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CHIEF JUSTICE MILLER.

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**W**ILLIAM EDWARD MILLER (whose name heads this page, and whose portrait fills the opposite one), the present worthy Chief Justice of the Supreme Court of Iowa, was born October 18th, 1823, near the town of Mount Pleasant, in Westmoreland County, Pennsylvania.

The traveler of thirty years ago, whose journey crossed the Alleghanies, will not have forgotten the stage coach of that day, with its profane driver and profaner passengers, and may recollect the pleasant little village on the western side of the mountain, on the turnpike leading from Cumberland to Pittsburg, called Mount Pleasant, near where the subject of this sketch was born.

As the several States mature in age, it is not difficult, notwithstanding the perpetual intercommunication between their populations, to notice, or at least to imagine, that the people of any one State have traits of character and manners, more or less marked, which distinguish them from those of the others. The physical peculiarities of a country are reflected in the idiosyncracies of its people. The children of Switzerland inhale a love of liberty with their pure mountain atmosphere, and look upon their mountains, whose ascent inspires daring and develops strength, as fortresses erected by God for the defense of their freedom, while the slothful Portuguese, with little obstruction from nature in

the pursuit of sustenance or comfort, lounging in the shade of the orange grove, fanned to slumber by the sleepy breezes which have warmed themselves in the hot sands of Africa, dreams only of sensuality or present comfort.

Here, in our own country, the barren soil of New England drove the Yankee to commerce, barter, trade, dicker, and finally to invention, with its long train of patent rights. The Western States are too young yet to have generated in their people permanent peculiarities, but it may have been the contemplation by her children of the rushing grandeur of two great rivers fretting her borders, which gave to Iowa's troops in the war that impulse and dash that made her First Regiment, in a campaign of three months, renowned over the whole world, that impelled her Second Regiment over the Confederate works at Donelson to gain the proud title, "bravest of the brave," and that inspired Corse to the defense of Allatoona, while the bordering State of Wisconsin, impressed by the great slow lake that she worships, in the more deliberate march of her regiments, by slower, but no less certain steps, attained an equal military eminence with Iowa.

These fancies be as they may, it is certainly true that the people of Pennsylvania, and especially that part of it where Judge Miller and his immediate ancestors came from, have noble characteristics of benevolence, hospitality, and solid worth, as prominent as the Alleghanies. Her youth could not climb her grand mountains, or stray through her charming valleys, without promoting in themselves that physical development on which health and longevity depend, and at the same time cultivating those moral faculties which adorn the best of mankind.

Such scenes as we have here hinted at surrounded the native place of our subject and his immediate ancestry. His father, the venerable Samuel Miller, Sr., was born in Somerset County, but removed with his parents when a child to the county of Westmoreland, where he was reared, and where he became an active and prominent business man, distinguished for his energy, public spirit, and integrity, and also for his zeal as an "old fashioned Methodist," of

which church he became a member prior to his marriage, and to which he, with his wife, is still attached. He transferred his residence from Pennsylvania to Johnson County, Iowa, in 1854, where he and his wife, five years ago, he being 74 and she 73 years old, celebrated their "golden wedding," and it may be added here that her father, Henry Eicher, died in Ohio, in 1873, in his 99th year.

The personage with whom we have immediately to do, Judge Miller, is the second son of a large family, eight of whom are now living, and several of whom have become distinguished, in the church, the army, or the law. Two of his brothers, David S. and Alexander J.\* reside on their farms in Johnson County; another, Clarke Miller, is a practicing attorney in Marengo, Iowa County; the distinguished Methodist Minister, Emory Miller, of the Upper Iowa Conference, is another brother; Samuel, a skilled machinist, and Henry B., a merchant, reside out of Iowa, the first in Pennsylvania, and the latter in Ohio; his sister Eliza is the wife of William H. Hallock, editor of a Missouri newspaper.

In his earlier youth, Judge Miller lived and worked on his father's farm, laboring in summer and attending school in winter. When he had attained his fifteenth year, his father having relinquished farming and gone into the foundry business at Mount Pleasant, manufacturing stoves, plows, and various kinds of machinery, young Miller engaged in this business with his father.

