

## CHAPTER V.

BENCH AND BAR OF ALEXANDER COUNTY—STATE JUDICIARY AND EARLY LAWS CONCERNING IT—JUDICIAL COURTS, HOW FORMED—FIRST JUSTICES OF THE SUPREME COURT—WHO CAME AND PRACTICED LAW—JUDGES MULKEY, BAKER, I. N. HAYNIE, ALLEN, GREEN, WALL, YOCUM, LINEGAR, AND LANSDEN—LOCAL LAWYERS, ETC.

"The ethics of the Bar comprehends the duties of each of its members to himself."

THE first constitution of the State declared that the judicial power of the State of Illinois should be vested in one Supreme Court and such inferior courts as the General Assembly should, from time to time, ordain and establish.

The Supreme Court was vested with appellate jurisdiction, and, except in cases relating to the revenue, in cases of *mandamus*, and such cases of impeachment as might be required to be tried before it. It consisted of a Chief Justice and three Associates, though the number of Justices might be increased by the General Assembly after the year 1824.

The Justices of the Supreme Court and the Judges of the inferior courts were appointed by joint ballot of both branches of the General Assembly, and commissioned by the Governor and held their offices during good behavior until the end of the first session of the General Assembly, which was begun and held after the 1st day of January in the year 1824, at which time their commissions expired, and until that time the Justices of the Supreme Court were required to hold the Circuit Courts in the several counties in such manner and at such times, and were to have and exercise such jurisdiction as the General Assembly should by law prescribe.

But after the period mentioned, the Justices of the Supreme Court and the Judges of the inferior courts held their offices during good behavior; and the Justices of the Supreme Court were no longer compelled to hold the Circuit Courts unless required by law. The State was accordingly divided into four judicial circuits, within which the Chief Justice and Associate Justices of the Supreme Court were assigned to perform circuit duties, which they continued to do until the year 1824.

On the 29th of December, 1824, an act was passed declaring that, in addition to the Justices of the Supreme Court, there should be appointed by the General Assembly five Circuit Judges, who should continue in office during good behavior, and by the same act the State was divided into five judicial circuits. Thus, for the first time, the Justices of the Supreme Court were relieved from the performance of circuit duties, which now devolved upon the five Circuit Judges.

The Circuit Judges, however, were permitted to remain in office only about two years as, by the act of the 12th of January, 1827, those sections of the act of 1824 which provided for the appointment of five Circuit Judges, and dividing the State into five judicial circuits, were repealed, and the State was again divided into four judicial circuits, in which the Chief Justice and three Asso-

ciate Justices were again required to perform circuit duties.

The Justices of the Supreme Court then continued to hold all the Circuit Courts until a Circuit Judge was elected by the General Assembly, in pursuance of the act of January, 1829, which declared that there should be elected by joint ballot of both branches of the General Assembly at that session, one Circuit Judge who should preside at the circuit to which he might be appointed, north of the Illinois River. A Circuit Judge was elected in pursuance of that act, and at the same time the Fifth Judicial Circuit was created in which the Circuit Judge was required to preside, the Justices of the Supreme Court continuing to perform their duties in the other four circuits. This remained the law until January 7, 1835, when the act was repealed, and it was provided that there should be elected by the General Assembly five Judges in addition to the one provided for by law. The Justices of the Supreme Court were thus again relieved from the performance of circuit duties.

The judiciary remained unchanged until 1841, when the number of judicial circuits and of Circuit Judges were increased from time to time, as the business of the courts required.

The judiciary of the State was re-organized by the act of February, 1841, which repealed all former laws authorizing the election of Circuit Judges or establishing the Circuit Courts, thus again legislating out of office all the Circuit Judges in the State. The act then provided there should be elected by joint ballot of both branches of the General Assembly, five Associate Judges of the Supreme Court, who, in connection with the Chief Justice and the three Associates, then in office, should constitute the Supreme Court of the State. At the same time the

State was divided into nine judicial circuits and the Chief Justice and eight Associates were required to perform circuit duties in those circuits. As thus organized, the judiciary remained until it was re-organized by the constitution of 1848.

Under the constitution of 1818, the Supreme Court was the only one created by that instrument, and the Circuit Court had no existence except by legislative enactment. But upon organizing the judiciary as it existed under the constitution of 1848, the Circuit Courts constituted a part of the judicial system as created by the new constitution—it being declared in that instrument that the judicial power of the State shall be vested in one Supreme Court, in Circuit Courts, in County Courts and in Justices of the Peace, and the General Assembly is authorized to establish local inferior courts of civil and criminal jurisdiction in the cities of the State.

