

Platt Smith of Dubuque: His Early Career

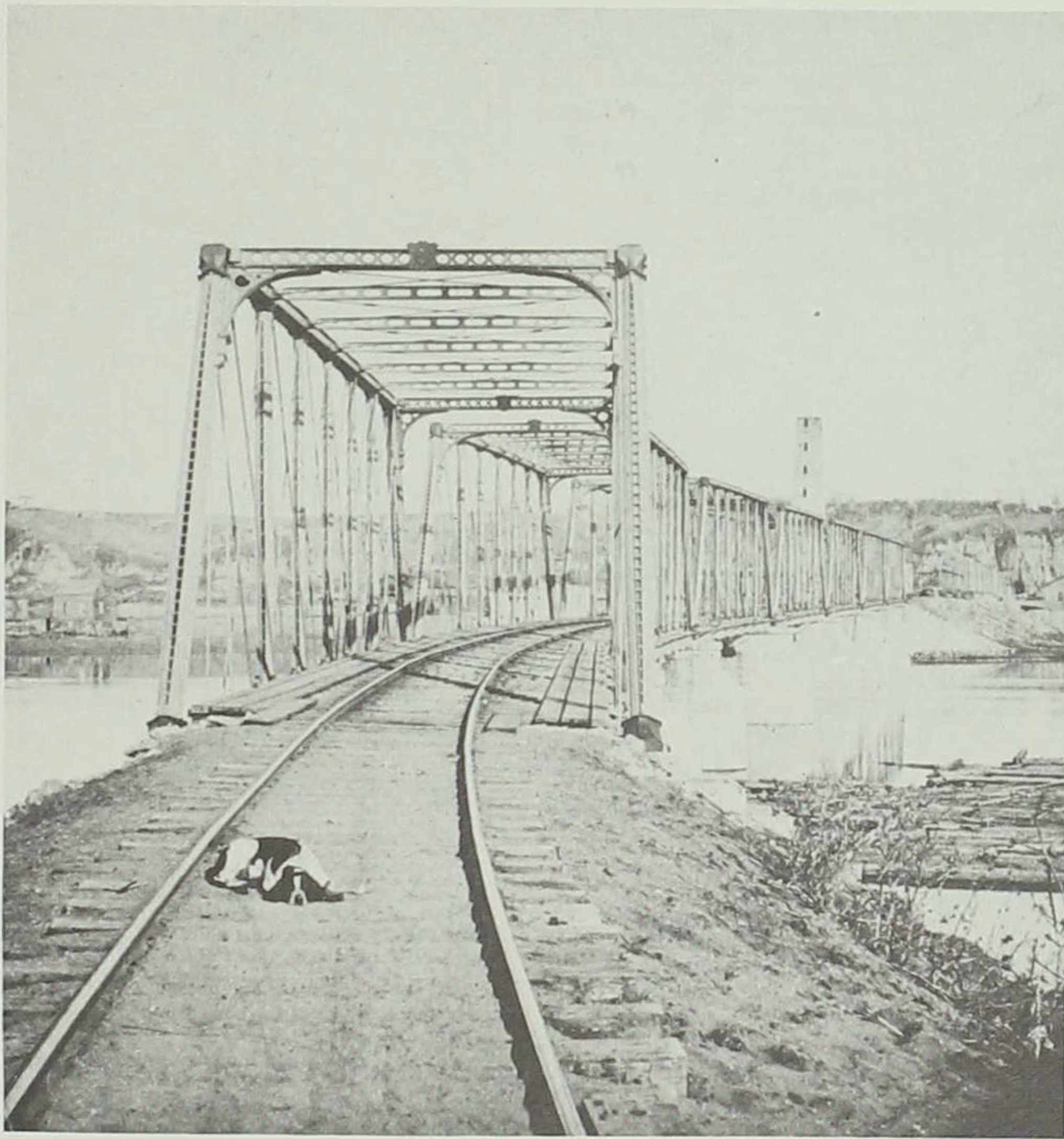
by
Arthur Q. Larson

In the winter of 1868, the iron manufacturer Andrew Carnegie met with the Board of Directors of the Dubuque Bridge Company. The company had been organized to build a bridge across the Mississippi River for the Illinois Central Railroad. Carnegie wanted it to use wrought iron (*his* wrought iron) in the superstructure, but the directors thought cast iron would be good enough, and cheaper. Carnegie argued his point, teased, and criticized their material as too brittle, but still they were reluctant. One of them had said little during the discussion. He was a big man with a long, stern rugged face. Finally he spoke. He said he had been driving his buggy the night before when he struck a lamp post that snapped in two. It was made of cast iron. Carnegie, who never missed a chance of this kind, felt (as he wrote later) that he saw the "hand of Providence" at work in the gentleman's story. He immediately asked the others to consider what would happen if their wonderful cast-iron bridge were struck by a riverboat. This made an impression. The directors considered what would happen and eventually built their structure of high-grade Carnegie iron.

In his autobiography, Carnegie told the story of this meeting with the Dubuque Bridge Company directors. He called the stern-faced man, who so "providentially" came to his aid, "the well-known Perry

Smith". The man was well known—he had been guiding his associates' thinking on matters of transportation in Iowa for 15 years—but his name was *Platt* Smith.

