

## Gen. Eastin Morris Served Iowa

Emory H. English

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## GEN. EASTIN MORRIS SERVED IOWA

By EMORY H. ENGLISH

Every Iowa lawyer is familiar with the Morris Reports, containing the first decisions handed down by the Territorial Supreme Court of Iowa. Consisting of one volume, it includes in most part the briefing of Gen. Eastin Morris, usually regarded as the first Iowa supreme court reporter. However, W. J. Bradford reported some previous cases. Prior to his service the local county clerks aided in similar capacity from 1838, when the first sessions were held by the new court. Some of Bradford's cases appear in the Morris Reports. The Morris term was during the territorial years from 1843 to 1846, when statehood was established.

But, neither lawyers nor others have been acquainted with the background, the antecedents, or the personality of Morris. Evidently he was a most energetic individual, whose name but not fame is recalled. His name appears in the list of attorneys admitted to the practice of law by the Iowa Supreme Court contained in his volume of reports, as well as in a similar list subsequently appearing in the Greene Reports. However, his certificate from Tennessee as an attorney there was dated August 12, 1844, and his certificate of admission to practice in Iowa was dated January 3, 1848.

Current attention has been directed to the man and his place in Iowa history through receipt by the Iowa State Department of History and Archives of his portrait in oil. It came as a gift from Miss Helen Morris Sedgwick, a granddaughter, residing at Bellingham, Washington. She thoughtfully suggested that the state

might desire to preserve the likeness of this man, who served Iowa early in its history, as an addition to its magnificent gallery of official portraits.

The painting presents a bust likeness of the general upon a 22x27 inch canvass. It was executed by an artist now unknown, prior to the coming of Morris to Iowa, while he still resided in Ohio. He had not yet reached thirty-five years of age at the time of the sitting, making the portrait considerably over one hundred years old. General Morris is shown in his uniform with gold epaulets, high stock and all, as a brigadier general, being in command of the Tenth division of the Second brigade of the Ohio militia. Also, he was a veteran of the War of 1812. Mrs. Sedgwick still has daguerreotypes showing that his face gained in strength and dignity, as it should have done, as he grew older.

#### NAMED MASTER IN CHANCERY

At the April term of the Darke county, Ohio, Court of Common Pleas, in 1821, when young Morris was twenty-six years of age, he was appointed by the associated judges of the court as Master of Chancery, and served until August 27, 1827. During the July term of court of that year he had been admitted to the practice of law by the Supreme Court of Ohio, and licensed to practice in county and circuit courts. Removing to Tennessee, he was licensed by the supreme court of that state in 1829, to practice in its several courts.

In the *Western Whig*, a newspaper published at La Grange, Tennessee, April 23, 1836, appeared a three-column news story headed "Railroad Festival—Tribute of Respect to General Morris." Toasts to him are quoted, proposed because of his "valuable services in the cause of internal improvement generally, and the advancement of local interests particularly." He had been a leader in securing a railroad connection for La Grange.

General Morris' term as Iowa Supreme Court Reporter ended with the close of the territorial period in 1846.

The Morris Reports contained 216 cases, the author apologizing for not including all of the opinions, stating he was "unable to secure them from the justices." In the June following, Gov. Ansel Briggs named the state supreme court membership. As reporter, Morris was succeeded by Judge George Greene, who served as reporter while upon the court and prepared the four volumes of the G. Greene, Iowa, Reports. The early Iowa Reports embraced the following volumes by the reporters indicated: one by Eastin Morris, four by George Greene, eight by Wm. Penn Clarke, thirteen by Thomas S. Withrow and twenty-two by Edward H. Stiles.

#### WHIGS IN MINORITY IN IOWA

Earlier in the territorial era national politics were little heeded by the people of the new territory. This situation began to change in 1840, during the presidential campaign, when party lines were more strictly drawn. General Morris was a Whig, and so generally recognized. With others of that party, he was active and prominent, although the territory was largely manned by Democratic officials. So quickly, however, did the Whig party go out of existence nationally, it never gained a foot-hold or became influential in Iowa. Louis Pelzer in his "Whigs of Iowa Territory," said:

The history of the Whigs in the Territory of Iowa is the chronicle of a minority party. They never succeeded in electing a delegate to congress and the Legislative Assembly of the territory was controlled by Democratic majorities. The party never secured a majority of the constitutional convention, and the defeat of the constitutions of 1844 and 1845 would not have been accomplished with an unbroken Democratic support. Territorial statutes do not bear an special marks of Whig principles. The election returns show that the territory was thoroughly Democratic in sentiment and that the Whig party had no consistent growth as compared with the increase in population. The party had no great mission (in Iowa) until its heterogeneous elements disintegrated and then crystalized into the Republican party in the year 1856.

