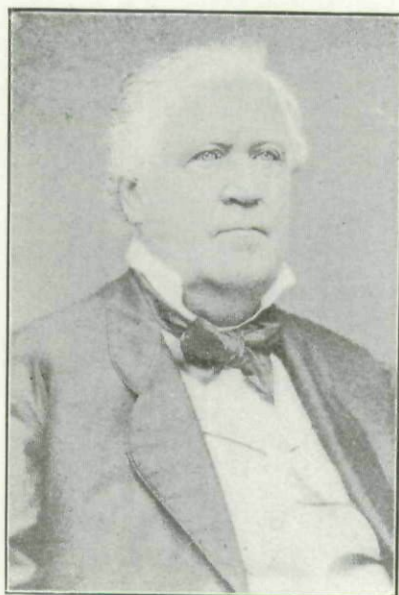


JUDGE JONATHAN C. HALL.

BY HON. EDWARD H. STILES.

It is no easy thing to so sketch an extraordinary personality as to bring saliently out the particular traits that make it so. The first time I saw Jonathan C. Hall was in the old court-house at Ottumwa fifty years ago. I was introduced to him as a young law student just from Connecticut. He talked with me in that good-natured and kindly manner highly characteristic of him, and the acquaintance thus commenced laid the basis of a lasting friendship. Though he had then attained the highest professional rank, his presence and bearing were perfectly devoid of the least tinge of vanity or self-importance. There was about him, however, an indescribable something that told as plainly as words that nature had fashioned him in no ordinary mold. Without being apparently sensible of it himself, his presence was commanding, and his "supremacy was written upon his features and person." He was heroic in frame, of Taft-like structure, whose height was apparently diminished by its breadth, and whose embonpoint unmistakably showed the signs of generous living. He had a large head, a full face, a rather florid complexion and light hair. He was careless in dress, inattentive to the little conventionalities of society, easy of approach, amiable and sympathetic in disposition, generous beyond his means, unrestrained in frankness and independence of speech and manner, save by those gentlemanly and tender instincts which the Almighty had deeply implanted in his being. He liked whole-souled company, good cheer, and was convivial to a high degree. Generally speaking, I may say that the traits last referred to were characteristic of a majority of the lawyers of that day. He was fond of anecdotes, liked a good story, and few could tell better ones than himself. By virtue of these traits coupled with his fame as a lawyer, his presence was much sought and his society courted, whether at home or moving in the circuit of his extensive



J. C. Hacc

PIONEER LEGISLATOR; ASSOCIATE JUDGE IOWA SUPREME COURT.

practice, and especially by the younger members of the bar, who flocked to see and listen to one about whom they had heard so much.

Along with these fascinating personal qualities he possessed strongly intellectual ones. The capacity of deep and vigorous thinking, of analyzing difficult problems, of solving perplexing questions by the sledge-hammer forces of his potent and resourceful mind. He was perspicacious in legal argument, and when occasion demanded powerful as an advocate. He wasted none of his strength on trivial points, but grasped at once the pivotal ones and went straight for them with vehement force. He was naturally mild and sometimes apathetic. It took something more than the ordinary to arouse him, but when fully aroused, he was a very Titan in power. These conspicuous qualities deeply impressed him on the State and justly established him as among the greatest lawyers of his time. Nor were these achievements assisted by the auxiliaries of either a polished education or a polished speech, for he had neither.

In this connection I can do no better than quote from a description of some of the early lawyers furnished me by one fully qualified to know and who was one of the most profound lawyers and thinkers this State has ever produced. I allude to Judge Charles Mason. Intending to sometime sketch the judges, lawyers and some of the prominent men of earlier Iowa, I took the liberty of writing to him for such information concerning his contemporaries as he might be pleased to convey; and I cannot refrain from saying that I highly prize as a token of his interest in the matter, and of the kindness of his great heart, the manuscript which, with the aid of his daughter as amanuensis, he prepared and sent me when enfeebled by an illness which proved to be his last. Speaking of Judge Hall in the manuscript referred to he said:

J. C. Hall was one of the ablest practicing lawyers I have ever known. His leading characteristic was strength. He cared little for polish or rhetoric, using language sometimes inapropos and incorrect, but uttered in such a way that no juror could fail to understand his intended meaning. He regularly attended all the courts held in the first judicial district, and was engaged in almost every case that was tried therein. He was most persistent and persevering in the pur-

suit of his main purpose, and was very generally successful. When fully aroused he seemed like a great locomotive that nothing could resist. If defeated on one point he was fruitful in expedients by some flank movement to obtain success on others. He was indefatigable and untiring, and his success was in a great degree commensurate with his industry. There were other better read lawyers, but I know of no one with whom I would have been more willing to entrust a difficult case.

Along the same lines, Judge Springer, himself a distinguished lawyer and judge, and president of the Constitutional Convention of 1857, in the course of his address at the reunion of the surviving members of that convention, held in 1882, said:

Judge Hall had been a member of the First Constitutional Convention held in Iowa and was the only member of our convention that had been a member of either of the previous conventions, and had held with credit a seat on our Supreme Bench. He was an able man among able men. He was endowed by nature with a large heart and a still larger brain. As an advocate, lawyer and jurist his place was in the front rank of the Iowa bar. Though not possessed of the culture and scholarly attainments of some of his contemporaries, yet for strength and depth of mind, for logical force and power of argumentation he was entitled to rank with the foremost men in the State.

Coming from the sources they do, these estimates of Judge Hall go far in establishing a firm basis for his judicial fame.

After this general view let us glance at some of the particular instances of his life. He was born in Batavia county, New York, in 1808. He died in 1874 at the age of 66. His father, Colonel Samuel Hall, was one of the pioneers of that part of New York. He came there with his wife and family in 1804. His wife was Sarah Chapin Hall. The stock must have been good or there never could have sprung from it such men as Jonathan, Augustus, and Benton J. Hall. Samuel Hall cleared the wilderness and hewed the unbroken forest in order to make his cultivated fields. In this strenuous work, the son as soon as old enough participated; and to this discipline the full development of his naturally strong physique was doubtless in a large measure attributable. His education was obtained in the common schools, eked out with a few terms at the Wyoming Academy. At the age of 20 he commenced his legal studies in the office of Abraham Van

Vechten, a distinguished lawyer of Albany. He completed his studies with lawyers of ability in Ohio. In 1830, at the age of 22, he was admitted to the bar at Columbus, and entered the practice at Mount Vernon, where he located the same year. He was early successful and established a good practice at that place. But circumstances, the loss of a favorite child, the desire to break his environments, and the boundless freedom of his spirit, induced him to take the way which the star of empire is said to, and seek the then far west. He came to Burlington in 1839, looked the country over and decided on Mt. Pleasant, where he with his family located in 1840, during the second year of our territorial organization. Here he soon established an extensive practice. He regularly attended the courts of the different counties as they were organized. His fame as a lawyer spread. The circuit of his practice increased. He was retained in important litigation both within and without the State. He had foemen worthy of his steel, and whose great ability was able to invoke and make necessary the best of his own. Foremost among these were David Rorer and Henry W. Starr, of whom as well as of the other persons mentioned herein I trust I may sometime be privileged to write further.

In 1844 the people were seeking the admission of the territory as a state. To this end a convention was called to frame a constitution on which the state could be admitted. He was chosen a member of this convention. He had for associates some able and noted men, among whom were Stephen Hempstead, ex-Governor Lucas, Ebenezer Cook, Ralph P. Lowe, Shepherd Leffler, Elijah Sells, Francis Gehon, Stephen B. Shelledy. He was regarded as one of its ablest members, and it was conceded on all hands that his influence had been potential in framing for that period a constitution well suited to the condition of the people. As a matter of fact this constitution was rejected by the people on account of the state boundaries as therein fixed, but with these changed it was afterwards adopted with few alterations and became the constitution of the State.

In 1854 he was appointed a judge of the Supreme Court of the State. His opinions will be found in Vol. IV, G. Greene's Reports.

