

CHAPTER XII

EARLY LAWYERS

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GEORGE PASCHAL

Judge George B. Paschal, a native of Georgia accompanied by his young wife, arrived at Van Buren in 1837. Mrs. Paschal before her marriage was Miss Sarah Ridge, a full blooded Cherokee and a descendant of a long line of Indian chiefs. She was well educated and a fine conversationalist. The family, with others was obliged to leave Georgia and find a new home in the distant west, as the Indian Territory was then considered. She was an aunt of Elias Boudinot, perhaps one of the most gifted and learned of his race. It is very likely that Judge Paschal's connections with the Indians was one reason for his selecting Arkansas his home. An old letter book of Judge Paschal's of 1840 contains several letters to his mother, Mrs. Agnes Paschal and his brothers urging them to come to Arkansas and make their home. One brother, Augustus Paschal did come.

Hallum in describing his personality says: "He was small of stature, having dark eyes and hair, being of an energetic and nervous temperment." It is said that in the Court room he was never still but would walk back and forth on the platform with a book in his hand. Previous to his coming to Van Buren he must have belonged to the Army as on his arrival at Van Buren he was wearing the uniform of a soldier. He devoted much time to his profession and practiced in all the courts of this part of the State and Indian Territory. He soon won local fame which spread over the state and before his death he had a

National fame. At what time Andrew Campbell became his partner is not known but they were partners in 1840. In those early days a lawyer did a large collecting business for Eastern merchants and that seems to have been Andrew Campbell's part in the firm. It is interesting to learn from the old account books that when they remitted the money it was generally cut in half and part sent by one route and the other by another, and on their receipt they were matched by the merchants. At that time there was no way of remitting money except by persons or mail, so every precaution had to be taken against loss. While out on a collecting tour in April or May 1843, Andrew Campbell was assassinated. At this time Judge Paschal was one of the Associated Supreme Judges, having been elected in 1842. The following resignation was found in one of the old letter books.

Van Buren, Ark., May 23, 1843.

Sir—Owing to the melancholy assassination of my valuable partner, Andrew Campbell, Esquire, I shall be compelled to resign my seat on the Supreme Bench of our State and resume the more arduous duty of my profession. The large amount of unprofessional business in the care of the late firm of Paschal and Campbell, and Paschal, before the formation of the partnership would render it an act of great injustice to kind and liberal clients to make their interest secondary to public duty. Prompted, as I am, by the desire to serve tried friends I trust I may rely with confidence upon their past liberality for a continuance of their patronage and influence. I shall resume the business with renewed energy and with such assistance as will enable me to embrace an extensive district. The business in our hands is in such a system as the sudden death of Mr. Campbell will cause no detriment to the interest of clients.

With greatest respect,

Your Obedient Servant,

George W. Paschal

Paschal and Campbell's office was on the north side of Main Street, the second lot below Third Street.

Paschal's desire was more for professional fame than

political though he was a strong democrat and took much interest in his party. He must have been a successful business man as at one time he owned all but two lots in block 67 and at least half of block 65. His home was a brick house located between Col. Drennen and Mr. Henry's on the side of the mountain. It was always spoken of as the old Paschal house until was demolished in 1876 to make way for the railway track.

John B. Ogden became his partner during the latter part of 1843. In 1846 he ran for congress on the Democratic ticket but was defeated by Charles Fenton Nerfer Noland by 23 votes

Whether he was a member of any church is not known but his old letter book of 1840 contains letters to several ministers inviting them to be present at a three days service at the Union church September 11, 1840 to continue several days, during that time the Union church would be dedicated.

In 1848 he removed to Texas where he achieved much fame which followed him to Washington to which city he removed after the war. Whether more than two children were born to Judge and Mrs. Paschal at Van Buren I do not know. Several years ago a Mr. Paschal was living at Tahlequah who said he was born at Van Buren. A few years ago several of his account and letter books came into the possession of the writer which throw much light on the early days of Van Buren.