The Supreme Court consisted of three Judges. The State was divided into three grand divisions, the people in each division electing one Judge. The State was divided into nine judicial circuits, which were increased as necessity required from time to time. In each of these circuits the people elected one Judge. All vacancies were to be filled by re-election. It required that there should be two or more terms of the Circuit Court held annually in each county. The Circuit Courts to have jurisdiction in all cases at law and equity, and in all cases of appeal from inferior courts.

The constitution of 1870 vested the judicial powers in one Supreme Court, Circuit Courts, County Courts, Justices of the Peace, Police Magistrates, and such courts as may be created by law in and for cities and incorporated towns.

The Supreme Court consists of seven Judges,

and has original jurisdiction, similar to that given by the constitution of 1848. There is one Chief Justice selected by the court; four Judges constitute a quorum, and the concurrence of four Judges is necessary to a decision. The State is divided into seven districts, one Judge being elected in each. The election occurs on the first Monday in June. The term of office is nine years.

The Legislature of 1877 created four Appellate Courts and provided the following districts: The first to consist of the county of Cook, the second to include all of the Northern Grand Division of the Supreme Court except the county of Cook; the third to consist of the Central Grand Division, and the fourth the Southern Grand Division of the Supreme Court. Each court to be held by three of the Judges of the Circuit Court to be assigned by the Supreme Court, three to each district, for the term of three years at each assignment. The Appellate Court holds two terms annually in each district.

The Legislature in 1873 divided the State, exclusive of Cook County, into twenty-six judicial circuits. In 1877, an act was passed, in order to provide for the organization of the Appellate Court, to increase the number of Circuit Judges, and it divided the State into thirteen districts and provided for the election of one additional Judge in each district, in August, 1877, for two years, making three Judges in each district, and thirty-nine in the State.

In June, 1879, three Judges were elected in each of the thirteen judicial circuits, as provided by the act of 1877.

The first Justices of the Supreme Court at the organization of the State were Joseph Philips, C. J., Thomas C. Browne, William P. Foster and John Reynolds, all appointed October 9, 1818. Foster resigned July, 1819, and Philips July, 1822. John

Reynolds, C. J., in 1822, and William Wilson added to the court in July, 1819. In 1825, Wilson, Chief Justice, and Associates, same date, Samuel D. Lockwood, Theophilus W. Smith and Thomas C. Browne. Theophilus W. Smith resigned December 26, 1842. He had been impeached, and his trial and acquittal were among the exciting events of the early days in the State.

In February, 1841, the Supreme Court was composed of Thomas Ford, Sidney Breese, Walter B. Scates, Samuel H. Treat, and Stephen A. Douglas. The last named resigned in 1843. Ford and Breese resigned in 1842 and Scates in 1847. In 1842, John D. Caton was elected, vice Ford. In 1843, James Sample, vice Breese. Richard M. Young was elected in 1843, and resigned in 1847. John M. Robinson was elected March, 1843, died April 27, same year. John D. Caton was elected, vice Robinson; Jesse B. Thomas, vice Douglas; Sample resigned and James Shields appointed August, 1846. Shields resigned and Gustavus Keorner was elected. W. A. Denning appointed, vice Scates; Jesse B. Thomas appointed, 1847. Samuel H. Treat, Chief Justice in 1848; John D. Caton, same year; Lyman Trumbull appointed December 4, 1848, resigned July, 1853; Walter B. Scates, Chief Justice, 1854, resigned May, 1857; O. C. Skinner, appointed June, 1855, resigned April, 1858, whereupon Sidney Breese was made Chief Justice and held the office until June, 1878; Pinkney H. Walker appointed, vice Skinner, and was Chief Justice until 1867; Breese was again elected, 1861, and was re-elected 1870.

Corydon Beckwith was elected, vice Caton, January, 1864, term expired June of same year; Charles B. Lawrence succeeded Beckwith, June, 1864, and held office to June, 1873; Pinkney Walker, elected June, 1867, re-elected in 1876; Sidney Breese, again elect-

ed, 1870, died June 28, 1878; Anthony Thornton, elected 1870, resigned 1873. John M. Scott, Benjamin R. Sheldon, W. K. McAllister were elected June, 1870. The latter resigned November, 1875; John Schofield elected, vice Thornton, June, 1873, and re-elected June, 1879; Alfred M. Craig, elected 1873, to succeed Lawrence; T. Lyle Dickey, 1875, to succeed McAllister; Pinkney H. Walker, re-elected June, 1876; David J. Baker, appointed, vice Breese, July, 1878, retired June, 1879; John M. Scott, Benjamin R. Sheldon, John Scholfield and T. Lyle Dickey, re-elected June, 1879; John H. Mulkey, elected to succeed Baker June, 1879.

