

HISTORY  
OF THE  
CITY OF GRAND RAPIDS  
MICHIGAN



(WITH AN APPENDIX—HISTORY OF LOWELL, MICHIGAN)

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BY ALBERT BAXTER

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## CHAPTER LXIV.

### THE BENCH AND THE BAR.\*

BY WILLARD IRVING BRIGHAM.

#### THE LAW.

*Law signifies a rule of action.—Black, Com. 38.*

THE laws in force upon that Territory now known as the State of Michigan have been changed from time to time, as dictated by powers sovereign. Canadian French, the first making settlement along the Great Lakes, brought with them their laws, which were the customs of Paris and the ordinances of the Kingdom. This was when, outside of Detroit and Mackinac, there were no settlements of importance within our territory. The only civil officer at such an outlying post was a Notary Public—a very important official, in view of the duties imposed upon him. Prominent among these was the keeping of a register of all legal instruments drawn by himself; he retaining the originals, and furnishing parties with certified copies. This was the only record of hypotheques, deeds, marriage contracts, and inventories executed within the settlement. Some of these have been subjects of litigation in our modern courts. Justice was summarily meted out by the commandant of the post. He gave notice to the adversary of a party complaining, commanding him to render justice. This being disregarded, a day was named for him to appear before the commandant and answer the complaint. If this second notice was neglected, a sergeant and file of men were sent to bring him. The recusant was fined and kept in prison, until he did his adversary justice. There was no Sheriff, no taxation of costs.

In 1763, France ceded her American Colonies to Great Britain, which at once introduced the laws of England, both civil and

criminal. By some oversight in rearranging boundaries, Michigan was not included in the reorganized territory, and for a period of eleven years was without the pale of civil government. Finally, Parliament passed an act by whose provisions the criminal laws of England were to be of force within this country; but in matters relative to civil rights resort was to be had to the laws of Canada, for the rule of decision. Conveyances and wills might be executed according to the laws of either country. Legislation touching religion was forbidden. In 1792, the laws of England first obtained exclusive jurisdiction, and subsequent legislation adopted the jury system, and provided for courts and methods of procedure.

In 1796, under Jay's treaty, Great Britain surrendered the Michigan territory to the United States, and it became a part of the Northwest Territory, amenable to the laws of the latter, usually passed by Congress, but sometimes (by an early power of executive legislation) made to bow to the edicts of Territorial Governors. January 11, 1805, the Territory of Michigan was created; and on the following Fourth of July its Government was duly organized by the Governor and Judges at Detroit. From this date to 1824, three codes were of force within the Territory, as follows: "Woodward [Chief Justice] Code," printed in Washington, D. C., in 1808; the "Cass [Governor] Code," printed in Detroit in 1816, and the Code of 1820. In addition to these, a few laws appeared in pamphlet form between the years 1822 and 1824. These, enacted by the Governor and Judges of the Territory, seem to have been an advancement of the rudimentary laws of the Northwest Territory, and, when questioned, have been

\*The writer takes this opportunity for acknowledging and thanking the following for information freely given: The Hon. John T. Holmes, Mark Norris, E. S. Eggleston, John McQuewan, Reuben H. Smith, and Cornelius DeYoung.

sustained by the United States Supreme Court. These laws are now preserved in four official volumes. In 1823 Congress provided for a Legislative Council for the Michigan Territory, which continued to enact new laws up to the time of its admission as a State into the Union.

As in the other States, the present law making power is a Senate and House of Representatives. The law of Michigan, today, is the common law of England, as modified by the statutes of Parliament down to the Declaration of Independence; the Territorial law (by a provision of the constitutional schedule—now but little operative); and the acts of the Legislature. Revisions of the State statutes have been made from time to time and published, to-wit: In 1846, 1857, 1871, and 1882. The last one, known as Howell's Annotated Statutes, is in present force.

#### COURTS—THE SUPREME COURT.

A Court is a place where Justice is judicially administered.—*Co. Litt. 58, A.*

From the establishment of Territorial Government in Michigan to the present time, the court of denier resort has been called the Supreme Court. Its jurisdiction, methods of procedure and composition have been repeatedly changed; not so its name.

Originally composed of one Chief and two Associate Judges, appointed by the President of the United States, for a term, "during good behavior;" by the Revised Statutes of 1838, a new Associate was added, all being at this time appointed by the Governor, by the advice and consent of the Senate, for a term of seven years. By the revised Constitution of 1850, the Circuit Judges were *ex-officio* Judges of the Supreme Court. This however continued only for a period of six years, when the Court was reorganized, to be composed of the old number, elected by the people for a term of eight years. By an act of 1887 this number was increased to five, and the term of service extended to ten years. For a long time the Supreme Court was peripatetic in its sittings, having convened at Detroit, Ann Arbor, Kalamazoo, Pontiac and Adrian; but in 1873 all terms were ordered held at Lansing, where at present sessions are held in the State Capitol. An exhaustive library is here provided; and the results of the

Court's deliberations fill a State set of reports numbering eighty volumes.

The Supreme Court jurisdiction is now as follows: A general superintending control over all inferior courts, to prevent and correct errors and abuses therein, in the absence of express remedy, matters brought before it by *certiorari*, writ of error (civil or criminal), cases made and agreed upon by parties; with power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *procedendo*, prohibition, *supersedeas*, and others which may be necessary to the complete exercise of its powers and the furtherance of justice; also appellate jurisdiction in cases at law and in equity, as well as probate matters. Four annual terms of court are held, to-wit: January, April, June, and October. The following is a full list of Chief and Associate Justices:

Territorial, "First Grade" of Government—1805-24, Augustus B. Woodward, C. J.; 1805-08, Frederick Bates, A. J. (resigned); 1806-24, John Griffin, A. J.; 1808-24, James Witherell, A. J.

"Second Grade," term limited to four years—1824-28, James Witherell, C. J.; 1824-37, Solomon Sibley, A. J.; 1824-27, John Hunt, A. J. (deceased); 1827-32, Henry Chipman, A. J.; 1828-32, William Woodbridge; C. J.; 1832-37, George Morrell, C. J.; 1832-37, Ross Wilkins, A. J.

Under the Constitution of 1835—1836-42, William A. Fletcher, A. J. (resigned); 1836-43, George Morrell, A. J. (C. J. *vice* Fletcher, July, 1843); 1836-43, Epaphroditus Ransom, A. J.; 1838-48, Charles W. Whipple, A. J. (additional Justice); 1843-48, Epaphroditus Ransom, C. J.; 1848-52, Charles W. Whipple, C. J.; 1842-45, Alpheus Felch, A. J. (resigned); 1843-46; Daniel Goodwin, A. J. (resigned); 1845-52, Warner Wing, A. J. (*vice* Felch); 1846-50, George Miles, A. J. (*vice* Goodwin, died in 1850); 1848-52, Sanford M. Green, A. J.; 1848-52, Edward Mundy, A. J. (additional A. J., deceased); 1850-52, Abner Pratt, A. J. (*vice* Miles, deceased); 1851-52, George Martin, A. J. (*vice* Mundy, deceased).

For six years, under new Constitution—John S. Goodrich, elected April, 1851, died before qualifying; Warner Wing, resigned 1856; George Martin; Sanford M. Green, resigned 1857; Joseph T. Copeland; Samuel T. Douglass, resigned 1857; David Johnson, resigned 1857; Abner Pratt, re-

signed 1857; Charles W. Whipple, died October, 1855; Nathaniel Bacon, October, 1855, *vice* Whipple; Edward H. C. Wilson, November, 1856, *vice* Wing; Benjamin F. H. Witherell, May, 1857, *vice* Douglass; Benjamin Graves, May, 1857, *vice* Pratt; Josiah Turner, May, 1857, *vice* Green; Edwin Lawrence, May, 1857, *vice* Johnson.

Under the present organization—Chief Justices—1858-67, George Martin; 1868-69, Thomas M. Cooley; 1870-71, James V. Campbell; 1872-73, Isaac P. Christiancy; 1874-75, Benjamin F. Graves; 1876-77, Thomas M. Cooley; 1878-79, James V. Campbell; 1880-81, Isaac Marston; 1882-83, Benjamin F. Graves; 1884-85, Thomas M. Cooley (resigned); 1885, Allen B. Morse (*vice* Cooley, resigned); 1886-87, James V. Campbell; 1888-89, Thomas R. Sherwood; 1890, John W. Champlin. Associate Justices—1858-64, Randolph Manning (died 1864); 1864-67, Thomas M. Cooley (*vice* Manning, deceased); 1858-69, James V. Campbell; 1858-71, Isaac P. Christiancy; 1868-73, Benjamin F. Graves; 1870-75, Thomas M. Cooley; 1872-77, James V. Campbell; 1874, Isaac P. Christiancy (resigned); 1875-79, Isaac Marston (*vice* Christiancy, resigned); 1876-81, Benjamin F. Graves; 1878-83, Thomas M. Cooley; 1880-85, James V. Campbell; 1882-83, Isaac Marston (resigned); 1883-87, Thomas R. Sherwood (*vice* Marston); 1884, John W. Champlin; 1886, Allen B. Morse; 1888, James V. Campbell; 1888, Charles D. Long.

George Martin was born at Middlebury, Vt., June 30, 1815. When scarcely out of his boyhood he entered Middlebury College, and was graduated therefrom, the youngest of his class, in 1833, at eighteen years of age. He then began the study of law; the first year in the office of his uncle, Harvey Bell, of Montpelier, whom Chancellor Kent considered one of the ablest jurists of his day in New England; afterward with the lawyer-novelist, Daniel P. Thompson, of the same place, author of "May Martin, or the Money Diggers," "The Green Mountain Boys," and several other novels. In September, 1836, he came to Grand Rapids, where he settled for the practice of his profession and resided during the rest of his life. In 1849 he was elected County Judge, and in 1851 was chosen Circuit Judge, in which capacity he was, under the then

prevailing system, a member of the Supreme Court. When the present organization of the State Supreme Court was established, Judge Martin was elected, in 1857, its first Chief-Justice, in which position he continued to preside over that court until his death, which occurred at Detroit, December 15, 1867. As a judge he reached much more than a local eminence, his opinions attracting notice and in a large degree becoming recognized authority in the courts of many other States. The late Judge Campbell, a short time before his death, said he had never known a man more naturally a lawyer than Judge Martin, and that in elegance and clearness his opinions would compare with any ever written. Among his later and more elaborate opinions, those dissenting from the judgment of the court on the questions of Negro Suffrage and The Soldiers' Right to Vote, in which he sought to accommodate the State Constitution to the dictates of natural justice, commanded general attention and wide approval. A fine sample of his epigrammatic utterances was a declaration to the effect that he could not allow to judicial doubts more potency than to legislative certainty. Judge Martin was much loved as well as esteemed here at his home, both in his profession and in social life. Politically, he was an ardent Republican. November 17, 1840, in Grand Rapids, he married Julia Taylor. She died in Minnesota March 22, 1887. They had four children—William B., born in 1842, died in 1880; George H., born in 1845; Charles T., born in 1847, and Mary E., born in 1850.

JOHN W. CHAMPLIN, LL. D., Chief-Justice of the Supreme Court of Michigan, was born February 17, 1831. He is a lineal descendant of Geoffrey Champlin, who, in 1638, came to this country from England, and settled in Rhode Island. The family has strong characteristics of mind and body, which strikingly appear in the subject of this sketch. They are strong in body, firm in conviction, and possess in a great degree that balance of the faculties known as common sense. Jeffrey C. Champlin, the father of the subject of this sketch, married Ellis Champlin, a descendant of a different branch of the same family, who in early times settled in Connecticut. Shortly after their



W. W. Chapman Engraver

John W. Champlin

marriage they removed to Kingston, New York, where Judge Champlin was born. Soon after, the family removed to Harpersfield, in the same State, and engaged in farming, and here Judge Champlin continued to reside until he was of age. The story of his youth is the story of the youth of so many of our best public men. In summer he worked beside his father and brothers on the farm, laying up stores of health and strength for the trying demands of his professional career. Here was formed that intimate acquaintance with the affairs of every-day life, its difficulties and its needs, which was to keep him through life in warm sympathy with the people. In this home-life, under its firm but kindly parental government, was acquired that habit of industry and those principles of integrity, independence and love of justice which have been marked characteristics of the man. In the winter time he attended the village school; at thirteen he entered the academy at Stamford, and afterward the academies of Rhinebeck and Harpersfield. With reference to these schools it may be said, as could be said of many other academies in New York and New England towns, that if they lacked some of the advantages and much of the machinery of the modern school system, if they did not undertake to accomplish as large results in a given time, they did not, like the modern school, tend to dull uniformity; they gave to the ambitious youth opportunities to acquire a training that tended to individual development and that individual independence and self reliance which peculiarly fit the student to grapple with the various questions of our political life. After leaving Harpersfield Academy, Mr. Champlin took a course of civil engineering at the Delaware Literary Institute, and commenced the practice of that profession in his native State. Seeking a wider field, at the age of twenty-three years, in 1854, he came to the city of Grand Rapids, where his brother, Stephen G. Champlin, afterward General Champlin, was then engaged in the practice of law. Here he commenced the study of that profession in the office of his brother; passed his examination before Judge Martin, afterward Chief Justice of the State, and was admitted to the bar in 1855. While the city was comparatively small, and the country around it new, the local bar had in it many men of

marked ability—men whose vigorous intellects and natural sagacity, uncontrolled by the strict enforcements of legal courtesy, made the conflicts which necessarily arose in the profession a rather hard but useful school for the young attorney on the threshold of his practice. One further benefit he derived from the position in which he found himself placed. In this, as in other communities where population is increasing rapidly, changes had to be made in the machinery of local government to adapt it to the wants of a larger community, and thus many new and important questions arose. In 1856 Mr. Champlin was chosen to prepare a revision of the charter of the city of Grand Rapids, and the results of his work form the basis of all charter legislation for that city since. He held at different times the office of City Recorder, City Attorney, and in 1867 was elected Mayor. By these varied experiences he became acquainted with the practical workings of municipal government. The value of this experience to a lawyer situated as he was is shown by his subsequent life. Probably there was no lawyer in the district where he resided whose opinions were more widely respected upon questions of municipal government than his. From this time on, Judge Champlin pursued the practice of the law with an assiduity that withdrew him entirely from other pursuits. His business became so varied and extensive that it demanded his entire time in the trial of causes and in the examination of the many and delicate questions arising in the course of a large general practice. The years of conscientious work brought with them not only increase of practice and reputation, but also that growth in legal knowledge and that wide and accurate judgment, the possession of which constitutes the most marked excellence of a lawyer. In the trial of cases he was uniformly courteous to the court, his opponent, and the witnesses; he cared nothing for display, never losing a point for the sake of creating a favorable impression with the audience, seeking to impress the jury rather by weight of facts in his favor and by argument than by an appeal to prejudices. In discussions of the principles of law he was remarkable for his clearness of statement and his candor. He sought faithfully for firm ground on which to plant his feet; and when once he found it, noth-