However, notwithstanding a large majority of the members of both branches of the First Territorial Legis-

lature, which assembled November 12, 1838, were Democrats, yet Gen. Jesse B. Browne, Whig, of Lee county, was unanimously elected president of the council (senate), and William H. Wallace, Whig, of Henry county, speaker of the house of representatives.

It is to be remembered, also, that Territorial Governor John Chambers, appointed by President W. Henry Harrison, was a Whig, and James W. Grimes, elected as governor of the state in 1854, was a Whig, and became a Republican upon the organization of that party in Iowa, as was also his immediate successor, Gov. Ralph P. Lowe. Moreover, Thomas McKnight, a Whig, and later the candidate of that party for governor, had been appointed and served as receiver of the land office at Dubuque, a remunerative position.

Early in 1846, the *Iowa City Standard* was purchased by Silas Foster, and Eastin Morris became editor. Later its name was changed to the *Iowa City Republican*, with Dr. S. M. Ballard as owner and editor.

#### NOMINATED FOR STATE AUDITOR

With the adoption of the constitution by the voters on August 3 that year, by a majority of 496 votes, Governor Clarke designated October 6 as the day for holding the first state convention. The Whig territorial central committee issued a call for a state convention of that party, to be held in Iowa City September 25. No pre-convention contests for nominations developed. Among the party nominees selected was Eastin Morris for State Auditor. He was also named as a member of the Whig executive committee. Thomas McKnight was named as the candidate for governor.

Platform declarations and those promulgated by a committee appointed to prepare an address to the people of Iowa, headed by Francis Springer and Ralph P. Lowe, president of the convention, proclaimed support among others of the following principles: a sound national currency; a tariff to afford sufficient revenue and just

protection to American labor; restraint upon executive power and use of the veto; equitable distribution of proceeds of sales of public lands among all the states; one presidential term; and expenditure of surplus revenue in national improvements that will embrace rivers, lakes and main arteries of communication throughout the country.

The adoption of the new state constitution was regarded as "an event not calculated to promote the future welfare and prosperity of Iowa, and that it is our imperative duty to procure its speedy amendment." President Polk was denounced for provoking the war with Mexico, charging "its management was marked by imbecility and want of system."

The defeat of the entire Whig ticket in October, Mr. Pelzer further observes, gave to the Democrats an ascendancy in state control, which continued from territorial leadership, and was unbroken for eight years. During this time Iowa was represented in congress by a Democratic delegation.

Morris received appointments under two presidents as Receiver of Public Monies for the district of lands subject to sale at Iowa City. The first was by President Zachary Taylor, on May 18, 1849; and the second by President Millard Fillmore on September 24, 1850, the latter for a term of four years.

#### SUPPORTED MINOR PARTIES

Undoubtedly Eastin Morris was not in accord with the Republican leadership which rallied around men like Grimes, Kirkwood, Lowe, Drummond, McCrary, Wilson, Nourse and others. Members of the so-called Know Nothing party met in Iowa City in state convention September 2, 1857, at which Morris was placed upon its state ticket as the nominee for lieutenant governor, an office created by the new constitution September 3, 1857.

In the election Eastin was defeated by Ora Faville, of

Mitchell county, the grandfather of former Supreme Justice Frederick F. Faville, now of Des Moines, the first to fill that position.

Then, in 1860, General Eastin became one of the sponsors of a fourth political movement in Iowa called the Constitutional Union party, espoused by some Iowa men of ability who previously had been followers of Henry Clay and President Fillmore, and still evidenced traces of Whig and Know-Nothing traits. A call was issued for a state Constitutional Union convention, which was held at Iowa City August 31, 1860. Morris was a signer, and called the convention to order when it assembled. Fifteen counties in eastern Iowa were represented by delegates in attendance. Candidates for presidential electors were selected, but no state ticket nominated, such action being voted down.

Accurate data with respect General Eastin and his family has been supplied by Mrs. Sedgwick, the granddaughter, together with copies of official papers and letters handed down in the family, which are valuable in a historical way in connection with the tracing of his record, and from which is gleaned the following information.