Under the act of 1826, making five judicial circuits, the Judges appointed were John Y. Sawyer, First District; Samuel McRoberts, Second District; Richard M. Young, Third District; James Hall, Fourth District; and James O. Wattles, Fifth District. In 1829, Richard M. Young was appointed Judge of the single district that then comprised the entire State.

Under the constitution of 1848, Alexander, Pulaski and Union Counties were a part of the Third Circuit. The first Judge was William A. Denning, commissioned December, 4, 1848. He was succeeded by W. K. Parrish, who was commissioned January 4, 1854; re-commissioned June 25, 1855, resigned June 15, 1859; Alexander M. Jenkins, commissioned August 27, 1859, vice Parrish, resigned; re-commissioned July 1, 1861, died February 13, 1864. John H. Mulkey, commissioned April 2, 1864, vice A. M. Jenkins, deceased; resigned and was succeeded by W. H. Green December 28, 1865. Monroe C. Crawford, elected and commissioned June 27, 1867.

The act of March, 1873, dividing the State into twenty six circuits, one Judge to be elected to each circuit. David J. Baker

was elected Circuit Judge for this Twenty-sixth Circuit.

Under the act of 1877, making thirteen judicial circuits, the following have been elected in the First Circuit: Baker, Browning and Harker. D. J. Baker was assigned to the Appellate Court in June, 1879, and again in 1882.

William Wilson at the time of his elevation to the high and honorable position of Chief Justice of Illinois was but twenty-nine years old, and had been already five years on the Supreme Bench as Associate Justice. He was born in Loudoun County, Va., in 1795. When quite young, his father died, leaving his widow with two sons and an embarrassed estate. At an early age, his mother obtained for him a situation in a store; but the young man displayed no aptitude for the business of merchandising, and, young as he was, developed an unusual greed for books, reading every one attainable, to the almost total neglect of his duties in the store. At the age of eighteen, he was placed in a law office under the tuition of the Hon. John Cook, who ranked high as a lawyer at the bar of Virginia, and who also served his country with honor and distinction abroad as Minister to the Court of France. In 1817, young Wilson came to Illinois to look for a home, and such was his personal bearing and prepossessing appearance that one year later, at the inauguration of the State government, his name was brought before the Legislature for Associate Supreme Judge, and he came within six votes of an election. Within a year, as will be seen above, he was chosen in the place of Foster. For five years, he served the people so acceptably on the bench as to be at this time chosen to the first position by a large majority over the former Chief Justice, Reynolds. This was the more a mark of approbation because Judge Wil-

son was totally devoid of, and never in his life could wield any of the arts of the politician or party schemer. As regards political intrigue, he was as innocent as a child. He was singularly pure in all his conceptions of duty, and in his long public career of nearly thirty years, as a Supreme Judge of Illinois, he commanded the full respect, confidence and esteem of the people for the probity of his official acts and his upright conduct as a citizen and a man. His education was such as he had acquired by diligent reading and self-culture. As a writer, his diction was pure, clear and elegant, as may be seen by reference to his published opinions in the Supreme Court reports. With a mind of rare analytic power, his judgment as a lawyer was discriminating and sound, and upon the bench his learning and impartiality commanded respect, while his own dignified deportment inspired decorum in others. By the members of the bar he was greatly esteemed; no new beginner was ever without the protection of almost a fatherly hand in his court against the arts and powers of an older opponent. In politics, upon the formation of the Whig and Democratic parties, he associated himself with the former. He was an amiable and accomplished gentleman in private life, with manners most engaging and friendship strong. His hospitality was of the Old Virginia style. Seldom did a summer season pass at his pleasant country seat about two miles from Carmi, on the banks of the Little Wabash, that troops of friends, relatives and distinguished official visitors did not sojourn with him. His official career was terminated with the going into effect of the new constitution, December 4, 1848, when he retired to private life. He died at his home in the ripeness of age and the consciousness of a life well spent, April 29, 1857, in his sixty-third year.

The Common Pleas Court of Cairo was organized by law in 1857, and Isham N. Haynie was appointed Judge and John Q. Harmon, Clerk. In 1860, J. H. Mulkey was Judge and A. H. Irvin Clerk. The office of Register of Deeds was created and the Clerk of the Common Pleas Court was *ex officio* Register. Judge Mulkey continued to preside, and Mr. Irvin was Clerk until the court was abolished in 1869.

The destructive fire that consumed Springfield block in 1858, where were the court rooms, destroyed the records, inflicting thereby a great loss and inconvenience to property owners. Record Books A and B and F and H were consumed, as were also transcribed Book I, which contained transcripts of all deeds pertaining to the city. The deeds in these records were recorded when they could be obtained, but many could not be found, and there is, therefore, a missing link in the chain of many of the record titles.

