

people. The campaign was short and bitterly contested, and on the third Monday in May, 1849, the opposing forces fought out the battle of the ballots, on the question of taking the county seat away from Marshall, as they had voted on taking it away from Darwin, but with a quite different result, for Marshall won by the dangerously close vote of 771 to 640, a majority of only 131 in a total vote of 1,411. Darwin stood by Marshall by a vote of 161 to 20; Clear Creek, by a vote of 99 to 0, rather suspicious; Mill Creek by 34 to 12; York by 70 to 46; Melrose by 104 to 89, and, of course, Marshall voted for Marshall, or rather against the removal by the vote of 194 to 2, a majority of 192 against removal. Johnson, Melrose, Richland, Martinsville, Cumberland and Auburn precincts voted for removal, but Auburn, that had its own eye on the county seat for itself, as it had when the vote was taken to remove it to Darwin, and when it was itself a candidate for the seat of justice honors, as against Marshall, voted for removal by only 82 to 29 against it. From its organization, in 1819, to 1854, the county government and legislative business were in the hands of three commissioners, but on the 7th day of November, 1854, township organization and its concomitant Board of Supervisors, consisting of one Supervisor from each township, were adopted by a vote of 1,277 to 528, a majority of 749 in a total vote of 1,805. The anxiety to hold the township offices of Supervisor, Town Clerk, Assessor, Collector, Commissioners of Highways, Justices of the Peace and Constables incident to each township under township organization, was too much for the County Commissioner system, and so it has remained until this day. It seems that no earthly power can change a county back to the system of three County Commissioners after township organization has been once adopted. The hostile influences are too numerous, too compact and too powerful to be overcome. The County Court, at its December term, 1854, appointed Randolph Lee, Charles H. Welsh and John B. Briscoe, Commissioners, to lay off the county into townships; and, pursuant to these duties, they established the townships as they exist now, as indicated in Chapter I of this History, with the exception that Douglas Township was established in 1859, and Auburn Township, by lands taken from Dolson, Martinsville,

Marshall and Anderson Townships. Auburn is the central township of Clark County, and was the last and fifteenth established.

CHAPTER IV.

BENCH OF CLARK COUNTY—INCIDENTS THERETO— COMMENTS THEREON—EARLY TRIALS, ETC.

Clark County sustains a well deserved reputation in Eastern Illinois for the purity, ability and strength of its local bench and bar.

The first term of the Circuit Court of Clark County convened at Aurora on Monday, September 20, 1819, with Thomas C. Browne, the first Circuit Judge, presiding. The court lasted but part of one day, and its only business was the approval of the official bonds of William B. Archer, the first Circuit Clerk, of Isaac Parker, the first Sheriff of the county, and of the Coroner. The first case tried in the Circuit Court was heard Monday, April 17, 1820, at the second session, at which Judge Browne still presided, though he retired from office three days later, on April 20, 1820. In this first case Thomas Wilson, was plaintiff and William B. Archer, executor of the estate of Lewis Bohn, the father of James Bohn, now a well-to-do and honored citizen of Darwin Township, was defendant. It was an appeal case from a Justice of the Peace named Charles Patrick, the first to hold that office in Clark County. There were five cases docketed at this term of court, though but three of them were disposed of, the other two going over for future consideration. Rather meager outlook, this, for the students of Blackstone and Coke and Christy. Petty actions, such as trespass, appeals, slander, assaults and batteries, affrays, riots and liquor selling without license largely predominated. Slander cases were of frequent occurrence in the early days, and resulted, as they usually do now, either in a verdict of not guilty or in ridiculously small judgments for the plaintiffs, as per the case of Sarah Coneway vs. George W. Catron. Sarah had brought suit against Catron for \$5,000. The jury found George guilty of slandering Sarah, but only gave her damages, as a salve for

her damaged reputation, of six and a fourth cents, and that, too, with a man like Joseph Shaw as foreman of the jury. The writer has not done even that well with his slander cases, for he was the attorney for the plaintiff in the only two cases for slander begun in our Circuit Court of Clark County within the past thirty years, and did not get as much as even six and a fourth cents in both of them. The only case of slander that ever netted anything worth having in favor of the plaintiff that ever was tried in Clark County was the case of Miss Malthace Badger vs. James Elam, reported in the Twenty-third Illinois Supreme Court cases, page 445. This was one of the most malicious cases ever tried in our Circuit Court, or that has ever been printed in the Supreme Court Reports of any State. Judge Justin Harlan was on the bench, and John Scholfield appeared for the plaintiff, the fair Malthace, while Charles C. Constable appeared for the unfortunate James Elam. The speech of Scholfield in behalf of the plaintiff is said to have been one of the most awful pieces of forensic denunciation and excoriation ever heard. Those who have known and heard John Scholfield before a jury, in any case in which he was thoroughly aroused, can perhaps imagine the terrific stream of the burning lava of eloquence, of argument and of invective that he threw into his speech to the jury. It is said that while it was being delivered Elam stood on the court house steps, and with tears pouring down his agonized face kept constantly moaning to those around him, "I am ruined! I am ruined!" The verdict was for \$1,000, and it was sustained by Judge Breese, of the Supreme Court. Judges were given short terms and small salaries during the first few years of our county history. The early judges who succeeded Judge Browne were: William Wilson, James O. Wattles, James Hall and Justin Harlan. Judges Wilson and Harlan had to be satisfied with short terms of office. Judge Browne held the office from September, 1819, to April, 1820, less than one year. William Wilson from April, 1820, to May, 1825, a little over five years, as his first term. James O. Wattles, from May, 1825, to November, 1825, six months; James Hall, from November, 1825, to May, 1826, six months; James O. Wattles, second term, from May, 1826, to April, 1827, about one year; William Wilson, second term,

from April, 1827, to April, 1835, eight years; Justin Harlan, from April, 1835, to October, 1835, six months; Alex F. Grant, from October, 1835, to May, 1836, six months; Justin Harlan, second term, from May, 1836, to May, 1841, five years; William Wilson, third term, from May, 1841, to May, 1849, eight years; Justin Harlan, third term, from May, 1849, to May, 1861, twelve years; Charles Constable, from May, 1861, to May, 1866, five years; Hiram B. Decius, from 1866, to 1872, six years; and Oliver L. Davis, from 1872 to 1879, seven years. Judge Wilson served on the Circuit bench of Clark County seventeen years, while Judge Harlan served seventeen years and six months, or for a longer period than any man who has held that position during the eighty-seven years of Clark County's history. No other Circuit Judge has surpassed him for sterling manhood and unshakable honesty of purpose, good, hard, common sense, natural legal and judicial acumen, and unbounded popularity with the bar, the litigant and the people of the county.