When a new constitution, that of 1857, came to be framed, he was elected a member of the convention chosen for that purpose. Here again he had some strong associates, among whom were Francis Springer, Timothy Day, James F. Wilson, Edward Johnstone, R. L. B. Clark, John T. Clark, William Penn Clarke, D. G. Solomon, George Gillaspay, Amos Harris, Lewis Todhunter, William Patterson, Robert Gower, John Edwards and other men of ability. In this notable body he exercised even greater influence than he had in the convention of 1844, and many of the wise and beneficent provisions of the instrument it gave to the people are traceable in a great degree to his broad and vigorous mind. The printed debates of that convention will attest this and constitute a lasting memorial to his fine qualities. He was the author of the provision authorizing the public school system.

In every position, he was a friend of and true to the people. His ideas of legislation were humane and progressive, and to his influence the people of Iowa were greatly indebted for its redemption and exemption laws.

He was a champion of internal improvements. In 1855 he was elected president of the Burlington & Missouri River Railroad Company, and it was greatly through his influence and foresight that its affairs were placed on a substantial basis. The first locomotive that entered Burlington was named "J. C. Hall," in his honor.

He was also a firm champion of the educational interests of the State. What an important factor in that behalf he was in the Constitutional Convention of 1857, has already been noted. He assisted in the founding of the academy which afterward became the basis of the Wesleyan University, and could always be relied upon to forward educational measures. In an article on the early times appearing in Vol. I, 3d Ser. of *The Annals of Iowa*, Prof. W. P. Howe, speaking of the men who laid the splendid foundations of our educational system, said, "Judge J. C. Hall and David Rorer were lifelong supporters of the public schools, and were among my father's

warmest personal friends, though their politics were as wide apart as the poles." (The father of Professor Howe herein referred to was the venerable and reverend Samuel L. Howe, whose early, long-continued and heroic career as an educator have durably embalmed him in the annals of the State and the affections of her people.)

In the fall of 1859 he was, against his inclination, sent to the Legislature as a representative of Des Moines county in the Eighth General Assembly. At the ensuing session of that body a new code of laws, and embracing a new system of practice, was to be reported by the commissioners appointed for that purpose, and it had been the great desire of his people that he should be present and exert his influence in molding into final shape what was to be known as the *Revision of 1860*. In this work he took a prominent part and unceasingly devoted himself to it. Without in the least detracting from the unwearied labors of the very able commission which prepared and reported the code as it originally stood, it is not too much to say that his efforts were greatly effective in improving it in some of its important features.

Immediately after the inauguration of the rebellion a special session of the same Assembly was called by the Governor to meet the emergency. Among his associates therein was Henry C. Caldwell of Van Buren county—afterward a distinguished Iowa soldier, and successively major, lieutenant-colonel, and colonel of the Third Iowa Cavalry, and after that, for a period of forty years, one of the greatest and purest judges that ever graced the Federal Judiciary. He and Judge Hall were both on the Judiciary Committee.

The measure giving the soldiers in the field the right to vote did not pass into a law until 1862, but it originated in 1861. Several persons have been given credit for its origin, but it unquestionably belongs to Judge Hall, as what is to follow will clearly show. In the summer of 1902 I paid Judge Caldwell a visit at his summer home in Colorado. We talked of a number of men we had known, and among others of Judge Hall. He said he regarded Judge Hall as not only a very able lawyer, but really a great man and entitled to be classed as such. Of this conversation I took notes at the

time which I now have before me, and from which, as bearing on the point alluded to I quote. Judge Caldwell said:

I was Chairman of the Judiciary Committee in the House and Judge Hall was second on the committee. We became very warm friends and were in accord on all questions that came before the extra session of May, 1861. One night Judge Hall came to my room with a paper in his hand which he laid down on my table and said: "Caldwell, I have drawn a bill providing for taking the vote of the soldiers in the field during the war. This is going to be a great war. Mr. Seward is greatly mistaken in his estimate of its duration. It will be one of the greatest wars of ancient or modern times; and before it ends all the able-bodied men liable to do military duty may be compelled to enter the armies of the Union and go to the front. This would take from their homes the great mass of the patriotic men and friends of the government within the military age, leaving behind those who are unfriendly to the government and whose sympathies are with the rebellion; and with these ballots they would be able to do the government more damage than if they were at the front with muskets in their hands fighting against us. The votes of these men would be more dangerous than if they themselves were in the open field. Hence in order to provide against such a state of affairs, we must confer the right to vote on the soldiers in the field." I suggested that it would be unconstitutional. He said that he had investigated that question and was satisfied that it would be constitutional, and be so declared by the Supreme Court in the event of litigation. Judge Hall was not only a lawyer of great ability, but a great man, and his patriotism and profound, prophetic foresight in this single instance, shows him to have been such.