Judge Mulkey.—The bar of Cairo may be dated as really commencing an active and prominent existence in 1859-60. But few local lawyers of any especial prominence located in the county prior to that time. It will be remembered that in the history of the city of Cairo we had occasion to mention the first lawyer ever to swing out his shingle in the county was one "Gass, attorney at law." The local wits of that time said the name was very appropriate to his profession, and when they read "Ten Thousand a Year" and became acquainted with Lawyer "Gammon," they insisted that Gammon and Gass should form a partnership. This reminds the writer of the first time he was in Robinson, Crawford County, as he drove down street, one of the most attractive signs he saw was "Robb & Steele, Attorneys at Law." These worthy gentlemen and able lawyers

are still in Robinson, but some years ago dissolved partnership, and the sign was taken down.

The conspicuous figure that has been evolved from that large bar of Alexander County is Judge John H. Mulkey, at present a member of the Supreme Court. We regret we cannot give a complete biography of the man, and have to be content to give rather a sketch of his mental and personal characteristics. This necessity comes from the Judge's excessive timidity about appearing in print at all, and hence, when our interviewer seized upon him he found him as mute about himself as the grave. We only know from others that he was born in Kentucky about 1823, and with his father's family came to Illinois and settled in Franklin County. The family were farmers, and the Judge, being always inclined to physical delicacy, soon discovered that he was not specially adapted to farm life. His opportunities for education had been fair, and from early childhood he was noted as a persistent reader of books—literally devouring the contents of nearly everything that came in his way. When about twenty-five years old, he essayed to become a merchant, and opened a little cross-roads store somewhere near the county line. He volunteered as a private in Company K, Second Regiment, in the Mexican war, and was promoted to a Sergeant and afterward was elected Second Lieutenant of his company. When he returned from the war, he resumed the ferule in the country schoolhouse, and here, as David Linegar tells us, he "read law in the brush," and was his own preceptor. Afterward, he read law for some time in Benton, Franklin County.

He tried farming for some time, but his success was indifferent. After his return from the Mexican war, he kept a small store in Blairsville, Williamson County, and going

unfortunately into a hoop pole speculation (loaded a flat-boat that sunk on the way), was bankrupted. He then attempted with his ax to clear a farm, and he worked and struggled hard, but with very poor success. He removed to Perry County, and was admitted to the bar in 1857. His father is a minister of the Christian Church, and is now a very old man, residing in Ashley, Washington County. This gentleman, during the early years of his son, John H., determined to prepare him for a minister of that church. The son made, no doubt, a faithful effort to fulfill his father's wishes in this respect, but while he was noted for his piety, his perfect accomplishment of purposes here was not much better than his farming or merchandising.

When admitted to the bar, he commenced the practice, and traveled over pretty much all the counties of Southern Illinois. He made friends wherever he went, and his love of frolic and innocent fun were strong characteristics. His early backwoods life, perhaps, made him seem at times somewhat awkward in his movements in the company of young people, but his old friends in Union County insist that when visiting them he never missed an opportunity to attend a good, old-fashioned country dance. He was plain, unassuming and fun-loving in his young manhood, and yet he must have been a close, hard-working student in order to carve out the bright and honorable career that lay before him.

In 1860, he located in Cairo and formed a partnership with Judge D. J. Baker, Jr., and from this time we may date his rapid rise to the head of the bar in Southern Illinois and thence to his present great eminence as the master spirit of the Supreme Court of Illinois. His intellectual gifts are of the highest order; his social qualities have

called about him troops of sincere and admiring friends. In the practice of his profession, he strove not to rely upon the arts of the orator, but rather *to know the law*, and his wonderful analytic powers of mind crowned him master, either as an attorney before the courts, or as a Judge upon the bench. Of the many lawyers that have adorned by their pure lives and great genius the bench and bar of Illinois, Judge Mulkey will go into history as the conspicuous, pre-eminent figure, leaving here an impress that will never fade.

He owes nothing to fortuitous circumstances, fortunate surroundings or the advantages of powerful friends at court, to advance him along the highway, where youth, inexperience and poverty are so much in need of those adventitious aids. But alone, and by the inherent strength of mental power, he has achieved, apparently without effort, the prize for which so many ambitious men have toiled and struggled so long and so hard, and then failed to reach.

Judge D. J. Baker was born in Kaskaskia on the 20th of November, 1834, the third son of the late Judge D. J. Baker, of Alton, Ill. He graduated at Shurtleff College in 1854, carrying off the prize of the Latin oration. He read law in his father's office and was admitted to the bar in 1856. He opened an office in Cairo the same year, and commenced the practice of his profession. He voted for Fremont, his first vote, in 1856, and there has been no perceptible change in his politics since, although his real friends and supporters, from the first day especially of his public life, to the present, have been the strongest kind of Democrats.