Charles H. Constable was an honest, upright man, courteous, gentle and manly, and a capable Judge; but withal as different from Judge Harlan, whom he succeeded, as it is possible to conceive. Judge Constable was the father-in-law of Judge Jacob W. Wilkin, the present distinguished Justice of the Supreme Court of Illinois, and who is, with the single exception of Judge John Scholfield, the most lovable and popular man that has ever practiced law or presided as a Judge in Clark County. He married the favorite daughter of Judge Constable for his first wife, and in giving her into his love and keeping, Judge Constable, who loved this daughter as he loved his soul, could have well said to the young and handsome Major just home from an honorable service in the Union Army, as did the father of Mrs. William McKinley, to young Major William McKinley, afterwards to be one of our three martyred Presidents, when he asked for the hand of his beloved and idolized daughter in marriage: "Yes, McKinley, you can have her, but you are the only man I have ever known, with whom I would be willing to entrust the happiness of my daughter." Judge Constable held our Circuit Court during the stormy days of the Civil War, when the skies were crimson from burning homes, the hills shook with the cannon's boom, and with dying groans. He was a fear-

less man, personally, as well as in the discharge of what he conceived to be his official duties, and an ardent Democrat. At one time while Judge he clashed with the military authorities of the United States Government, by discharging, on a writ of habeas corpus, a soldier arrested in Clark County and held by an officer of the Government as a deserter. This act of Judge Constable angered the military authorities, and Colonel Henry M. Carrington, with a company of United States troops, was sent to Marshall to arrest him. This he did, as the Judge sat upon the Circuit bench in the court house hearing cases. This act aroused the most intense excitement throughout the county, and provoked the bitterest feelings among the friends of the Judge. Some wild talk was indulged in, and steps taken by the enraged friends of the jurist to meet the soldiers at Big Creek, two miles east of Marshall, on the National Road, who were known to be marching on Marshall for his arrest. Wiser counsel, including that of Judge Constable, prevailed, and no resistance was made, the arrest being effected without opposition. Judge Scholfield, the leading lawyer of Clark County, accompanied Judge Constable to Terre Haute, where a hearing was had in chambers before Judge Elisha M. Huntington, of the Federal Court, and Judge Constable discharged and allowed to return to his home and duties at Marshall.

Judge Hiram B. Decius, of Cumberland County, who succeeded Judge Constable in 1866, was an honest, conscientious man, but not a great lawyer or a superior Judge. Oliver L. Davis of Danville, Vermillion County, who took his place in 1872, shared with Judge Harlan and Jacob W. Wilkin the distinction of being one of the most popular Judges, with both litigant and bar, that has ever occupied the circuit bench of Clark County. He faithfully, intelligently and satisfactorily served the people of Clark County as Circuit Judge from 1872 to 1879, a period of seven years, and was succeeded successively by William E. Nelson, of Decatur, Macon County; Colonel B. Smith and Oliver L. Davis, and Jacob W. Wilkin, of Marshall, Clark County.

Judge Wilkin, now dead, was born in Licking County, Ohio, June 7, 1837, and was the son of Isaac and Sarah Wilkin, who came to Crawford County, Ill., from Ohio, in 1845. He was a graduate of McKendree College, and in

1860 began to read law with Judge Constable, his future father-in-law. After the election of Mr. Constable to the Circuit bench he entered the law office of John Scholfield. He caught the war fever early, and feeling that his duty to his country was greater than his duty to Blackstone and Kent, he enlisted as Captain of Company K, One Hundred and Thirtieth Illinois Infantry, and served until September, 1865, when he was mustered out as Major of his regiment, and came home. Miss Alice E. Constable, the beautiful and charming daughter of Judge Constable, was waiting for him, with the fidelity of long waiting burning in her heart, and the light of her first and only love shining in her eyes. Jacob did not keep her longer waiting, for we find that on September 21, 1865, a few days after his returning feet touched the soil of Marshall, he made her his wife. In January, following, he was admitted to the bar, and opened a law office in Marshall. He was a Presidential Elector of the Republican party in 1872, and afterwards a candidate for Congress against John R. Eden, that stanch old Democratic war-horse of Sullivan, Moultrie County. Though defeated, he carried this then heavily Democratic county by about 800 majority. He was beaten when he first ran for Circuit Judge by William E. Nelson, but again demonstrated his hold upon the people and voters of Clark County by defeating his opponent by about 2,500 majority. Judge Wilkin's popularity is not surprising to those who know him as we know him in Clark County. He was one of the most courteous, kind-hearted, lovable and popular men, with all kinds and conditions of men and women and children, that Clark County has ever had the honor to number as one of its citizens. He was at one time a law partner of Thomas J. Golden, another splendid lawyer and noble citizen of Clark County, about whom we will have more to say farther along in this chapter, and afterwards he formed a partnership with John Scholfield, the greatest lawyer Clark County, and one of the very greatest lawyers Illinois has ever known. As a man, as a lawyer, as a citizen, or as a Judge, Judge Scholfield has been equaled by few, if any, and surpassed by none, in the whole eventful history of Clark County. It was with the law firm of Scholfield & Wilkin, and afterwards with the firm of Dulaney & Golden, that the writer pursued his studies