Carnegie surely knew that Smith's timely remark was due to personal ability as well as to the hand of Providence. The Dubuque man was both influential and controversial. The year before, at the height of his career as a railroad lawyer and organizer, he had been denounced as a "traitor" by many of his associates. The acrid quarrel arose in 1867 when Smith became convinced that the management of the Dubuque & Sioux City Railroad did not intend to build track beyond Iowa Falls. Smith had served the company as attorney and vice president, and had lobbied for it in Des Moines and Washington, D.C. Finally, in frustration with its negative policy on expansion, he sold his stock while continuing for a time to act as attorney. Then, in a surprise move, he joined forces with the New Jersey railroad promoter John I. Blair. This elderly but energetic tycoon had already built the Cedar Rapids & Missouri River line. On October 1, 1867, the two men announced the formation of the Iowa Falls & Sioux City Railroad Company. As a result, Smith was savagely attacked by his former associates in the Fort Dodge and Dubuque newspapers. He and Blair replied in the same manner, and the sharp, open letter "railroad war" raged on



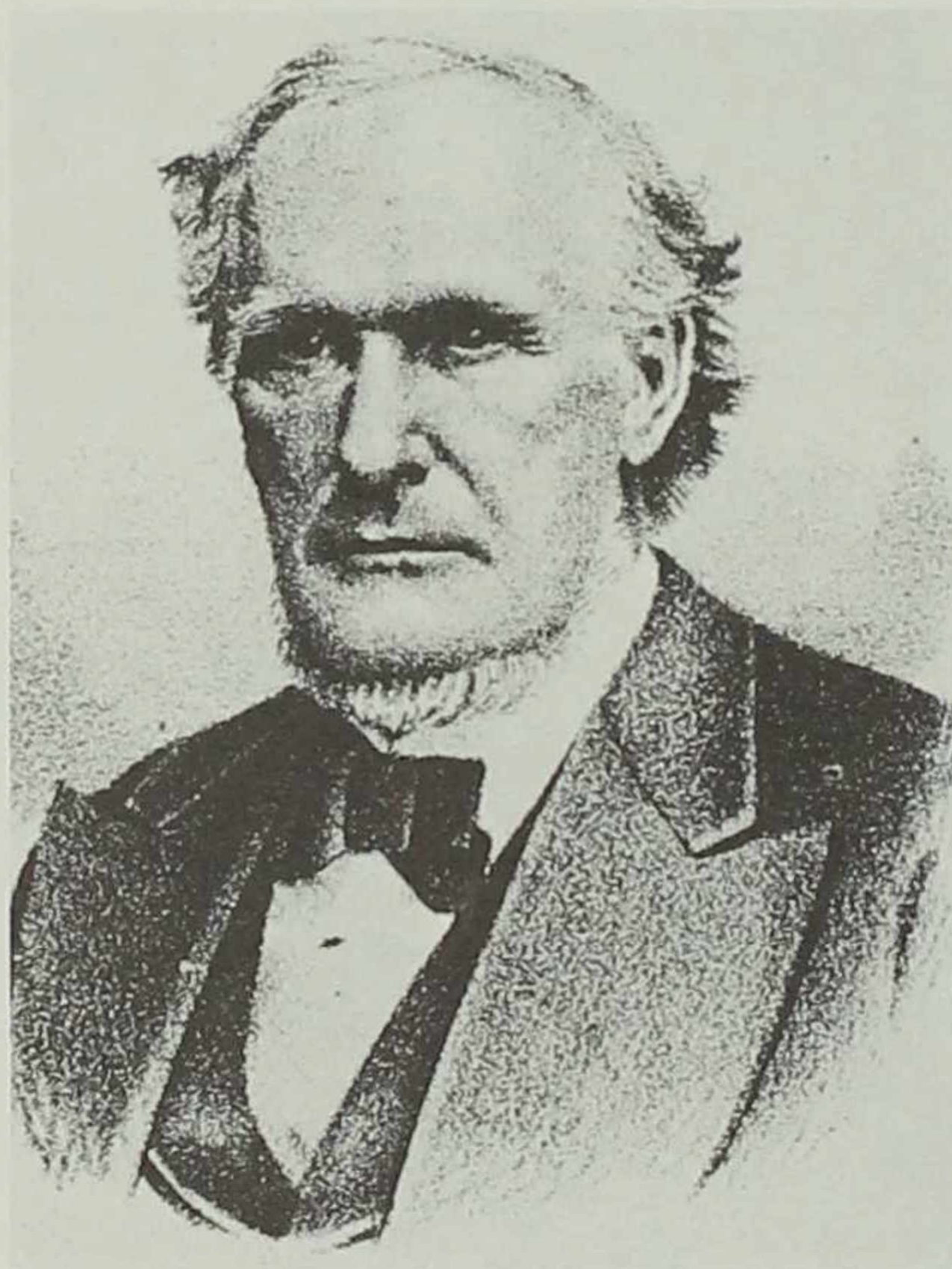
The infamous bridge built with iron from Andrew Carnegie, complete with sleepy dog.

through the fall of 1867.