He was elected Mayor of Cairo in 1864 and served one year. In March, 1869, was elected Judge of the Nineteenth Judicial Circuit. A full account of his official career

to date is given in the preceding chapter.

The writer first made Judge Baker's acquaintance in the early part of 1863. He was then in partnership with Judge Mulkey, and they were the leading firm in Cairo—Baker, the office lawyer, and Mulkey, the court lawyer, and this was a combination that best adjusted each to his place and thus formed a strong combination. Baker was at that time a very affable young man, dressed better than he does now, and was noted for having by far the finest law office in the city. His whole nature was genial and pleasant, so much so, indeed, that the most rabid Democrat would always forget he was a Republican when he wanted an office. While the girls were free to confess he was a little odd as a beau, yet he married the belle of the town, Miss Sarah Elizabeth White, daughter of John C. White, July, 1864.

The turning point in Judge Baker's life was when he was elected Judge in 1869. His Democratic friends in Cairo who knew him the best brought this about in the faith that as Judge his success in life would be assured. They were not mistaken. His competitor in that election was Judge Wesley Sloan, one of the ablest Judges of his day in the State, who had long been upon the bench and whose chair it was no easy matter to fill successfully. Yet so well did Judge Baker fulfill the expectations of his Cairo friends in this respect that he has held the place for all these years, and portions of the time has been elected without opposition.

We can pay no higher compliment to his kindness of heart, purity of purpose, exalted integrity, tenacity of friendship and profound abilities as a just and upright Judge than to tell the short story of his life as we have given it above.

His father the late D. J. Baker, of Alton, was one of the early eminent jurists of Southern Illinois. He was among the first visiting lawyers to Alexander County, and in an early day was the Prosecuting Attorney of this district. He was for many years one of the most prominent lawyers of the State.

Judge Isham N. Haynie was of the modern bar of Cairo and of the earliest comers. He came to this county from Salem, Marion County. For some time he was Judge of the Common Pleas Court of Cairo, and resigned that office to enter the army in 1861. Entering as a Colonel, he was promoted to Brigadier General soon after the Fort Donelson battle. He was Adjutant General of the State in 1865, and died in Springfield in 1866. He was known as an able and careful lawyer, and noted for his suavity of manners.

Judge W. H. Green was born in Danville Boyle Co., Ky., December 8, 1830, and was the son of Dr. Duff Green and Lucy (Kenton) Green. His father was an eminent and scientific physician, and his grandfather, Willis Green, one of the earliest settlers of Kentucky and was the first delegate from the District of Kentucky to the Virginia Legislature, and was Register of the Kentucky land office while it was a Territory, and Clerk of the first District Court organized in the Territory. His ancestors were among the early settlers of Virginia, and were extensive land owners in the Shenandoah Valley. They came originally from the province of Leinster, in Ireland, about the year 1830. His mother was a niece of Simon Kenton, celebrated in the early days as an Indian fighter, and of Scotch parents.

Judge Green was educated at Center College, Danville, Ky., and without graduating, became a fair classical scholar, and has all his life been an extensive reader of history,

belle lettres, and kept pace with the modern investigations of scientific investigators. His range of thought and study has been extensive and profound, and, whether as a lawyer, judge, politician, writer for the press, either political or literary, or in social life, his accomplishments were varied and his abilities of a commanding order. He was twice in the House of the State General Assembly and one term as State Senator; a delegate to four National Democratic Conventions, namely, Charleston, Chicago, New York and Cincinnati. Has for years been a member of the State Central Committee, and for twelve years has been Chairman of the District Central Committee; for the past twenty-two years has been a member of the State Board of Education—the only Democrat in that body.

In 1846, the family removed to Illinois and settled in Mount Vernon, Jefferson County, where his father practiced his profession till his death in 1857.

Judge Green taught school in Benton and in St. Louis County Mo., and in Mount Vernon, Ill., and was during the time reading law under the direction of Judge Walter B. Scates, and he was admitted to the bar in 1852, and opened at once an office in Mount Vernon. He continued the practice here for one year, and removed to Metropolis, Ill., where for ten years he was a successful practitioner of his profession. In 1863, he removed to Cairo, where he has continued to reside. He is the senior attorney in the law firm of Green & Gilbert (the brothers William and Frederick), and in all the courts of the State this firm does a leading business and commands a wide respect. In 1865, he was elected Judge of the Third Judicial Circuit and served as Circuit Judge for three years. In 1861, he was appointed attorney for the Illinois Central Railroad Company,



which position he has held ever since except during the interval of his Judgeship. When in the popular branch of the Legislature, he was Chairman of the Judiciary Committee, and received that appointment from the Speaker, Hon. W. R. Morrison, because of his leadership in that body, a position he easily held, also, when he occupied a place in the State Senate.