ing could drive him from his position. He had the faculty of comprehending the point of greatest strength, and, in holding that, spent his entire energies. His zeal for his client never led him to urge in argument what in his judgment was not the law. His conceptions of legal principles were cleanly cut, and he preserved intact the perfect balance of his legal judgment. In 1883 he was nominated by the Democratic party for Judge of the Supreme Court, and was elected by a majority which was so far in excess of the vote of his own party, that it furnished very strong evidence of the high esteem in which he was held by the people of the State. He took his seat as a member of that court in January, 1884. He brought to the bench not only a reputation, but a character for integrity unquestioned and unquestionable; a wide knowledge of the law, and of the difficulties which attend its perfect administration and practice; a mind which, while it did not readily adopt for its own opinion the opinion of others, was quick to comprehend an argument, and ready to follow it to a logical conclusion, however far that conclusion might differ from an opinion previously entertained. What has been said regarding his character and attainments as a lawyer affords the key to his career on the bench. To his many friends throughout the State who have carefully scrutinized his work since he has taken his seat, no word is necessary; to the general public, it need only be said that the same careful, conscientious application of thought and study has been given to the duties of that position, as secured his success at the bar, the result being uniformly satisfactory alike to litigants, to the legal profession, and to the people whom, in the capacity of a public officer, he has served with the fullest appreciation of the duties and responsibilities imposed upon him. At the semi-centennial of the University of Michigan, in 1887, the Board of Regents conferred upon him the honorary degree of Doctor of Laws. In politics Judge Champlin is in principle a Democrat. He, however, declined to follow that portion of his party who opposed the war, and for the past few years he has taken part in public affairs only as one does who would not shirk his duty as a citizen. On the 1st of October, 1856, he married Miss Ellen More. The union has been a singularly happy one,

three children having been born to them. The Judge is a member of St. Mark's Protestant Episcopal Church in Grand Rapids, where he resides. In the ordinary affairs of life, Judge Champlin is a man of unusually keen perception, just and clear in judgment, and energetic in action. Conscious of the dark shadows of human life, he habitually turns his face toward its sunny side; quick in sympathy, unobtrusively helpful, genial to all, and firm in his friendships, it is given to few men to be loved and trusted as he is loved and trusted in the community where he lives. In conclusion it is proper to say, acknowledgment is due to Roger W. Butterfield for the greater part of the material in this sketch, taken from an article written by him in the *Magazine of Western History*.

Moses Taggart was born at Wilson, Niagara county, New York, February 27, 1843. Upon both sides he comes from New England families whose representatives occupied honorable and important positions in the public service. His early life was passed upon his father's farm, where he laid the basis of a strong physical organization. He had expected to go through college and had finished his preparatory course at Wilson Collegiate Institute, when the enlistment of two older brothers in the War of the Rebellion imposed upon him in a great degree the care and maintenance of the survivors of the family. He, therefore, gave up college and returned to the farm. Subsequently he entered as a student the office of the late Judge Taggart, of Batavia, his uncle, formerly Judge of the Court of Appeals of New York; graduated from the Law Department of the Michigan University in 1867 and was admitted to the bar of New York, at Buffalo, in December of the same year. He came to Michigan in 1868, settling first at Cedar Springs; afterward removed to the city of Grand Rapids and entered first the office and then into partnership with B. A. Harlan, then Judge of Probate. He soon after formed a new business connection with Eugene E. Allen, and the firm of Taggart & Allen thus formed was afterward changed by the admission into the firm of L. W. Wolcott, and subsequently by the withdrawal of Mr. Allen on account of ill health. For many years the firm of Taggart & Wolcott has been a

prominent one in the city and the gentlemen composing it have ranked among leading members of the bar. Since his admission to the bar Mr. Taggart has given almost his entire time and attention to the study and practice of his profession. As the community around him has increased and given him wider opportunities for development, he has grown with it. Years of hard work in a profession which is singularly exacting has brought him appropriate compensation in a quickened comprehension and strong grasp of legal questions and a continuing capacity for growth. In the fall of 1884 Mr. Taggart was elected to the office of Attorney-General of the State. It was an office the importance of which is not generally understood outside of the profession. To that position he brought an industry and ability that made its administration by him noticeable in the State at large. He found its duties so importunate that to their complete performance it was necessary he should suffer much pecuniary loss in his private practice. He did not hesitate, but, submitting to that loss, gave himself unreservedly to the delicate and important questions which arose in the conduct of his office as Attorney-General. After having been renominated by his party and re-elected by the people in 1886, he retired at the end of his second term, having won for himself by the discharge of his duties an enviable reputation. Personally, Mr. Taggart is a man of strong convictions, firm in his friendships, courteous in his bearing. In politics he is a Republican. A member of the Presbyterian church, he carries his Christianity into his daily life; in all things having a great deal of the steadfastness of his Puritan ancestors, without any of the Puritan bitterness. Not only as a lawyer but as a man, he has won and enjoys the sincere respect of the community in which he lives.

#### DISTRICT COURTS.

After the Territorial Government was organized, the Governor divided the State into the four Judicial Districts of Erie, Huron, Detroit, and Michilimackinac. In each a court was established, having jurisdiction of demands exceeding \$20. Originally presided over by the Judges of the Supreme Court; resident Judges (a Chief and two Associates) from the district soon came to be appointed by the Governor, for

a term during good behavior. They were abolished in 1810, and for the next five years there were no intermediate courts between the Supreme and Justices' Courts. Several counties (Kent not included) have since had District Courts; but the system is now obsolete. The last, for the Upper Peninsula, was abolished in 1863, when its Circuit Courts were organized.

#### COURTS OF CHANCERY.

From the beginning of the State Government, equity and common law jurisdiction were vested in distinct courts. Equity powers were exclusively vested in a Court of Chancery, except a few specified cases which might be taken to the Supreme Court, to which appeal also lay for any one feeling himself aggrieved by final order or decree of the Chancery Court. The Court of Chancery held sessions by turn in each of the several circuits into which the State was at that time divided; and all cases were determined in the venue where action was brought. Abolished by the act of 1846, its jurisdiction was conferred upon the Circuit Courts, where it has remained ever since. The records of its existence are embodied in two volumes, known as Harrington's and Walker's Chancery Reports. Only three Chancellors ever officiated: 1836-42, Elon Farnsworth, resigned; 1842-46, Randolph Manning, resigned; 1846-47, Elon Farnsworth—court abolished.

#### CIRCUIT COURTS.

Michigan is divided into twenty-nine Judicial Circuits, of which Kent county forms the seventeenth. Four terms of court are held in Kent annually, as follows: March, May, September and December, which often run into one another, so that the court is practically always in session. The main bulk of important cases is here disposed of; and most decisions which in the reports of opinions of the Supreme Court Judges become law precedent for the determination of future causes are the final disposition of cases removed from different circuits.

The development of this important branch of the judicial system is briefly as follows: The Circuit Courts were first instituted by name in 1825, and presided over by Judges of the Supreme Court, who for some years performed these duties in a peripatetic manner, going from circuit to circuit. The

inconvenience arising therefrom, and the rapid growth of settled communities, led to radical changes. In 1833 "The Circuit Court of the Territory of Michigan" was established, presided over by one Circuit Judge for the entire circuit, and two Associate Judges for each county; the former appointed for four years; the latter, for three. The Circuit Courts before in existence were then called Superior Circuit Courts, and were empowered to issue writs of error to the Circuit Courts.

In 1836, the State was divided into three Judicial Circuits, and Judges of the Supreme Court performed the duties of Circuit Judges. The Constitution of 1850 made the office of Circuit Judge elective, and the term of office six years. Each circuit now has its own elected Judge (Wayne and Kent, because of the press of business, having two each); and the Supreme Court Judges no longer sit therein, save as they may have cases removed thence for their opinion sitting as a Supreme Court.

The Circuit jurisdiction is substantially as follows: Within their respective counties, Circuit Courts exercise original and exclusive jurisdiction over all civil actions and remedies, and criminal prosecutions in the name of people of the State, except where exclusive or concurrent jurisdiction is given to other courts, and all powers usually possessed by courts of record at common law and in equity; also general appellate jurisdiction over Justices' and Probate Courts, with powers to regulate practice therein, and carry out the provisions of its judgments and decrees. Cases are removed thence to the Supreme Court, on writs of error, appeals, or cases made and agreed upon between the parties.

Issues of law are tried by the Court; so too of issues of fact, unless a jury be demanded, in which case they, under the charge of the Court, are judges of the fact. Causes may be transferred from one circuit to another for several specified reasons; for instance, local prejudice or relation of Judge to parties in suit. A stenographer is provided to keep accurate report of proceedings had, drawing a salary in this county of \$1,500. The County Clerk is *ex officio* Clerk of the Circuit Court.

From the time court proceedings were first had in Kent county up to the time of its county organization, it was attached to Kalamazoo county for judicial purposes;

but since 1836 our courts have had more of a "local habitation and a name."

The Circuit Court has convened at various places in our city. First it met in the county buildings on what is now Fulton Street Park; when they were destroyed, it next met in the Rev. Dr. Penney's church on West Bridge street; subsequently, in the Collins Block on Canal street; then in the old block standing on the lot now occupied by the Old National Bank; then the Leppig Block; afterward the Phoenix Block on Lyon street; lastly, the Circuit Court Block, so-called (owned by Lyman D. Norris, on Lyon street); whence it will soon depart for a more stable abiding place in the new county building, corner of Ottawa street and Crescent avenue.

Kent county was organized March 24, 1836, and soon thereafter judicial functions began within her own limits. Unfortunately, owing to a serious fire in 1860, by which most of the files and records of the county were irrevocably lost, it is next to impossible to get full, accurate data of these early courts; the written authorities are wanting, and almost all the old settlers qualified to verify by recollection the events of those early times, when our now populous city was just being started, are passed away. A few remain whose interests at that time lay sufficiently in the courts to fix with tolerable degree of certainty the men and periods of service such as we are enabled to give.

From 1836 to 1852 the following Judges visited and held court on the Circuit Bench of Grand Rapids, being entitled thereto *ex officio* from their position on the Supreme Bench: Epaphroditus Ransom, Charles W. Whipple, Edward Mundy and George Martin. These, in the order named, during that period discharged the duties of said court of Kent; and their works were supplemented by side or Associate Judges, two chosen within the county for a term of three years. The following is such list as far and truly as can be ascertained: 1837-41, John Almy and Arnot Davis; 1841-44, Ezekiel W. Davis and Philander Tracy; 1844-47, Rix Robinson and Lewis Reed (John Almy was elected, but failed to qualify; Reed took his place).

Beginning in 1852, the date fixed by the Constitution of 1850, the elected Circuit Judges have been as follows: 1852, George Martin; 1858, Louis S. Lovell (two terms);



Yours Always  
J. R. Alden

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1870, Birney Hoyt (two terms); 1882, Robert M. Montgomery; 1888, William E. Grove.

By an act of the Legislature of 1889, a second Circuit Judge was provided for the county, whereby Judge Marsden C. Burch now holds his tenure of office. It is becoming of use for one Judge to take the jury cases one term of court and the chancery matters the next. [Action has been taken by the Attorney General to test this law of 1889, and the legality of the present incumbency, by *quo warranto* proceedings, which is pending at the time of this writing.]

The present personnel of the Court is as follows: William E. Grove and Marsden C. Burch, Judges; Cornelius L. Harvey, Clerk; Frank P. Carpenter, Cornelius J. De Young and Joseph Emery, Deputy Clerks; William J. Stuart, Prosecuting Attorney; Loyal E. Knappen, Assistant Prosecuting Attorney; Henry F. Walsh, Stenographer; Dwight Goss and Alfred Wolcott, Circuit Court Commissioners; Loomis K. Bishop, Sheriff; Isaac F. Lamoreaux, Under Sheriff; Harmon Cowens and Frank W. Worfel, Deputy Sheriffs; J. Clinton Bishop and William J. Miller, Messengers.

Full lists of Sheriffs and County Clerks, from the organization of Kent county down to 1890, are given on page 384 of this History.

#### PROSECUTING ATTORNEYS FOR KENT COUNTY.

1851-52, Edward E. Sargeant; 1853-56, John T. Holmes; 1857-58, E. S. Eggleston; 1859-60, Stephen G. Champlin; 1861-62, Thaddeus Foote; 1863-65, E. G. D. Holden; 1866-68, Byron D. Ball; 1869-72, Andrew J. Reeves; 1873-76, E. A. Burlingame; 1877-78, Stephen H. Ballard; 1879-80, Frank F. Kutts; 1881-82, Fred A. Maynard; 1883-86, Isaac M. Turner; 1887-88, Samuel D. Clay; 1889-90, William J. Stuart.

