

## A Judge Well Met

A man of wit and a musician of talent; a story teller of versatility and a poet of feeling — Judge Joseph Williams was one of the most humane officials of early Iowa. On the bench, he was a man of dignity and self-composure who commanded the respect of the bar and the public; off the bench, he was "Joe" Williams, a man of geniality and humor, who entered into the amusement of the hour. In the finest sense, he was a judge well met.

Influenced by a father distinguished for his kindness and affection, Joseph Williams, born in 1801, lived his early years in Huntington, Westmoreland County, Pennsylvania. He had two brothers, Robert and William. William Williams later played a prominent part in the history of Iowa. Pioneering at Fort Dodge, he labored a quarter of a century for the development of that city. It was he who led the relief expedition after the Spirit Lake Massacre.

Having decided to be a lawyer, Joseph Williams entered the law office of Chauncy Forward, one of the most celebrated attorneys in Pennsylvania. He was an apt pupil. While studying



with Forward, Williams became associated with Jeremiah S. Black, who later was Chief Justice of the Pennsylvania Supreme Court, and still later Attorney General of the United States. For several years Black and Williams were competitors in the legal profession. In his reminiscences Black said that Williams's "ready tact was very dangerous to an opponent".

While practicing before the Somerset bar, Williams once defended a client against the claims of a quack physician. In the cross-examination Williams led the ignorant practitioner to declare that he had cured the patient by decapitating him, performing the Caesarian operation upon him, and finally subjecting the body to an autopsy.

"Well, then, Doctor," concluded Williams, "as you performed a post-mortem operation upon the defendant, and he survived it, I have no more to ask, and if your claim will survive it, quackery deserves to be immortal."

This type of wit and his many other accomplishments made warm friends. He was widely known and universally liked for his musical ability, his charming manners, his gift for conversation, and his generous nature. His reputation as a lawyer and a Democrat led to his appointment by President Van Buren to one of the principal offices in the new Territory of Iowa. With Thomas S. Wil-



son and Charles Mason, Joseph Williams became Associate Justice of the Supreme Court.

Speaking of the appointment of Justice Williams, the editor of the *Iowa Territorial Gazette* on July 21, 1838, stated: "Our acquaintance with Mr. Williams runs back to a very early date — even to that time whereof 'memory runneth not to the contrary.' We have known him all our lives, and could, were we not afraid of subjecting ourselves to the charge of praising from unworthy motives, say much in his favor. He has the reputation of being a sound lawyer — is of regular habits — and has a moral character which has never been impeached. His social qualities, his wit, and his inimitable drollery, have made him an universal favorite wherever he is known. We bespeak for him a kind reception, and can promise that the judicial ermine will never be soiled while worn by him."

On August 4, 1838, the *Gazette* complained that Judge Williams had not arrived in the Territory. Secretary Conway, in dividing the Territory into judicial districts, had assigned Williams to the second district comprising "Scott, Musquitine, Louisa, Slaughter & Johnson" counties. The date set for convening the first court in his district was the "1st Thursday after the 1st Monday in October". Williams arrived at Burlington



on September 21st, selected Bloomington for his home, being most conveniently located in his district, and was ready to hold court at Davenport on the appointed day, October 4th.

Williams was peculiarly fitted for the bench. Unlike Mason who was known for his scholarship, Williams had an uncanny memory and a great faculty for analysis. "He would sit", said T. S. Parvin, "for hours in the court room listening to the arguments of counsel and to the opinions of the learned judge, carefully noting what he heard and saw, and at the close of the day's labors he had mastered more of the mysteries of the law than any student could have done from a week or month's study in a law office."

Judge Williams began his judicial service in Iowa by convening the Territorial district court in St. Anthony's Church in Davenport on the first Thursday in October, 1838. A grand jury was selected but dismissed because on the first day it had "no business before it". The petit jury soon heard upon the proper indictments the bribery case of Alexander W. McGregor *v.* John Wilson, and certain disputes of claim jumping.

From Scott County the court moved down the river to Bloomington. On October 8, 1838, Judge Williams held the first district court in Muscatine County under the jurisdiction of Iowa Territory.



With M. D. Browning as the district attorney, a grand jury was immediately empanelled. Business was so casual, however, that the jurors were told they "might play cards, or drink whiskey; but to go a-fishing would never do for a '*grand jury*' — that privilege was specially reserved for the *petit jury*."

