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Member of Constitutional Convention, 1846, Judge of the 7th Judicial District,
1864-1872, Member Extra Session 5th General Assembly.

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BY JUDGE W. F. BRANNAN.*

Hon. J. Scott Richman, of Muscatine, is not only the oldest practitioner at the Iowa bar, but is the only surviving member of the convention that met at Iowa City in 1846, and framed the constitution, under which, in December of that year, Congress admitted Iowa as a state of the Union. A previous convention had been called and held which adopted a constitution defining the boundaries of the prospective state, and this constitution was duly presented to Congress as the basis for the admission as a state. On examination, Congress declined to approve the constitution as it stood. It covered, in the view of Congress, too much territory within the lines of the northern boundary, and Congress undertook to cut off a large section of territory immediately south of the northern boundary line and parallel with it. This would result in a new boundary line and diminished area. But this action of Congress could not be operative and binding on the people of the territory without their assent. Recognizing this, Congress directed that a special election be held, at which the above change and faults in the document that Congress had discovered, were to be submitted to the people for their action. An election was accordingly held, and a majority voted against accepting the changes presented.

The people were eager for the establishment of a state government and prompt steps were taken for the call for another constitutional convention. The fate of the work of the former

* William F. Brannan was born in Washington, D. C., Sept. 24, 1824. In 1846 he was admitted to the bar in Hagerstown, Md. In the spring of 1855 he came to Iowa and settled in Muscatine where he has since resided. In April, 1872, he was appointed by Governor Carpenter, judge of the seventh judicial district to succeed J. Scott Richman, who had resigned; he was elected without opposition the same year, and re-elected in 1874. In 1886 he was again elected to the position and re-elected in 1890, '94, and '98. In his political faith Judge Brannan was a democrat, and he lived in a normally republican district. Nevertheless Governor Carpenter, a republican, on petition of the bar of the entire district, appointed him to succeed Judge Richman, a republican. On all occasions since, when he has been a candidate for judge, he has had no competition. This of itself is a rare tribute to his ability and character, a custom that might with profit be emulated by the voters in other portions of the State.

convention had taught that care and caution must be used in the selection of members for the convention. In Muscatine county the democrats moved first in nominating a candidate for the convention. This candidate was a man who had the respect and good-will of the community generally. The whigs then persuaded Richman to become their candidate, and the usual party lines at first appeared to be strictly drawn. But Richman, although young, was known as possessing a clear, calm and deliberate mind, with a well balanced judgment. It soon seemed as if party feeling had become largely subdued, for a large number of democrats turned to the support of Richman, not from dislike of his competitor, but because they knew that he was by far the fitter man for the position sought. He was elected by a majority that surprised even his active political friends.

I happened to be in Iowa City in 1857, where I casually met and was introduced to an elderly man of much intelligence. He was from a distant county, but I cannot now recall either his name or home. Learning that I was from Muscatine, he at once made inquiries respecting Richman, and said that they had served together in 1846 in the same constitutional convention. He said that when Richman first took his seat in the convention, he was a stranger to nearly all of its members, but he soon became the subject of notice because of his unusually low stature, very short legs, and youthful appearance. Nightly consultations were held among the members at which Richman was always present, as he was at the regular sessions. At both places he sat as a quiet listener for the first few days; then he was called upon for his opinion touching a proposition that had given rise to considerable discussion. He arose and in opening said that he felt much diffidence in speaking on a subject which had divided so many older and abler minds than his. He had, however, the rare faculty of compressing in a few but clear words, reasons that were full of force and effect and speedily drew close attention. His speech was short but convincing. He seldom spoke, but when he did, he was heard with close and respectful attention. In fact, the other members would say of him, in a

kindly and approving spirit, "that little, short-legged, young fellow, has a good long head, and can say much that is valuable in few words."

The foregoing is taken from my recollection of what the gentleman referred to said in his conversation with me.

Mr. Richman was born in Somerset, Perry county, Ohio, March 11, 1820. He did such work on a farm as he could until he was fourteen, and was allowed to go to a country school during the winter months. At the age named, he was taken as clerk in a county where he stayed until he was eighteen, when he went to Knoxville, Illinois, and commenced the study of law. In 1839 he came to Muscatine (then called Bloomington) where he resumed his law studies, and in the fall of that year, having passed a satisfactory examination, was admitted to the bar. A short time after, he opened a law office in Muscatine and engaged in practice. His natural ability and studious habits attracted the attention of Hon. S. C. Hastings who had a large practice in Muscatine and bordering counties, and who in 1840 offered a partnership to Mr. Richman which was accepted. This connection continued until 1847, when Iowa having just become a state, Hastings was appointed its first chief justice. This of course ended the partnership.