The intimacy of Smith's relation to the Dubuque & Sioux City explains some of the acrimony of his ex-associates. Renamed in 1860, the company had originally been called the Dubuque & Pacific, and its founding had opened Platt Smith's railroad career. He shared in its early struggles as it pushed westward toward Independence. In 1857, he defended its rate policy in a newspaper controversy with the Dubuque journalist Dennis Mahony. When the Panic of 1857 threatened the firm's existence, he traveled East with other D. & P. men in search of financial support. In 1859, he was instrumental in establishing the test case that

determined the D. & P.'s claim to railroad grant-lands on the upper Des Moines River. He persisted even when his friend Governor Ralph Lowe asked him not to confuse the land-claim situation further by taking court action. (The case was tried as *Litchfield v. Dubuque & Pacific Railroad*, and the U.S. Supreme Court ruled that neither party had a claim to the land in question.) Yet now he dismissed his company as "...a dead sucker, floating downstream. I say, let it go."

Smith and Blair's Iowa Falls & Sioux City Railroad was completed in 1870. Despite the local attack, Smith remained influential. His vision, shrewdness, and deep common sense were still recognized



Platt Smith (from Andreas Historical Atlas of Iowa, 1875).

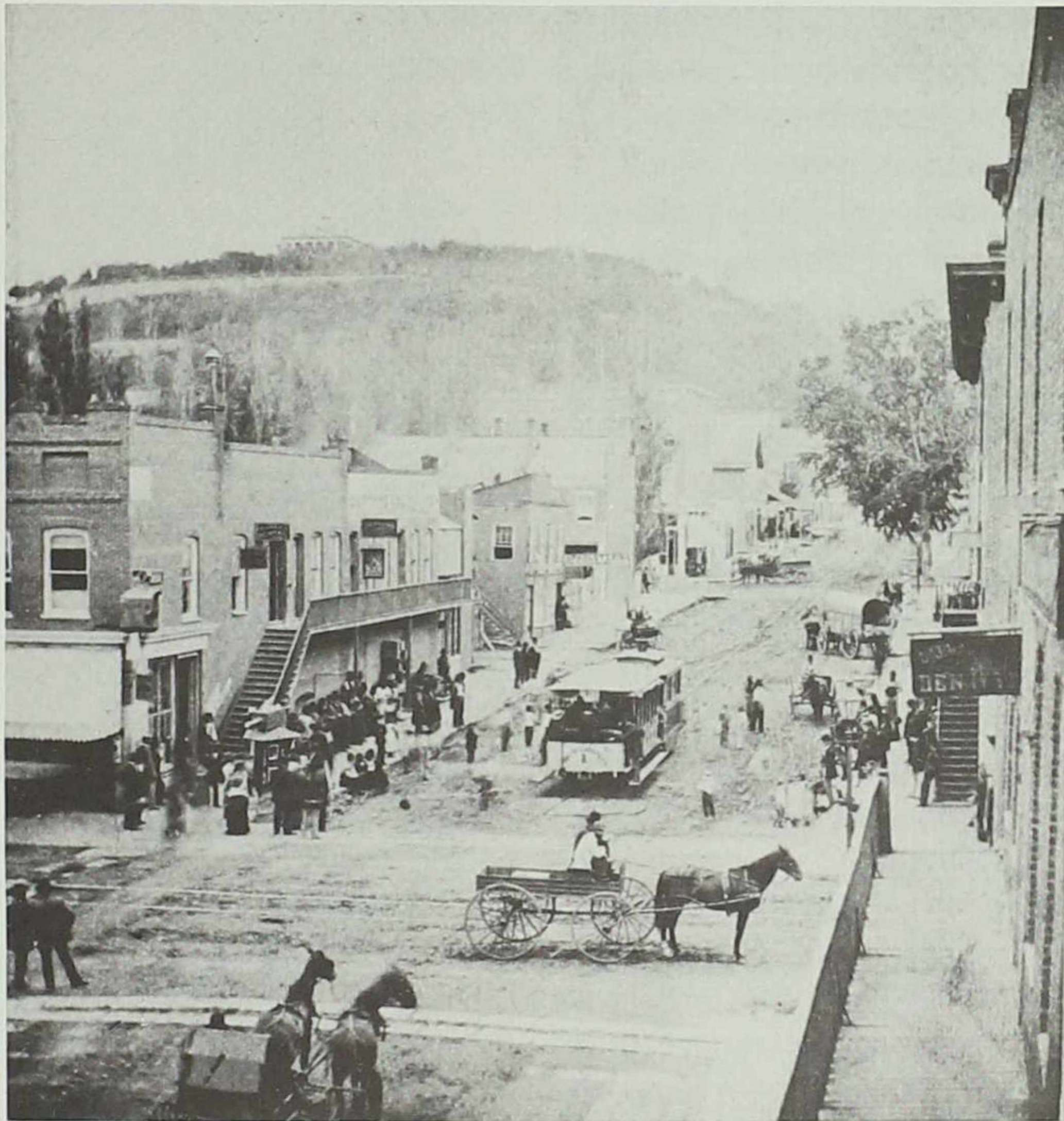
by many of his business associates and fellow citizens. These qualities had brought about his keen mutual understanding with Andrew Carnegie. They were also the qualities essential for success in law and business on the Iowa frontier.

Platt Smith rose to success from a country background. He was born in Hoosick, New York, on May 6, 1813. When he was two years old, his family moved to a farm in Chenango County. His parents were poor, and he had little formal education. By one account, when he came to Iowa he could read newspapers and the Bible and could barely write his signature. He grew up as a farm hand, carpenter, mechanic, and store clerk. His employment was wiped out in the Panic of 1837, and he migrated two years later to Jackson County, Iowa.