of the law before his admission to the practice, and it is needless to say that their many acts of kindness, of help, of advice, of admonition, and of encouragement will linger in pleasant memory and be cherished and appreciated forever by him. Judge Wilkin was a man whose life was gentle, upright and pure, and one in whom the elements were so mixed that nature can stand up and say to all the world, "This is a man." He was unanimously re-elected about a year ago for another full term of nine years as an Associate Justice of the Supreme Court of Illinois. His term would not have expired until 1915, when he would have been about seventy-eight years old, so that, even if he had not died, this probably would have been his last term on the bench of the Supreme Court of Illinois; but of one thing there is no doubt, and that is that Judge Jacob W. Wilkin has taken with him to his grave the lasting, sincere and heart-felt affection of the people of Clark County, regardless of politics, religion or creed. Judge Wilkin was first elected Circuit Judge June 1, 1879, and held the office until June 1, 1888, when he resigned to go upon the bench of the Supreme Court of Illinois, as an Associate Justice of that distinguished court. There he met his old preceptor, law partner and life-long friend, Judge John Scholfield.

On June 1, 1885, Colonel B. Smith (second term) and James F. Hughes, of Mattoon, Coles County, were elected Circuit Judges of Clark and other counties, and when Judge Wilkin resigned in 1888, Edward P. Vail, of Decatur, Macon County, took his place. On June 1, 1891, Ferdinand Bookwalter, of Danville, Vermilion County; Edward P. Vail, of Decatur, Macon County; and Francis M. Wright, now the United States District Judge for this district, of Urbana, Champaign County, were elected Circuit Judges for this circuit and for Clark County. On June 18, 1897, Ferdinand Bookwalter, Henry Van Sellar, of Paris, Edgar County, and Frank K. Dunn, of Charleston, Edgar County, were elected Circuit Judges for Clark County, and for this district. On September 17, 1902, Martin W. Thompson, of Danville, Vermilion County, was appointed by Governor Richard Yates to fill the vacancy as Circuit Judge occasioned by the death of Judge Bookwalter; and on June 18, 1903, Morton W. Thompson, E. R. E. Kimbrough, of Danville, Vermilion

County, and James W. Craig, of Mattoon, Coles County, were elected as the three Circuit Judges for this judicial circuit, and for Clark County. Judge Thompson is a Republican in politics, while Judge Kimbrough and Judge Craig are Democrats, though the Democracy of Judge Kimbrough is not of the steadfast and unshakable kind as that of Judge Craig, and he has sometimes acted independently in politics, and has even, at least upon one notable occasion, helped to defeat a Democratic National candidate for President. Judges Kimbrough and Craig are the first Democrats to be elected Circuit Judges in this district, or for Clark County, since the election of William E. Nelson, in August, 1877, nearly thirty years ago, and it is not likely that even they could have been elected in this judicial circuit, composed of Clark, Edgar, Cumberland, Coles and Vermilion Counties, which have an aggregate Republican majority of about 4,000, had it not been for the just anger of the Republicans of Coles County over the defeat of Judge Frank K. Dunn, of Charleston, Coles County, for re-nomination, and the nomination in his place of Judge Henry Van Sellar, of Edgar County. Judge Van Sellar had proven a very unsatisfactory Judge, both to the bar and to the litigants of the district, while Judge Dunn was universally loved and trusted for his many noble and sterling qualities of heart and mind. Judge Dunn has just taken the place of Judge Wilkin on the Illinois Supreme bench. It is needless to say that Judges Kimbrough, Craig and Thompson are giving the best of satisfaction to the local bars of the several counties of their district, as well as to all those having judicial business in their courts. Clark County has been remarkably fortunate in the character, ability and fitness of her Circuit Judges. From 1819 until the present time, at least in recent years, but one has failed to come up to the proper judicial standard, and but one has ever proven himself unworthy of the trust and confidence of the people of this county. Upon the ability, purity and absolute honesty of our Circuit Judges rests, in large measure, the present and future well-being of the property interests and personal safety of the people of this great and advancing commonwealth of Illinois. The true dignity, importance and power of our Circuit Judges are not fully realized by all, and it is a fact not generally known that they are

the only civil officers in this country in whose hands is placed the terrible and dangerous power of life and death.

The first County Judge of Clark County was Samuel Prevo, who held the office from 1819 to 1823. Then came Charles Neeley, from 1823 to 1825, followed by Jacob Harlan from 1825 to 1835, ten years; Uri Manley, 1835 to 1843, eight years; Stephen Archer, 1843 to 1853, ten years; John Bartlett, 1853 to 1854, resigned, one year; John Stockwell, 1854 to 1857, three years; William C. Whitlock, 1857 to 1869, twelve years; William G. Griffith, 1869 to 1873, four years; Justin Harlan, 1873 to 1877, four years; W. R. Griffith, 1877 to 1882, four years; Eth Sutton, 1882 to 1886, four years; Henry Gassaway, 1886 to 1894, eight years; William T. Hollenbeck, 1894 to 1898, four years; J. C. Perdue, 1898 to January, 1902, when he resigned to accept the Marshall Postoffice, to which he had been appointed. Everett Connelly, appointed by Governor Yates in February, 1902, to fill the vacancy occasioned by the resignation of Judge Perdue, was elected County Judge in November, 1902. His term of office will expire in December, 1906, when he will have served four years and ten months as County Judge. He is not a candidate for re-election, the salary of \$500 per year not being sufficient to induce a man of his ability and faculty for money making to accept of this office as a gift. Of all these County Judges, Justin Harlan, who had been Circuit Judge for over seventeen years before his election as County Judge, in 1873, was probably a man of the best natural legal mind. It is certain that he made a model County Judge, as he had already made a model Circuit Judge. Uri Manley and William C. Whitlock were, as was Judge Harlan, practicing lawyers when elected to the bench. Eth Sutton, though he never practiced law prior to his election as County Judge, or much afterwards, was a man of good education, especially along business and clerical lines, a close student, as well as an indefatigable investigator of the law questions coming up in his court. He was always honest, conscientious and careful in the decisions, and made one of the best County Judges Clark County has ever had. Henry Gassaway, who succeeded Judge Sutton, though not a practicing lawyer, or even admitted to practice at the time of his election, yet he made a fine reputation as a Justice of

the Peace of Martinsville Township. He studied law and was admitted to practice before he retired from office, and by his industry, honesty, devotion to his duties, hard common sense and business ability, succeeded as one of the four best Judges of recent years. Since his retirement from the bench he has been in the insurance, banking and other business in Martinsville, this county, where, by his good morals, gentlemanly deportment and general good citizenship, he has won the confidence and esteem of all who know him. He was born in Parke County, Ind., December 4, 1848.