Mr. Paschal's letter books are now filed with the History Commission, Little Rock. The following is of interest:

"To the Honorable Senate and House of Representatives in Congress Assembled:

"The petition of George W. Paschal respectfully sheweth that, in the year 1837 he was a Lieutenant in the Twelfth month volunteer service under the command of General John E. Wool, who was then Brigadier General of the Army of the United States, Commanding in the Cherokee Nation. And that while your petitioner was stationed at New Echota in Georgia, which was then the Headquarters of General Wool and of the Commissioners

the Hon. Wilson Lumpkins and John Kennedy, and of the Indian Committee, all of whom were engaged in the execution of the Treaty of 1835 with the Cherokees, your petitioner executed a general order of the commanding general, also a special order to himself and destroyed some whiskey which Robert Kirkham was selling within the boundary of the Garrison. Your petitioner in truth declares that this act was in the cause of the public service and was highly approved by the Commissioners who had a superintending control of the Army, as well as by all other officers of the Station.

“Your petitioner further states that in the month of May of the same year when on his way to the west he was arrested by the sheriff of Cass county at the suit of the said Kirkham and detained until he deposited three hundred dollars with Mr. George M. Lovender, who became his bail. On the final disposition of the suit the Court gave a judgment against him for two hundred and thirty dollars and cost of suit which with the attorney’s fees makes \$287.50 which he has to pay besides the cost of the exemplification of the record. Your petitioner would for this mention that the said Kirkham at the same time had his carriage horses attached, all of which occasioned him considerable expense and loss of time. Your petitioner therefore respectfully asks an appropriation of Congress of five hundred dollars, which he respectfully submits is as small a sum as would indemnify him.”

JUDGE JESSE TURNER, SENIOR

The Honorable Jesse Turner was born in Orange County, North Carolina, in 1805, being of Scotch-Irish descent. His paternal and maternal ancestors emigrated from Downs county, Ireland in 1750 and settled in Lancaster, Pennsylvania. Five years later they removed to Orange county, North Carolina where both parents died at the advanced age of 98 years.

He inherited a love of books which he cultivated as his fine library showed.

He used every facility to improve his education thereby becoming a master of good English and well informed

in both ancient and modern literature. He was teaching at the age of eighteen; his spare moments must have been spent in studying law as he was admitted to the bar between the age of nineteen and twenty.

Desiring to go west he first went to Alabama but did not remain there long, coming from there directly to Arkansas territory and on to Van Buren in 1838 and resided here the remainder of his life.

Whether he had more than one office building or not is not known, but the office he occupied for years was situated on the north side of Main street opposite the court house. It was a one story frame building with two good sized rooms both fronting on Main street. Judge Turner occupied the one towards Third street and Mr. Henry Wilcox the one towards Fourth street.

Judge Turner married for his first wife Violet P. Drennen, a native of Allegheny county, Pennsylvania, who died in less than a year after her marriage. In 1855 he married for his second wife Rebecca J. Allen, a native of Warwickshire, England, but who was reared at Pittsburg, Pennsylvania. By this union there was one son, Jesse.

In 1838 he was elected to represent Crawford county in the house of Representatives during the term of the second legislature.

In 1841 he was appointed by the Secretary of War as one of the examining board for cadets at West Point. In 1848 he was a candidate on the Whig ticket for presidential elector.

When the Western (Federal) District of Arkansas was established in 1851, without his solicitation or knowledge he was appointed by President Fillmore as United States Attorney for that district and served with distinction throughout that administration.

In 1861 a petition signed by a great many citizens of Crawford county was presented to him, with the request that he become a candidate for the state convention which was to be held at Little Rock to decide whether Arkansas was to remain in the union or secede. He accepted and was elected. Hallam says: "At the first session the ordin-

ance was voted down, Judge Turner voting with the majority. The convention adjourning until May so that the wishes of the people could be ascertained, when it reconvened the war had begun and the convention with the exception of one man voted to secede. While Mr. Turner voted for secession he did not change his opinion as a Union man, but yielded to the overwhelming majority. While he remained true to the Union he took no part in the struggle. In 1866 he was elected to represent Crawford and Franklin counties in the senate and was made chairman of the judiciary committee, the most important in the legislature.

Feeling that strong, honest, upright men were needed in the legislature that followed the Brooks and Baxter war and the adoption of the new constitution of 1874, Judge Turner petitioned the second time to represent Crawford and Franklin counties in the senate. This petition was signed by the prominent men of the county and Van Buren. He accepted and was elected and for the second time was made chairman of the judiciary committee. He was the right man for this place and gave to Governor Garland his heartiest support.