In 1844 he married Miss Mary, daughter of James Robinson, Esq., of the neighboring county of Fayette. Her father, though retaining for part of his family his residence in Pennsylvania, himself became an "Early Settler" of Iowa, having been a purchaser at the government sale of lots in Iowa City in 1841. On his purchase then made he built some of the largest buildings here at that day, and subsequently some which still stand and are counted with the

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\*Alexander J. Miller, late Lieutenant Colonel commanding the Sixth Iowa Infantry, with which he served through almost the entire war, having joined it at its organization as First Lieutenant of Company G. He participated in many battles, and was highly commended by his superiors for bravery.

most permanent business structures of Iowa City. Several of his sons-in-law, with their wives and families, followed Mr. Robinson to Iowa, and settled at an early day in Iowa City. Among these was the late Nicholas Harvey White, (for several years a member of the Board of Curators of the Historical Society) who died in 1873. Mr. Robinson removed back to Pennsylvania in 1865, where his death occurred the 21st of last March, in his 87th year, his wife having died six months previously, aged 78. Thus were two of the pioneers of Iowa gathered to their fathers at a ripe old age.

Although Judge Miller had not the advantage of a university course, he has a good English education, obtained in the select schools of his early home, for the common school system of Pennsylvania had not yet been established in his youth. But the education of such a mind as his is never finished, and depends little on colleges and schools, the acquisition of one class of learning acting as a stimulus for the acquirement of others, and to-day he is a harder student, and acquires knowledge with greater facility, than ever before.

In 1846 he began the systematic study of the law, which for three years he applied himself to incessantly during his leisure hours and at night, supporting himself and his family meantime by working at his trade as a moulder in his father's foundry. He also, at the same time, with diligence extended his study of ancient and modern history as collateral with that of law, and so captivated was he by the charms of study, and so possessed did he become with the determination to master the profession, that to him this double work seemed no hardship.

By the year 1849 the present Constitution of Pennsylvania had gone into effect, with a more liberal code of laws. Previous to this the office of Justice of the Peace in that Commonwealth had been looked upon as well-nigh hereditary in certain families, and was at all events filled by appointment of the Governor, and in Mount Pleasant had been held for half a century by John E. Fleming, with great acceptability to the people; but in this year the

"Young America" party of Mount Pleasant elected young Miller to the office, as a tribute to his worth as a rising and persevering young man, and as a mark of their approbation of his efforts, in the face of great difficulties, to master the abstruse science of jurisprudence.

He had now become the most popular youth of the place, and his associates lavished upon him most of their honors. Among other marks of distinction they conferred on him, was the title of Captain, by electing and having him commissioned Captain of the "Jackson Blues," a military company whose history covered a period dating back to the South Carolina "nullification" troubles, during the Presidency of Andrew Jackson, and which formed part of the "uniformed militia" of the State.

The discharge of his magisterial duties greatly facilitated the prosecution of his law studies, gave him a practical insight into legal technicalities and forms, compelled him constantly to investigate new points of common and statute law, and lent additional interest to a subject he had discovered an innate liking for. At the same time, his close application to his legal studies, which became well known, while it enabled him to give his judicial decisions with more intelligence, invested them with such authority as made them acceptable even to the amerced.

From April, 1849, to September, 1852, he held this office and discharged its duties, at the same time pursuing more closely his law studies, as the object of his ambition seemed nearer attainment. In the latter year he doffed the justice's ermine and the captain's cockade, and started with his family for Iowa. This journey was made by steamer from Pittsburg to Keokuk, and thence by stage to Iowa City, where he and his little flock arrived on the 10th of October.

On his arrival here he found the fall term of the District Court over, and a consideration of this fact and that the prospect of immediate practice for a new young lawyer did not seem flattering, together with his unacquaintance with the practice under the Iowa code, decided him to defer, for a time, entering upon his profession, and to accept the offer of the two Iowa City papers, "The Iowa Republican," and

“The Iowa Capital Reporter,” to report for them the proceedings of the Senate during the session of the Fourth General Assembly, then about to convene at Iowa City.