William T. Hollenbeck made one of the best Judges the county ever had. He is a man of large experience in legal affairs, and more extensive probate and chancery practice than any man who has ever been County Judge of Clark County. He is a man of good general education, has been a close student of business affairs and of men, has traveled in Europe and elsewhere, and is conservative, progressive and safe in his law and business affairs. Mr. Hollenbeck is now about forty-five years old, having been born in York Township, Clark County, October 18, 1861. In probate, chancery and real-estate law he has few equals, and no superior, at the bar of Marshall, in recent years, at least. He is a graduate of the law department of the University of Michigan, at Ann Arbor, class of 1892, is a man of considerable property, and prominent in business and political affairs of Marshall and Clark County and in the Republican party of the county, of which he is the County Chairman, and of his Congressional, Judicial and Senatorial Districts, as well as of middle eastern Illinois. He is a man of energy, conviction and of unusual force of character, and would have made his mark in any community into which his fortunes might have been cast, as he has already done in Marshall and in Clark County. While County Judge he was firm, impartial, fair and usually markedly correct in his rulings and decisions. He has just been elected as a Representative in the Illinois Legislature from Clark, Coles and Douglas Counties.

J. C. Perdue, who succeeded Judge Hollenbeck, was not a lawyer, and his resignation in 1902 made way for the appointment and subsequent election of Everett Connelly, who, with Sutton, Gassaway and Hollenbeck, ranks as the four best Clark County Judges of recent

years. At the time of his appointment by Governor Yates, in February, 1902, Mr. Connelly was one of the youngest, if not indeed the youngest, County Judges ever elected or appointed in Illinois. He was born on a farm in Parker Township, Clark County, September 8, 1877, and was therefore not yet twenty-five years old at the time of his first assumption of judicial duties. Judge Connelly is a young man of correct personal habits, extensive research along historic and general literary lines, and thoroughly familiar with the contents of his large and well selected library. He is a graduate of the law department of the University of Michigan, at Ann Arbor, is a public speaker of more than average eloquence and force, and has, by his energy, industry and thrift, acquired quite a little property. Since the salary of County Judge has been reduced from \$800 to \$500 per year, the position could hardly command the entire time of an incumbent of the office, and Judge Connelly had to absent himself from his office a good deal to look after other and more valuable monetary interests. Judge Connelly has a good legal mind, and was usually correct in his rulings and decisions, but he was severe in his punishment of certain kinds of misdemeanors, especially the selling, contrary to law, of intoxicants, for which he required enormous bonds and imposed exceptionally large fines or lengthy imprisonment. He was never accused of favoritism or of being controlled by any invidious influences likely to swerve him from what he may have conceived to be right and proper in the premises.

Fenton W. Booth, though not a Judge of any Clark County Court, is a Clark County product, and as one of the five Judges of the great and important Court of Claims at Washington, D. C., deserves a place with the bench of his native county. He was born in Marshall, May 12, 1869, and is a little past thirty-seven years old. He is the son of Lyman Booth, for many years an honored and prominent merchant of Marshall, and the nephew of the late Newton Booth, once Governor of California, and United States Senator from that State. Judge Booth was educated in the common schools of Marshall and at the De Pauw University, at Greencastle, Ind., and is a graduate of the law department of the University of Michigan, at Ann Arbor, class of 1892. His church affiliations

are Episcopal, his politics are Republican, and he is a member of the Knights of Pythias, Elks, Red Men and Court of Honor. He has been a member of the Illinois Legislature, and was, until recently, the Chairman of the County Committee of his party. He was a candidate for Circuit Judge of this district with Thompson, Kimbrough, Van Sellar, Craig and Decius, at the election for Judges on June 18, 1903, and defeated by twenty-one votes, his first and only defeat. Judge Booth is a man upon whose birth the good angels smiled, and whom the Goddess of Good Fortune has been pelting with the choicest flowers ever since. He is a living example of the truism that often when we think we are cast down, we are to be exalted, and when we are apparently exalted, we are to be ruined. His defeat for Circuit Judge, an office lasting only six years, and paying but \$3,500 per year, resulted in elevating him to the still higher and more exalted position of a Judge of the Court of Claims at Washington, D. C., for the term of his life, and at a salary of \$6,000 per year. He is one of the youngest, if not the youngest, man that has ever reached membership in that great and important court—a court that has to do with larger pecuniary interests, and which disposes of more and larger monetary claims than any other court, National or State, in the Union. The judgments of this court often run into the millions, and the fees allowed attorneys practicing before it not infrequently run into the hundreds of thousands. Judge Booth, before he was appointed Judge of the Court of Claims, practiced law in Marshall, being a member of the firm of Golden, Scholfield & Booth, and he was distinctively the fighting trial lawyer of that strong firm. He is a man of fine personal appearance, pleasing address, is a good writer, and one of the best and most eloquent speakers Clark County has ever produced. He has a fine legal mind, is well grounded in the principles of the law, and, besides, is a man of considerable literary attainments. He is a blood cousin of Booth Tarkington, the noted writer of Indianapolis, Ind., came by his talent by inheritance, and has improved it by education and study. He is popular with all classes, of most excellent personal habits, and devoted to his wife and four daughters.