Judge Green is now in the prime of his intellectual life, and already has he filled the measure of a just ambition, not so much by the eminence of the political or judicial positions he has filled, as by the unalloyed respect and confidence he has inspired in all men—political friend or foe—in the many public and private positions of trust and honor he has filled during the years since his majority. As a practicing attorney in the various courts, it is the very highest compliment to his ability and integrity in the statement above of his long connection with the legal affairs in Southern Illinois, of the Central Railroad, a vast corporation, whose interests are counted by the millions of dollars—and which cannot afford to jeopardize its welfare by the mistake of the employment as its representative of any but the best talents.

We have attempted to illustrate his varied talents more by a brief reference to what he has done than by mere descriptive words of assertion. And, as we intimated above, his pen was wielded by the hand of a strong and able writer in politics, history or literature. The writer hereof at one time (this was *sub rosa* then) was associated with Judge Green in the general editorial of a daily Democratic paper, by which it was arranged he was to do the leading political articles, and the writer of these lines was to do the light skirmishing, the flying artillery, as it were, and it is not an overdrawn assertion to say

that here, in the midst of his other multiplicity of labors, he did his work with facility and great ability.

It is given to but few men to possess such varied talents and to so excel in all. It is the interesting story of an intellectual life, of great mental activity, of the highest order of integrity and a clear, ripe judgment.

Judge G. W. Wall was born in Chillicothe, Ohio, April 22, 1839, the son of George T. and Maria H. (Adams) Wall, of Rhode Island. The family came to Illinois in 1839, and located in Perry County. George Willard Wall was a student in McKendree College, Illinois, but graduated at Michigan University in 1858. He then went to Cairo and read law in the office of C. I. Simons, and afterward attended the Cincinnati Law School, graduating in 1859, and was at once admitted to the bar, and located in Duquoin. In 1856, he was in the firm of Mulkey, Wall & Wheeler—office Cairo—which continued for six years. For many years, and until he was elected Circuit Judge, he was the attorney of the Illinois Central Railroad. He labored all his life under the disadvantage of being of slight stature, and had the smooth, beardless, boyish face that made him look too young and inexperienced to inspire confidence, yet his great talent forced the way to early recognition. In 1861, he was elected a member of the State Constitutional Convention, and took an active and prominent part in its deliberations, although the youngest member of that body. In 1864, he was elected State's Attorney for the Third Judicial District, where he served four years. In 1868, he was a delegate to the National Democratic Convention. In 1869, he was again elected to the State Constitutional Convention, and by the side of Judge Scholfield, was one of the best members of that strong body. He is now Judge

of the Circuit Court and of the Appellate Court, and in this position is esteemed by the bar of the State as one of our ablest Judges.

Reuben Sloan Yocum, the subject of this sketch, is descended on the mother's side from English-Irish stock, his grandfather, Col. John A. Sloan, Clarion County, Penn., having been of Irish extraction, and his great-grandmother a Cromwell. On the father's side, the descent is Swedish-English. The Swedish ancestors came to this country in the seventeenth century and united later with their English neighbors, one of the families being the Balls, of Virginia. His grandparents were married by the accomplished scholar, Rev. N. Collin, D. D., of Upsal, Sweden, who presided over the Wicaco Church, called Gloria Dei (Philadelphia from 1786 till 1831), and was the last pastor appointed by the crown, the colonists having then become too thoroughly Anglicized to appreciate the mother tongue.

Shortly before the late civil war, and while Judge Yocum was a schoolboy, his parents moved from Kentucky to Cairo, Ill. There he entered the law office of Messrs. Mulkey & Baker, but no sooner had the lad been fairly introduced to the ponderous paragraphs of Blackstone than the tocsin of war sounded and he awoke one bright April morning to find the streets patrolled and the commons alive with warriors of nondescript appearance. The confusion in politics affected both social and business relations, and the youthful disciple of law was compelled to lay aside his ambitious projects and enter into active life. Living almost in the theater of war, he very naturally became connected with military operations. At the close of the war he was engaged in the commission and forwarding business. Afterward he accepted a position in the City National

Bank of Cairo, which he relinquished in 1872 to enter the race for the office of Circuit Clerk of Alexander County. He was elected, and during the term resumed his study of the law under his old preceptor, Judge Mulkey. Admitted to the bar before the Supreme Court at Mount Vernon, June, 1877, elected County Judge November, 1877. Since the term closed in 1882, he has applied himself to the practice of his profession.

Judge Yocum is yet a young man, but little more than upon the threshold of life, and has builded wisely and well. Possessing abilities of a high order, a reputation for integrity unsurpassed, of the finest social qualities, his future is most bright and cheering, and will warrant his friends in indulging in the highest anticipations of his future life, which all hope may be long and pleasant.