At the spring term of the District Court for Johnson County in the following May (1853) he was admitted to the bar, and at once opened a law office in Iowa City. His first case occurred soon after, being a suit before Squire Peter Ewing, involving a claim of six dollars for injury to a hog. Although the amount at stake was so small, the cause was hotly contested, requiring, besides the Justice, four lawyers for its decision. These were, for the plaintiff, James D. Templin, and James Harlan, two reverend lawyers of that day, the first of whom has acquired wealth from the keen and intelligent pursuit of business, and a state reputation as a legal author, and wealth and honors have also been the portion of the other as a United States Senator and Cabinet Minister. For the defence, besides Judge Miller, was Col. W. Penn. Clarke, whose fortunes, as various as his abilities, after securing for him a seat as a delegate for the counties of Iowa and Johnson in the Constitutional Convention of 1857, led him through the dangerous paths of a Pay-Master during the war, then gave him the practical direction of the interior department as its chief clerk, and have finally anchored him at Washington City, as a resistless pleader before the court of claims. These are outlines of the careers of the lawyers, but what became of the justice, clients, or hog, we do not know.

A tin “shingle,” attention to business, application to study, and honorable conduct toward his clients, soon brought their rewards in clients with gold in their hands, gave him local popularity, placed him in the front rank of the profession of his town, and finally laid that foundation on which his eminent reputation as a jurist now rests.

In August, 1854, on the ticket opposed to the democracy, he was elected prosecuting attorney for Johnson county, a no despicable tribute to his popularity, for with one other exception, all his associates on the ticket were defeated. The duties of this office he discharged for the full term of two years.

In 1867 he was selected as one of the republican candidates for representative in the legislature from the district then composed of Iowa and Johnson counties, but the democrats having received accessions of strength, their majority was too strong to be overborne by personal popularity, however great, and he was defeated.

At the October election of 1858, the first held under the present constitution, he was elected judge of the eighth judicial district, comprising the counties of Benton, Cedar, Iowa, Johnson, Jones, Linn, and Tama, and entered upon the difficult and responsible duties of the office on the first day of January, 1859.

Whether attributable or not to the tardy manner in which criminal cases had been dealt with by the courts, it is certain that the tendency to mob violence and the organization of "vigilance committees" culminated about this time in our state, so that the summary execution of suspected horse-thieves and supposed highwaymen was at that time deplorably and disgracefully common. If the lax administration by the courts was answerable for these disorders, the prompt and impartial method with which judicial business, whether civil or criminal, was disposed of by Judge Miller, must have had its full share in that salutary change in public morals, which, since the time referred to, has been so noticeable in Iowa.

At that time the courts were overwhelmed with business. In Judge Miller's district, the cases on the calendar had accumulated for about three years back, having been continued from term to term. He at once set himself to work to clear the dockets in the several counties of his district, and by persistent industry accomplished the task in the first two years of his term.

Holding court in those days in Iowa, besides its plodding hard work, was somewhat fruitful in adventure. At that time none of the county seats in the eighth district were accessible from any direction by railroad, except those of Iowa and Johnson, and the Judge usually traveled in his own conveyance. On one occasion, on the adjournment of court at Vinton, in the winter of 1861-2, which was remark-

able for its deep snows, a heavy fall of snow occurred with high winds, which blocked with snow drifts the Vinton and Cedar Rapids road, on which Judge Miller and a large party with sleighs and cutters sallied out toward their homes. They found it necessary frequently to pull down fences and travel through the fields to avoid the drifts. Sometimes, however, this could not be done, and then shoveling had to be resorted to. Besides the mail sleigh with many passengers, there were Col. I. M. Preston and Judge William Smythe, of Marion, and Mr. William Greene, of Cedar Rapids, the latter being with Judge Miller in his cutter. When within nine miles of Cedar Rapids, night began to fall, and the party determined to stop till morning at a tavern half a mile beyond them. At this crisis, in passing over the bottom rail to return to the lane, which no longer could be avoided, Judge Miller's plug hat was jolted off and was carried by the wind with great velocity to distant parts. Greene made such an effort to save it as a bold swimmer does to save a drowning child, but soon broke through the crust of the snow, and was floundering beyond his depth, when he desisted. The Judge borrowed, at the tavern, hat enough to last him to Cedar Rapids, where he procured a new one, and sent back the borrowed one. In the spring, when the snow melted, the lost hat was found by a little boy who looked upon it as quite a trophy.