There he worked as a millwright, rafted lumber on the Mississippi, and clerked in a Dubuque store.

Except for a few small pictures, the record is vague as to Smith's physical appearance. The Anson Wilson memoirs of Jackson County refer to him as a big man. Carlton Corliss, historian of the Illinois Central, has described him as a "huge and picturesque figure." His health may have been impaired permanently by severe "ague-and-fever" attacks which he suffered during the early days in Jackson County. His letters occasionally reported he was "unwell," and he died after several years of strokes and paralysis. In Jackson County he met and married Caroline Livermore, and the marriage produced his one surviving son, Elmer. Caroline was the first of two wives. She died in 1874, while Platt was in the process of building a new house, which still stands at 961 Bluff Street in Dubuque. In 1875, he remarried. His second wife, Janet Borland Barton, survived him until 1912.

Platt Smith began to practice law quite accidentally. In 1840, he had made friends with John Goodnow, an influential pioneer who ran a hotel in Maquoketa. The town was an important center of social activity, and the friendship gave Smith an opportunity to meet the "who's who" of early Iowa, but at age 30, he was still without a profession and without training. Then an elderly man from Dubuque County, named David Harrington, built a cabin on land in Jackson County that was also claimed by Curtis M. Doolittle, a bookseller and emigré from Cincinnati. Doolittle tried to smash up the cabin, and Harrington struck him. The bookseller sued the old man for "forcible entry and detainer" before a justice of the peace at Maquoketa. Harrington asked Platt Smith



Downtown Dubuque, late nineteenth century.

to help him in the dispute with the better-educated Doolittle.

Harrington had made a lucky choice. In the court room, Smith appealed to the Bible. He recounted the story of Solomon and the two women quarrelling over a child. Smith's parable gave the judge a formula for his decision, and the court held for the defendant. Harrington, the judge declared, was the one party who had no desire to damage the property under contention.

Doolittle took his defeat in good part. After the trial, in fact, he talked with Smith and offered to help him get a legal education. He sent back to Cincinnati for books, and Platt began the reading that was ultimately to make him a counselor of rail-

road tycoons and a practitioner before the highest courts in the country. Meanwhile, Harrington, delighted with his victory, talked up Smith and his legal acumen all over Maquoketa and Bellevue. Almost immediately, the novice attorney got permission of Henry Hopkins, a Bellevue lawyer, to clerk and read law in his office. Smith arrived in the river-bank village in December of 1842 with the law books he had acquired from Doolittle.

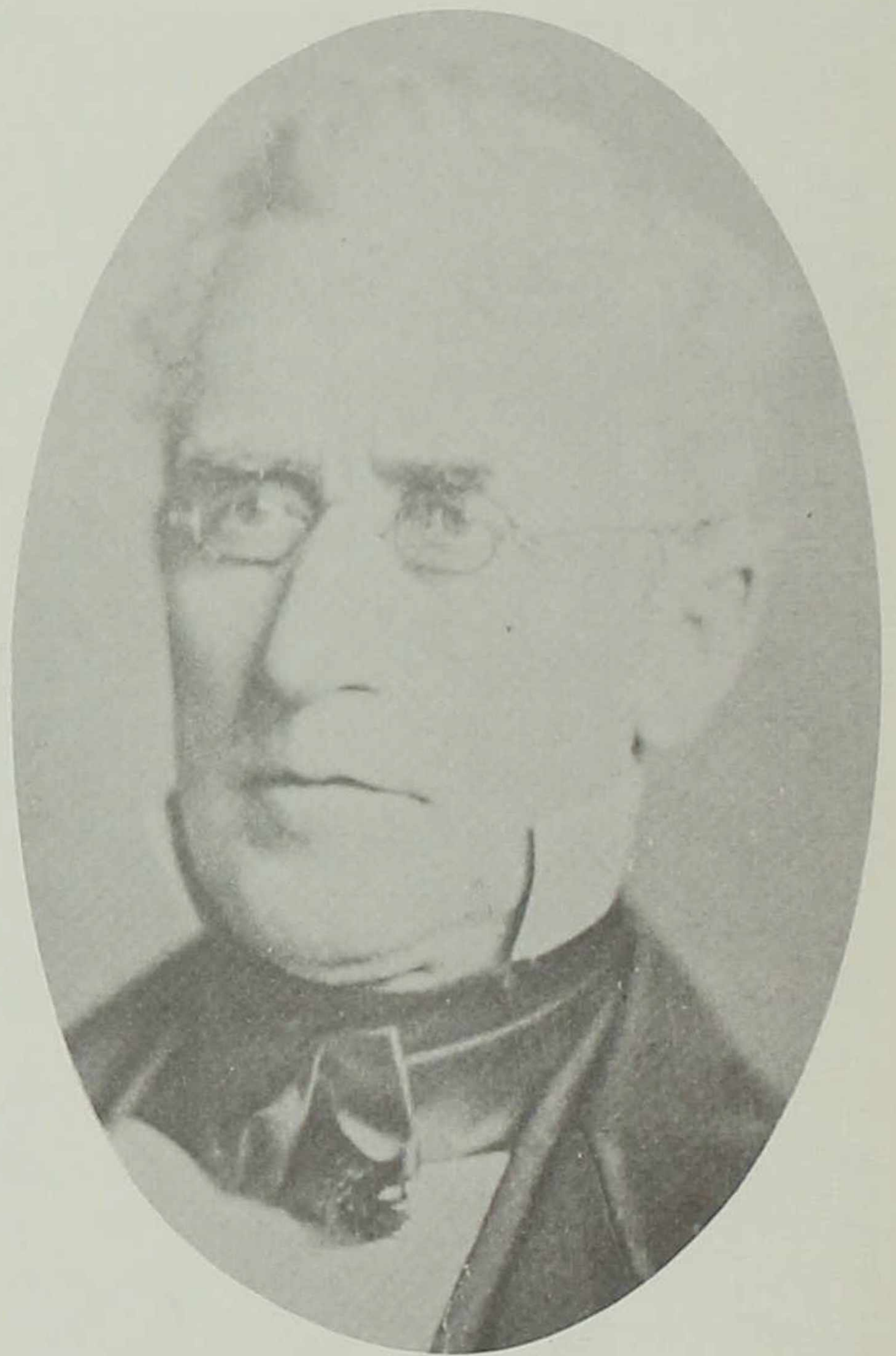
The report of the Maquoketa trial had spread through the region, and within two days of his arrival, Smith had another "forcible entry and detainer" case. His opponents in this action were his own employer Hopkins and another Bellevue attorney, James K. Moss, an ex-Clerk of

