a committee to receive the remains of our deceased friend, the Hon. Wm. B. Conway, Secretary of the Territory of Iowa, who died at Burlington, on the 6th. As soon as arrangements were made, and the meeting adjourned, the steamer Ione, hove in sight, with the corpse, accompanied by Hon. J. W. Parker, of the Council and Hon. J. M. Robertson, of the House of Representatives. The corpse was taken to the Catholic church where the funeral service was performed by the Rev. Mr. Pelamough [Pelamourgues].—The body was then removed to the private cemetery of the deceased, accompanied by a large concourse of citizens, from Rockingham, Davenport, and the surrounding country.—*Iowa Sun*, Davenport, November 13, 1839.

Rail-Road from Lake Michigan to Mississippi River.—The citizens of Dubuque, Wisconsin, have held a large meeting to adopt measures for obtaining from Congress an appropriation for the survey and location of a Rail-Road from Lake Michigan to the Mississippi River. The resolutions state that it is desirable that the road should be directed to the United States lead mines, and thus a great chain of communication be formed between the extreme eastern point of the Union across the Mississippi to the Missouri river.—Albany, N. Y.—*The Jeffersonian*, May 26, 1838.

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