In those early days the bar of Muscatine was made up of young men such as Ralph P. Lowe, Stephen Whicher, Jacob Butler, William G. Woodward, S. C. Hastings and J. Scott Richman; Richman was the youngest in years and Stephen Whicher the eldest. They were all men of active brain, well educated, generally, with strong literary tastes, ambitious, and struggling for success in their profession. They had to encounter difficulties incident to the stages of incipient settlement in a new and almost unexplored region, with wandering Indian tribes for their neighbors. Text-books and law reports were few, money scarce, clients generally poor, and fees low and hard to get. They all believed that Muscatine had natural advantages that would make it a valuable commercial center, and they bore difficulties with hope in the

future, and endured with patience the mishaps that at times beset them. Lowe eventually moved to Keokuk, and reached the highest honors of the State; Hastings, lured by the dazzling reports of the golden mines that lay in the hills and valleys of California, removed there, and when it became a state, was elected its first chief justice, and finally amassed a large fortune. Richman was gifted with a quick conception, a sound judgment, and clearness of expression. It was not a great while before the people showed confidence in his integrity and ability. He did not encourage litigation, if it could justly be avoided. He soon became, after the dissolution of the partnership with Hastings, the leading member of the bar, a position he could not have reached and maintained unless he had won the confidence and respect of the bench, and of the jury, in cases before them in which he had been counsel. He had well earned a reputation in jury cases of dealing fairly with the evidence, and of avoiding anything that savored of misrepresentation.

In December, 1863, Judge John F. Dillon resigned the office of judge of the 7th judicial district, having, in November preceding, been elected to the supreme bench. Mr. Richman became his successor, the district being composed of Jackson, Clinton, Scott and Muscatine. No better selection could possibly have been made. He was successively re-elected, with but little opposition. He was a thorough lawyer and on the bench was patient, rarely if ever, showing any sign of petulance. His rulings were prompt and clear, and his charges to the jury were models of judicial instructions. He stated the issues the jury was to try and the rules of law applicable to the questions raised by the issues. His charges to the jury were always in plain and simple language, terse and perspicuous, expressed in the smallest number of words needed to convey the sense and easily understood by the ordinary juror. He abhorred the needless profusion of words in a legal document, such as a charge to the jury, saying that they served to confuse rather than to enlighten. He was always kind and considerate to the young lawyer who exhibits timid-

ity the first few times he appears in the trial of a cause in the district court. Appeals were seldom taken from any judgment he might render, and when an appeal was taken, it rarely happened that a reversal followed.

In the latter part of April, 1872, Hon. John P. Cook of Davenport, departed this life. He was one of the earliest of our pioneer lawyers, whom long and successful practice had made perfect in the intricacies of the law (if such a thing is possible) and who had the confidence and esteem of all who knew him. His death left to his son, Edward E. Cook, then a young man, the management of a large and valuable legal business. Conscious of the heavy responsibility thus cast upon him by the death of his father and knowing that Richman would be a most desirable associate, young Mr. Cook tendered an equal partnership to Judge Richman, which was accepted. The judge resigned his office about the 1st of May, 1872, and engaged in active practice again. This partnership lasted for a number of years, when with mutual consent and good feeling a dissolution took place.

Impelled by a strong and growing desire to return to Muscatine, which had been his home for more than a generation, and renew social relations with such of his old friends of early days as were still left there, on the dissolution of the partnership, he quit Davenport, and with his son, E. F. Richman, a while after, resumed practice in Muscatine, the firm name being Richman & Richman.

In 1856 Governor Grimes called a special session of the legislature to take action on land grants given by Congress to aid in the construction of certain railways within the State. Mr. Richman was prevailed upon to become a candidate to fill a vacancy in the lower house of the legislature that had occurred in Muscatine county, and was elected by a large majority. He has three times been elected to public offices. In no instance has his candidacy been due to the slightest procurement by any action on his part. He has never been an active politician, but on the contrary, has always preferred a calm and quiet life.

An amusing but unexpected incident happened to Richman sometime after the adjournment of the convention. The territorial legislature was in session for the last time, and was desirous of making such changes as seemed proper in view of the certainty that Iowa was about to be admitted as a state and established as a new and independent sovereignty. Before the lower house was fully organized, trouble showed itself. A clerk and his deputy were necessary officers to keep the record. Several persons sought these two offices, but the house had balloted for some time without coming to a choice. The fight over the candidates for clerk and deputy grew strong and bitter. Richman had business in the district court which took him to Iowa City while the fight was at its height, and he wandered over to the State House. He had hardly reached the door of the legislative chamber when a member of the house saw him, and immediately cried out, "Let us put an end to this fuss and delay, and proceed with the regular business. There's Richman (pointing to him). Let's elect him clerk. He helped to kill the territorial government by his vote in the convention. Let him take part in its obsequies." It at once brought a momentary calm and before Richman could say anything, he was elected clerk, and a new man was elected his deputy.

He has for many years been living on his farm outside of Muscatine, but he has always made it a rule to be at his office regularly. He is now in his 86th year. His steps are not as quick and active as formerly, but his general health is good, his mind clear and strong, with scarcely perceptible change to mar his memory. His sight has been renewed, and glasses are no longer needed for ordinary print. Of late years he has rarely appeared before the court, but has left the duties incident to litigation to the competent care of his son, while he remains in the office as an advisory. From present indications it is not unlikely that he will round out a century. He is looked upon by all who know him as a patriarch, and regarded with the reverence due to his exemplary character.

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