EBENEZER GREGG DANFORTH HOLDEN, the youngest of five sons, was born February 18, 1834, in the pioneer's cabin, Kirkland, Cuyahoga County, Ohio. His parents, Josiah Rhodes and Joanna Reed (Danforth) Holden, natives of New Hampshire, were married January 24, 1824. They lived together sixty-three years, when death took the father at the advanced age of ninety. The mother, still living, is now

in her ninety-first year. On the father's side, the genealogy of the family in America has been traced back 280 years, and on the mother's, 171—the father being descendent from English Puritan stock, and the mother from Scotch-Irish, whose origin, under the surname of "Gregg," appears in the history of Londonderry, Ireland, as early as 1690. Oliver Holden, of Charlestown, Mass., was the author of the world renowned hymn "Coronation." The Hon. Samuel Holden, President of the Bank of England, though he never saw America, erected a chapel at Harvard University in 1744, which is still in use, and has always been known as the "Holden chapel." The brick of which it is built were brought from England, as none were then made in America. The donor of this then magnificent building also endowed the college with £2,000 a year, which, by his will, continued to be paid many years after his death, or until the opening days of the Revolution cut off fraternal relations between the two countries. Many of the Holden descendents in America have been educated at "Old Harvard," but the subject of this sketch never saw it or the chapel until 1877. The latter is now used as a lecture room, and after the lapse of 145 years is still in good preservation—its street gable being finished with a carved *bas relief* of the "Holden arms." The parties last above named and many others of note were among the ancestors, near and remote, of the "Holden" of whom we write, whose life, until he became his own man, was that of a pioneer's boy, his father moving from Ohio to Illinois while "Gregg" was yet an infant, and after various shiftings, incident to "wildcat" times and business failures, finally became a settler in the "South Woods" (now the township of Byron), Kent County, Michigan, November 18, 1845. He died and was buried here, and "E. G. D." has been a thorough Michigander since his first appearance in the State. He has been in nearly every State in the Union, but forty-four years of residence in Kent County makes it essentially his home. He has never sought to change it. Young Holden, like many another pioneer's son, soon tired of the wilderness, and at the age of seventeen, with his parents' blessing, he walked up out of the woods and never went back again. With only about twenty months' schooling all told up to that age, he set

about educating himself, and succeeded so well that we find his name on college catalogues of later date. We afterward find him teaching school and studying law—the records of Kent County Circuit Court showing him to have been admitted to the bar March 5, 1859. Being Republican in politics, he early took an active interest in the success of his party, and soon became known as one of the most persistent and tireless workers. His voice was heard in every school house in the county. He then graduated into the Congressional District, and in later campaigns canvassed the State. He was eight years Secretary of Kent County Republican Committee, and six years its Chairman. He was six years Chairman of the Congressional Committee, and served four years as a Member of the State Central Committee. For more than twenty years, not to know him was not to know one of the most successful and energetic "wheel-horses" of the party. Amid the defections of 1872, as Chairman of the County Committee, he achieved one of the most noted victories his party ever rejoiced over in this County. Every Ward in the City went Republican except one, and every township in the county except one, and the combined opposition majority in these was only nine. The Republican County Candidates were elected that year by from two to three thousand majority. Though Mr. Holden could never be called an office seeker, he was not entirely forgotten by his party in the distribution of its favors. He was Prosecuting Attorney from 1863 to 1867, and Secretary of State from 1875 to 1878—both inclusive, and in these positions served his constituency better than they knew—or if they knew it, it was soon forgotten. As an indication of his popularity, we have only to say, that although twice nominated for Secretary of State, no State Convention ever cast a ballot for him. He was always nominated by acclamation. For more than fifteen years he was intimately connected with the schools of Grand Rapids, as Trustee, Moderator, and Director of the West Side Union School. He was one of the first to favor the consolidation of all school interests under one management, and rejoiced when this union was accomplished. Knowing so little of school advantages in his early years, his influence has always been on the right side for an enlight-

ened comprehensive school policy. Teachers and scholars never had a more staunch friend than he. As a "secret society" man, he was Grand Master of the Odd Fellows of Michigan, seven years after his initiation, but subsequently severed his connection with that order, owing to the position assumed by the Grand Sire, in regard to the Uniform Degree of the Knights Patriarchal Circle. He has since been at the head of the latter order in the United States, serving one term, and is now an officer on the staff of the Supreme Commander, with the rank of Brigadier General. In 1870, in connection with his partner at that time, he assisted in organizing and incorporating the Grand Rapids Savings Bank, and was a member of its first Board of Directors. This bank, which is now one of the institutions of the city, owes its origin to him. As a business man, his energies for many years have been devoted entirely to insurance. He engaged in the local business in May, 1860, and for more than thirty years has adhered steadily to insurance work, being now the oldest agent in the city for years of consecutive service. He has been special agent, State and general agent and adjuster for many companies, and as such has traveled extensively. His two sons, Charles and Henry, were admitted to partnership in May, 1888—the new firm making law and real estate a part of their business, and having an office on each side of the river. Mr. Holden's business career has been uniformly successful. He married August 24th, 1858, Miss Melissa E. Smith, of Marion, N. Y.—who, like himself, was the child of New England parents. They have three children—the two sons above mentioned and Mary H., wife of Willis B. Perkins, of the firm of Sweet & Perkins, attorneys-at-law in this city. Though reared under the influence of the strict old school Presbyterians—as exemplified by his parentage—Mr. Holden is not a member of any church; is liberal in his religious views, believes in the good and true everywhere, and recognizes these essentials in all creeds, but gives none an exclusive jurisdiction. Mr. Holden is an exceedingly well man—stands five feet ten inches, and weighs 180 pounds—is still a very active man and a severe student. In his home he has surrounded himself with thousands of good books, occupying the largest room in the house—this



Eng'd by F. G. Harman, N.Y.

James Miller

he calls "Our Den," and here he is always found during his leisure hours. Never having been a "society man," he thus finds much time which he spends profitably with "books and pen." He has been much on the lecture platform, and his contributions to the press, both prose and verse, have been many and varied. For years he has contributed to the Chicago and Eastern press, besides furnishing a liberal supply to various home publications. The *nom de plume* of "Robert Roland" was at one time quite familiar to the public, and though he has not abandoned it, yet of late generally puts out his productions over his own somewhat lengthy *nomen*. As boy and man he has always been ambitious, believing that whatever he does he can do as well as anybody, and since he retired from politics has devoted his spare hours to the study of history and literature. He is a voracious reader, and a ready, rapid writer. Has a cordial hand, a cheery word and a smile for every friend, and goes about everything he undertakes with the certain assurance of success. Had he ever known any such word as "fail," there never would have been any occasion for this hasty sketch of his career.

#### JUSTICES' COURTS.

Justices of the Peace, under an act of 1805, were given cognizance of all claims and penalties not exceeding \$20. The manner of proceeding was by warrant to bring the defendant at once before the Justice. Appeal was afterward allowed to the court of the district, which being abolished in 1810, Justices were given jurisdiction to try, by consent of parties, all cases of a civil nature wherein the demand did not exceed \$100. Appeal to the County Courts was allowed upon their establishment in 1815. During Territorial times, Justices of the Peace were appointed by the Governor; the first Constitution, however, provided for their election for a period of four years, which is still the rule.

Each township and city is entitled to four Justices of the Peace, who draw no fixed salary, but are paid by a system of fees for actual services, regulated by statute. They have original jurisdiction of all civil actions wherein the debt or damages does not exceed \$100, and concurrent jurisdiction in all civil actions upon contract, express or

implied, wherein the debt or damages does not exceed \$300; but they do not have cognizance of real actions, actions for disturbance of right of way or other easement, for libel or slander, malicious prosecutions, against administrators and executors as such, nor where title to real estate comes in question. Their criminal jurisdiction is confined to cases of simple larceny, assault and battery, wilful destroying and injuring of landmarks, simple trespass upon lands and cutting of timber, wilful damage to cattle, horses and personal property not exceeding the amount of \$25, and all other offenses punishable by fine not exceeding \$100, or imprisonment in the county jail not exceeding three months, or both such fine and imprisonment.

For the exercise of jurisdiction, they are vested with all the ordinary powers resident in courts of record, except setting aside a verdict and arresting judgment thereon. Juries, when demanded, are judges both of law and the fact. Appeals are allowed in all cases of final judgment on issue of law or fact, where defendant did not appear and plead, and where judgment of nonsuit is rendered. All cases on which judgment has been given may be removed to Circuit Court by either party.

A list of Justices of the Peace within the City of Grand Rapids since 1850 is given on page 401 of this book, to which may be added, for 1890, Elliott G. Brown.

JAMES MILLER was born in Winsted, Connecticut, February 11, 1823. His father, Joseph Miller, was a lawyer of prominence in Litchfield county, Conn., who moved with his family to Gull Prairie in this State in 1834, where he died in 1864. Joseph Miller, his son, and half brother to James, also became a lawyer of prominence in Kalamazoo; was U. S. District Attorney for Michigan during the administration of James Buchanan, and died at Kalamazoo in 1861. James received a common school and academic education, which was greatly added to under the careful instruction of his scholarly father; he then read law, and upon his admission to that profession commenced practice in Grand Rapids with A. D. Rathbone. As an attorney, Mr. Miller won an honorable position. He never encouraged litigation, but often advised and assisted successfully in the adjustment of

the difficulties of his clients, thereby winning in an unusual degree their respect and confidence. In the later years of his life his business was not exclusively that of law, as he gradually became largely engaged in real estate transactions and matters connected therewith. He was at one time the candidate of the Democrats for Prosecuting attorney and Circuit Judge. At the time of his death, Nov. 25, 1879, he was President of the Board of Public Works of the city of Grand Rapids. He was disinclined to political aspirations, and reluctantly accepted the positions in which his party placed him. Originally he was a Whig of the Henry Clay school, but upon the organization of the Republican party he, like many others of the conservative men of the old Whig party, affiliated with the Democrats. He was thoroughly conscientious and honest in his political opinions and would never sacrifice principles for policy. To his fellow citizens Mr. Miller was eminently a courteous and agreeable man, reading much and reflecting much, always ready to communicate his knowledge and reasonings, which made him a most entertaining and profitable companion. He had clear and positive views on all public questions. He enjoyed most satisfactory and comforting religious convictions, being a New Churchman, or "Swedenborgian," but usually, when there was no active New Church organization, was an attendant at the services of the Episcopal Church. Whilst not challenging admiration for brilliancy of talent, or great performance in professional or literary labor, Mr. Miller's mental powers were of a superior order, and he was generally regarded as a man of sound judgment, and as leading a highly respectable, honorable and useful life. He was cheerfully and readily acknowledged as one of the representative men of the Grand River Valley; and well he might be, for his walk was for nearly forty years before the people with whom he lived in the several occupations he followed, all of which relations were characterized by energy, fair dealings, candor, generosity and a liberal benevolence. In 1846, Mr. Miller married Mary Ada, daughter of Sidney Smith, a lawyer, who founded the village of Ada, Kent county, Michigan. For her that village was named. Of his family there are living at the present time, 1890, his wife and two daughters, Helen E. and Mary A.

Mr. Miller was domestic in his habits and tastes, found happiness in his home and enjoyment in social life among his personal friends and neighbors, who ever recognized him as one of their most agreeable associates. He was a useful citizen, a good man, doing efficiently and well his allotted work in life; such was the judgment of his fellow-citizens of every degree. What the early Northwest would have been, had those who settled in it not been principally from New England, can never be known, but it is certain that the courageous, active energy and ambition that the New Englanders brought with them into the western wilds has never been excelled by any people; the visible impress of their coming will be discernable through the ages, and to this, Joseph Miller and his sons Joseph, James and Eli contributed their full share.

#### PROBATE COURT.

By a Territorial act of 1805, the courts of the several districts, or any Judge of the Territory, or the Clerk of the District Court, were authorized to take the proof of wills, and grant letters testamentary and of administration. In 1811 provision was made for the appointment in each district of a Register, with essentially the same powers. Finally, in 1818, a Court of Probate was established in each county, the Judge, some "able and learned person," to be appointed by the Governor, from which appeals lay to the Supreme Court. These last continued in operation until the admission of Michigan into the Union.

The Revised Statutes of 1838 provided for the election of Probate Judges for a term of four years, which continues to be the term of office. Our probate law and procedure follows closely the lead of Massachusetts. The Probate Courts are courts of record with seals, having within their sphere the general powers of courts of record. Their jurisdiction covers the very important field of estates of deceased persons, infants, and indigent and mentally incompetent persons; with powers to enforce the attendance of witnesses and the execution of all orders and decrees regularly made. Appeals lie to the Circuit Court of the county, which, in its chancery capacity, has a general concurrent jurisdiction. Probate Judges are authorized by law to appoint assistants, known as Registers of Probate.

The Probate Court for Kent county was organized in 1836; but the burden of work for some years was very light. Reference to the calendar shows but two cases the first year, one the second, three the third, and four the fourth, gradually increasing until in 1889 the number indexed is 345, or nearly one for each calendar day. The records include ten calendars and twenty-eight journals. The first entry is under date of August 1, 1836, in the estate of Rowland W. Sizer, being an order assigning October 19 for the appointment of an administrator. The estate was a small one; and by way of contrasting the value of real property between that time and the present, it is worthy of note that lot four in section one of the Village of Grand Rapids sold for \$20, being a part of the said deceased's estate, and the lot covered at present by Powers' Opera House.

When it is recalled that the bulk of real estate within the jurisdiction of the county passes through this court every thirty or forty years, the importance of laws regulating procedure is at once fully apparent. It is to be regretted that our present law does not sufficiently protect the interests of beneficiaries in some instances; notably in the lax way permitted in the vouchering (often non-vouchering) of accounts of administrators and executors. Below are the lists of Judges and Registers from the organization of the court:

JUDGES OF PROBATE.

Jefferson Morrison, Aug. 1, 1836, to Dec. 31, 1844; James A. Davis, Jan. 1, 1845, to Dec. 31, 1848; Solomon L. Withey, Jan. 1, 1849, to Dec. 31, 1852; Robert P. Sinclair, Jan. 1, 1853, to Dec. 31, 1856; William A. Robinson, Jan. 1, 1857, to Dec. 31, 1864; Benjamin A. Harlan, Jan. 1, 1865, to Dec. 31, 1876; Cyrus E. Perkins, Jan. 1, 1877, to Dec. 31, 1884; Lyman D. Follett, Jan. 1, 1885, to May 30, 1887; Cyrus E. Perkins, June 7, 1887, to —.

REGISTERS OF PROBATE.

Moses Taggart, Jan. 2, 1871, to April 1, 1872; Cyrus E. Perkins, April 1, 1872, to Dec. 31, 1876; John R. Smith, Jan. 2, 1877, to Jan. 2, 1879; William A. Russell, Jan. 2, 1879 to May 1, 1879; Charles Schuster, May 1, 1879, to Dec. 31, 1879; Adolph B. Mason, Jan. 5, 1880, to Dec. 31, 1884; Frank W.

Hine, Jan. 1, 1885, to Aug. 12, 1889; Adolph B. Mason, Aug. 12, 1889, to —.

MAYOR'S AND RECORDER'S COURTS.

The city charter of 1850 contained provisions for the "Mayor's Court of the City of Grand Rapids," whose principal features were as follows: The Mayor, Recorder and Aldermen, or any three of them (the Mayor and Recorder always being one) were empowered to hold a court of record under the above title, having jurisdiction over all cases arising within the city for offenses against its by-laws, ordinances or regulations, or in which said corporation was a party to the suit, its penal jurisdiction being limited to fines of not more than \$100, or imprisonment of not more than six months. The court was to convene the second Monday of each month, and continue until business was dispatched; and might be called in special session on any emergency. The files and proceedings became public records on file in the Clerk's office, whose functions were performed by the City Clerk, who received fees and perquisites in lieu of salary. Appeals lay from this court to the Circuit Court of the county.

By the revised charter of 1857 the Mayor's Court was superseded by "The Recorder's Court of the City of Grand Rapids," empowered to be held by the City Recorder, the jurisdiction for the most part remaining the same, save that it was exclusive, except where the title of land was concerned it acted concurrent with the Circuit Court; also had exclusive appellate jurisdiction of cases brought before Justices of the Peace for violation of any ordinance of the city. Causes could be removed to the Supreme Court in like manner as from the Circuit Court. The Common Council were empowered to provide a city penitentiary; but the power was never exercised, the prisoners always being accommodated at the county jail.

Title IX of the Charter creating the Recorder's Court was repealed in 1875; and its functions and jurisdictions, on the establishing of the present Superior Court of the city, passed to the latter. The names of those who served as Recorders during the existence of the Recorder's Court, with their terms, are given in the chapter on City Administration, pages 393, 394.