Judge H. K. S. Omelveny, a native of Monroe County, Ill., was born about 1821. His father was one of the early pioneers in Illinois, and was a prominent politician and a man noted for strong rugged sense and manly, sterling qualities.

Judge Omelveny was commissioned Judge of the Second Judicial Circuit, vice Breese, resigned, March 1, 1858, and served out the term and retired from the bench, commanding the entire respect of all and the confidence of the entire bar. He was a man of elegant manners, pleasing address and kindness of heart. A thorough lawyer and of high integrity, his loss was greatly felt in Marion County when he removed his residence to Cairo, immediately after the expiration of his term of office, in the early part of 1863. When he came to Cairo, he formed a partnership with Louis Honk, and the new firm at once entered upon a large and lucrative practice. In 1867, Judge Omelveny

went to Los Angeles, Cal., and there invested largely in real estate, and made for himself an elegant home, where he now resides.

Louis Honck left Cairo about the same time and located in Cape Girardeau, where he is now the possessor of large wealth.

Hon. D. T. Linegar was born in Milford, Clermont Co., Ohio, February 12, 1830. While an infant, his father's family removed to Hamilton County, and from thence, in 1840, to Spencer, Ind. David T. here grew to be a young man, and profiting by the common schools of the county was qualified at an early age and commenced life as a school teacher. He was too lazy to whip the children to death, and the consequence was he made a successful and popular teacher. While pursuing this occupation, he borrowed Blackstone and commenced reading law, and in 1856 he was admitted to the bar in Rockport, Ind. He then engaged in publishing a paper for one year in Princeton—the *Courier*—when he sold his printing office and entered upon the practice of his profession in that town. In 1856, he came to Wayne County, Ill., landing in the old town of Fairfield the day of the Presidential election. He probably now rejoices that he was deprived of the folly of worse than throwing away his first vote for President on Fremont in that election. In 1861, he suffered the martyrdom of being imported into Cairo, as the Republican Postmaster, and after filling this position for a term, opened an office and resumed the practice of law. He was elected, as a Democrat, to the Legislature in 1880, and was re-elected in 1882, and is at present a member of the House, where, from his first entry, he has been a leading member. Linegar is not up in the books. In fact, what is called book education has had no attraction for him. It is said that for every

page of manuscript he ever wrote there were nearly as many mistakes as words, and yet his abilities as a lawyer, politician and orator are of the highest type. He finds no equals in Southern Illinois as a speaker, either before a court, jury or upon the hustings, and his friends say of him that upon a moment's notice, and upon any subject, he can make a great speech and talk either an hour or a day just as his friends advise him they desire. Among the boys he is "Dave," genial, jolly, rotund and as plain and common as an old shoe, and yet "scare him up," as Dr. Dunning says, when a speech is wanted at a town riot, a church festival, a political meeting or in an important law case in court, and he has but to pull up his coat collar, run his fingers through his hair a time or two and rub his eyes and he is ready to fill the emergency, no matter what it may be.

Among the ten thousand rare and interesting events in Linegar's life, was his race as a Republican for Congress against John A. Logan. Of course, Linegar had no hopes of an election, and yet it was a labor of love to follow Johnny all over the district and literally knife him upon every stump. Circumstances were all in favor of John, but he learned that with all these in his favor he was no match for Linegar, and he soon came to fear and shun him. Had the surroundings been changed, as is now the political faith of these two men, he would have run Logan into the river at the first encounter.

A carefully collected biography of the many interesting and amusing incidents of his life would be as interesting as the best romance, and we much regret that our space is too limited to give them in full.

Judge W. J. Allen was born in Wilson County, Tenn., June 9, 1828. His father, Willis Allen, also a native of Tennessee,

removed to Williamson, Ill., in 1829, where he farmed until 1834, when he was elected Sheriff of Franklin County. He was in the Legislature of 1838, and in 1841 was elected State's Attorney in the circuit comprising thirteen of the counties of Southern Illinois. This occurred before he had read law or been even admitted to the bar. He was soon after licensed as an attorney, and became a prominent and able lawyer. He was four years in Congress, and was Judge of the Circuit Court at the time of his death, which occurred on the 17th of April, 1859, in the fifty-third year of his age.

William Joshua Allen was one of four brothers, two of whom were lawyers. John S. and Josiah J., and the other, Robert M., a merchant. The two former died; one, John S., in early life, and Josiah from injuries received in the late war. He was a Captain in an Illinois regiment.