Judge John Scholfield, of Marshall, Clark County, Ill., was one of the greatest lawyers,

one of the greatest Judges, and one of the greatest men that Clark County ever produced. He was born in a cabin just south of what is now the city of Martinsville, Clark County, August 1, 1834, of humble but respected parentage, and passed away at his home in Marshall, Monday, February 13, 1903, at fifteen minutes after twelve o'clock p. m. Judge Scholfield was an incarnation of the possibilities that lie in the pathway of every citizen of the Great Republic. His birth cry echoed against the walls of a cabin and was heard only by his kindred; his transition, though calm, conscious and painless, evoked messages of sympathy for his family and friends from the homes of the lofty, and smote painfully upon the consciousness of millions of his countrymen. Position, though most often gained by merit, may be an incident or an accident; but to live in the hearts and affections of the people who knew and loved him, as the people of Marshall and Clark County knew and loved Judge Scholfield, is to have lived in sympathy with the people; and no scholarship alone, no eloquence alone, no judicial attainments alone, no acquired information alone, and Judge Scholfield had all these, could have won for him the love which even now, after more than thirteen years from his transition, burns in the hearts and souls of the people of Clark County, when their minds dwell upon the many private and public virtues and the many noble qualities of heart and mind of Judge John Scholfield. The lesson of Judge Scholfield's life lies open for our perusal, and it is a lesson that may well put hope and encouragement into the humblest and most poverty-enviored heart. John Scholfield lost his mother in 1849, when he was fifteen years of age, and he went to live with his uncle, Jacob Anderson, who kept a tavern and a stable on the National Road in Martinsville. He did general work, such as feeding, currying and hitching horses, and attended the village school when he could. He was even then a constant reader of good books, some of which could always be found hid away in the stable loft. In 1851 he entered the private school conducted by Rev. Dean Andrews, then the Congregational minister at Marshall, and during his school days he was constantly seen with a book in his hands, his eyes glued to its precious pages, and utterly oblivious to all else, as he went to and from the school. He

was a man, in his younger days, of giant strength, and easily mastered his schoolmates in athletic and other rough sports of that day, as he dominated them by his intellect, and by his constant study at his books. He taught and attended school alternately from 1851 to 1854, and attended law school at Louisville, Ky., receiving his diploma in 1856. He had been admitted to the bar for practice of the law before his graduation at Louisville, and had formed a partnership with James C. Robinson in 1855. In 1856 he was elected State's Attorney for the Fourth Judicial Circuit, then consisting of ten counties. This position he held for four years, and it is entirely safe to say that no such a State's Attorney, both for ability, energy and unshakable impartiality in the prosecution of violators of the law, and devotion to his duty as Prosecuting Attorney, has held the office of State's Attorney before or since in Illinois. As a prosecutor he was unsurpassed, and well-nigh unsurpassable. Few guilty men ever escaped conviction in the then Fourth Judicial Circuit while John Scholfield was State's Attorney. After the expiration of his term of office as State's Attorney he resumed his general law practice in Marshall, and his ability and absolute devotion to the interests of his clients soon brought him a large practice and wide reputation. In 1860 he was elected to the Legislature, and in 1869 was sent as a delegate from Clark and Cumberland Counties to the Constitutional Convention. In 1870 he became the general counsel of the Vandalia Railroad, now the Terre Haute & Indianapolis Railroad, for the State of Illinois. This position he resigned in 1873 to take the position upon the Supreme bench of Illinois made vacant by the resignation of Judge Anthony Thornton, of Shelbyville, Ill., being elected to fill the vacancy over Judge Kingsbury, of Hillsboro, Ill. It was during this campaign that an effort was made by Judge Kingsbury's friends to get Mr. Scholfield to say in advance of the election how he would decide certain questions if he should be elected Supreme Judge, and he answered them in the only way that Judge Scholfield could or would answer them, that he would tell no man or set of men how he would decide cases coming before him if elected Judge; that he had rather be beaten than do this, and if elected he would decide all cases coming before him as his judgment,

after careful investigation, told him was right and proper. In 1879 and again in 1888 he had no opposition, and he served continuously on the Supreme bench of Illinois from 1873 until his death in 1893, a period of twenty years. No more able, laborious and conscientious Judge ever sat in that exalted and honorable position. He was modesty personified, so much so that it was absolutely impossible to get him to talk about himself, and it seemed to actually pain him to have others praise him in his presence. He had a remarkable memory, and his knowledge of history, ancient and modern, was prodigious. The writer of this history was for twelve years, from 1885 to 1897, employed in the Government service at Washington, D. C., and during that time he had the good fortune as well as pleasure to hear before the Supreme Court of the United States and in the Senate and House of Representatives some of the greatest lawyers, most able statesmen and ablest debators in the country, and never has he seen or heard a greater or more profoundly eloquent, or a more learned man, or a speaker of more unshakable logic, address either Supreme Court, President of the Senate or Speaker of the House of Representatives than John Scholfield. His speech made to a jury of Clark County in defense of William Hardway for the killing of Jerre Blakemen, if it had been reported and printed, would have undoubtedly given him a national reputation, both as a lawyer and as a forensic advocate. It is known that Judge Scholfield could have had the position of United States District Judge at Springfield, Ill., afterward obtained by Judge Allen, or the exalted position of Chief Justice of the Supreme Court of the United States, afterwards obtained by Judge Fuller, of Chicago. But he declined them both, or rather absolutely refused to allow his friends to seek either of these places for him. Yet it was well known in Washington at the time that President Cleveland would have appointed him to either of these positions could he have been induced to overcome his innate modesty and accept them. It was one of the greatest disappointments in the life of the writer and other of his friends that he could not be induced by any arguments they could use to become either United States District Judge or Chief Justice of the Supreme Court of the United States. As a rule, before the lips of mortuary eloquence