the District Court and then Circuit Judge. Smith won this case as well and found himself in great demand as counsel in land-claim suits. The narrow, but persistent, drilling in one legal form provided Smith with a chance to hone his considerable persuasive ability and to become familiar with court procedures, and proved a tough but effective apprenticeship in frontier law.

In the 1840s, men of ambition moved quickly when given a chance to develop their careers. Platt Smith was no exception, and he decided to become a member of the Dubuque bar. In February 1843, he went to the city, spent several days watching the courts in action, and then asked to be examined for admission to practice. The Dubuque lawyers were skeptical. The attorneys and judges to whom he put this request refused him on the grounds of insufficient training. As compensation, one man offered to get him an apprenticeship to a harness maker.

Undaunted, full of confidence from his Jackson County successes (and, perhaps, his observations of the Dubuque bar in action), Smith refused the offer and announced he intended to be a lawyer. The *Dubuque Herald* described his campaign for admission to practice:

He then returned to his old friend Goodnow at Maquoketa....he paid Doolittle for his books, and a few days after took passage on a raft for Muscatine, working his passage by piloting the raft. He then went to Tipton, where Judge Williams' court was in session, changing his clothes and leaving his pocketbook. He viewed the court for a few minutes, and introduced himself to Ralph P. Lowe, since Governor and Chief Justice of the state, from whom he borrowed \$10, and requested admission to the bar. The examination was satisfactory, obtaining a



Judge Joseph Williams

certificate of admission dated March 27. He then returned to Muscatine, paid his debt, and returned home....At Andrew, Jackson County, soon after, the judge was surprised to find Mr. Smith's name marked as counsel in 35 cases out of 42, when he had been refused admission to the bar in Dubuque. The judge was ever after a good friend of Smith. The cases were disposed of in five days.

Platt Smith was not only working his way into Dubuque law, he was making useful and important contacts. Judge Williams, who examined Smith at Tipton, was an influential leader of the profession. During 1846-47, Williams and T. S. Wilson, Platt's future partner, were justices of the Iowa Supreme Court. The "Andrew Clique" of lawyers and officials