In 1862, after a service on the bench of nearly four years, in which the public were well and faithfully served and the bar well satisfied, he resigned his judgeship, to accept the colonelcy of the 28th Iowa volunteers, then organizing at Camp Pope, near Iowa City. The last year of his service as judge was one of irksome restraint on his inclination. The martial spirit of every one was aroused, and it did not seem to him becoming that the former captain of the "Jackson Blues" should dally at home over law decisions when the very foundation, not only of law but of constitutions, had been submitted to the dread arbitrament of the sword. For two months Col. Miller performed perhaps the hardest service that falls to a commander—to drill raw recruits under the shadow of their own eaves. He did it, however,

with such tact as to gain their applause without sacrificing discipline. In November, with the 28th, he broke up camp and proceeded, via Davenport, by rail and steamer, to Helena, Arkansas, in the environs of which he encamped with his regiment about the 20th of November.

The campaigning done by the troops encamped on the banks of the Mississippi from Helena to Young's Point during the winter of 1862-3, was of the most exhausting kind. Unwholesome water, and malarial and contagious diseases, undermined the strength or destroyed the lives of many of that army that hovered near Vicksburg that winter, encamped near the levee or close to the bayou (localities which, as hinted at by the historian Ingersoll, in his work on "Iowa and the Rebellion," were salubrious for alligators, but fatal to men), while the bottomless roads and inclement weather disheartened the well.

At Helena Col. Miller remained all winter in what was denominated winter quarters, but he, with the whole or detachments of the regiment, made frequent expeditions in different directions. It was a detachment of the 28th with a detachment from the 11th Ohio under command of a captain, that cut the levee and allowed the waters of the Mississippi to rush into the "Yazoo Pass," which afterwards became so famous.

The 28th, with Col. Miller at its head, also formed a part of the expedition commanded by Gen. Gorman, which ascended White river in January, 1863. Capt. Stuart, in his "Iowa Colonels and Regiments," in speaking of this campaign says:

"If on this expedition Col. Miller and his regiment won little distinction, it was because no occasion offered. One thing is certain, that the hardships and exposures attending the movement were hardly ever equalled. The weather was cold, and it rained and snowed by turns, almost incessantly. Scores contracted diseases on the White river expedition, which totally disabled them for service."

The arduous services and exposure experienced in this expedition laid the foundation of that disease which finally com-

pelled Col. Miller, on the entreaty of friends, and the recommendation of surgeons, to resign and come home in March, 1863, the alternatives presented being certain death down there, and the possibility of recovery at home. His constitution was very much impaired, and it was not till long after the war that it recovered its pristine strength.

In the spring of 1864, his health having been partially renewed, he resumed business as a legal practitioner at Iowa City, and about this time began to prepare "A Treatise on Pleading and Practice in Actions and Special Proceedings at Law and in Equity in the Courts of Iowa Under the Revision of 1860," the first edition of which was published in 1868, and, though a large one, has already been exhausted, and a new one, revised to meet the changes resulting from recent legislation, being called for, is now in course of publication — the best evidence of the appreciation by the bar, of the worth of the work.

In 1868 he was again called to the bench by an election as judge of the circuit court in the eighth judicial district, and entered upon the discharge of his duties as such at the beginning of January, 1869.

The experience gained while acting as district judge, and now as circuit judge, the approbation with which his decisions were received by the bar and the public, the almost uniform endorsement they met by the superior courts, his high character for integrity and learning, and the general aptitude he had displayed for the bench, singled him out as the proper person to fill a vacancy in the supreme court, which occurred before his term as circuit judge had expired.

Accordingly at the republican state convention held at De Moines in August, 1870, he was nominated with scarcely any opposition, as the candidate of this great party, for the high office of supreme judge, to fill a vacancy occasioned by the resignation of Hon. John F. Dillon, who had been re-elected supreme judge to fill the term beginning January, 1870, but who had declined to qualify because appointed by the President one of the new circuit judges of the United States. In view of his nomination by the republican con-

vention, Judge Miller was appointed by the governor, and at the election ensuing in October, chosen by the people, to the office for which he had been nominated, the term of which will expire in January, 1876.