have grown still, the irresistible tide of events has drifted the hurrying sands over the rocks, and other sails whiten where the mighty ship has gone down; but it is not so with Judge Scholfield. He will live in the hearts and memories of the people of Clark County, where he was born, raised, educated, labored, lived and died, as long as the county itself shall endure; and that his noble and exalted spirit still lives and knows and remembers is to the writer not a matter of mere belief or hope or faith, but of absolute conviction. Let those sneer at the hope of an after life who will, but he must be an egotist and an atheist indeed who will not pause long and fearfully before lifting the dead latch to materialism under the light of such strength, fidelity, and such noble manhood as guided the ways of this man of the people. When a great man dies we gaze at his unfinished efforts and cry out for some proof that the work goes on. Dullards we are all! Cannot we discern that the testimony of the soul is the only testimony we dare not challenge? That thought is a witness never suborned? That the echo we so vain would grasp repeats immortality in every voiceless atom, in every viewless, measureless length of space? Lived ever in the conscientiousness of the people of Marshall and of Clark County, who knew, respected, honored and loved this great and good man and upright Judge, more surely, more patiently than he lives today, though no more living in the flesh than the radiant denizen of a star? Were years of intense study and toil the only compensation wrung from a life of such great usefulness, such unceasing, laborious, uncomplaining, conscientious industry as his? Ah no! with us abides the loss, but this is a universe of compensations, and somewhere and somehow there must be an equivalent gain. As was well said by his lifelong and devoted friend and associate at the bar and in Marshall, the Hon. Thomas J. Golden, himself a man of great learning, great industry and great legal ability, in an article contributed to the memory of his friend: "In death as in life he was the same unassuming man that had so long walked in and out before us. Grand in and by his simplicity, he has left his impress on the jurisprudence of his State, and a worthy example of honesty and industry to inspire the youth of coming generations.

When a great man dies
 For years beyond our ken,
 The light he leaves behind him
 Lies along the path of men.

The noble and exalted spirit of Judge John Scholfield, with all the garnered riches of wisdom and virtue, with its personality beautified, but not absorbed by the new light that broke on its resplendent vision in that other and higher life, sailed out of this earthly night into the radiant morning of another and better existence. Upon that morning our mortal vision can never rest. At its threshold we part for a while with our preceptor, counselor and friend; but only until the hour when each of us shall go forth upon the long journey, saying with the philosopher of Greece, 'Ye are to live, oh judges, and I am to die! Which is best, the gods alone do know.' Good friend, faithful advisor, helper in days of discouragement and of direst need, hail and farewell! Thy work is done.

But while the races of mankind endure
 Let thy great example stand,
 Colossal seen of every land,
 To keep the soldier firm, the judges pure,
 Till in all lands, and through all human story
 The path of duty be the way of glory."

CHAPTER V.

THE BAR OF CLARK COUNTY—COUNTY OFFICIALS— APPOINTEES FROM CLARK COUNTY, AND INCIDENTS, COMMENTS, ETC., THEREON.

Clark County has had a long line of competent and distinguished State's Attorneys. Of John M. Robinson, the first, Edwin B. Webb, the second, and O. B. Ficklin, the third, only the last is well remembered today. His first appearance here appears to have been in September, 1830, when he rode into Darwin, the county seat, on a day memorable, not so much for the arrival of the future Prosecuting Attorney of Clark County as for the discovery of an immense den of snakes, "as large as a bale of hay," as Mr. Ficklin afterwards declared.

These snakes, on being uncovered, started out in every direction through the town, and the whole population seemed to be busily engaged in the killing. O. B. Ficklin was born in Scott County, Ky., December 16, 1808, and hence was only twenty-two years old when he reached Darwin. He had come from Missouri to Mt. Carmel, Ill., where he became a member of the Wabash bar. He was a member of the Illinois Legislature in 1834, when the State capital was at Vandalia, and there met Lincoln, Douglas, John T. Stewart, Dubois and many others who afterwards achieved State and National fame. Of this bright galaxy, Ficklin regarded Stewart as the superior, both intellectually and physically; but Stewart was a Whig, and as that party did not suit the people of Illinois he was never so much heard of in after years as Lincoln, Douglas and Dubois. In 1835 Mr. Ficklin was chosen State's Attorney of the Wabash County District, which included Clark County. In 1837 he removed to Charleston, Coles County, where he lived and practiced his profession until his death. In 1843 he was elected to Congress from the Coles County District, and in this capacity was associated with Douglas, John A. McClernand and Wentworth. He was re-elected in 1846, and found an associate representative from Illinois in the renowned Lincoln, whom he had first met at Vandalia in 1834, twelve years before. He was a delegate to the Democratic National Convention in 1856, when Buchanan was nominated, and was also a delegate to the Charleston Convention in 1860. He was again elected a member of the Illinois Legislature in 1876. In 1846, while a member of Congress from Illinois, he married Elizabeth H. Colquitt, a daughter of United States Senator Walter T. Colquitt, of Georgia. Alfred Colquitt, the brother of Mrs. Ficklin, was afterwards a United States Senator from Georgia. At his death, Mr. Ficklin was the father of the Illinois bar. He was present on the platform with Lincoln and Douglas at the time of their renowned debate at Charleston, on which occasion Lincoln adroitly and effectively used Mr. Ficklin, who was a Democrat, and had been with him in Congress at the time of the beginning of the Mexican War, to repel the charge made by Douglas that Lincoln had voted against some measure looking to the vigorous prosecution of the Mexican War. Of the two earlier State's Attorneys of Clark County, John