#### FAMILY LIFE AT IOWA CITY

Eastin Morris was born May 3, 1795, in Paris, Bourbon county, Kentucky. He married Eliza Walker Reagan (widow) April 2, 1846, in Iowa City, Iowa. Their children were Cynthia Elliot Morris, born December 30, 1846; also Eastin, Jane, Irwin and an infant, the last three dying in infancy. The wife, Eliza Reagan Morris, died April 11, 1852. Mrs. Sedgwick is the daughter of Cynthia Elliot Morris Sedgwick, who died March 27, 1925, in Bellingham, Washington. She was then Mrs. Robert Williams.

General Morris married Luella Sarah Allen December 9, 1857. Their only child was Rosalia, born October 26, 1858, who died when a small child. Morris died December 11, 1863, at Iowa City.

The general had varied interests, though it is assumed that his talents were devoted to the practice of his profession as a lawyer most of his life after being admitted to the bar in Ohio. He wrote law books, at least one, "Morris on Torts," which had place in law libraries. Besides holding many positions of trust, he lived on his farm near Iowa City, called "Tulip Hill," and took pride in his crops, orchard and plants. In a copy of *The Plough, The Loom, The Anvil* of 1856, is an article by him on the successful cultivation of okra in his Iowa garden. He evidently had faith in Iowa land, for he acquired many acres and at the time of his death owned a great deal of it.

Always active and interested in politics and governmental questions and issues, he and his brother David discussed administrative affairs in long and somewhat scholarly correspondence. In one letter David spoke of Eastin's having supported Gen. Andrew Jackson "with ardor and industry," and both deplored some discreditable political practices then—and not only then—in vogue. That his prominence as a citizen was also recognized when he yet resided in Tennessee, is suggested by a letter addressed to him there, as follows:

Knoxville, Oct. 21st, 1833

Dear General:

Permit me to introduce to your acquaintance and kind attention Mr. Nicollet, a gentleman recently from France, who travels through the United States for the purpose of collecting scientific facts with a view of their publication. Mr. Nicollet will remain in your city probably some weeks during which time I hope you will introduce him to President Lindsley, Professor Troast and other literary and scientific gentlemen who will take an interest in promoting the object of his tour.

Very respectfully, Your Obedt. Servt.,

W. B. RAMSEY.

#### THE MILITARY COMMISSION

The commission that made Eastin Morris a brigadier general is on heavy parchment, bearing the seal of the



state of Ohio, with a design illuminated in color, possibly the coat of arms of the militia, including flag, musket, drum, helmet, etc. On the back of the parchment are two handwritten paragraphs as follows:

State of Ohio Personally appeared the within named Eastin Darke County Morris & took the oath of office as Brigadier General of the 2 Brigade 10th Division Ohio Militia and the oath to support the Constitution of the United States and the Constitution of the state of Ohio. Given under my hand and seal at Greenville in said county the twenty-first day of October, 1825.

Justice of Peace, Darke County, Ohio.

General Eastin Morris in consequence of his removal from the state of Ohio tenders his resignation, which is hereby accepted. Justice requires me to say that General Morris has faithfully and honorably discharged the duties of the within office.

ROBT. YOUNG, Maj. Genl.

Oct. 4th. 1828

10th D. Ohio Militia

#### CERTIFICATE TO PRACTICE LAW

The State of Ohio, Darke county

Supreme Court of the State of Ohio of the term of July 1827

Before the Honorable Peter Hitchcock, and the Honorable Jacob Burnet, Judges

Present Eastin Morris, Clerk

Eastin Morris, Esqr. having produced to the court a certificate from John Beers, Esquire, and attorney and counsellor at law, that he has regularly and attentively studied law for the term of two years, and that he believes that sd. Eastin Morris possesses sufficient legal knowledge to practice as an Attorney & Counsellor at Law, And that the said Eastin Morris is of good moral character, and the said Eastin Morris having been examined by the Court, the Court admits him to practice as an Attorney and Counsellor at Law in any of the Courts of Record in the state of Ohio. Whereupon the said Eastin Morris took an oath to support the Constitution of the state of Ohio and also that he would faithfully discharge the duties of an Attorney at Law and Solicitor in Chancery.

State of Ohio I, David Morris, Clerk of the Supreme Court  
Darke County of the state of Ohio, for the County of Darke,

do hereby certify that the foregoing is a true copy of the minutes of said Supreme Court.

SEAL In witness whereof I have hereto set my hand, and affixed the seal of the Supreme Court of the state of Ohio, at Greenville, this 8th day of Jan. 1829.

DAVID MORRIS, Clerk.