As I had heard the origin of the measure ascribed to others I thought it possible that there might be some mistake about the matter. In a few days, however, I received from Judge Caldwell a copy of the House Journal which he had procured from the state archives, fully confirming the statement he had made. As the origin of the measure has been obscured, as it essentially affects the biography of Judge Hall and throws a strong light upon his character, I, in order to place the matter, in a particular manner, beyond controversy, here reproduce the Journal entries referred to. On reference to the *Journal of the House of Representatives* at the extra session of the General Assembly of the State of Iowa which convened at the capitol in Des Moines, on Wednesday, the 15th day of May, 1861, by referring to page 98 of that Journal under date of the 27th of May, the following entry will be found:

Mr. Hall, by leave, introduced the following bill:

House File No. 39. "A bill for an act to authorize volunteer officers and soldiers who are absent from the State and in the service of the United States, and citizens of this State to vote at State Elections."

Which was read a first and second time and referred to the Committee on Elections.

Under date of May 28th, on page 110 of the Journal, the following entry will be found:

By leave, Mr. Rees submitted the following Report:

Your Committee to whom was referred House File No. 39: "A Bill for an Act to authorize Volunteer officers and soldiers who are absent from the State and in the service of the United States and citizens of this State to vote at State Elections," report the bill back and recommend its passage.

SAMUEL REES,
D. D. SABIN,
J. W. LELACHEUR.

On the same day the following entry appears on page 118 of the Journal:

Mr. Hall moved that the House take up House File No. 39: A Bill for an Act to authorize Volunteer Officers and Soldiers who are absent from the State and in the service of the United States, citizens of this State, to vote at the State Elections. Carried. Mr. Williams moved to postpone the further consideration of the bill till the year 2065. Upon this motion Mr. Hall demanded the yeas and nays, which were ordered and were as follows:

On the same day the House adjourned *sine die*.

Mr. Williams, who made the motion to postpone the consideration of the bill till the year 2065, was one of the representatives from Dubuque county, and immediately upon the adjournment of the Legislature he proceeded to Virginia, his former home, and entered the Confederate service.

When it is remembered that this action of Judge Hall was only a little more than a month after the bombardment of Fort Sumter (April 12th, 1861), and more than two months before the first battle of the war (that of Bull Run, July 21st, 1861), and that the seventy-five thousand troops called for by the President for three months had been thought in high quarters sufficient to crush the insurrection, no one can fail to appreciate the profound discernment which enabled him, it would seem beyond any man of his time, to so clearly foretell the mighty events which lay in the future.

I have referred to the fact that many of the lawyers of that time, and perhaps largely as a class, were convivial. Do not let me be misunderstood, for while they were more or less convivial, they were not debauched. The flowing bowl was an incident of those days, but it was rarely abused, and while lawyers indulged more freely than members of the other learned profession, they were seldom dissipated, or hors de combat in the hour of action. Why they took precedence, in the respect mentioned, over doctors and clergymen, is easy to understand. The vocation of clergymen, for obvious reasons, properly placed them under very different limitations and conditions. To a great extent the same may be said of the doctors. Both of these were comparatively isolated in their fellowship and professional action. Neither, so to speak, "flocked together" as did the lawyers, at the courts of their own and those of the other counties composing their circuit, and which all the leading ones attended. To do this, they frequently went long distances and through all kinds of weather—not by railroad, bicycle or automobile, for it was before their day—but overland, and generally, though not always, on horseback. Their almost constant companionship naturally made them convives.