M. Robinson was afterwards a soldier in the Mexican War, served four consecutive terms in Congress, to which he was first elected in 1858, was the successful Democratic nominee for Governor in 1864, and died at Springfield, Ill., November 3, 1886. Edwin B. Webb, the second, was State's Attorney of White County as well as of Clark, a member of the Legislature of Illinois from 1834 to 1842, and State Senator from 1842 to 1846. He was a Whig Presidential Elector in 1844, and when nominated by the Whig party for Governor in 1852 was beaten by Joel A. Matteson, his Democratic opponent. He was also an unsuccessful candidate for Supreme Judge against Judge Scotese. He died October 14, 1858, in the fifty-sixth year of his age. His immediate official successor, Augustus C. French, was a resident of Crawford County, and afterwards member of the Illinois Legislature, Receiver of the Land Office at Palestine, Democratic Governor of Illinois for two terms, being elected to that office in 1846 and again in 1848, Bank Commissioner of Illinois, and professor of law in McKendree College at Lebanon. He was nominated by the Douglas wing of the Democratic party in 1858 and defeated for Superintendent of Public Instruction, was a member of the Constitutional Convention from St. Clair County in 1862, and died at his home in Lebanon, September 4, 1864. Of Gardner B. Shellady, the fifth State's Attorney of Clark County, history is silent; but Aaron Shaw, the sixth to hold that office, was a Democratic member of Congress in 1856 and 1882, and also served as Circuit Judge. He was born in New York in 1811, and died at his home in Olney, Ill. He was one of the ablest and most remorseless Prosecuting Attorneys that Eastern Illinois ever saw, being surpassed only by John Scholfield. Alfred Kitchel was the seventh State's Attorney, John Scholfield the eighth and James R. Cunningham, of Charleston, Ill., was the ninth.

Silas S. Whitehead, the tenth State's Attorney, was born in Putnam County, Ill., June 18, 1829, and came to Clark County with his parents in 1830. He was educated in the common schools, studied law with Judge Scholfield, his boyhood companion and friend, at Marshall, and was admitted to the bar in 1862. He was School Commissioner five terms, and was elected State's Attorney in 1864 and 1868. He possessed great force of character, and at one

time was a leading practitioner at the bar of Clark County. He was a man of intense prejudice, not always well placed, and in his capacity as editor of various publications was bitter and unrelenting in his pursuit of his enemies, real or imaginary, often attacking those who had been his most devoted and self-sacrificing friends. He had the misfortune to shoot and kill John L. Ryan, who succeeded him as the eleventh State's Attorney of Clark County, in Marshall, on June 9, 1877. This act was bitterly resented by a large portion of the people of the county, especially the party associates of Ryan, as he was the first Republican State's Attorney Clark County had ever had, and it darkened and embittered all of Mr. Whitehead's subsequent life. In the first trial, at Marshall, in November, 1877, he was vigorously prosecuted by T. J. Golden and H. C. Bell, of Clark County, and by E. Callahan, of Crawford County, and ably defended by Jacob W. Wilkin, James C. Robinson, of Springfield, and others. Judge Oliver L. Davis presided, and Whitehead was convicted and sentenced to the penitentiary for one year. A new trial was allowed by Judge Davis, the case was taken to Crawford County on a change of venue and in a subsequent trial in Robinson, before Judge John H. Halley, of Jasper County, Whitehead was acquitted. The killing took place in the law office of the writer, which was also the office of Benson Martin, Justice of the Peace, in the room over the postoffice, on the east side of the Public Square, now occupied by B. F. Johnson as a loan and real-estate office. One Austin Fitzsimmons had cut Ryan in the head with a knife. The City Attorney, Ralph W. Love, assisted by the writer, was prosecuting Fitzsimmons, and Whitehead was defending him. Ryan was being cross-examined as a witness for the prosecution by Whitehead when the trouble arose which culminated in a fight between Whitehead and Ryan, during which Whitehead shot Ryan, the ball passing through his bowels and lodging in his spinal column and resulting in his death the following day, which was Sunday, June 10, 1877, at about 8 o'clock in the morning. It is proper to say that Ryan struck the first blow. No homicide in Clark County ever provoked so much angry feeling and bad blood as this. It made enemies out of life-long friends, and the bad effect of it did not die away for years afterwards. A subscription of

over \$800 was subscribed to aid in the prosecution of Whitehead, and the feelings of the people, already wrought up to the highest and bitterest pitch of excitement and fury, were still further intensified and embittered by the conduct and action of Whitehead himself, who constantly, through his newspaper, the "Eastern Illinoisian," attacked in the bitterest and most unjust way the attorneys for the people, the witnesses who testified against him and the jury that convicted him; and finally Wilkin, who had defended him in the courts, as well as Edwin Harlan, T. L. Orndorff, D. LeGore and others, who had stood by him manfully in his troubles. Many people did not consider that Whitehead was justified in shooting Ryan, although the latter was not a man of good personal habits, was a giant in strength, and at times exceedingly quarrelsome and dangerous, and many who knew him feared him greatly. A bitter feeling had existed between himself and Whitehead for some time, and as Ryan had undoubtedly made threats of personal violence, Whitehead may really have believed, as he swore at his trials, that he was actually in danger of losing his life or of receiving great bodily harm. John L. Ryan, the eleventh Prosecuting Attorney of Clark County, who succeeded Silas Whitehead in 1872, held the office until 1876, a period of four years. He was a man of great physical and mental strength, over six feet high, weighed about 250 pounds, and for a man of his proportions was remarkably active. He had a fine legal mind, and with perhaps the exception of Scholfield and Whitehead was one of the strongest and most successful men who have presided over the State's Attorney's office in Clark County. Competent judges had great confidence in his ability to make his mark in his profession, but his sad death, in the very zenith of his career, put an end to bright prophecies and deprived the community of an able and many-sided citizen.