The Louisa County court met on the third Monday in October, 1838, and Judge Williams presided "with his usual dignity". T. S. Parvin said that the usual criminal cases in the second district were counterfeiting and horse stealing.

Besides Scott, Muscatine, and Louisa counties, Williams presided over the first district courts in Slaughter (Washington) and Johnson counties. At Astoria, on David Gable's farm, in Slaughter County, the district court convened on October 22, 1838, and records relate that the court adjourned — "no person appearing, either parties, attorneys or jurors".

It was not until May 13, 1839, that Judge Williams with T. S. Parvin as district attorney held the first Territorial district court in Johnson County. Luke Douglas was named clerk and S. C. Trowbridge acted as sheriff. The courthouse was the Indian trading post near the site of Napoleon. Parvin addressed the grand jury in an open field and a true bill was found against An-



drew J. Gregg, a horse thief, for "passing counterfeit money". S. C. Hastings, afterwards Chief Justice of the State of Iowa, was the attorney for Gregg.

There being no jail in the county, the prisoner was held in custody by various settlers in their turn. Before Gregg escaped, an amusing incident occurred. A dance was held one evening at a cabin where the counterfeiter was in custody. Judge Williams "fiddled" for the party, though he avoided being a willing witness to the sin of dancing by sitting with his back to the dancers. When Gregg joined the merrymakers, the Judge quit playing, but not soon enough to prevent the rumor being spread that "Judge Williams 'fiddled' for a prisoner". William Austin, a young attorney, wrote some verses about the episode and the Judge was much annoyed.

Court in a Catholic Church, a farmer's house, an Indian trading post, and an open field — that was the itinerary of Judge Williams in holding the first Territorial district courts. He had the temperament of an ideal frontier jurist. On the Territorial Supreme Court relatively few opinions seem to have been written by Williams, but those he did render were concise and clear.

But Williams was not only a judge, he was one of Bloomington's leading citizens. In December,



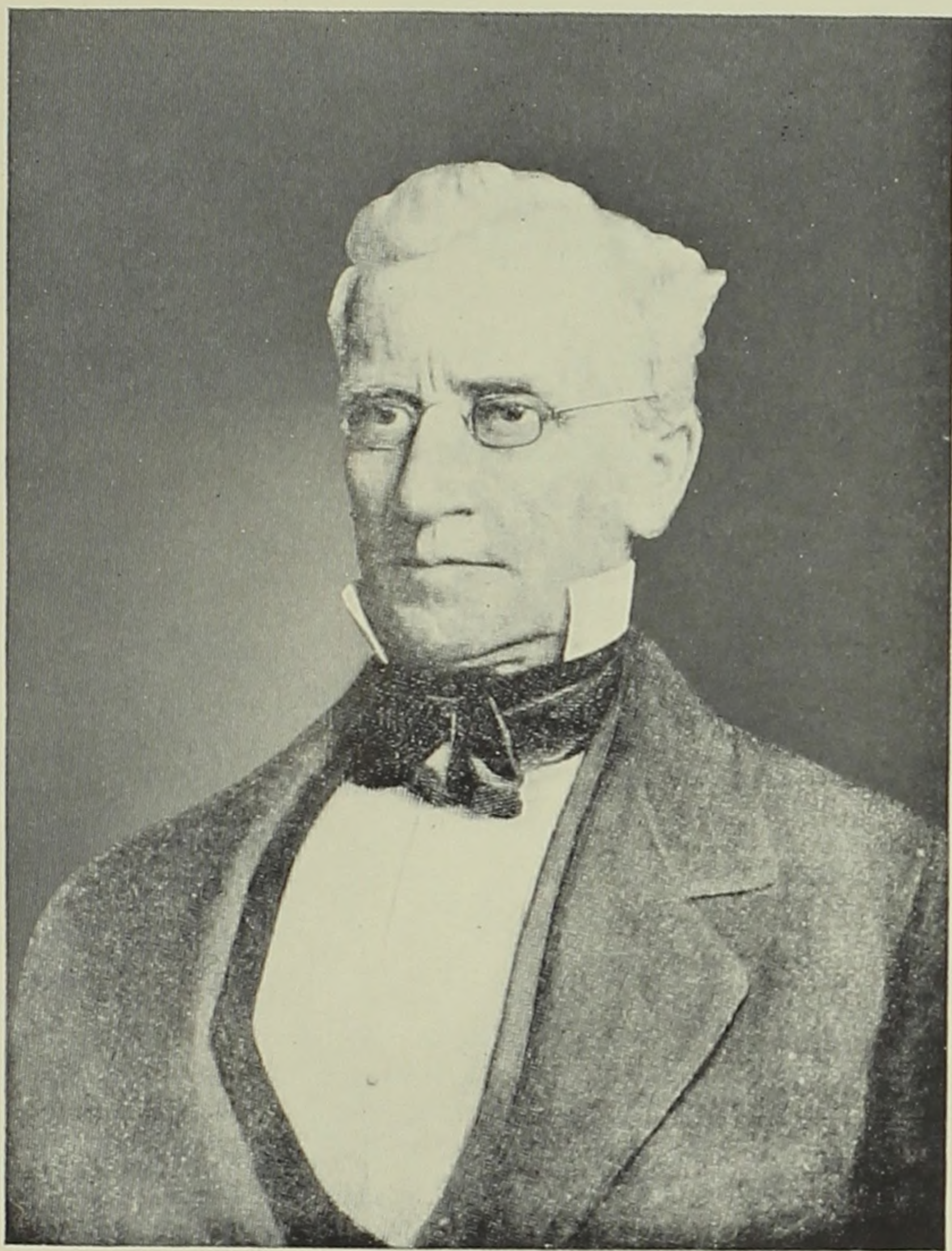
1838, he and Charles Warfield were granted the right of operating a ferry across the Mississippi at Bloomington. Their enthusiasm in petitioning the first Territorial legislature must have outrun their abilities, however, because the ferry was not established. In 1840, Williams's name appeared as steward on the roster of the Methodist Church and in 1846 he was one of the board of trustees. He was an enthusiastic incorporator of the Bloomington and Cedar River Canal Company and he was a member of the town's temperance society.