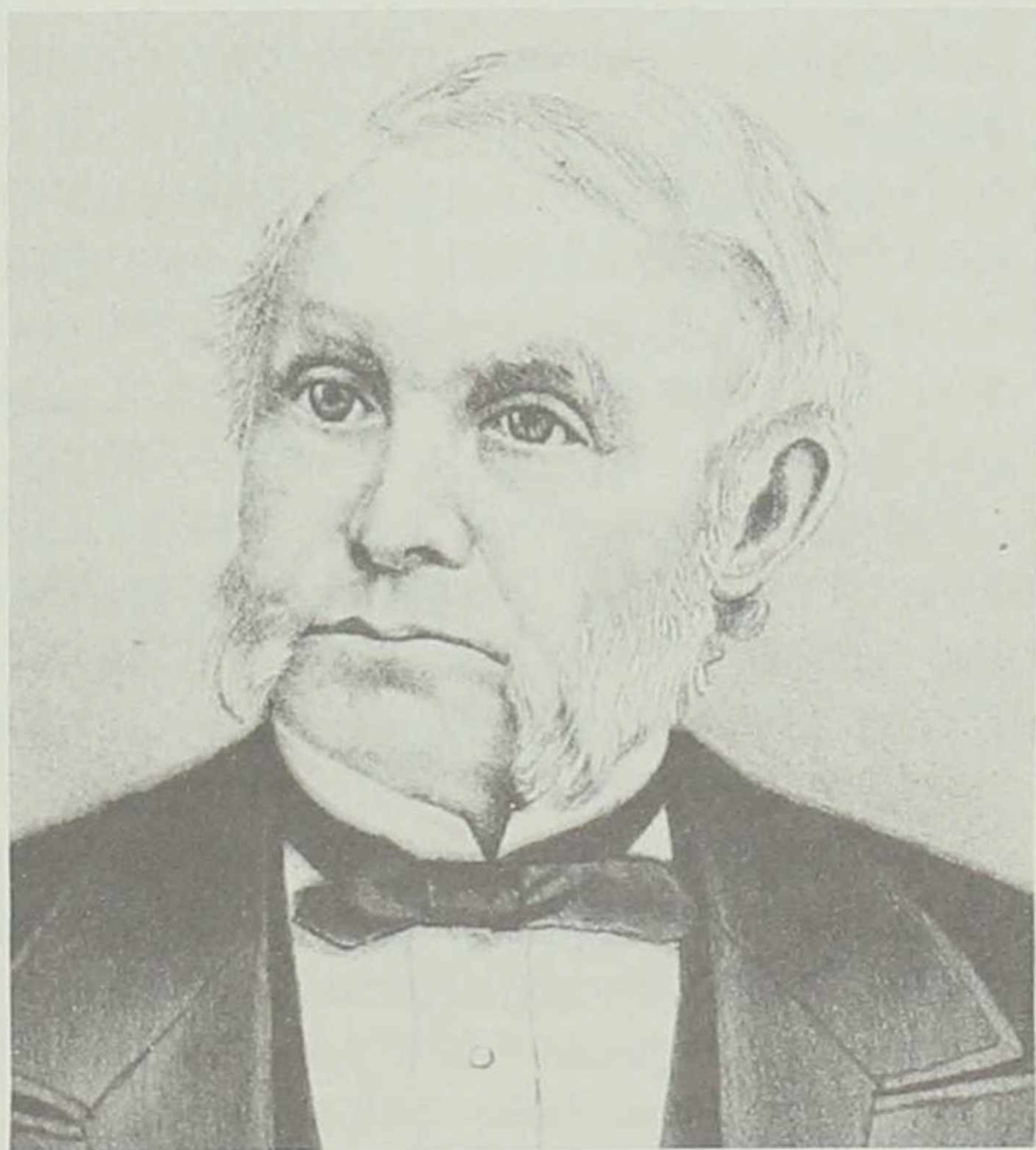
was a political power in territorial Iowa. Smith's connections now included these as well as the Goodnows, Ralph P. Lowe, and Hopkins and Moss of Bellevue.

In the mid-1840s Smith shifted his practice from claims cases to criminal defense. Turbulent frontier areas, Dubuque and Jackson counties were just beginning to see the development of a settled farm and town society. But the economy included lumbering, lead mining, and river commerce as well. The men who worked in these trades were a rough lot, leading the kind of life that often brought them into direct conflict with the farmers and townspeople. Local law enforcement could barely maintain order, if at all. Gangs terrorized the country, and vigilante groups like the "Wapsie Rangers" and the "Brush Creek Rangers" organized to stop them. It was a touchy situation in which to defend criminal cases, but Smith became so skilful at it that he and his clients were the subject of several public protest meetings. Again, it was valuable experience. Confrontations with Supreme Courts and railroad magnates were not likely to daunt a man successful in challenging the shotgun justice of Jackson County.

Iowa's admission to statehood in 1846 brought a somewhat more orderly society. Smith changed his practice to civil cases and increased his number of connections. By 1847, he had finally been listed as a member of the Dubuque bar, and in 1848, he went into partnership with Judge T. S. Wilson. The two men financed the construction of the Globe Building in downtown Dubuque. Platt was admitted to practice before the Iowa Supreme Court and argued 16 cases there in the July term of 1851. Then, in the December term of 1852, he was admitted to practice

before the Supreme Court of the United States.

A year later he assisted in the pleading of two significant cases before the country's highest court. Each of these actions helped to set a firm legal base for the development of Dubuque as a center of business and communication. One case affected the land rights of recent settlers in the area known as the "Spanish Grant," which covered the eastern portion of Dubuque County and a part of the city. This was *Chouteau v. Molony*, in which the Chouteau family challenged the rights of a settler representing many others who had occupied the land under the laws of the United States. The plaintiffs based their claim on the will of the early settler Julien Dubuque. They alleged that he had received the property by a contract with the Indian occupants, and that the contract had been confirmed by the Spanish governor at New Orleans. Platt Smith and his senior associate T. S. Wilson