In accordance with a provision of the constitution, requiring the judge having the shortest term to act as chief justice, Judge Miller, since the beginning of the present year, has filled this exalted position, and will be required to do so till the expiration of his term.

Judge Miller's residence, since he came to Iowa, has been at Iowa City. In the spring of 1873, for the convenience of having easy access to the archives of the supreme court, and to the state library, whose volumes must often be consulted by the supreme judges, he removed with his family to Des Moines, but we believe he considers his residence there only temporary.

In the spring of 1871 Judge Miller became connected with the law department of the state university as the successor of Judge Wright, up to that time professor of constitutional and criminal law. This connection he still holds, lecturing at stated times during each course on the topics of criminal law, agency, the law of partnerships, and of private corporations.

It would seem, from the foregoing brief and imperfect outline of his biography, that Judge Miller's life has been too much engrossed by private and official affairs to leave much time for attention to religion, philanthropy, charity, benevolence, or politics.

But not so. He early adopted his father's religious views, and remains this day a consistent, sincere, and working member of that noble and progressive order of Christians embodied in the Methodist church, and, according to his ability, has always had as open and full a palm for the worthy poor as any Christian brother, while his benevolent disposition is also attested by his long connection with the great orders of Free Masons and Odd Fellows, in the lodges of each of which he has been over and over again called upon to preside.

In politics he started out as a whig, even before he had a vote taking a prominent local part in the presidential election of 1840, and ever since, when not occupying a seat on the bench, has taken a lively and leading part in the politics of his city, county, and state. His first vote was cast for Henry Clay, in 1844. He always espoused the anti-slavery cause, even before it was popular, and became a member of the republican party at its organization, and as such was a prominent and leading member of the state and congressional conventions which, in 1850, nominated James W. Grimes for governor of Iowa, and James Thorington for congress from the then second congressional district.

At home he was hardly ever allowed to rest from the cares of local office, which proclaims the esteem in which his neighbors hold him. He was for three years a member of the municipal government of Iowa City, having been elected a member of the city council from the second ward in 1854 and 1856, and from the fourth ward in 1867. He always took a deep interest in all public enterprises, especially of an educational character, and it was by his exertions mainly, while acting in the capacity of alderman, and as chairman of the committee on schools, in 1855, that the first three school buildings in Iowa City were secured (one for each ward as the city was then divided), at a time when Iowa City had no school building of any kind.

In stature, Judge Miller is five feet six inches, in weight 170 pounds. His hair is black, with an inclination to curl, his complexion dark, his eye clear grey. In his constitution the temperaments are nicely blended, with a slight predominance over the others of the sanguine and bilious, yielding a disposition of singular evenness and gentleness. As might be inferred, his prominent characteristics are firmness and perseverance. In manner he is cheerful and urbane, willing to listen or able to talk, rather disposed to gravity than gaity.

In the war he proved himself a brave and judicious commander, looking to the welfare and comfort of those under his command, rather than to his own. At the bar he was a

wise counselor and a powerful advocate, his rhetoric being effective rather from argument than from tropes or imagery. Making no pretensions to oratory, yet men hung upon his words. Money could not tempt him to encourage needless litigation, or to promote family dissention. As a judge, patient in investigation, discriminating in judgment, compassionate in sentence, his decisions are accepted as final and just.

If we follow him to the fireside, or to the social circle, we find the traits of character distinguishing him in official position still ascendant, but tempered to the occasion. As a friend, husband, parent, son, or brother, he more than fulfills every obligation of duty. As a citizen, a civic functionary, or a military officer, duty has been the pivot on which every action turned.

Being in the prime of vigorous manhood, with a clear mind and mature judgment, the state may hope for many years of still further service from him on that bench which he at present illumines and adorns.

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THE RIVER OF THE MOUNDS.

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BY CHARLES NEGUS.

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**N**EARLY every state has some one particular river which especially attracts the attention of its citizens, on which their minds delight to dwell, about which they bestow their praise. Iowa has the beautiful river Des Moines, on which her citizens delight to bestow their eulogies. More has been said, done, and thought about this river than all the other rivers in the state. In beauty of native scenery, in productiveness of soil, in mineral wealth, and in the many things which attract the attention, and add to the comfort of man, the valley Des Moines is not surpassed by any locality in the world.

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