Leonard Bement for more than thirty years was a prominent member of the Grand Rapids Bar, and a most worthy citizen. Neither dashing nor brilliant, he was industrious, faithful in his work, tender and gentle in feeling, with a sense of right and a knowledge of the law which made him a good Judge and a useful Justice of the Peace.

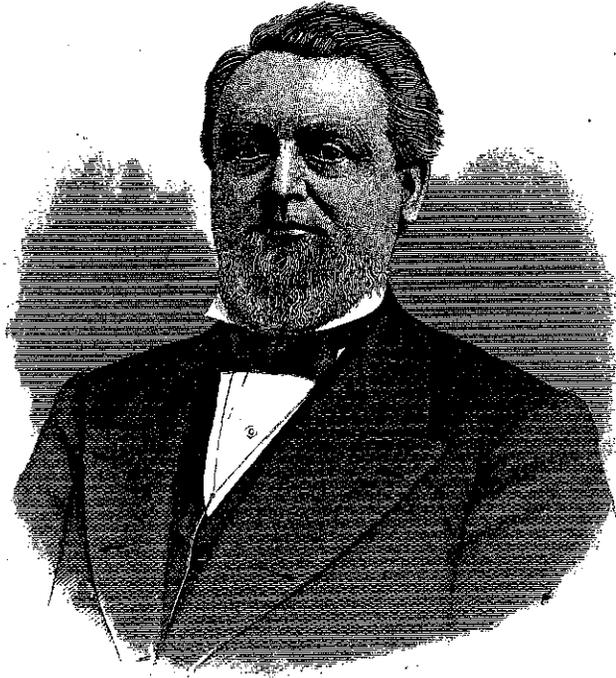
Stephen G. Champlin was for near ten years a prominent lawyer of Grand Rapids. He was born at Kingston, Ulster county, N. Y., July 1, 1827. In boyhood he was an eager reader of history, and it is related of him that at twelve years of age he had well studied the histories of Rome, Greece, France, England, and the United States, and was as familiar with the story of Napoleon Bonaparte's campaigns as he was with his spelling-book. He was educated at the common schools and at the academy at Rhinebeck, N. Y. At the age of fifteen years he began the study of medicine; at eighteen commenced practice as a physician, and soon acquired an extensive practice in Ulster county, N. Y. At twenty-one years of age he gave that up, studied law, passed a creditable examination in the Supreme Court at Albany, was admitted to the bar at twenty-two, and began the practice of law at Richmond, Ulster county, N. Y. In 1853 he came to Grand Rapids and entered partnership with Lucius Patterson; then among the leading lawyers of Western Michigan. In 1856 he was elected Judge of the Recorder's Court of the city, and served two years. In 1858 he was elected Prosecuting Attorney of Kent county, and ably performed the duties of that office for one term. At the breaking out of the Rebellion he enlisted, and May 13, 1861, was commissioned Major of the Third Michigan Infantry. Soon after reaching the field the command of the regiment devolved upon him, and he was commissioned Colonel October 28, 1861. He did gallant service, and had the respect and confidence of his men. At Fair Oaks, Va., he was severely wounded, but was in the field again at the siege of Yorktown and at the battle of Williamsburg. November 29, 1862, he was promoted to Brigadier General. But he never recovered from the effects of the wound received at Fair Oaks. He obtained leave of absence, came home to Grand Rapids, and sank to his death, Jan. 24, 1864, one of

the noblest of the Union Army, and lamented by all who knew him.

#### SUPERIOR COURT.

The Superior Court of Grand Rapids was established by an act of the Legislature of 1875; its first term commencing the first Tuesday in June of that year. It is a court of record, having a seal, and presided over by an elective Judge, whose original term of office is six years. His salary is the same as that of the Circuit Judge, and the treasury of the city is liable for any deficit below \$2,500 to make it equal to that sum. The Clerk of the Court is appointed by the Judge, and has the power to himself appoint deputies, on concurrence of the Judge, when authorized by the Common Council of the city. His full salary is \$1,000. This Court has commodious quarters in the City Hall, where four terms of court are held annually, beginning in March, May, September and December of each year. The running expenses are provided for by the Common Council. A stenographer, appointed by the Governor, on recommendation of the Judge, and to hold during the pleasure of the Governor, is provided for by law. His salary is \$1,200.

The jurisdiction of the Superior Court is as follows: Original jurisdiction, concurrent with the Circuit Court for the county of Kent, in transitory actions where the claim is over \$100, in which both parties reside in the city of Grand Rapids, or when either party is a resident of the city and service of the original process shall be had therein (likewise where there are more than one party on either side, and one of them receives service as aforesaid); actions of ejectment, trespass and foreclosure concerning lands within the city; attachments against non-residents, where the property attached is within the corporate limits; and actions of equity where either of the parties, or the property involved, is within the city. Exclusive jurisdiction of all civil actions at law and in equity, brought by or against the Board of Education of the city, or by or against the city or any of its officers; exclusive appellate jurisdiction, where appeals may be made, of all cases originally commenced and prosecuted in the Police Court of Grand Rapids, where final judgment shall be entered therein, in any cases arising out of the breach of any provision of the



*John F. Holmes*

*Eng'd by H. E. Hill & Sons 13 Barclay St. N.Y.*

charter or ordinances of the city; and to issue writs of *certiorari* in such cases when lawful to be done. Also criminal jurisdiction for crimes committed under laws of the State within the city limits, not exclusively cognizable by the Police Court or the Justices of the Peace of the city. Jurisdiction of the former Recorder's Court of the city was formally transferred to and vested in this court by the act of 1875 above noted; also all necessary powers to make the other enumerated powers and its jurisdiction complete.

The following are the Judges, past and present: John T. Holmes, 1875-81; Isaac H. Parrish, 1881-87; Edwin A. Burlingame, 1887—.

By the original act, the County Clerk was made *ex-officio* Clerk of this court, which provision continued for three years only; during which time the following Clerks were in office: Hobart H. Chipman, 1875; Wesley W. Hyde, 1876 (*vice* Chipman, deceased); Fred S. Clark, 1876-78. Charles P. Rathbun, however, as deputy, performed most of the duties during this time. Since the office became elective for a period (term) of two years, the following have been the Clerks: Everett D. Comstock, 1878-80; Charles P. Rathbun, 1880-88; Andrew Fyfe, 1888 —.

JOHN T. HOLMES has been upward of half a century an honorable, useful and esteemed citizen of Grand Rapids. He was born Dec. 11, 1815, at Carlisle, Schoharie county, N. Y. His father, Daniel Holmes, was a native of Saratoga, and for some forty years a Deacon in the Presbyterian church in Niagara county, N. Y. His mother, Sally (Taylor) Holmes, was a daughter of John Taylor (for many years Judge in Saratoga county, N. Y.,) and sister of John W. Taylor, who represented the Saratoga District in Congress for ten consecutive terms (twenty years), and was Speaker of the House in the Sixteenth and Nineteenth Congresses. John T. Holmes in early youth attended the common schools in Niagara county, and a select school in Cherry Valley. His parents hoped he would become a clergyman, but as he was not thus inclined, he followed farm work and clerking in a store, during the latter part of his minority. March 31, 1836, he married Mary Ann, daughter of Nathan Pratt,

of Niagara county, who had been a soldier in the Revolutionary War. In 1837 they came to Detroit, passed several months in the southern part of the State; then came to Grand Rapids, arriving Feb. 14, 1838, and made this their permanent home. Here Mr. Holmes engaged at first as a clerk; but in 1839, with Wm. G. Henry, opened a general assortment store where now is the western part of the Morton House, under the firm name of Henry & Holmes. This continued about three years, he during the time reading law as he found opportunity, and then pursuing that study in the office of Bridge & Calkins. May 17, 1843, together with Solomon L. Withey and Sylvester Granger, he was admitted to the bar of the Kent Circuit, Justice Epaphroditus Ransom presiding—they being the first students thus regularly admitted in this county. In 1845 he was chosen Justice of the Peace, which office he resigned after serving three years. He was also for some years Master in Chancery, and held that office at the time when its duties were transferred to Circuit Court Commissioners. In 1852 and again in 1854 he was elected Prosecuting Attorney for Kent county, serving in that office four years. In 1860 he was the Democratic nominee for State Senator, and in 1862 the candidate of the same party for Attorney General of the State, leading his associates upon the ticket, but in common with them was defeated. Afterward he would accept no nomination for an office strictly political. In 1875, when the Superior Court of Grand Rapids was established, he was elected Judge of that tribunal and served the full term of six years. He was elected Judge of the Police Court—the first under its present organization—in April, 1882—receiving a majority of 1,713 out of a total of 6,735 votes; was re-elected in 1886, and again in April, 1890, this time by a plurality of 2,215, and the largest vote ever given a candidate in this city, and is the present occupant of that Bench. Of members of the Kent County Bar only one living in Grand Rapids has seen longer professional service than Judge Holmes. He came to Grand Rapids when it was but a small hamlet in the wilderness, and has seen and been an active participant in its growth and development to a town of near 70,000 people, with corresponding material wealth; and all that time has been closely identified

with its judicial and social history. In active practice as an attorney he had an extensive clientage, and his life throughout has been a busy one. Naturally generous and sympathetic; it has been said by one who knew him well, that he was as ready freely to advise and assist the poor as the wealthy, and during his professional career as an advocate he probably rendered more gratuitous service to needy clients than any other member of the Bar of Kent county. "In this matter, as he looks backward over the record of his practice, he doubtless feels a pardonable pride; especially in the fact that seldom if ever have the subjects proved unworthy of such aid. Careful and painstaking in the presentation of cases, and persuasive in speech, his efforts before juries brought his full share of success in suits. On the Bench, Judge Holmes has met the approval of the people and commanded the high respect of those practicing or having business before him. It has been said of him that seldom does a Judge preside with more dignity, or preserve in his court better order. The handsome majorities given him at judicial elections bear their own commentary in that regard; and the records of his court confirm the judgment of the popular confidence. As a citizen and in social life none have a firmer place in the general respect and esteem, and none have warmer or truer friends, than Judge Holmes. Affable, agreeable and a courteous gentleman in conversation and manners, he is a welcome guest in all circles. His personal appearance was described by a writer for the press in 1867 as that of a "square-built, fine looking man, of medium height, broad shoulders, full chest, fine mould, and a splendid specimen physically of perfect manhood; forehead broad, cheeks full, fresh and indicative of good health;" also as very temperate in habits, having never used tobacco and very seldom tasted spirituous liquors. Now, in his seventy-fifth year, though less elastic in step and motion, and the ruddy glow of his countenance has somewhat paled, Judge Holmes is the same genial gentleman, and moreover the kindly-featured, smiling, benignant, dignified magistrate, aiming to hold the scales of justice with impartial poise, yet evincing an inclination to temper the strict letter of the law with charity and mercy where such course appears warranted by the disclosures of the occasion. He is

an honored member and Vice President of the Old Residents' Association. There have been born to Mr. and Mrs. Holmes four sons and two daughters; of these, three sons died before the age of majority; leaving surviving the elder daughter, Marietta, now the wife of Len C. Remington of this city, Elizabeth Ann and John T. Holmes, Jr., the latter two residing with their parents. In religion, Judge Holmes is an Episcopalian. In politics he is a life-long Democrat. During the period of the War of the Rebellion he was an ardent supporter of the Union cause, strongly antagonized the faction called "Copperheads," and by speeches and personal efforts in Kent and adjoining counties, did much in forwarding enlistments and in sending articles of comfort to the army, and would never receive a penny for his services or expenses in that behalf.

#### POLICE COURT.

By an act of the State Legislature in 1873 provision was made for a city Police Court, to be presided over by a Police Justice, to be elected for a term of four years; said court to have sole and exclusive jurisdiction of all offenses against the city charter or by-laws and ordinances of the Common Council (but not to the prejudice of the jurisdiction of the Recorder's Court); also concurrent jurisdiction with Justices of the Peace for offenses against the general laws of the State within the limits of the city. The Police Justice must be an attorney entitled to practice in all the courts of the State; his salary, not to exceed \$1,200 per annum, to be fixed from year to year by the Common Council and paid out of the city treasury. Appeal lay to the Recorder's Court. The original act has been variously amended and modified by successive Legislatures, the principal changes being as follows: The presiding dignitary, known since 1879 as the "Police Judge," receives a salary of \$1,800 per year, and a Clerk of Court \$1,200, of which one-half is paid by the city and the other half by the county. It is the duty of the county Prosecuting Attorney, or his representative, to attend and prosecute all State criminal cases therein; and of the City Attorney, or his representative, to attend and prosecute all violations of the charter, by-laws or ordinances. The Common Council is to pro-



Engr. by H. C. Parsons N.Y.

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vide place for holding court. The executive force consists of a Chief of Police and assistant members of police. Court is open at all times for the furtherance of justice; and the Judge is empowered to appoint a bailiff to assist in preserving order, who shall draw a salary of \$800 a year. A stenographer is also provided for in certain events. The following are lists of Judges and Clerks:

Judges—1874, James E. McBride; 1878, John M. Harris; 1882 and since, John T. Holmes.

Clerks—1878, David Sinclair; 1880, Andrew Coffinberry; 1882, Cornelius L. Harvey; 1884, Alfred B. Tozer; 1890, Edward L. Pelton.

#### CITY ATTORNEYS.

1850, Ralph W. Cole; 1851, Leonard Bement; 1852-53, John T. Holmes; 1854-55, R. W. Cole; 1856, C. W. Leffingwell; 1857, George Gray; 1858, Thomas B. Church; 1859, John W. Champlin; 1860, C. H. Chase; 1861, H. A. Rood; 1862, James W. Ransom; 1863, Peter G. Koch; 1864, John W. Champlin; 1865-66, William A. Robinson; 1867, John W. Ransom; 1868, John W. Champlin; 1869, George H. White; 1870-74, J. W. Ransom; 1875-78, Wm. Wisner Taylor; 1879, G. Chase Godwin; 1880-81, Wm. J. Stuart; 1882-88, J. W. Ransom; 1889-90, W. W. Taylor. This official was known as "City Solicitor" from the incorporation of 1850 until the revised charter of 1857, when the title was changed to "City Attorney."