It is not alone the glamour of biography that makes it valued or interesting. It is rather its incidents, that serve to portray the individual from different points of view, and as he really was in his every-day as well as in his Sunday clothes; in his relaxation as well as in his strength. Human weaknesses in the great, it is said, make us love them. They make us akin.

But the frailties of these men were of the forgivable and healthy sort as compared with those we frequently see to-day. They were faithful to their families, their friends and the State. The disgraceful exhibitions of domestic treachery and official corruption, which are constantly passing before our eyes like the scenes of some frightful panorama, were unknown.

With this preliminary, I feel justified in narrating an incident which will, as it were, throw a vivid side-light on some distinguished counselors of that period, and thereby

serve to illustrate the customs of the time, and what I have said. The dramatis personae of the incident were four noted lawyers, who were taking a little ride of 250 miles through an almost unbroken wilderness, to procure some testimony in a certain contested election case. They were the Hon. Daniel F. Miller of Keokuk, the Nestor of the Iowa bar for length of continuance of service at the time of his comparatively recent death; Judge Jonathan C. Hall of Burlington, the subject of this sketch; the Hon. Lyman Johnson of Keokuk, and the Hon. John F. Kinney, then a judge of the Supreme Court, who had been appointed as the commissioner to take the testimony. The contestants were the said Daniel F. Miller, commonly referred to as "Dan," and William Thompson of Mount Pleasant, a well-known lawyer, familiarly known as "Black Bill," from his dark complexion. They had been opposing candidates for Congress in the southern district (there were then but two districts in the State). Thompson being awarded the election, Miller entered the contest, on the ground that the poll-books from the Mormon precinct at Kanesville, now Council Bluffs, had been stolen from the room where they were deposited, and that the returns, if shown, would give him a clear majority. Not being able to find the missing poll-books, Miller was proceeding with his *compagnons de voyage* to Kanesville where the vote had been cast, to take testimony to show who had voted, for whom the votes had respectively been cast, and that the same had been polled and forwarded. Hall and Johnson represented Thompson in the proceeding. Miller represented himself.

In after years it so happened that on the 6th of December, 1884, I met Mr. Miller—whom I as nearly everybody else loved—at Des Moines, and we came home on the same train, occupying the same seat. It was night and the journey was long and slow. I desired to learn all I could of the earlier times and of the men who had invested it with so much extraordinary interest, and plied him with many questions; among others some relating to his contest with Thompson. He gave me all the details respecting the alleged theft of the poll-books and their subsequent unexpected discovery, which it

would not be germane to relate here. He then gave me the following narrative of the journey across the country above alluded to, which I at the time reduced to writing in a memorandum book I carried, which I afterward read over to him for correction and approval, and which I now give in his own language as thus written :

We started to take depositions in my election case with "Bill" Thompson. The State was divided into two Congressional districts. Thompson and myself had run for Congress in the southern district. The poll-books had been stolen and we had to take secondary evidence, so to speak, as to how the vote had gone. Judge Kinney, then one of the territorial judges, had been commissioned by the Government to take the testimony. J. C. Hall and Lyman Johnson were Thompson's attorneys; I represented my own case. We, Kinney, Hall, Johnson and myself started westward. We had a two-horse wagon. Johnson drove. It was the cholera season. Many had died in Keokuk. We laid in a lot of medicine to meet the event of cholera sickness. We started from Keokuk. As we were about to start, and before I got into the wagon, I pulled out a bottle of brandy which I had taken the precaution to provide myself with, and as I held it up in my hand, I cried out, "I have got the advantage of you fellows." "Not by a great sight," says Hall, and as he spoke he raised from the bottom of the wagon a two-gallon jug. Thus equipped, we started. In due course of time we arrived at Keosauqua. We took some testimony there. Fifteen persons had died there with the cholera. We did not stay there long, but pressed westward. Our ultimate destination was the Missouri river in the vicinity of Council Bluffs—then called Kanessville—to take the testimony of Mormons who had encamped there on their way to Salt Lake. They had been driven from Nauvoo, they had tarried in Iowa, had remained there long enough to vote; quite a large body of them had reached and congregated in the neighborhood of the Missouri river.