William J. passed successfully, fought out the difficulties of the log schoolhouse, and was then transferred to the celebrated boarding school of B. G. Roots, at Tamaroa, Ill., and afterward was deputy in the Circuit Clerk's office. In 1847 and 1848, he attended the law school at Louisville, Ky., and was admitted to the bar in June of the latter year, after which he located in Metropolis, where he soon grew to be a prominent lawyer. In 1854, he was elected to the Legislature from the counties of Johnson and Williamson, having removed to Williamson County and formed a partnership with his father. He served four years in the Legislature. He afterward formed a law partnership with John A. Logan. In 1859, he was elected Judge of the Twenty-sixth Judicial Circuit, succeeding his father to that office. In November, 1861, he was elected a member of the Constitutional Convention. In 1862, he was elected to Congress, vice John

A. Logan, resigned to go into the army. Judge Allen was re-elected to Congress and served out his term.

Judge Allen in all his positions in life—eminent as they were—has shown commanding abilities. He is a ripe scholar, a great orator and a just Judge.

He now resides in Carbondale, having removed to that place from Cairo in 1874, arduously engaged in the practice of the law, and whether at home or before the highest courts of the nation, he finds but few equals and no superiors.

John M. Lansden's complete biography will be found in another part of this volume. Of all the lawyers that have in the past or that now make Cairo their home we know of none so thoroughly a lawyer who has made the fullest use of his books. He is a scholarly man in the highest meaning of the term; a man who thinks out the great principles of the law and applies them with great force and clearness to a court. An argument on a point of law always comes from his hands as complete and perfect as the finest classic. He is an ornament to the profession, an honor to the legal profession of the State.

Of the many lawyers who came to Cairo and engaged for a period in the practice of the law we can now recall Fountain E. Albright, now residing in Murphysboro; George S. Pidgeon, of Los Angeles, Cal.; Lewis P. Butler, Patrick H. Pope, John Linegar, J. P. Boyd, who came from Decatur, and after residing here a short time, went South and died; the Munns; M. J. Inscore, now of Anna; James H. Smith came from Anna and is now a resident of Chicago.

The present bar of Cairo consists of the firm of Green & Gilbert (W. B. and M. F. Gilbert), John M. Lansden, S. P. Wheeler, George Fisher, Mulkey & Leak, George W.

and William E. Hendricks, D. T. Linegar, Walter Warden, at present County Attorney, vice Danron, Judge Reuben S. Yocum and Albert Smith.

In 1865, there was an effort to establish

in Cairo a regular branch of the Supreme Court. The act passed the Legislature conditionally, and the conditions were never complied with, and the project fell through.

## CHAPTER VI.

### THE PRECINCTS OF ALEXANDER COUNTY—TOPOGRAPHY AND BOUNDARIES—THEIR EARLY SETTLEMENT—DANGERS AND HARDSHIPS OF THE PIONEERS—VILLAGES—SCHOOLS AND CHURCHES—MODERN IMPROVEMENTS, ETC.

"For them light labor spread her wholesome store,  
Just gave what life required, but gave no more."  
—*Goldsmith.*

THE first years of settlement in Southern Illinois were years of extreme privation to the hardy pioneers, who had pitched their tents and built their squatters' cabins in this then great wilderness. The land was productive, but their modes of cultivating it are primitive, and their implements of husbandry rude in the extreme. So, manage as they might—toil and labor, day in and day out—Mother Earth only "gave what life required, but gave on more." The life they lived was not enviable, but they bore it uncomplainingly, and the indomitable energy of the large majority of them eventually won for them comfortable homes.

After what has been written in the preceding chapters on Alexander County, there remains but little to be said of the different precincts, without needless repetition. The geology, the general topographical features, agriculture, Indian and pre-historic, together with other topics of interest pertaining to the county, have been already given. And now, a few words of each election precinct will conclude the history of Alexander County.

*Elco Precinct.*—This division of the

county was formerly called Hazlewood, in honor of a family of that name, who were among the most prominent of the early settlers. A considerable portion of the land is high and rolling. It is watered by Cana, Mill and Sandy Creeks, and which afford ample drainage. The timber is mostly oak, poplar, ash, hickory, etc., and originally was pretty heavy in certain sections. The precinct is bounded on the north by Union County, on the east by the Cache River, on the south by Unity Precinct and on the west by Clear Creek Precinct. The St. Louis & Cairo Narrow Gauge Railroad runs through the precinct, and has added materially to the prosperity of the people.

Settlements were made early in what now forms Elco Precinct. Among its pioneers we may mention Squire Thomas Whittaker, Reason Heater, M. Hartline, the Hazlewoods, William Thompson and others. This is but an imperfect list of the early settlers, but many of them are mentioned in the preceding chapters, and in the biographical department. Hence, a record here would be but a repetition of what has already been said of them.

Elco is well supplied with schools and churches. Where and by whom the first

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HISTORY

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ALEXANDER, UNION AND PULASKI COUNTIES,  
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