MASTER COMMISSIONER IN CHANCERY

I, Loring R. Brownell, deputy clerk of the Court of Common Pleas for said county do certify that at the April Term of the said

The State of Ohio Darke County Court in the year of our Lord 1821 before the Honorable Joseph H. Crane, President Judge, and Enos Teny, John Purviance and James Rush, Esquires, Associate Judges of said Court, Eastin Morris, Esquire, was appointed by said Court, Master Commissioner Chancery, for said county; And that the said Eastin Morris continued to discharge the duties of said office, and to enjoy the emoluments thereof until the 27th day of August, 1827, at which time he resigned said office, as appears from the Records of said county.

SEAL In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Greenville, this 8th day of January 1829.

LORING R. BROWNELL, Deputy Clerk

C. C. Pleas, D. C. Ohio

CERTIFICATE TO PRACTICE LAW

State of Tennessee

Be it known that Eastin Morris, Esquire, having made application to us, two of the Judges of the Supreme Court of the State aforesaid for a License to practice law as Counsel and Attorney And the said Morris having produced to us a license to practice as such in the state of Ohio granted agreeably to the laws of that State—and having on examination found him qualified, and having further satisfied of his Good moral character, and aged twenty-one years—We by these presents authorize and empower the said Eastin Morris to practice as counsel and attorney in the several courts in this state, We .....(Illegible)..... hands and seals the 3rd February 1829

M. COTTON

JACOB PECK

(On paper folder cover of above)

Judges of Tennessee

to

Eastin Morris, Esq.

License

Sworn in the Sumner county Court Feb. 9, 1829

Sworn in the Sumner Circuit Court March 9, 1829

Sworn in the Wilson Circuit Court Nov. 4th, 1829

Sworn in the Wilson County Court Dec. 29th, 1829

### TENNESSEE JUDGE'S ENDORSEMENT

Memphis 12—August 1844

Honorable Federal Court of Iowa—

I take pleasure in stating that General Eastin Morris of this place is a regularly licensed Lawyer of the State of Tennessee, and permitted to practice law in all the Courts of Law and Equity in this State.

That he is a gentleman of the highest respectability, a good Lawyer and deserving the patronage of any community.

He designs emigrating to your territory with a view of practicing his profession & any attention you may deem proper to give him will be received with gratitude.

Very respectfully,

E. W. M. KING, Judge of the Criminal Court

### ADMITTED TO PRACTICE IN IOWA

United States of America, District of Iowa

BE IT REMEMBERED, That heretofore, to-wit: At a District Court of the United States for the District of Iowa, held at Iowa City, in said district, before the Honorable J. J. Dyer, Judge of said Court, on Monday the third day of January in the year of our Lord one thousand eight hundred and forty eight, the following proceedings were had, to-wit:

“On motion of the U. S. Dist. Atty., Eastin Morris, an attorney &c., of the Supreme and District Courts of the state of Iowa, having first taken an oath to demean himself as Attorney &c. of this Court uprightly and according to law, and to support the Constitution of the United States, was admitted an Attorney, Counselor and Solicitor of this Court.”

I, T. S. Parvin, Clerk of the District Court aforesaid, do hereby

certify that the foregoing is a true transcript of the record of the said Court.

SEAL      In witness whereof, I hereunto set my hand and annex the seal of said Court at Iowa City, the third day of January A. D. 1848, and in the 72nd year of the Independence of the United States of America.

T. S. PARVIN, Clerk

D.C. U.S. D. Iowa

#### PRESIDENTIAL APPOINTMENTS

EASTIN MORRIS (name misspelled Easton in official paper) is appointed Receiver of Public Moneys for The District of Lands Subject to Sale at Iowa City — eighteenth day of May, 1849 — until the end of the next session of the Senate of the United States.

Z. TAYLOR

A second document of the same nature carries the signature of MILLARD FILLMORE, and gives the same appointment to Eastin Morris from the 24th day of September, 1850, for four years, "unless revoked by the President."

The signatures of both documents were personally appended, for no "by" signature or attest follows.

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#### CAPT. JAMES ALLEN A BACHELOR

Captain James Allen, who commanded the company of dragoons that built and first occupied the fort at Racoon Point, was an uncle of B. F. Allen of Des Moines. At the breaking out of the Mexican war, he was authorized by his government to organize a body of Mormon troops, and conduct them to the seat of war. On his way down the Missouri river, in command of the troops, he was taken sick. Through the intervention of J. B. Scott and other friends he was induced to stop at Leavenworth, where he died shortly afterward. He was a bachelor, and his property, including an interest in Parmalee's mill, which he had accumulated in this part of the country, was left to his nephew, B. F. Allen.—*Dixon's Centennial History of Polk County.*

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