Married to Mary Rogers Meason at Hollidaysburg, Pennsylvania, in 1827, Williams brought his family, consisting of his wife, four sons, and a daughter, to Iowa in 1839. They all lived on a farm a few miles west of Bloomington where the Judge had established a horse-power mill. Because of his mill and his jollity, Williams's farm became the focal point of the neighborhood.

In the first municipal election of Bloomington in 1839, Williams received thirty-eight out of a total of forty votes for president of the town. During the campaign of 1840, however, when he urged Democratic unity, the Whigs indignantly protested against his undermining the bench by political partisanship. A petition was circulated to prevent his reappointment.

As might be expected, Williams's name was





W. Williams



associated with the agitation for statehood. With Robert Lucas, he drafted a bill proposing the early admission of Iowa into the Union. This provoked an attack by the opponents to such a plan. On February 19, 1842, the Iowa City *Standard* said: "Judge Williams, however, desiring to have two strings to *hang himself upon*; not knowing whether the Legislative Assembly would *throw* the Territory into the Union, as soon as would suit his convenience, had a recommendation gotten up and signed by the Loco-Federal portion of the Legislative Assembly, for his re-appointment by President Tyler." And, concluded the *Standard*, "we are inclined to think, that no man can 'turn about and wheel about, and jump Jim Crow,' with as much grace and facility as Judge Williams."

By means of a personal application and the solicitation of Mrs. Tyler whom Judge Williams befriended on a long stage journey, Mason, Wilson, and Williams were all reappointed to the Supreme Court and served through the Territorial years. When Iowa was admitted into the Union, the Territorial judges continued to hold office until a new court was chosen. The General Assembly, however, could not agree on members of the Supreme Court. In June, 1847, Mason and Williams resigned, whereupon Governor Ansel Briggs appointed Joseph Williams to the position



of Chief Justice for the remainder of the year. He was elected Chief Justice by the second General Assembly for a term of six years and served from 1849 to 1855.

Williams accepted an appointment in 1857 as Associate Justice of the Supreme Court of the Territory of Kansas. Fortunate in land investments around Fort Scott, he became wealthy. President Lincoln in 1863 appointed him judge of a military court. With his usual humane justice he won the respect of both Union and Confederate advocates.

After the Civil War he returned to his home near Muscatine. Finally, while visiting friends at Fort Scott, he contracted pneumonia which led to his death on March 31, 1870. His body was brought back to Muscatine for burial.

Through Iowa history, Joseph Williams, slight in stature but well-proportioned, pleasing in countenance and vigorous in action, has been a character of anecdote. Making friends everywhere, he illustrated the saying that "justice is man-made and not gotten out of books". And on his death the Attorney General of Iowa told the Supreme Court that the "simple story of his life is his highest eulogy".

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