Thomas L. Orndorff, who succeeded John L. Ryan, was born in Guernsey County, Ohio, March 24, 1839, and came to Clark County with his parents in the early fall of 1854, his mother dying soon afterward. He was educated, principally, at Zanesville, Ohio. In our Civil War he was a First-Lieutenant of Company G, One Hundred and Fifty-second Illinois Infantry. In 1874 he came to Marshall and read law with

James C. Robinson, and was admitted to the bar in 1877, one year after he had been elected State's Attorney. In all Mr. Orndorff was State's Attorney for sixteen years and was a candidate for the fifth term in 1900, receiving his first defeat at the hands of M. B. Davison. He was first elected in November, 1876, and again in 1880. In 1884 he was succeeded by Newton Tibbs, who served until 1888, when Mr. Orndorff was again elected, and re-elected in 1892, finally retiring from the office in December, 1896, making, as before stated, four full terms of four years each, the longest term of service in that office of any man in Clark County. While not a profound lawyer, especially in pleadings, Mr. Orndorff was a man of fine common sense and one of the best examiners of witnesses the county has ever had. He was an exceedingly forcible advocate before a jury, and an exceedingly dangerous one for his opponents, as when he had the closing speech it was a difficult matter to keep him from either winning his case or hanging the jury. He was a splendid mixer among the common people, conciliatory, winning, generous, forgiving and popular, and was liked by even those whom his position compelled him to prosecute. He seldom made enemies of defendants in criminal cases, and, as was said by the most eloquent orator America has ever produced, on a certain notable occasion: "Were every one for whom Thomas L. Orndorff did some generous and loving act to drop a blossom on his grave, he would sleep tonight beneath a wilderness of flowers." After life's fitful fever he sleeps well. Requiescat in pace.

Newton Tibbs, of Martinsville Township, the successor of Thomas L. Orndorff in 1884, was a man of indefatigable industry, strict integrity and a good knowledge of the fundamental principles of the law. His devotion to duty, strict integrity, impartiality and vigor of his prosecutions soon made him one of the best Prosecutors Clark County has ever had. He was born in Kentucky and came to Clark County in 1860, where his mother died in 1864. He attended the common schools, taught school and studied law at night, Saturdays and Sundays. In 1860 he went to Kansas, completed his law readings with Elihu Davis, of that State, and was admitted to the Kansas bar in 1880. After his retirement from office he practiced alone in Marshall for a time, then formed a part-

nership with James W. Graham, which continued until his death, September 15, 1899. Mr. Tibbs left a stainless reputation, both as a lawyer and man, and his death was distinctly a loss to the legal profession of Clark County. Samuel M. Scholfield, the fifth son of Judge John Scholfield, and who succeeded Mr. Tibbs, was born in Marshall, August 21, 1872, was educated in the common schools of Clark County, at Notre Dame, Ind., and at Ann Arbor, Mich., read law with W. B. Scholfield, his brother, and was admitted to practice by the Supreme Court of Illinois in 1895. He was elected State's Attorney in November, 1896, and retired from office in December to make way for his successor, M. B. Davison, who had given Thomas L. Orndorff his first defeat, and who was, up to that time, with the exception of John L. Ryan, the only Republican State's Attorney ever elected in Clark County. Mr. Scholfield made a clean, vigorous and successful State's Attorney, and retired from office with the respect and esteem of all. He next opened a law office in Marshall, and upon the retirement of Judge Fenton W. Booth from the law firm of Golden, Scholfield & Booth became a member of the new firm of Golden, Scholfield & Scholfield, with which he since has been connected. Mr. Scholfield is an honest and industrious young man, and the firm has the best paying law practice in the county.

M. B. Davison, who succeeded Mr. Scholfield, is a product of Clark County, having been born in Wabash Township, February 17, 1872, and was therefore thirty-four years old on the 18th of February, 1906. He was elected in November, 1900, and retired from office in December, 1904, to be succeeded by Arthur Poorman, the present State's Attorney. Mr. Davison was educated in the common schools of Clark County and at the State Normal, at Terre Haute, Ind. He taught school for several years, read law with W. B. Scholfield, in Marshall, and was admitted to the practice in 1896. He is a member of the Law and Ritual Committee of the Court of Honor, and is now serving his second term in that capacity. Mr. Davison is a young man of pleasing address, honest, energetic, pushing and popular; is a good all-round lawyer and made a capable and successful State's Attorney. Since his retirement from office he has been senior member of the firm of Davison & Bartlett, which firm has a good paying prac-

tice and has the respect and confidence of the entire community.

Arthur Poorman, the present State's Attorney of Clark County, was born in Harper County, Kan., where his parents then temporarily resided, August 2, 1880, and is therefore but about twenty-six years of age, and was only a little past twenty-four years of age at the time of his election in November, 1904. With the exception of John Scholfield, he is the youngest man and third Republican ever elected State's Attorney in Clark County. He was brought up in West Union, York Township, Clark County, and educated in its common schools and at Merom College, of Merom, Ind., and graduated from the law department of Michigan University, at Ann Arbor, in the class of 1903. Mr. Poorman is a clean, honest, intelligent, genial and popular young man, and liked by all who know him. He is devoted to his duties, looks carefully and impartially after violations of the criminal statutes of the State, and has run his own affairs as State's Attorney without dictation or improper influences from any one. There never has been any scandal connected with the State's Attorney's office in Clark County under Mr. Poorman's administration. Mr. Poorman has a good heart as well as a good head, and, inasmuch as the office of State's Attorney is essentially a judicial one, and the public prosecutor is often called upon to temper justice with mercy, a good heart as well as a cool head is needed.

The Circuit Clerks of Clark County have been as follows: William B. Archer, 1819 to 1820, first term, one year; Jacob Harlan, 1823 to 1836, thirteen years; Jonathan Rathbone, 1836 to 1837, one year; Uri Manley, 1837 to 1842, five years; Newton Harlan, 1842 to 1848, six years; William B. Archer, second term, 1848 to 1852, four years; William P. Bennett, 1852 to 1860, eight years; Thomas W. Cole, 1860 to 1872, twelve years; Daniel J. Davidson, 1872 to 1880, eight years; William B. Hodge, Jr., 1880 to 1888, eight years; Joshua Montgomery, 1888 to 1892, four years; Harry Redman, 1892 to 1896, four years; J. Q. Snedeker, 1896 to 1900, four years; John A. Sweet, 1900 to 1904, four years; and Daniel Emerson, who was elected in November, 1904, and whose term of four years will expire in December, 1908. Of the fourteen Circuit Clerks of Clark County, none but William B. Archer achieved a State

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