In 1876 he was appointed delegate at large by the state Democratic convention to the National Democratic convention which was held at Saint Louis. In 1878 he was appointed Associate Supreme Judge to fill the unexpired term of David Walker resigned. The secretary of state report lists him as an Associate Supreme Judge, while a notice at the time of his death says "That he was appointed by Governor Miller, supreme judge to fill that vacancy." Several commissioners show that he served as supreme judge in cases where the supreme judge was disqualified.

Judge Turner was the first president of the Little Rock and Fort Smith railroad serving eleven years, when a gentleman from the east was elected president and Mr. Turner was made vice president and served until the road became a part of the Missouri Pacific.

He was one of the incorporators of the Crawford Institute in 1854 which afterwards became the Wallace institute. The writer does not know whether he was the first

president of the board of trustees but he was in 1858 and so continued I think until his death.

He was also president of the Van Buren school board for number of years. No man in the state stood higher in his profession than did Judge Turner. His name was a synonym for honesty and uprightness, he was one who never stooped to a dishonorable act. He practiced in the courts of this state for 63 years honored by all. Years ago a man went to him to secure his services to defend him. In the course of conversation the man admitted stealing the object for which he was to be tried. Judge Turner immediately, with much emphasis said: "You go down the street to such a lawyer, he takes such cases. I do not."

If Judge Turner recommended a person they were almost certain to secure the position they desired, for all over the state whatever Judge Turner said was considered to be so, showing his standing in the state.

He was not a member of any church but was often in attendance at the different places of worship. He was in the habit of expressing his opinions aloud wherever he happened to be. Many were the amusing anecdotes told of him. The writer remembers several times when he expressed his thought aloud.

On the evening of November 22nd, 1894, in company with his wife and son he went to the opera house to hear Col. Robert Crockett lecture on the life of David Crockett. He had been there only a short time when he quietly passed away at the ripe age of 89. His funeral was conducted from the Methodist church by Rev. T. J. Reynolds and Rev. S. S. Key who knew him for a number of years.

The bar of Van Buren and Fort Smith held a union Memorial service, as also did Little Rock at which time fitting memorials honoring the grand old man were given. His death removed from the state the last of that galaxy of distinguished lawyers who traveled from court to court with their law books in their saddle bags.

Much more could be said of Judge Turner.

Judge Turner was born in Orange County North Carolina in 1805. He studied law and was admitted to the

bar in his native state at the age of twenty.

In 1831 he moved to the territory of Arkansas and settled at Crawford Old Court House, and remained there until the Court was moved, he followed it from place to place. It is said that at Whitsontown and Crittenden he was the sole member of the bar. When the Court was moved to Van Buren in 1838 he came with it and continued to reside here until his death. He built an office opposite the court house and occupied rooms over the Crawford County Bank of which he was president.

Judge Turner has been twice married, first to Miss Violet P. Drennen at Pittsburgh, Pennsylvania, in 1842. She died a little over a year after her marriage. On the 21st of June, 1855, he was married to Miss Rebecca Allen, who was born at Warwickshire, England, but was living at Pittsburgh, Pennsylvania, at the time of her marriage. They had one son, Jesse Turner, a lawyer, and partner of his father.

In 1838 he represented Crawford County in the House of Representatives of the Second Legislature. In 1841 he was appointed a Visitor to West Point by Secretary of War John Bell.

Judge Turner was a life long Whig and in 1848 was a candidate on that ticket for Presidential Elector. Gen. Taylor being the nominee. When the Western Federal District of Arkansas was created in 1851 he was appointed District Attorney by President Fillmore and served until Mr. Pierce became president. In connection with Judge H. F. Thomason he represented Crawford County in the famous Constitutional Convention of 1861, that ultimately passed the ordinance. He was opposed to the secession of the Southern State because not authorized by fundamental laws of government.

Judge Turner succeeded Col. Drennen as president of the Little Rock and Fort Smith Railroad which office he held for a number of years. The road having passed into the hands of Eastern Capitalists he was made Vice President of the road in 1874.

He represented Franklin and Crawford counties in the senate in 1866 and '67 and again in 1874 and '75.

In 1878 he was appointed to the Supreme Bench by Gov. Miller to serve the unexpired term of Judge David Walker, and afterwards appointed Judge of the Supreme Court in a number of cases where the regular judge was disqualified.