We went from Keosauqua to Centerville. The only road was the Mormon trail—a trail they had made in their removal westward over the prairies and across the streams. We followed this trail. It was the month of March; our way lay through the wilderness; the weather was somewhat rough, but we kept supplied with a sufficient amount of whiskey to keep us warm, enliven our spirits, and thus shorten the journey. In order to do this pretty effectually, the intervals between drinks were not as long as those between the governors of North and South Carolina. The country along our route was uninhabited, save at intervals of great distance. We would generally manage to make a cabin for the night. We reached Centerville and rested there a while. The contents of the jug had run out and we were obliged to replenish our stock, and got the demijohn filled again. This was necessary in order to keep us warm and maintain our cheerful spirits. From there we struck towards the Missouri river. After some days of travel and when within some fifteen or twenty miles of the river, we came after nightfall upon a clearing and cabin, of which we had been informed and at which we expected to get accommodations for the night. We drove up towards the cabin; out came a pack of hounds roaring like so many lions. We halloed for the inmates, and presently out came a man and halloed back to us. "Who is it and what do you want?" said he. "We are on our way to the river and have been informed we could

get sleeping for the night here. Can you keep us?" we replied. "Yes, I guess so; get out and come in," said he. We looked after the horses with the man and then went in. He had two cabins, one in which he lived and cooked, and a very small one in which were located three beds. This was assigned for our lodging. But we were not quite happy. We had run out of material again; Hall, especially, was terribly disconsolate. He called the proprietor in and asked him if he had any whiskey he would let us have. The man replied, "Wall, strangers, I have got some whiskey. I went with my team all the way from here to St. Joseph, Mo., to get it; the roads are bad and I tell you whiskey are whiskey. I got a barrel of it and I'll let you have some, but whiskey are whiskey." "Well, what do you mean; how much do you want for it?" said Hall. "Seventy-five cents a pint," said the man. (Twenty-five cents a gallon was the highest price for whiskey at that time.) "Why, my gracious, that is cheap; how can you afford to sell it for that after bringing it so far? Give us a pint of it," said Hall. The man brought us in a pint with which, and a good, rousing fire to warm up our chilled frames, we soon made ourselves comfortable. The pint was soon gone, and Hall calling in the man, said to him that his whiskey was so cheap, we must have another pint of it. Well, another pint was brought and considerable of it drank before supper was called, as we were very cold, chilled through. I forgot to say that it was about ten in the evening, when we arrived and about midnight before supper was ready. On the table was some good corn-bread, a good substitute for coffee made of dried crusts of bread, ground, milk, and in the middle of the table a huge yellow dish filled or nearly so with a clear looking liquid in which were floating seraps of the bacon from which it had been tried. As a substitute for butter I placed a lot of it on my plate as did all the rest of us, to sop our corn-bread in. I put a piece of the latter, well sopped, in my mouth, but immediately after getting a good taste, threw it out, exclaiming, "My gracious, this is rusty bacon!" I was hungry, but my stomach revolted. Hall, however, who was a man of most robust stomach, and whose appetite had become whetted by the long fast, said, "I tell you boys this corn-bread and gravy is good," and he ate a large quantity of it. Supper ended, we went to our sleeping cabin; we sat and talked a while, and finally Kinney and Johnson turned in. Hall and myself concluded we would sit up and enjoy ourselves a while longer. As we sat there Hall called my attention to a copy of the *Burlington Hawk-Eye*, which had been shown him the day before, in which there were intimations that he had been connected with the loss of the poll-books, and said he believed that I was responsible for what he termed these ——— incendiary documents which were being thrown broadcast. "I'll be darned if I like it," said he. The whiskey had produced just that effect on me that the allusion put me in fighting trim, and I said, "I don't care a blank whether you do or not; I believe there is some ground for it and you can make the most of it." Hall rose to his feet, swelling with anger and resentment. He looked me squarely in the face for a moment, his eyes glistening like fire, and I thought he was about to strike me, when his face relaxed into gentler lines and he said, "Well, Dan, I reckon we had better not make fools of ourselves." I immediately put out my hand, which he cordially grasped, and after taking a "night cap" we went pleasantly to bed. Towards morning I heard him giving vent to the most terrible groans. He had partly raised himself up in bed. I could plainly see by the light of the open fireplace. I sprang up. "My God, Hall, what is the matter?" I excitedly asked. "Get the medicine quick," he replied, "I have got the cholera; I never was in