GEORGE GRAY, the subject of this sketch, was for many years one of the prominent members of the Michigan bar. He was born in Ireland, in the county of Tyrone, June 20, 1824, and received a collegiate education. He came to this country at an early age, and in 1855 to Grand Rapids, Mich. Dec. 22, 1856, he was admitted to the bar before Judge George Martin of the Kent Circuit. Here he soon acquired a large practice, and was universally esteemed alike for the solidity and variety of his legal attainments and for the urbanity of his disposition, as well as the sterling integrity of his character. In 1857 he served as City Attorney. He was in partnership with the late Judge S. L. Withey from 1856 to 1862. He was trusted implicitly by all who knew

him, and deserved that confidence. During the war of the rebellion he served with distinction as Colonel of the Sixth Michigan Cavalry. His regiment rendered conspicuous service at the battle of Gettysburg, and after the battle distinguished itself by harassing the retreat of General Lee, destroying vast quantities of his wagon and supply trains. After the war, Colonel Gray resumed the practice of his profession, and about 1870 entered the service of the Northern Pacific Railroad Company, in which he has ever since remained. Rising in due time to the position of General Counsel to the corporation, his enlarged sphere of duty required his removal to the city of New York, where for many years he has been actively employed as the trusted adviser of this great corporation, having retained the confidence of all its successive boards of management. Colonel Gray now resides in Orange, New Jersey, and of late has been compelled by ill health to abandon the active practice of his profession, retaining, however, by vote of the Board of Directors, his connection with the railroad company as advisory counsel. In removing from Grand Rapids, Colonel Gray has gained a host of new friends without losing the hearty respect and regard of those who knew him in his earlier days. As an attorney in Grand Rapids he was known as one possessed of an eminently keen, comprehensive and logical mind, well trained and developed in his *alma mater*, the Dublin University. He had been also well trained and practiced in the art of civil engineering. He was thoroughly well versed in the principles and practice of the English common law, and particularly familiar with real estate law; this with his knowledge of civil engineering made him a most formidable antagonist on all questions involved in ejectment suits. He was not a man who ran after parallel cases, and he usually brought but few books into court, but he was eminently practical, and sought out, first, the relative rights of parties, and then with great force would apply the rules and principles of justice and equity. Col. Gray, if he possessed the art, never resorted to ornate oratory, but his mode of dissecting and criticising testimony was masterful, and his power of marshaling and combining the relative facts in a case was almost magical. He would then weld them together by his vivid power and great

logical strength, and had with both courts and juries a very strong influence. Col. Gray was eminently a gentleman, dignified, but social, genial and witty. He possessed great powers of sarcasm, but never made use of them unless goaded into it, and then woe betide the unlucky wight who provoked it. A man of great natural ability, and pre-eminently a lawyer in the broadest and best sense of the term; the placing of him in the vastly responsible position of General Counsel of that great corporation, the Northern Pacific Railroad Company, was but the natural recognition by competent men, of his eminent fitness for the position. Those who knew Col. Gray best, admired his great ability, and respected his profound knowledge of his profession the most.

#### COUNTY COURTS.

Under Territorial jurisdiction, beginning in 1815, County Courts were established; to be held by one Chief and two Associate Justices to be appointed by the Governor. For some years this was the only intermediate court between the Justices' and the Supreme Courts. They began to decline on the establishing of Circuit Courts, and were finally abolished in 1833. In the Revised Statutes of 1846 provision was again made for County Courts, in lieu of the District Courts at that time done away with. They were presided over by two Judges, chosen for a term of four years, known as "County Judge" and "Second Judge." They had original and exclusive jurisdiction of all claims above a Justice's jurisdiction and under \$500, excepting in actions of ejectment and proceedings in probate matters; also appellate jurisdiction over Justices' Courts. No appeals were allowed; but cases might be removed on *certiorari* to the Circuit Court. They were once more abolished by the Constitution of 1850. In 1853 an act was passed providing for the removal of all files and papers remaining in former County Courts to the Circuit Courts for their respective jurisdictions; where they were authorized to be and remain in the same force and effect as theretofore. The following officers were associated with the court for this county during its brief existence:

Judges—1846, DeWitt C. Lawrence; Second Judge, Joshua Boyer. 1849, George Martin; Second Judge, Joshua Boyer. 1850,

Leonard Bement; Second Judge, Milton C. Watkins. Clerks—1846, Samuel R. Sanford; 1848, Reuben H. Smith. Court was held in the buildings (long since torn down) upon what is now Fulton Street Park.

#### UNITED STATES COURT.

Originally there was only one Federal Court in Michigan, and this court, located at Detroit, for many years discharged all United States judicial functions. By an act of Congress, Dec. 24, 1863, the State was divided into the Eastern and Western Districts of Michigan, and Grand Rapids became the center of judicial residence for the newly created latter-district. In this city court was first convened in accordance with said statute on May 18 of the same year. The bulk of business soon increased so materially on the Northern Peninsula, that by an act of Congress, June 19, 1878, the Western District was subdivided into the Northern and Southern Divisions, so-called; Grand Rapids continuing to be the seat of the Southern Division, while the Northern Division headquarters are at Marquette. Judges are appointed for life or during good behavior; the salary attached thereto is \$3,000 per annum, and the position is one of great dignity and trust. The following officers have served in this Court:

U. S. Circuit Judges—Halmer E. Emmons of Detroit, appointed Jan. 17, 1870; John Baxter of Knoxville, Tenn., appointed Dec. 13, 1877; Howell E. Jackson of Nashville, Tenn., appointed April 12, 1886.

U. S. District Judges—Solomon L. Withey of Grand Rapids, appointed March 11, 1863; Henry F. Severens of Kalamazoo, appointed May 25, 1886.

U. S. Attorneys—Frederick O. Rogers, appointed March, 1863; A. D. Griswold, appointed March, 1865; A. T. McReynolds, appointed September, 1866; A. D. Griswold, appointed March, 1867; John H. Standish, appointed April, 1869; re-appointed March, 1873; Marsden C. Burch, appointed April, 1877; re-appointed, 1881; John W. Stone, appointed May, 1882; G. Chase Godwin, appointed August, 1886; Lewis G. Palmer, appointed January, 1890.

U. S. Marshals—Osmond Tower, appointed March, 1863; Wm. B. Thomas, appointed August, 1866; James Henry, appointed March, 1867, reappointed 1871; John Parker, appointed March, 1873, re-



Munroe & Co N.Y.

*S. L. M. W. H. E. Y*

appointed 1879; James Monroe, appointed January, 1881, re-appointed 1885; David R. Waters, appointed February, 1886; James R. Clark, appointed January, 1890.

U. S. Clerks—Lewis Porter, appointed May, 1863; Isaac H. Parrish, appointed June, 1865; Chester B. Hinsdill, appointed October, 1875; Henry M. Hinsdill, appointed October, 1878; Charles L. Fitch, appointed February, 1887.

SOLOMON L. WITHEY, during some forty-five years a prominent member of the bar of Western Michigan, and twenty-three years a United States Court Judge, was born at St. Albans, Vermont, April 21, 1820. His ancestors were people of note, and left a record of patriotism. His grandfather, Silas Withey, was a soldier of the Revolutionary War, in the American army, and drew a pension until his death in 1836. The Withey family is of Scotch descent, the original name being McWithey, from which his grandfather in early life dropped the prefix "Mc." His grandmother, wife of Silas Withey, of Scotch lineage, died about 1828. His father, Solomon Withey, a native of Washington county, N. Y., was well known and prominent among the early settlers of Grand Rapids, enterprising, independent in opinion and action, General of the State Militia, County Sheriff in 1843-1844, and a hotel landlord. He died at Ada, Mich., Oct. 6, 1851. His wife, Judge Withey's mother, whose maiden name was Julia Granger, a native of Sheffield, Mass., died at St. Albans, Vermont, March 24, 1825. Solomon L. Withey passed his boyhood years in Franklin county, Vermont. In 1835 he attended school at Cuyahoga Falls, Ohio, and afterward spent some time as a mercantile clerk. In 1836 the family came to Grand Rapids. Here in the winter of 1838-39 he taught school near where now is the County Court House. In the fall of 1839 he entered the law office of A. D. Rathbone, and subsequently continued his law studies with George Martin, afterward Chief Justice of the Supreme Court of Michigan. During a portion of the time while studying he acted as assistant in the postoffice, which was then in the same building, at a salary of eight dollars a month. December 24, 1845, he married Marion L. Hinsdill, daughter of Myron and Emily Hinsdill, who came to Grand Rapids in 1836—an amiable, ac-

complished and philanthropic lady, who survives him and is still a resident of this city. May 17, 1843, Mr. Withey was admitted to the bar of the Kent Circuit Court, and shortly thereafter entered the practice of law in partnership with John Ball, under the firm name of Ball & Withey. In 1846 George Martin entered the firm, which then became Ball, Martin & Withey. This relation continued until the close of the year 1851. During the following ten years he continued his law practice, having as partners consecutively, Edward E. Sargeant, Ebenezer S. Eggleston and George Gray, Mr. Withey being continuously the senior member of the business firms thus resulting. His success as an attorney was better than the average at that day, he being a man of great force of character and strong judgment, studious and thorough in his work, careful and methodical in his practice, and winning the confidence and respect of his clients; his thorough knowledge of the law, the soundness of his conclusions and his intense convictions commanding the deference and esteem of his cotemporaries. Judge Withey was not only a good lawyer and an impartial judge, but a good legislator and an eminently practical business man. As a legislator he made his name prominent in the State, first by his efforts and success in preventing the squandering of the lands granted to the State of Michigan by the General Government to aid in the building of railroads. Corporations had been organized for building each of the proposed lines of road, and each had presented to the Legislature a bill donating to it the lands along its route, at once, and without limitation or restriction, and by joining forces they were likely to succeed. The general act giving the lands to the respective companies, but withholding the title to the lands until twenty consecutive miles of road had been constructed and then conveying the lands along such twenty miles, was drawn in Judge Withey's office and by him taken to Lansing and placed before the Legislature, and for a considerable time urged by him alone, but with final success. March 11, 1863, he was appointed United States Judge for the Western District of Michigan, and ably performed the duties of that position during the remainder of his life. In the Constitutional Convention of 1867 he was one of the

most active and influential of its members, so much so that he was afterward selected as one of the commissioners to draft amendments to the constitution, and the published debates of both bodies testify to his eminently wise and judicious counsels. Not only the constitutional debates but the statute books of this State give many evidences of his wisdom and sound judgment. Judge Withey was at one period of his life a strong Prohibitionist, and stumped this part of the State in favor of the Prohibitory or so-called "Maine law" of 1853 to 1855. He subsequently became satisfied that its enforcement was not feasible, and favored the present tax law in its stead. He was eminently conservative and practical as a legislator, and never refused a slight step in advance, although he sought a much greater. His appointment to the position of United States Judge came to him as a natural recognition of his real fitness for the place, and at once received the general approval of the people. Judge Withey never at any time laid claim to a profound knowledge of the law, and never attempted to make himself acquainted with the many subtleties and technicalities of the book makers. But he had a clear, logical mind, a strong sense of right, and a practical common-sense that refused to be led astray, and brought him direct to the object to be attained, the justice and equity of his case. As an evidence of his own unwillingness to be swerved from his own convictions, is the case of the steamer Daniel Ball, reported in the 10th of Wallace. In March, 1868, the writer of this, acting U. S. Attorney, had libeled the steamer for not having procured inspection and taken license under the United States' Laws. It was claimed by the owner of the steamer, that the Grand River was not a navigable water of the United States; that the steamer was not engaged in trade or commerce between two or more States, and was not subject to the navigation laws of the United States. The case was strongly contested, and the defense was backed up by a long line of decisions of both the District Courts of the United States and State Courts, extending from the formation of the Government down to that time. Judge Withey, after a careful examination of the case, decided to follow the decisions of the other courts, but at the same time expressed his strong conviction

that the libel was well filed, and advised an appeal by the Government, which was taken; he at the same time expressed his opinion that the National Government had jurisdiction to regulate the commerce between States carried upon railroads, and that it would be obliged to assume it. On hearing the appeal, Judge Swain adopted the opinion of Judge Withey as to the jurisdiction of the General Government, and reinstated the libel; the defense took an appeal to the Supreme Court of the United States, where Judge Swain's decision was sustained; and soon afterward the National Government did assume control of commerce between States carried on railroads. Judge Withey had many characteristics that not only made him eminent as a judge, but endeared him to and made him respected by the people; he was clear, pure minded, conscientious, and disliked to believe evil of another. In the administration of criminal law, he had a strong leaning toward mercy, in all cases seeming to arise from human frailties, but was stern and relentless in cases of premeditated, deliberate wickedness. Judge Withey was pre-eminently a religious man, possessed of decided opinions, but at the same time was broad-minded, catholic, and tolerant of the opinions of others. As a judge he was gentle, kind, and greatly beloved, especially by the members of the bar, and that not only in his own State, but in the States of Ohio, Kentucky, and Tennessee, where he frequently sat in the United States Circuit Court. He was never arrogant, but always quietly firm, and had a dignity of manner that no one ever presumed upon. If at any time he found himself in error, he readily, cheerfully, and without ostentation, corrected himself. He dealt justly, and loved mercy; but little better can be said of him than that he was a Christian gentleman in every relation of life.

Owing to increase of business in the courts, a Clerk was provided for each the Circuit and District Courts. Chester B. Hinsdill was the first Clerk devoting his entire time to the District Court, which commenced when Henry M. Hinsdill became Circuit Clerk. The present incumbent of the District Clerkship is John McQuewan, appointed in January, 1886.



*Alfred G. Jones*

GILMAN CHASE GODWIN is a native of this county, born in Wyoming township, April 18, 1840. His father, William R. Godwin, was one of the pioneers who settled in Wyoming in 1835, and lived some three miles south of Grand Rapids until his death, which occurred November 10, 1862; for several years keeping a hotel also, by the Kalamazoo and Grand Rapids plank road; was Supervisor of Byron township in 1842 and 1843, and the first Supervisor of Wyoming when the latter was set off from Byron and organized in 1848, and for three years following. G. Chase Godwin received his education in the early district schools there, and in the public schools of Grand Rapids. In 1862 he began the study of law with Holmes & Champlin, and was admitted to the Kent County Bar in 1864, then being in the law office of John W. Champlin. He has since been continuously a resident of the city of Grand Rapids, in the practice of his profession. He quickly attained, and has since maintained an excellent standing at the bar as an attorney and advocate, and as a high-minded, spirited citizen, has commanded general respect and esteem. He was elected Recorder of the city in 1871, and held that position, Judge of the Recorder's Court, four years, until that office was abolished in 1875. He has also held the office of City Attorney. In August, 1886, he was appointed by President Cleveland, and confirmed, United States Attorney for the Western District of Michigan, and held that office three and a half years. In office his course was marked by close and energetic attention to the duties imposed and their faithful performance. In politics he has been uniformly a staunch adherent of the Democratic party; for many years active and influential in its councils as member of the Democratic State Committee, prominent in State politics, a well-known participant in Democratic State Conventions, and a ready debater and adviser. In his experience as a lawyer, especially as a trial lawyer, he has conducted many important cases of note; often being pitted against the ablest attorneys in the country. He was the counsel who conducted the Addis suit, somewhat celebrated in its day, against a number of lawyers of notable ability; including Emery A. Storrs of Chicago, and J. C. FitzGerald of Grand Rapids. This he prosecuted to a successful result, and it ranked among the

celebrated cases of the State. Mr. Godwin is generally known as a persistent and hard fighter in court trials where he is of counsel; and his legal acumen and the application of his powers of judgment, discrimination and logical deduction are qualities widely recognized, both in and outside the circle of his profession. Mr. Godwin married in November, 1868, Cornelia A. Chambers, daughter of Nelson Chambers, of Chambers' Corners (now Wayland), Allegan county, Mich. The family have a pleasant home in a slightly portion of the city. At present he is the senior member of the law firm of Godwin, Adsit & McKnight—his copartners being Allen C. Adsit and W. F. McKnight.