He was president of the Van Buren Board of Education for a number of years.

“He was a model of professional aspiration and imitation, for in him professional ethics, honor and probity had their most perfect and best example. A dishonorable or unmanly act in him was inconceivable. He had wide influence and acquaintance throughout the state where he was honored for his integrity. He was in his mental and moral qualities as firm as granite and as true as steel, yet in heart and conduct kind and gentle as a woman. He condemned wrong in the high and lowly; yet was charitable to human frailties, and his ear was never deaf to the cry of distress, nor his purse closed to the wants of the many. He was good, faithful, candid, sincere himself, he scorned all deceit and cunning in others. His opinions and actions were always based upon honest conviction and he never practiced mere policy or time serving.”

All of his early associates had passed away leaving him to set an example to the younger generation. A stranger seeing Judge Turner's commanding figure and massive head would know that he was no ordinary man.

For nearly sixty years he went in and out among the citizens of Van Buren esteemed and honored by all.

On the night of the 22nd of November, 1894, accompanied by his wife and son he was at the Opera House to hear a lecture by Col. Robert Crockett on the “Life and Character of David Crockett.” A few minutes after his arrival he was taken suddenly ill, and in a few moments breathed his last in the arms of his devoted wife.

Thus passed away one who was honored and revered by all.

JOHN B. OGDEN

Honorable John B. Ogden was one of the early lawyers of Van Buren. He was born in Cumberland County, New Jersey, in 1812, being of English descent. The

fathers of both parents took part in the War of the Revolution and his father was a soldier of the War of 1812, and died from the effect of a wound received during that war. He received a common school education and at the age of seventeen years began the study of law in the office of Gov. Elias P. Seely of New Jersey, a cousin of his mother.

Mr. Ogden, like many of the young men of his time, left New Jersey in 1834 for the west. He first located at Louisville, Kentucky, then went to Charleston, Indiana.

With his wife he arrived at Van Buren, Arkansas, in 1843. In which city he practiced law until a few years before his death. In the latter part of the same year he became associated with George Paschal as partner. Beside practicing law they did one of the largest collecting business in this part of the country. Mr. Ogden's business ability as an accountant and his ability in using statistics made a splendid business lawyer of him. He was mayor of Van Buren in 1847 also in 1848.

When the United States Court of the Western District of Arkansas was organized by an Act of Congress in 1851 and the court was located at Van Buren, the county donated the second story of the Court House for its use. In 1854 Judge Ogden was appointed commissioner to furnish the Court room. He spared no expense or pains in having it the handsomest furnished of any court room. Judge Ogden, on the death of the first clerk, Mr. McLean, was appointed clerk and served from 1858 to 1861. When the states seceded the Judge resigned and the convention ordered the records in the keeping of Judge Ogden and Court ceased to exist until after the war. Mr. Ogden retained these records until February 18, 1863, when Lieut. Col. Stewart of the Post at Fayetteville and his men raided Van Buren. The records were destroyed by the soldiers tearing them out of the books but left those from 1856 to 1860..

In 1856 he was appointed United States Commissioner of the Western District Court of Arkansas. In 1857 in his capacity as Commissioner of the court the Mormon,

Peter Parley Pratt, was brought before him for trial. Pratt was accused of persuading a Mrs. McLean of New Orleans to leave her husband and go with him, she taking her two children with her. The husband followed them and overtook them near Van Buren, consequently the trial was held here. Pratt was put in jail but was soon released. He was followed by the husband and killed.

In 1863 the Confederate States organized the Trans-Mississippi Department. Judge Ogden, while at Shreveport assisting in the organization, was put in charge of the Pay Department and served until 1864 when he resigned. He then superintended the removal of cotton and the collection of debts for private individuals. After peace was declared he was offered the position of Clerk to the United States Court of the Western District, the same position he had held previous to the War Between the States, but declined as he could not conscientiously take the required oath.

In 1866 he was appointed assistant United States Attorney for the Western District of the State, holding the position until 1872. Mr. Ogden was a man of very vivid imagination. In 1835 he was united in marriage to Miss Jane Sibley, daughter of General John Sibley of New Jersey. Mrs. Ogden died in February, 1866, five children were born of this union, Charles, John M., Henry, Anna and Emma. In 1868 he married Mrs. Susan H. King. He retired from business several years previous to his death which occurred January 1st, 1889.