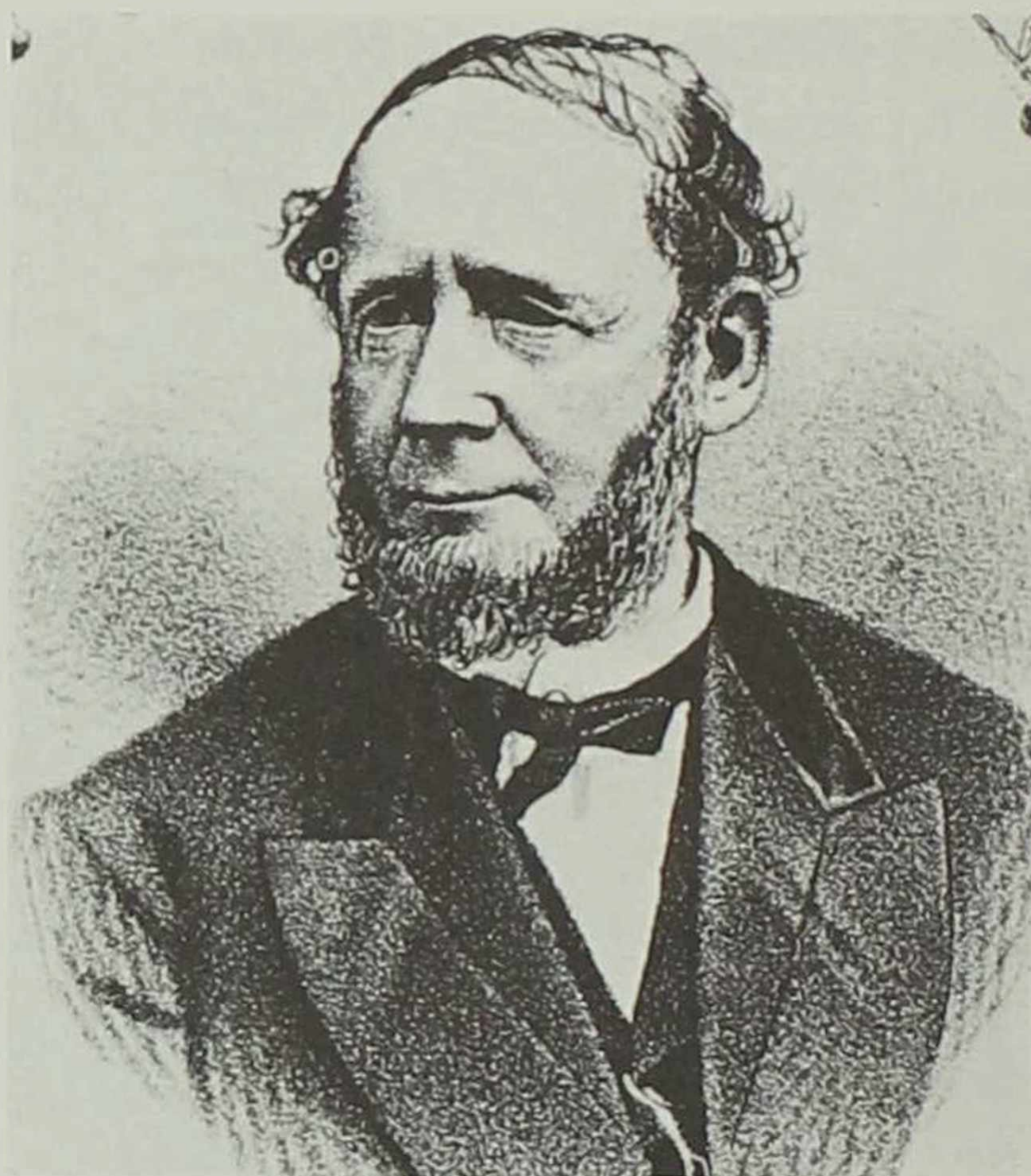


Ralph P. Lowe (from Portrait and Biographical Album of Lee County, Iowa, 1888).

were able to show that neither the will nor the governor's statement were clear enough to give undisputed title. The rather shaky Chouteau side of the case had been argued by a former Attorney-General of the United States. This man was the distinguished lawyer and politician Reverdy Johnson, who was later to become one of Smith's influential contacts in Washington.

A second successful defense was achieved by Platt Smith in the case of *Fanning v. Gregoire and Bogy*. The litigation here involved the rights of operation of a ferry line from Dunleith (modern-day East Dubuque) in Illinois across the Mississippi River to Dubuque. It was a situation in which only one carrier could have the franchise. Timothy Fanning, who ran a water-front tavern, had acquired a territorial permit. Charles Gregoire, whose family had run the main ferry line from Dubuque to Dunleith since 1838, had dropped his territorial permit and taken a Dubuque city license for the route when Iowa became a state. During 1852-53 Gregoire made arrangements to sell his equipment and route to the Illinois Central Railroad for \$40,000. Fanning, who aimed to acquire the Gregoire route, sued with the claim that his permit took precedence over a mere city license. Wilson presented this case, and Smith argued for the Gregoires. He showed that the city license was really an act of the new state, and therefore superior to a territorial permit. Like the Chouteau case, this result was a confirmation of the legal status of Iowa and its citizens against claims based on territorial or colonial law.

But the two cases were important for another reason. They helped to create a solid legal base, in transport and settlement rights, for the growth of the new rail-



T. S. Wilson (from Andreas Atlas).

road. And in 1853, Platt Smith was becoming very interested in Iowa's railroads.

The year 1853 was a turning point for Platt Smith. Not only did he argue his cases before the Supreme Court, but he shared in the founding of the Dubuque & Pacific Railroad. The community at this time was dizzy with railway fever. John Plumbe, the tragic visionary of railroad history, lived in Dubuque. He held meetings, explored the West, and sought to organize public opinion in favor of a road to the Pacific Coast. During 1845-50, the famous promoter Asa F. Whitney urged the building of a national road, including a passage through Northern Iowa. Platt Smith had first indicated his interest in transportation as one of the founders of a local plank road company in 1852. Then he became associated with the railroad development ambitions of the colorful Iowa Senator George Wallace Jones. With a view to the railroad's future in Dubuque, he spent \$1,000 to aid the survey of the Illinois Central route from Galena to

Dunleith.