Isaac H. Parrish was born in Ontario county, N. Y., April 2, 1826, and came to Oakland county, Mich., in 1834. His youth was spent in farm life; the family lived in a log house in the woods, and all his school education was acquired in a log school house in Farmington. After he was twenty years of age he read law, and was admitted to the bar in 1848. Then for twelve years he practiced successively at Pontiac, in Wisconsin, and at Chicago. He came to Grand Rapids in 1861. In 1865 he was appointed Clerk of the United States Circuit and District Courts here, and held that position ten years, after which he returned to law practice. In 1881 he was elected Judge of the Superior Court, and ably filled the position during the term of six years. Some two years later he removed from the city.

Chester Bingham Hinsdill was born at Richland, Kalamazoo county, Mich., Sept. 4, 1835; son of Myron and Emily (Kellogg) Hinsdill, who in 1833 came thither from Vermont. In the spring of 1836 the family moved to Grand Rapids, and in the public schools of this place and at Kalamazoo Seminary Chester B. received his education. In 1850 he entered the store of John W. Peirce, and remained until the beginning of the War for the Union. August 16, 1861, he was appointed by the President Captain and Commissary of Subsistence, serving with Gen. Fremont in the Department of Missouri, and afterward under Gen. Sherman and Gen. Grant until 1864 as Commissary at Memphis, Tennessee. Was then appointed Lieutenant Colonel and Chief Commissary of the military division of West

Mississippi, serving till the close of the war, after which he engaged in planting, in Montgomery county, Ala. After 1870 he was for some time in the lumber business in Ohio. Oct. 16, 1875, he was appointed Clerk of U. S. Circuit and District Courts of Western Michigan, at Grand Rapids, which position he resigned Jan. 1, 1885; was next engaged in the lumber and commission trade until July 1, 1888, when he was appointed Commissary Assistant at the Michigan Soldiers' Home, his present position. He married, Sept. 16, 1868, Julia E. Matthews, of Cleveland, Ohio. His only child, Cora Marion, was born July 27, at Mobile, Alabama. He is a member of the Society of the Army of the Tennessee, and also of Custer Post, G. A. R. Politically he has uniformly been a staunch Republican.

ALLEN C. ADSIT was born in the town of Rutland, Jefferson county, New York, February 20, 1837. His father was Stephen Adsit. The maiden name of his mother was Polly Smiley; she died when he was sixteen years of age. Allen was brought up on the farm, and had only the privileges of the "district school" to afford him the preliminaries of school education; after which he attended Fairfield Seminary, at Fairfield, Herkimer county, and Jefferson county Institute, at Watertown, N. Y. He had the usual experience of young men of that period who were seeking for knowledge outside the common schools, without money; teaching during the winter months and "boarding around." He studied law at Watertown, N. Y., during the years 1857 to 1859; was admitted to the bar at a General Term of the Supreme Court held at Syracuse, N. Y., October 3, 1859, and commenced practice as an attorney at Adams, N. Y., in 1860. In the summer of 1861, when the War for the Union came on, he enlisted as a private in Company G, Forty-fourth New York Volunteer Infantry; served in the Army of the Potomac, and was promoted to First Lieutenant. At the close of the war, he came west, settled at Spring Lake, Ottawa county, Michigan, in the early part of 1866, and was engaged at that point for several years in mercantile pursuits. While a resident of Spring Lake, he was for six years Supervisor of the township; was President of the Village in 1871; was elected and served as a Representative

in the State Legislature for the term of 1871-1872, and was elected Prosecuting Attorney for Ottawa County in 1874. In 1877 he removed to Grand Rapids, since which time he has resided in this city, engaged in the practice of his profession. In 1886 he was appointed Assistant United States Attorney, Western District of Michigan, and held that position until February, 1890. Politically, he is an adherent of the Democratic party. He was a candidate for the office of Judge of Probate for Ottawa county in 1876; also for Circuit Judge for the County of Kent in 1887, but, owing to the minority of his party, defeated. In 1890 he was appointed by the Mayor of Grand Rapids a member of the Board of Public Works, which position he holds at this writing. He is a member of Custer Post, No. 5, G. A. R., Department of Michigan; also of Grand River Lodge No. 34, F. and A. M. In religious affiliation he is a Universalist. Mr. Adsit has twice married: first, in October, 1871, at Spring Lake, Mary Hubbell, who died in November, 1872; second, February 24, 1886, at Grand Rapids, Mich., Sarah Kilpatrick, who is living.

#### GRAND RAPIDS LAW LIBRARY.

This library, in the fourth story of the new Houseman building, has a complete set of U. S. Supreme Court, Circuit and District Reports of the Federal Courts, all the State Reports, Lower Canada, English Common Law, Chancery and Appellate series, and a good assortment of index and digest works—a library the most complete of any in the State, except the Supreme Court and Detroit libraries. The State reports are kept up by the complete system of reporters now embracing full minutes of decisions of all courts in the country. The capital stock is \$20,000, divided into 400 shares of \$50 each. The amount paid in is \$10,710. Members holding \$100 worth of stock are entitled to free use of the library, others are charged dues as follows: Members of Kent County Bar, \$25; students and clerks, \$12.50; non-residents, \$10 annually; payable in quarterly installments. Judges of courts are entitled to its free use during their terms of office.

The list of subscribers (not necessarily, but mostly, stockholders) is as follows: Taggart & Denison, Norris & Norris, T. J. O'Brien, Stuart & Knappen, Uhl & Crane,



*Allen C. Adair*



*T. G. Phelps. N.Y.*

*Edwin F. White*

MUNSELL & CO. N.Y.

Kingsley & Kleinhans, Gustave A. Wolf, Fletcher & Wanty, Butterfield & Keeney, George S. Boltwood, W. W. Hyde, C. H. Gleason, H. B. Fallas, Fred A. Maynard, S. Wesselius, More & Wilson, I. S. Turner, Sweet & Perkins, Moses Taggart, Lawrence W. Wolcott, Reuben Hatch, M. M. Houseman, M. L. Dunham, John C. Post (Holland), Smiley & Earle, Montgomery & Bundy, Charles E. Ward, Peter Doran, John S. Lawrence, Edmund D. Barry. M. B. Butler is the present Librarian, succeeding Lincoln B. Livingston. [See page 249.]

#### BAR ASSOCIATION.

The Kent County Bar Association was organized February 7, 1878, at which time a constitution and by-laws were adopted. The purposes of the organization are set forth in the preamble of its constitution, as follows: "To establish and maintain the honor and dignity of the profession of the law, to increase its usefulness in promoting the due administration of justice, to cultivate social intercourse among its members, and to establish a law library." It numbers among its members most of the prominent lawyers now practicing at the local bar, as well as Judges of the United States Courts and State Courts during their terms of office, they being *ex officio* honorary members. For some years this association maintained reading rooms in the United States Public Building. The following have acted as Presidents, in the order named: D. Darwin Hughes, John W. Champlin, Lyman D. Norris, and Edwin F. Uhl.

EDWIN F. UHL was born August 14, 1841, in the township of Rush, near Avon Springs, in the State of New York. He was the son of David M. and Catherine De Garmo Uhl, both of whom were born and reared in Dutchess county, New York. His parents removed to the State of Michigan in the spring of 1844, and settled on a farm near Ypsilanti, where he spent his boyhood, attending district school in the neighborhood, and working on the farm during vacations. He later attended the union school at the city of Ypsilanti, and there prepared for college under Professor Joseph Estabrook, now Superintendent of Public Instruction. In October, 1858, he entered the University of Michigan, and graduated in June, 1862, at the age of 20 years,

with the degree of A. B. He afterward received the degree of A. M. from the same institution. After his graduation he read law at the city of Ypsilanti in the office of Norris & Ninde, and was admitted to the bar by the Supreme Court of this State in January, 1864. Immediately after his admission to the bar, he entered upon the practice of his profession. In 1866 he formed a partnership with L. D. Norris, under the firm name of Norris & Uhl. This firm continued until 1871, when Mr. Norris removed to Grand Rapids. During this year Mr. Uhl became the attorney of the Detroit, Hillsdale and Indiana Railroad Company, and the Detroit, Eel River and Illinois Railroad Company. He was afterward appointed Receiver of the Detroit, Hillsdale and Indiana Railroad Company. In 1871 and 1872 he was Prosecuting Attorney of Washtenaw county in this State, and declined a renomination which would have been equivalent to an election. In 1873 he formed a partnership with Albert Crane at Ypsilanti, under the firm name of Uhl & Crane, which continued until January 1, 1876, when Mr. Uhl removed to Grand Rapids, where he now resides, and again entered into partnership with Mr. Norris, under the firm name of Norris & Uhl. This partnership continued until January 1, 1887, and was then dissolved. In 1888, Mr. Crane, who in 1882 had removed from Ypsilanti to Detroit, also came to Grand Rapids, and the firm of Uhl & Crane was again formed and still continues. This firm has a large and lucrative practice in Western Michigan, and is probably entrusted with as important and difficult controversies as any firm in this portion of the State. In 1881, Mr. Uhl became the President of the Grand Rapids National Bank, which position he still holds. He is also interested in several manufacturing companies, and is President of the Gunn Hardware Company, importers and jobbers. He is President of the Bar Association of Grand Rapids, Attorney for the Michigan Central Railroad Company, and several other large corporations. He was the first President of the Peninsular Club. He is a member of the Protestant Episcopal Church, and one of the Wardens of St. Marks at Grand Rapids. In politics he is a Democrat; and while he takes an active interest in the success of his party, he has with but very few

exceptions refused to stand as a candidate for, or accept appointment to an office. In 1890 he was nominated for the office of Mayor of Grand Rapids, and elected by 2,166 plurality. It is known that during the administration of Mr. Cleveland more than one office of prominence and distinction was offered to and declined by him. Mr. Uhl married May 1, 1865, at Ypsilanti, Alice Follett, the eldest daughter of the late Hon. Benjamin Follett, one of the leading citizens of Michigan. To this union there have been born four children: Lucy Follett, David Edwin, Alice Edwina and Marshall Mortimer, all of whom are living.

LYMAN D. NORRIS, born May 4, 1823, in Covington, Genesee (now Wyoming) county, N. Y., is the only son of Mark and Roccona B. Norris, who were pioneers from Western New York to Michigan in 1828, settling in Ypsilanti, Washtenaw county, where both lived until their death; the father in 1862, the mother in 1876, biographical sketches of whom appear in early volumes of the State Pioneer Collections. Mr. Norris was prepared for college at Ypsilanti, Tecumseh and Marshall. In August, 1841, he became the first Matriculate of the first class in the University of Michigan. He remained with this class ('45) two years and nine months—to the third term of the Junior Year; then, after examination, entered Yale College and was graduated there in June, 1845; afterward receiving from the University of Michigan an *ad eundem* degree, thereby becoming an alumnus of both Yale and the University. He read law in the city of Detroit with the late A. D. Fraser; was admitted to the bar in the spring of 1847, on examination in the State Supreme Court—then sitting at Detroit. His first professional work began in St. Louis, Mo., and extended from 1847 to 1855. Nearly a year of this time (1850-51) was passed in Europe on professional business, and at Heidelberg attending lectures on civil law. He returned to Ypsilanti in 1855, following his profession there and elsewhere in the State from 1855 to 1871. He married, in November, 1855, Lucy Alsop, daughter of Gen. Chauncey Whittelsey, of Middleton, Conn. Two children born of this marriage, Maria W. and Mark, are now living; the son, a graduate of the Literary and Law Departments of the Uni-

versity of Michigan, is now his father's law partner; the daughter, educated at Montreal, Canada, is pursuing medical studies at the Boston University School of Medicine. In 1867 Mr. Norris was a member of the State Constitutional Convention, from Washtenaw county, and in 1869 one of the State Senators from the same county. In 1871 he removed to and continued the practice of law at Grand Rapids, where he now resides, senior member of the law firm of Norris & Norris. In the spring of 1875 Mr. Norris was the candidate of the Democratic State Convention for Judge of the Supreme Court. In 1883 he was appointed by Governor Begole a Regent of the University of Michigan, for the unexpired term of Byron M. Cutcheon, resigned. Though never a thick and thin partisan, he has always acted with the Democratic party since his first vote in the fall of 1844, not actively so, however, since his coming to Grand Rapids in 1871; preferring the quieter labor of his profession and the more satisfactory pursuit of private business.

#### THE BENCH.

Here, thou learned Justicer, bench by me.—*King Lear.*

Concerning the Bench of our city, only flattering comments can be made. Our courts are, as they have been, presided over by Judges of dignity and good legal minds, whose capacities enable them to discharge the functions of their exalted positions of public trust with wise discretion and sound judgment. The fact that public criticism (that all-busy agent) is so silent, testifies to the explicit confidence of the people at large; and the voiced approval of the Bar verifies that the popular choice is well founded.

Foreigners often exclaim at the complexity of United States judicial systems; and a hasty survey of the number of our courts and their jurisdictions as hereinbefore given, would seem to warrant surprise in the inexperienced. United States, Superior, Circuit (2), Probate, Police, and Justices' Courts, all of which are kept for the most part busy, show the immense amount of litigation constantly carried on in our midst, and the vast interests ever hanging upon the balance of justice. The names of the Judges will be found under the various heads of courts, as treated in this chapter; also biographies and personal mention of many



*Lyman D. Norris*

of them are in this and other chapters of the present work.

While the electors of our community are to be congratulated on their good sense displayed in the selection of able, honest men to preside over their tribunals, they would do well to bear in mind, concerning legislation for future times, that men of ability are worth a fair remuneration; and a more liberal provision for judicial heads might lead to saving more than such additional expense in other branches of administration, and encourage the peers of any brothers at the bar to forego the lucrative income of private business for the respectable salaries and dignified positions of the bench.