JUDGE JOSEPH JAMES GREEN

The following sketch of Judge Green was given the writer by his daughter, Mrs. Bessie Quesenbury.

Judge Joseph James Green was born in North Carolina in 1813. His father died when he was quite an infant and his mother remarried. An unkind stepfather made life unbearable and he left home when quite a lad and made his own way in the world. He obtained his education in Kentucky and read law in the office of Judge

Lorring of Bowling Green, Kentucky, one of the most eminent jurists of that state.

It is not known just what year Judge Green came to Arkansas, but he settled first at Pine Bluff, coming to Van Buren in the early forties. During almost the entire time of Judge Green's residence in Van Buren it was his privilege and pleasure to serve his fellow citizens in some public or private capacity.

When the agitation for the first railroad began he was active in the organization and was one of the stockholders and directors. In 1847 Judge Green was treasurer of the Van Buren Hunting Club. In 1847 he was appointed aide de camp to Brigadier General Duval with the rank of Major of Cavalry in the militia. The Arkansas Intelligencer of May 29th, 1847 says, "If friend Green will only prosecute the Mexicans as he does the violators of the law he will be "some."

In 1855 he served in the state senate. In 1857 he was a member of the legislature.

He was one of the organizers of the Van Buren Female Academy and in 1859 was president of the board of trustees until the War Between the States disrupted the school along with other civilization of the south.

Judge Green was judge of the fourth circuit from 1863, thus being a civil officer of the Confederate States of America.

In politics Judge Green was a Democrat, an ardent Secessionist and a firm believer in slavery. To this latter fact the tragedy of his death was due. He and his partner, Judge W. W. Walker, had bought a ranch in Texas and he had started south with the negroes, hoping thereby to save them, when his horse became frightened and ran away. Judge Green was thrown from the buggy and died from the effects of the wound, February 15th, 1863.

Judge Green was a poet of no mean ability, unfortunately none of his writings have been preserved. It is much to be regretted that after his death his private papers were destroyed as much historical information might have been obtained from them.

In 1852 Judge Green married Miss Mary Susan Pryor,

daughter of Captain Nicholas Ballow Pryor, and his wife, Sallie Thomas Pryor of Virginia and sister of Judge Reuben P. Pryor and Judge H. Pryor, both early lawyers of Crawford county. Of this union three children were born: Joseph James, Augustus Pryor and Emily Elizabeth, the late Mrs. S. Quesenbury.

At the request of the Benton county bar a portrait of Judge Green has recently been placed in the Bentonville court house to be, as Judge Elliott so graciously wrote, "an inspiration and example to future jurists."

Judge Green's home stood for many a year on the corner of what is now South Seventh and Drennen on the location now occupied by the home of Frank D. Pape.

HENRY WILCOX

Henry Wilcox was born at Adams, New York, on August 4th, 1800.

The name of Henry Wilcox appears in four successive catalogues of Hamilton College, Clinton, New York, in the class of 1827.

After his college days, he became a tutor in the family of John Floyd, Governor of the state of Virginia. He also pursued his studies while in Virginia, and acquired a liberal education, as the groundwork of his subsequent professional career.

In 1828 he went to Palmyra, Missouri, to teach school. There he met and married, September 2, 1829, Miss Sarah Pleasant Pettus.

Henry Wilcox undertook the study of law after he had passed his fortieth birthday, and on October 10, 1843, was admitted to the Bar, at New London, Rolls County, Missouri.

He was licensed to practice law in the state of Arkansas on September 28, 1844, being admitted to Van Buren, Crawford County, by Richard C. S. Brown, Judge of the Circuit Court, Seventh Judicial District.

In 1845 he brought his family from Missouri to Van Buren. He was successful in law practice, being one of the two leaders of the Bar in Northwest Arkansas, his rival was Jesse Turner Sr. Naturally sturdy, shrewd minded,

his strong common sense and keen knowledge of human nature, coupled with ability as an advocate and speaker, made him successful. "He was a man of perfect integrity and stirring intellect."

At the outbreak of the War Between the States, Henry Wilcox still had his law office in the two room building across from the courthouse in Van Buren, Mr. Turner occupied one office and Mr. Wilcox, the other.