such agony in my life; I believe I shall die." I at once aroused Kinney and Johnson. "Get up," said I, "for heaven's sake get up quick; Hall has the cholera; get out the medicine quick, and I will run and arouse the people in the other cabin and get them to heat some water." Out of the cabin I went to the other one and called to the man to get up. "Get up quick, your whole family, and heat all the water you can just as soon as possible; one of our men has the cholera. Don't be frightened; you need not come near the house; heat the water and we will come for it." On my return to the cabin Hall had succeeded in getting up and was standing in front of the large fireplace, his hands holding to the mantel or jamb. After some retching and relief of the stomach, we concluded there was no cholera in the case; whereupon we all joined in a hearty laugh, and none more heartily than Hall himself, and returned to our repose.

The extent of Judge Hall's practice is readily shown by the report of cases which went on appeal to the Supreme Court. At the term held in the southern judicial district at Burlington in May, 1848, he was in twenty-six cases out of thirty-nine that were then decided, as shown and reported in first G. Greene's Reports. At the term held there in May, 1849, and reported in second G. Greene, he was in twenty-two cases out of the thirty-two then decided. When we consider that but comparatively few cases tried below go to the Supreme Court, some idea can be formed of his immense practice in the southern district. In addition, he had a goodly number of the other districts of the State.

It is a pity that of the great number of his forensic efforts so few remnants of his oral ones have been preserved. Indeed, I know of but one—that in the case of Ruel Daggs vs. Elihu Frazier, tried in the district court at Burlington in June, 1850. There were but few shorthand reporters in the world at that time. George Frazee of the Burlington bar, an accomplished lawyer and writer, and who at the time of his death in 1904, was the oldest member of that bar, was one of them. His notes were taken for private use, but in 1903 he consented to the publication of his report of the entire proceedings in the case, including the evidence introduced, the arguments of counsel to the jury and the charge of Judge Dyer before whom the case was tried. It will be found in Vol. VI of *The Annals*. The case was a noted and exciting one, arising under the Fugitive Slave Law, in which the owner sought to recover for the value of escaped slaves whom

he claimed to have been prevented from retaking by the so-called Abolitionists in the neighborhood of the Quaker settlement of Salem in Henry county. David Rorer was for the plaintiff and Mr. Hall was for the defendant. In the existing excitement against those who sought to interfere with the right of the master to follow and retake his fugitive slaves under the law, Mr. Rorer had the easy side of the case, Mr. Hall the difficult one. It was a combat of trained and powerful intellects, and I doubt whether many better specimens of offhand, extemporaneous argument in a nisi prius court than theirs in that case, can be found anywhere. That of Judge Hall, though struggling against the weight of testimony and adverse conditions, glows with ingenious force and varied, pungent, ratiocination; and I am constrained to say that of Judge Rorer, who had better standing-room, was not behind. These proceedings are alone sufficient to show that both were past grand masters in their profession. Their friends and the profession at large should feel thankful to Mr. Aldrich and the Historical Department of Iowa for the resuscitation and publication of the proceedings referred to.

If his lot had been cast in a large city where the stimulus of high conditions and the friction of great interest invoke extraordinary forces, he would doubtless have acquired national fame as a lawyer. He evidently possessed mental powers whose depths were never fully sounded. It was said by Walpole that "Men are often capable of greater things than they perform. They are sent into the world with bills of credit, and seldom draw to their full extent." And so it was with Jonathan C. Hall.

In politics he was a Democrat of the old school; but above all and at all times, a patriot. He left surviving him a son, Benton J. Hall, who early attained great prominence as a lawyer, represented his district in Congress, was Commissioner of Patents under President Cleveland, and died lamented and beloved by every one who knew him.

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