#### THE BAR.

As there have always been in our tribunals bars to separate the Advocate from the Judges, the place where the Advocates stand when they speak has been called for that reason the Bar.—*Loisel Institutes Coutumieres, Vol. 1, p. 204.*

Figuratively, the Counselors and Attorneys at Law are called the Bar.—*Bowd. Law Dic.*

The first practicing lawyer in Kent county was Julius C. Abel, who came to this county in 1834. He was a surveyor of land, and a self-made lawyer, of whom many good jokes are told by older members of the bar. Physically, he was a large man, the possessor of an Edwin Forrest voice, which sometimes, so the gossips say, won him cases which common sense would have pronounced bad ones. He died in 1871. He was a man of mark among the pioneers, brought by his profession into contact with nearly all of them in ways that created many warm friendships as well as some strong enmities.

Prominent among other early lawyers, stand such names as John Ball, George Martin, Solomon L. Withey, John T. Holmes, A. D. Rathbone, T. B. Church, J. S. Chamberlain, C. P. Calkins, Sylvester Granger, E. E. Sargeant, S. M. Johnson, Lucius Patterson, Ralph Cole, and C. Osgood. Most of these were leading lights of their day; and but one is yet with us, the Hon. John T. Holmes of the Police Court Bench. Charles P. Calkins, whose venerable figure on pleasant days has of late years been only occasionally seen upon our streets, died Sept. 2, 1890, aged 87 years. [See page 114.] "John Ball Park" has just been christened as a tribute to the foremost of the above honored list. George Martin, after serving as local Judge, was promoted to the Supreme Court Bench,

where he served many years ably and conscientiously. Judge S. L. Withey, now some years deceased, long held the prominence of our United States Judgeship. A. D. Rathbone left behind him an estate which, owing to the subsequent growth of our metropolis, has made his heirs wealthy. T. B. Church, the Nestor of the Bar, was borne to his last resting place less than a month ago, followed by a host of admiring mourners, to whom his amiable characteristics and encyclopediac knowledge had endeared him.

Thomas Brownell Church was born at Dighton, Bristol county, Massachusetts, September 13, 1813. He was a son of Gamaliel and Mary (Almy) Church. He was a lineal descendant of the family of Captain Benjamin Church, the Indian fighter of "King Philip's War" of 1675. His early education was mostly by private tutoring, and this was followed by a classical course and graduation from Trinity College at Hartford, Connecticut. He came to Michigan in 1838, and was engaged for a time in surveying and civil engineering, studied law at Marshall and also at Harvard College, was admitted to the bar in 1841, married in 1842 Mary E. Stewart of Marshall, and in the fall of the same year came to Grand Rapids to reside. He was appointed by the Governor Prosecuting Attorney, and in that capacity conducted the first murder trial here; that of E. M. Miller, who was convicted, May 25, 1843, of the murder of an Indian woman near Muskegon in December previous. During his professional career he was also engaged, as an attorney, upon several of the most noted cases, civil and criminal, in the courts of this part of Michigan. Mr. Church was a ripe scholar in some classical branches, had a great and varied fund of information in many, showed at times great forensic ability and eloquence, had a retentive memory, and was always able and ready and interesting in extempore speeches whenever occasion required. He was a member of the State Constitutional Convention in 1850, and held several other representative positions of public trust and responsibility, which are chronicled in other parts of this History. In person he was tall above the common height of men; in society he was genial and attractive; in conversation pleasant and

agreeable, sometimes humorous, and always interesting and instructive. In politics he was a life-long Democrat, and in religious affiliation an Episcopalian. He died in Grand Rapids, July 30, 1890.

Lucius Patterson, for near a quarter of a century, was a man of mark among the members of the bar in Grand Rapids. He was born at Constantia, Oswego county, N. Y., November 29, 1814; was reared on a farm; began the study of law in 1836; came to Michigan in 1844, and settled in Otisco as a farmer; was admitted to the bar in Grand Rapids in 1846, and in the following year moved into the village. He built a neat stone house for a residence on Scribner street, near Fifth, about 1850, and lived there some twenty years. He was an able lawyer; not learned, but acute, quick, clear and concise in statement and argument; fertile in expedients in behalf of his clients; impressive and sometimes eloquent in speech; a man of much reading and varied information, and more than moderately successful in winning cases. Politically he was a staunch Democrat. He had a strong will and positive likes and dislikes, but was genial and generous in disposition. He died in Grand Rapids, March 23, 1871.

Among the best remembered other members of the older bar, are David Darwin Hughes and George Gray; both were men of solid attainments and most genial companionship.

David Darwin Hughes, during a period of some thirty years, stood high in the ranks of the able and eminent lawyers of Michigan. He was born at Camillus, Onondaga county, N. Y., February 1, 1823. He was educated in academies at Syracuse and Canandaigua. In 1840 the family came to Michigan. He studied law, and in 1846 was admitted to the bar of Calhoun county. In October of that year he married Cynthia C. Jones, of Akron, Ohio. For a time he was editor of the *Democratic Expounder*, a weekly newspaper published at Marshall. After 1850 his law business increased rapidly, and his services were in demand for the trial of noted and important cases throughout the State. In 1871 he came to Grand Rapids as General Counsel for the Grand Rapids and Indiana Railroad and Continental Improvement Companies, and

that position for the railroad company he held during the remainder of his life. He was a man of broad culture; not only in legal learning, but in some branches of science, and especially as an ornithologist, where he was recognized as high authority. In his profession of the law he was a most graceful, eloquent, and persuasive advocate. He was honored, also, as a citizen bearing a high standard of integrity, and one whose counsels carried weight in civil and general affairs. He died in Grand Rapids, July 12, 1883, leaving to the community which loved and mourned him the grateful memory of one who was a genial companion, a warm friend and a true man.

Of the more prominent senior members of the present bar are the following: Lyman D. Norris, John W. Champlin, Ebenezer S. Eggleston and George H. White. Of these, the first is the most distinguished looking, and has, moreover, an unimpeachable record, extending through long years of practice, which has been successful in the issues of many important cases. The second is now Senior Justice of the State Supreme Bench; so that for the time his presence, but not his influence, has been lost to the city bar. The third presents a fine picture of the "old school" in court; noted for his dignified and courteous bearing, largely acquired through contact with the diplomatic service, of which he was formerly a faithful and efficient attache. The fourth, familiarly known as "the Chancellor," once prominent in the events of the forum, has voluntarily withdrawn to the privacy of his books, constant companions, of which he has a choice collection; he also keeps a voluminous diary, which his friends expect to see some day in print.

Ebenezer S. Eggleston was born at Batavia, N. Y., May 12, 1825. In 1837 he removed to Litchfield, Hillsdale county, Mich. There he received a good education in the public schools, and afterward studied law. In 1851 he came to Grand Rapids, where, ever since, his name in connection with law practice has been "familiar as household words." He was admitted to the bar in 1852, and quickly won a high reputation for ability in his profession, and ranks among leading lawyers of this part of Michigan. In 1856 he was elected Prosecuting Attorney for Kent county, and dis-



Roger W. Bitterfield

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charged the duties of that office zealously and ably. In 1861 he was appointed by President Lincoln Consul to Cadiz, Spain, and served efficiently in that capacity during four years. In 1872 he was elected Representative to the Legislature from the First District of Grand Rapids, and served during the ensuing session in the House, where he was an active member of the Judiciary Committee, and Chairman of the Committee on Private Corporations. Since that time he has devoted his attention to his law practice, which is extensive and generally successful. During his residence here he has participated in the conducting of many important cases in State and United States Courts, both civil and criminal. As an attorney he is eminent for the carefully studied and strong manner of presenting his causes, as well as for his courtesy, urbanity and gentlemanly bearing. In social life he is genial and companionable—one who wins friendships wherever he goes.

Still in their prime, may be mentioned: Edwin F. Uhl (present City Mayor), James Blair, Jacob Kleinhans (whose opinion is sought on titles to real estate), Roger W. Butterfield (a very active practitioner), John C. FitzGerald, M. J. Smiley, Nathaniel Earle and Willard Kingsley (all strong advocates at *nisi prius*), Robert Montgomery (late Circuit Judge), John More (of the Police and Fire Commission), T. J. O'Brien (Attorney for the Grand Rapids and Indiana Railroad), Godwin & Adsit (late United States Attorneys), Wm. J. Stuart (Prosecuting Attorney for the county), Wm. A. Smith (Attorney for the Chicago and West Michigan Railway), Edward Taggart (specialist in patent cases), Moses Taggart (late State Attorney-General), Melbourne H. Ford (late Member of Congress), S. Wesselius (late Senator at Lansing), Wm. O. Westfall (Justice of Peace), Ward & Ward (successful men before juries), and Lawrence Wolcott (a gentleman of wide information).

**ROGER WILLIAMS BUTTERFIELD** was born April 23, 1844, in the village of Elbridge, Onondaga County, N. Y. His father, the Rev. Isaac Butterfield, was a Baptist minister, a polished speaker, logical in his deductions, and a good sermonizer. His reputation as a gospel minister was already extensive, and the demand for his

ministration among the people of that denomination was ever calling him to new and more extended fields of labor, which accounts for the many removals of the family during the minority of the subject of this sketch. When Roger was two years old the family removed to Oswego, N. Y., and resided there until 1855; then removed to Watertown, and two years later to Davenport, Iowa. At the age of fifteen Roger entered upon a preparatory course for college. Griswold College, at Davenport, was a denominational school, supported by the Protestant Episcopal Church, and here, and later at Adrian College, Michigan, he prepared himself for Princeton College, N. J., which he entered as a junior "half advanced," Feb. 1, 1865. He was a close student, hard working, and advanced so rapidly that he graduated with honor in 1866. He was at an early age baptized in, and has since always been an earnest and active member of the Baptist Church. Upon leaving college he disappointed the fond wishes of his father, who had hoped that, like himself, his son Roger would follow the ministry. He chose, however, the profession of the law, and entered that department at the University of Michigan immediately after he had graduated from Princeton. During vacations he studied in the law office of Moore & Griffin at Detroit. He graduated at the Law School in the senior class of 1868. Having determined to make Michigan his home, he proceeded to Grand Rapids in the summer of 1868, and entered the law office of J. W. Champlin as a clerk. Mr. Champlin was not slow in recognizing the superior ability of his young clerk, and on January 1, 1869, offered him a partnership. They continued in partnership until 1876; in the meantime, in 1873, taking into the firm the Hon. J. C. FitzGerald, then late from Marshall. In March, 1876, Mr. Butterfield withdrew from the firm and practiced alone until, in 1878, the law firm of Butterfield & Withey was formed. This firm dissolved in 1880, and Mr. Butterfield continued the practice of the law alone until, in 1887, the present firm of Butterfield & Keeney was formed. Mr. Butterfield is a man of marked traits of character. His efforts upon all questions, whether of business, of politics, or of religion, are first directed toward forming correct conclusions, and these he reaches by thorough investi-

gation, in a manner satisfactory to himself. He is outspoken and fearless in support of his convictions. His investigation of every subject is careful, painstaking and conscientious. He will not permit himself to be deceived by his sympathies or wishes to make the worse appear the better reason, or by the glamour which false logic too often throws over the subject of investigation. He is an energetic student of history and of law. His reading has been varied and extensive. He is thoroughly acquainted with English literature upon both sides of the Atlantic, and his mind is stored with the erudition of authors of recognized ability and high standing. His private library is one of the largest collections of miscellaneous literature to be found in the State, covering every branch of *belles-lettres*. As the body absorbs the food we feed upon, and thus obtains added vigor and strength, so the mind is sustained, developed and improved by absorbing the ideas of the best authors and thinkers who have committed the results of their brain-work to paper, and placed it within reach of the reading public. Mr. Butterfield purchases books to read, not to occupy shelf-room for show. It is doubtless true of him that, aside from the affectionate regard he has for his family, he derives the keenest enjoyment of life perusing the writings of the authors whose works line the shelves of his library. He pursues miscellaneous reading as a rest from the more exacting duties of his profession. To the successful practitioner in the law, these duties are ever present and inexorable. To become and hold the position of a successful lawyer, one must be ever a student, alert and active. He must give to its attainment his best energies and most careful consideration. It is a race in which the laggards are left behind. The genius whom nature has gifted with abilities for display in the former, and who is satisfied with his natural gifts, but is too lazy to apply himself to the acquirement of legal principles, and the application of them to the transactions of life, remains at the foot of the ladder, while the plodder with less brilliancy of address, less gifts of oratory, but with a determination to climb, passes on and upward to the higher rungs, to success and fame. Mr. Butterfield is a successful practitioner, a good counselor, and his integrity is unquestioned and unquestionable. He has attained his suc-

cess by hard study and close attention to the interests entrusted to his care. He enters into the cause of his client with zeal, and pursues it with ardor. He is a fluent speaker, somewhat vehement and excitable in manner, but never loses grasp upon the firm points of his own side of the case, nor loses sight of the salient points of his adversary. His strong human sympathies bring him in touch with his fellow men, and make him an efficient and convincing advocate before a jury. He is sociable and strong in his feelings of attachment; a firm friend to those whom he has chosen as such; and to serve them no sacrifice within his power is too great. Bacon, in speaking of friendship, says: "A crowd is not company, and faces are but a gallery of pictures, and talk but a tinkling cymbal where there is no love." Mr. Butterfield enjoys the companionship of his numerous friends, in whose society his conversation is no "tinkling cymbal." In May, 1876, he married Leonora I. Drake, of Fort Wayne, Ind. The union has been a happy one, and the family now comprises one girl and three boys. He is a lover of learning and an ardent admirer of the University of Michigan. His well known reputation acquired for him the nomination and election to the office of Regent of the University at the Spring election of 1887. He brings to the discharge of the duties of that office the same painstaking regard for its best interests that he employs in his private affairs. In politics Mr. Butterfield is a Republican. The practice of the law does not engross his entire time and attention. He is identified with the welfare and prosperity of the city which he has chosen for a home, and is connected with some of the largest manufacturing interests carried on in the city and its suburbs. In conclusion it may be said that Mr. Butterfield is yet only at the meridian of life, with a future before him full of hope, and rich with the promises of usefulness and success. These lines have been written by one who has had the pleasure of a long and intimate acquaintance with the subject of this sketch, and who speaks from personal knowledge of the character and worth of the man.

JOHN W. CHAMPLIN.