When war became evident, Mr. Wilcox became the leader of the secession movement in Northwest Arkansas. He did not live to witness the outcome of that conflict, as he passed away July 15, 1864, at his home in Van Buren.

Mr. Wilcox had a son, Granville Wilcox, a prominent lawyer who spent most of his life in Van Buren. He is buried in Fairview cemetery on the lot where his father is buried.

JUDGE B. J. BROWN

While a telegram was received in Little Rock Saturday morning announcing the death of Judge B. J. Brown, early Saturday morning at his home at Englewood, New Jersey, the first authentic news of his death was received Sunday night by George R. Wood, cashier of the Citizens Bank, in a brief message from H. R. Brown, son of the deceased.

Judge Benton Jackson Brown was born in Dickson County, Tennessee, February 19, 1836, but his parents moved to Johnson County Arkansas when he was but one year old. Judge Brown located in Van Buren in 1856 to fill the position of teacher of mathematics in the Wallace Institute. In the meantime he had studied law and began the practice of his profession in Van Buren in 1860. During the year of 1860 he was married to Miss Kate Rothrock. There were three children, Mrs. A. E. Menke, Mrs. Eula Tuttle and Harold Brown.

After the breaking out of the war Judge Brown enlisted in the Confederate service and was soon appointed quartermaster by President Davis. At the close of the war Judge Brown went to Texas where he practiced law for one year when he returned to Van Buren where he resided permanently until 1890, when he retired from

the practice of law and the banking business and moved to Fayetteville, thence to Little Rock and later to Englewood, New Jersey, where he died and where his remains were interred.

The early history of Crawford county and Van Buren is closely interwoven with the life history of Judge Brown. During the time he practiced law he became well known as one of the best in his profession. In 1873 he was elected State Senator and 1874 was appointed judge of this judicial district and had it not been for his failing health, he would have been a candidate for governor in 1884. Abandoning the practice of law in 1885 and desiring something to occupy his mind and part of his time, he founded the Citizens Bank of Van Buren and was its first president and while he did not long engage actively in the management of the bank's affairs, he retained a large share of the stock until a few years before his death. He was a good councillor and his judgment and ability had much to do with the making of the Citizens Bank what it is today, one among the many successful banking institutions in Arkansas.

The death of B. J. Brown, while not a surprise to his host of friends among the older citizens of Van Buren, yet it was learned with a great deal of regret.

—Taken from Van Buren Daily Argus, March 28, 1910.

JUDGE HUGH F. THOMASON

Died—In Van Buren Sunday afternoon, July 30th, quite suddenly Judge Hugh F. Thomason in the 67th year of his age.

Judge Thomason had been in public life for many years and stood in the front rank of the leading public men of our state. As a lawyer he possessed high ability. As a politician, he was active, zealous and always in the thickest of the fight; on the hustings he was almost irresistible, few indeed dared to measure swords with him in political debate. He held many positions of honor and trust, and in every instance discharged his duties faithfully and honorable.

Judge Thomason leaves a wife, two daughters,

brothers and sister and a large circle of friends to mourn his loss.

Judge Thomason was born in Smith County Tennessee, February 22, 1826. His father moved to Washington County Arkansas when he was but 3 years old. He was reared on a farm in Washington County. He was educated principally at Cane Hill, Arkansas, and studied law at Fayetteville, in the office of the late W. D. Reagan. He afterwards removed to Van Buren and engaged in the practice of law.

He first came into prominence as a politician as presidential elector when he canvassed the state against the celebrated Gen. T. C. Hindman. He was prosecuting attorney of the old Fourth circuit in 1853-54 and a member of the secession convention in 1861. In 1868 he was elected to the lower house of the legislature. He was a candidate for congress in 1872 and was defeated by Judge W. W. Wilshire.

He was one of the delegates to the congress of the Confederate States at Montgomery, Alabama, with A. H. Garland, Albert Rust, Robert W. Johnson and W. W. Watkins from May, 1861, to February, 1862.

He represented his county in the constitutional convention in 1874. He was elected State Senator in 1881 and attended two sessions of the state senate. He was returned to the lower house in 1886.

He was elected judge of the then new district in September 1890, which position he held at the time of his death. He was twice married and leaves two daughters, Fannie and Eudora.

—Taken from the Van Buren Press, August 5, 1893