Two Illinois Central men were included as incorporators in the new Dubuque & Pacific Railroad. These were Robert Schuyler and the construction engineer Roswell B. Mason. Another D. & P. founder was the wealthy land agent H. W. Sanford, who, like Platt Smith, also had migrated from Chenango County, New York. Senator George Wallace Jones was a member, as was Frederick Jessup, a Dubuque banker whose brother Morris of New York would later take over the company. Others in the group included: Judge John Dyer of Dubuque and the mine-owner Lucius Langworthy. The merchant and riverboat entrepreneur Jesse P. Farley was elected the first president. Platt Smith, as member and attorney, drew up the articles of incorporation on April 28, 1853. Of these men, Mason, Farley, and Smith were to be the most active figures of the company as it struggled through public criticism, depression, and reorganization to push its track westward. And Mason and Farley were among those who accused Smith of "betrayal" when he left the company during the quarrels of 1867.

The D. & P. and its successor roads were not the only companies in which Platt Smith participated. In 1861, he did legal work for John I. Blair's Cedar Rapids & Missouri River Line, and in 1864 he shared in the incorporation of the Sioux City & Pacific. The latter, also a Blair road, was a Union Pacific feeder line, which was finished in 1868 as a link between Council Bluffs and Sioux City. The Dubuque & Southwestern, connecting Farley and Cedar Rapids, was also a railroad that Smith helped to establish. Another project in which he shared was an "Eldora Venture" to develop coal and rail proper-

ties in that region. In 1868, he helped found the Dubuque & McGregor, and later supported the building of its sister line, the Dubuque, Bellevue & Mississippi. These river roads finally linked Clinton with the Twin Cities, and by 1880 had been acquired by the Milwaukee system.

After 1870, Smith kept up his interest in his Dubuque projects, did infrequent legal work, and lived on his stock income. In his last years he was bedridden with the strokes and paralysis which brought his death in 1882. His great contributions to transportation had been made as initiator, advocate, and advisor of projects that men of greater financial resources carried to completion.

The general pattern of Platt Smith's rise was not unusual. Many eminent men of the period were poor boys who worked at a variety of jobs, had few years of grammar school, and acquired practical education and taste for business by clerking in a store. It was the upward route of John Blair, Lincoln, and Carnegie. The striking features of Smith's story were his later beginning in the legal profession (at age 29) and his rapid progress in legal self-education. The quickness with which he developed skill in legal argument can be explained in part by his broad general working experience. The facts and relationships of business and labor were familiar to him. The narrow but steady training of the squatter cases undoubtedly helped him in his early career. He had a talent for making important friends, like the Goodnows, T. S. Wilson, Ralph Lowe, and George Wallace Jones. He later knew and influenced Reverdy Johnson, William B. Allison, John I. Blair, and, in the

one case, Andrew Carnegie. The impression he made on Harrington and Doolittle, the parties in his very first case, says much about the impact of his mind and personality.

Many of these friendships were abiding ones. When he was in Washington, D.C., in January 1874, Senator Allison brought him the sad news of his wife's death. Two old allies outlived him. T. S. Wilson led the Dubuque Bar Association in its eulogy of

Smith at his death, and the aged George Wallace Jones helped bear him to his last resting place in Linwood Cemetery.

Platt Smith's odyssey from accidental participation in a squatter case to winning argument before the Supreme Court, in less than 11 years, was a great individual achievement. It marks the Iowa frontier, not merely as a rough, progressive environment, but also as a challenging stimulant of a man's intellectual growth. □

Note on Sources

The principal sources for this article were Dubuque newspapers, histories of Dubuque and Jackson counties, and letters of Platt Smith and other railroad leaders as found in the Illinois Central Archives at Newberry Library, Chicago. Newspaper references were the *Dubuque Herald*, July 13, 1882 and the *Dubuque Daily Times*, January 27 and 28, 1874, and July 15, 1882. The chief histories were F. T. Oldt, *History of Dubuque County*, (Chicago, 1911), C. Childs, *History of Dubuque County, Iowa*, (Chicago, 1880), and J. W. Ellis, *History of Jackson County, Iowa*, (Chicago, 1910). In A. T. Andreas, *Illustrated Historical Atlas of Iowa (1875)*, (Chicago, 1875), there is a small picture of Platt Smith and a short biographical sketch. The pamphlet, *Platt Smith*, by John R. Wallis, was also most helpful. These and other references were supplemented by the Obert study of the 1840 Census of Iowa, and the *United States Supreme Court Reports* for the terms of 1852, 1853, 1855, 1859, and 1863. Platt Smith's physical size and early legal style are indicated in the "Reminiscences of Anson W. Wilson," in *Annals of Jackson County*, published in 1906 (pp. 43-50).

Other important books for the subject were T. C. Cochran, *Railroad Leaders*, (Cambridge, Mass., 1953), Leland Sage, *William B. Allison*, (Iowa City, 1956), and Carlton Corliss, *Mainline of Mid-America*, (New York, 1950). Also valuable were railroad history articles by Frank Donovan and by W. J. Petersen in many issues of *The Palimpsest*. Insights on Platt Smith's role ca. 1860 are given by Leonard F. Ralston, "Iowa Railroads and the Des Moines Valley Land Grant," *Iowa Journal of History*, (April 1958), and "Railroad Interests in Early Iowa," *Annals of Iowa*, (Winter 1973).

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