The roster of the bar is a large one, and while complete individual mention would be an agreeable duty, it might grow ful-



*J. C. Miller*

some; the younger brethren must therefore await some later chronicler, to perpetuate their individual glories; at which time "the coloring of their lives" will have taken more marked hue. Following is a roll of attorneys residing in Kent county and practicing in the Circuit Court:

Adams, Edward M.  
 Adsit, Allen C.  
 Albertie, Vernon E.  
 Allen, Eugene E.  
 Allen, Nathan P.  
 Barry, Edmund D.  
 Blair, Charles B.  
 Blair, James  
 Boltwood, George S.  
 Boltwood, Lucius  
 Brigham, Willard I.  
 Buchanan, Claude R.  
 Buck, Curtis  
 Bundy, McGeorge  
 Burch, Marsden C.  
 Butterfield, Roger W.  
 Campbell, James H.  
 Carpenter, Eugene  
 Carpenter, Frank L.  
 Carroll, Lawrence E.  
 Carroll, Thomas F.  
 Chandler, Charles  
 Chase, Harry E.  
 Chipman, Samuel S.  
 Clapperton, George  
 Clarke, Fred. S.  
 Clay, Samuel D.  
 Comstock, Everett D.  
 Corbitt, Daniel E.  
 Courtney, R. Emmett  
 Crane, Albert  
 Crozier, A. Owen  
 Cruikshank, A. D.  
 Cutler, George A.  
 Dapper, Emil A.  
 Denison, Arthur C.  
 Donaldson, Frank S.  
 Doran, Peter  
 Drury, Horton H.  
 Dunham, Major L.  
 Eaglesfield, Elizabeth  
 Earle, J. Edward  
 Earle, Nathaniel E.  
 Eastman, William H.  
 Eddy, Lawrence P.  
 Eggleston, Ebenezer S.  
 Fairfield, John A.  
 Fallass, Henry B.  
 Felker, Henry J.  
 FitzGerald, John C.  
 Fletcher, Niram A.  
 Foote, Thaddeus  
 Ford, Melbourne H.  
 Fuller, William D.  
 Ganson, C. Van Cleve  
 Girdler, Benjamin C.  
 Gleason, Clark H.  
 Godwin, G. Chase  
 Goss, Dwight  
 Grove, William E.

Grover, Harrison P.  
 Haggerty, William H.  
 Hale, Warren S.  
 Hamilton, Alexander  
 Harvey, Cornelius L.  
 Hatch, Reuben  
 Hawley, Andrew D.  
 Heath, Madison O.  
 Hine, Frank W.  
 Holcomb, John W.  
 Holmes, Frank G.  
 Holmes, John T.  
 Houseman, Maurice M.  
 Howell, Charles G.  
 Hoyt, Birney  
 Hughes, Walter H.  
 Irwin, William W.  
 Jackson, Albert  
 Jamison, Julius M.  
 Joslin, Harvey  
 Keeney, Willard F.  
 Kelley, Thomas J.  
 Kingsley, Willard  
 Kleinbans, Jacob  
 Knappen, Loyal E.  
 La Grou, Simon  
 Lawrence, John S.  
 Livingston, Lincoln B.  
 Lyle, Daniel C.  
 Lyman, Frank H.  
 McBride, James E.  
 McGarry, Thomas F.  
 McGill, Charles W.  
 McGill, Thomas A.  
 McKnight, William F.  
 McReynolds, Andrew T.  
 Maher, Edgar A.  
 Marsh, Darius A.  
 Mathewson, John M.  
 Maynard, Fred A.  
 Maynard, Rezin A.  
 Miller, John T.  
 Moloney, James T.  
 Montgomery, Robert M.  
 More, John E.  
 Morey, Edwin S.  
 Moulton, Luther V.  
 Norris, Lyman  
 Norris, Mark  
 O'Brien, Thomas J.  
 Palmer, Luke  
 Palmer, Milton J.  
 Patton, John, Jr.  
 Perkins, Cyrus E.  
 Perry, Milton M.  
 Potter, Charles J.  
 Powers, Reuben W.  
 Prescott, William H.  
 Preston, J. Tome  
 Ransom, James W.

Ransom, Oscar C.  
 Rathbun, Charles P.  
 Reynolds, J. Mason  
 Robbins, John W.  
 Rodgers, Frank  
 Rogers, Dennis L.  
 Rogers, James A.  
 Rood, Arthur R.  
 Rood, Charles C.  
 Rood, Hiram A.  
 Rozema, John H.  
 Rutherford, L. G.  
 Saunders, William G.  
 Shedd, William F.  
 Sheppard, William C.  
 Smedley, Charles O.  
 Smiley, Mitchell J.  
 Smith, William Alden  
 Stace, Francis A.  
 Stevens, Frederick W.  
 Stuart, William J.  
 Sweet, Edwin F.  
 Sweet, Frank H.  
 Taggart, Edward  
 Taggart, Moses  
 Tatem, John H.

Tateum, Wm. Aldrich  
 Taylor, Wm. Wisner  
 Temple, Charles E.  
 Temple, Fred C.  
 Thompson, George W.  
 Tompkins, Joseph H.  
 Tozer, James S.  
 Tufts, Charles W.  
 Turner, Isaac M.  
 Uhl, Edwin F.  
 Voorheis, Peter O.  
 Walsh, Henry F.  
 Walker, Myron H.  
 Wanty, George P.  
 Ward, Charles E.  
 Ward, Leonard A.  
 Watt, Charles A.  
 Wesselius, Sybrant  
 Westfall, William O.  
 White, George H.  
 Wilson, Charles E.  
 Wise, Cassius M.  
 Wolcott, Alfred.  
 Wolcott, Laurens W.  
 Wolf, Gustave A.

THOMAS J. O'BRIEN is well known as a sound lawyer, a good citizen and a genial gentleman. Although now and for many years past, the attorney of a railroad corporation, to the business of which he has given the closest attention, his acquaintance is wide spread, especially throughout Michigan, his native State, and both his legal reputation and his personal popularity extend far beyond the limits of his acquaintance. He is an excellent specimen of an Irish-American, combining most of the good qualities of both races. Warm hearted and generous, but not wanting in thrift; fond of society, but without convivial habits; in him Irish breeding and Yankee training have united their forces. Fortunately both happened to be exceptionally good, and the result is such as should be expected. His father, Timothy O'Brien, was born at Dunmanway, in the county of Cork, Ireland, in 1793. In 1812, when about eighteen years of age, he removed to England and settled in London, where, for the following twenty years and upward he continued to reside. During this period there was great activity in the construction of public works in and about London, and his time was spent in connection with these. He had fine executive ability and was well adapted to control and direct men. Among other things he superintended the construction of the artificial grounds about Buckingham Palace. This work, in every essential particular, is

to-day as he left it. He also spent eight years in the construction of what was then called the new London bridge. The mother of Thomas J. O'Brien was Elizabeth, daughter of Thomas Lander and Elizabeth Cummings; she was born in Tipperary, Ireland, in 1806. When twenty years of age she went to London, and there met Mr. Timothy O'Brien. They were married in 1830, and removed to America four years later. After spending a year or two in the East, they removed in 1837 to the then village of Jackson, in this State. Soon after their arrival a farm was purchased three miles from Jackson, and after four years, during which the lands were improved, they removed to it and continued to reside upon it during the remainder of their days. Mr. O'Brien died in June, 1870, in the 77th year of his age, and Mrs. O'Brien died in November, 1886. July 30, 1842, at their farm near Jackson, Thomas J. O'Brien was born. Here his boyhood and early youth were spent. Until his eighteenth year his education was only such as could be obtained in the schools of that and an adjoining county. At that age he commenced his legal studies, first in an office and then in the Law School of the Michigan University. In 1864, at twenty-one years of age, he was admitted to the bar, and entered into partnership with John C. FitzGerald at Marshall, in this State. He was a worker, and soon compelled a recognition of his ability. Doubtless the same amiable qualities which have contributed to his popularity in his later life, together with a deserved reputation for unflinching integrity, had much to do with his early success. Talents, such as he displayed, do not remain long unnoticed either by clients or by other attorneys. Among the latter, by far the ablest and widest known in Central Michigan was D. Darwin Hughes, since deceased, a gentleman who was the peer of any lawyer in the State, and one whose legal attainments were fully equaled by his kindness of heart and his warm interest in the success of deserving younger members of the bar. He had long known Mr. O'Brien and watched with great interest and pleasure his progress as he gradually rose from the ranks. In 1871 Mr. Hughes accepted the position of General Counsel of the Grand Rapids and Indiana Railroad Company, and determined to remove from Marshall to Grand Rapids, where

the general offices of that company were to be located. He did not propose to settle down as a mere adjunct to the railroad company; he meant to build up a large general practice besides. He wanted a partner; he wanted a partner who came up to his high standard of requirements. There was scarcely an attorney in Michigan who would have declined his invitation. Unsolicited and unexpected it came to our young lawyer of twenty-eight, and only seven years from the law school, and was most joyfully accepted. Hughes & O'Brien, and later Hughes, O'Brien & Smiley, had a most remarkable career. The partnership connection continued until the failure of Mr. Hughes's health in 1882, and their mutual personal affection, which grew stronger and stronger during the ten years of their united labors, continued until the death of Mr. Hughes the following year. This was a sad blow to Mr. O'Brien, as well as to many others who knew and loved the great man who was much more than a great lawyer. In the meantime, however, Mr. O'Brien had continued to develop and grow in his chosen profession, and very easily and naturally fell upon him the mantle of his old friend and partner, as General Counsel of the railroad company. This position he still holds. The Grand Rapids and Indiana Railroad Company has been peculiarly happy in its choice of counsel. In the early days before fences had been built, and when a large portion of the road passed through a sparsely settled wilderness, the pugnacious methods of Mr. Hughes were needed in order to prevent imposition and to teach respect for the infant company. Later the more calm conciliatory and judicial methods of Mr. O'Brien have with equal propriety and advantage to the company been applied to the adjustment of differences. In this company a peculiarly close relationship has existed between the executive officers and the legal counsel. Many problems of unusual difficulty, both in a business and in a legal point of view, have been successfully encountered, and it is but just to claim for Mr. O'Brien a fair share of the credit for such success. He has also found time to maintain an excellent general practice. In religion he attends the Episcopal Church and is a member of the vestry of St. Marks. In politics he is a Republican of rather conservative tendencies. He is not a politician



*W. J. Smiley*

*Eng. by W. H. P. & Sons, L. Barre, Vt. U.S.A.*

and has been a candidate for but one political office, that of Judge of the Supreme Court of this State. His remarkable fitness for this highest judicial office in the State was recognized by his party, and it did itself the honor, without any solicitation on his part, to make him its candidate, in the Spring of 1883. This happened to be a bad year for Republicans in Michigan, and in common with the entire State ticket he was defeated. His sense of honor is such that he could not resort to the means (which are unfortunately far too common) necessary to secure success at the polls at a close election. He ran ahead of his ticket in many places, and a very little effort would have secured his election. It is doubtful, however, whether it would have been a real benefit to him, but certain it is that in his defeat the State lost an honest and capable judge. Mr. O'Brien's name has frequently been mentioned in connection with other high judicial offices, including the Supreme Court of the United States, and his friends have often urged him to accept nominations for the highest municipal and State offices, both executive and legislative, but situated as he is the acceptance of any office would be a sacrifice on his part for which the scant honor would but poorly compensate. In his domestic relations he is peculiarly happy. His wife is a daughter of the late Hon. Wm. A. Howard, well known all over the country as one of the clearest headed leaders of the Republican party. Still youthful in appearance and in his own feelings, respected as a citizen and admired as an attorney, Mr. O'Brien is indeed a useful and a happy man. May many years of increasing usefulness and happiness be in store for him!

EDWIN F. SWEET.

MITCHELL J. SMILEY was born at South Avon, Livingston County, New York, May 2, 1841. Ten years later his parents removed to Michigan and settled upon a farm in Van Buren County. Here he lived upon the homestead, doing farm work and attending district school, as farmers' sons of that period were accustomed to do, until he arrived at the age of seventeen years. He then entered Kalamazoo College, maintaining himself there by teaching school a portion of each year until he had obtained the necessary literary education to fit him

for the successful study of his chosen profession, the law. Nathaniel A. Balch, for many years the leader of the bar in that portion of the State, was then in the height of his professional career. With him Mr. Smiley began the study of the law in 1860, and two years afterward he was admitted to practice. A copartnership was then formed between his tutor, Mr. Balch, and himself, which continued until 1872. At that time the firm of Hughes & O'Brien, composed of the eminent D. Darwin Hughes, now deceased, and Thomas J. O'Brien, present General Counsel of the Grand Rapids and Indiana Railroad Company, stood at the head of the profession in Grand Rapids, with a business grown so extensive as to require the services of an additional first-class trial lawyer. This position was tendered to Mr. Smiley and accepted by him, and the copartnership of Hughes, O'Brien & Smiley was formed, Mr. Smiley removing from Kalamazoo to Grand Rapids. This firm did a very large business for many years. In the year 1883 Mr. Hughes died. Mr. O'Brien soon after succeeded him as General Counsel for the Railroad Company, and January 1, 1884, Mr. Smiley organized the firm of Smiley & Earle, which has continued till the present time (July, 1890). Mr. Smiley's professional work has been that of a trial lawyer. From the formation of his first copartnership to the present time he has been almost exclusively employed in the preparation and trial of cases, and since 1872 his time has been largely spent in court trials. Probably no lawyer in the State has during this period tried more causes than he, and it is also probable that none has been more uniformly successful. While he has often tried important criminal cases, his time is largely devoted to the management of civil causes involving large property rights. He is strong in the careful preparation and straightforward presentation of his cases. At the same time no one is quicker at repartee or readier in an emergency. The ablest lawyers sometimes lose cases as the greatest generals at times suffer defeat. Whatever cases Mr. Smiley loses are lost on their merits. They are never lost through mistake or inadvertence. He is not taken by surprise nor ambushed into a false position. In the submission of purely legal questions his arguments to the courts are, singularly clear

and comprehensive. Being so largely engaged in the active business of the courts, he is necessarily often before the courts of review and last resort. Here he exhibits to an equal degree those characteristics of directness, clearness, readiness and force which distinguish his jury trials. Although nearly thirty years in active practice he is still comparatively a young man and not yet, it is believed, at the highest point of his career. In politics Mr. Smiley has always been a Democrat. He has several times been the candidate of his party for local and legislative offices, when his party was in a hopeless minority and suffered the common party defeat. He married in 1874 Florence M. Fitts, of Portsmouth, N. H. They have two children—Edmund P., aged fourteen years, and Louise B., aged six years. In recent years Mr. Smiley has found diversion from the labors of his professional life in a fine stock farm, which he owns and where he has bred many fine

animals, including the famous race horse Ed. Annan. He has made the horse and his breeding a careful study, and is as familiar with that subject as with many a legal doctrine. His admiration of the fine harness horse has led him to take part in trotting exhibitions, although he never bets on the result and deems it improper so to do. His constant employment in important causes has returned him a fitting reward in the way of a large professional income, which he has managed with sound business judgment. He has a fine residence on Cherry street, in one of the handsomest parts of the city, and is well to do financially. Throughout his professional and business life Mr. Smiley has maintained a high moral standard. His addresses to courts and juries are elevated in character, and in ordinary affairs he is governed by a strict sense of right. He has many rare friendships and is honored and esteemed in all the relations of life.