

Standard Form For Members of the Legislature

Name of Representative Wilson, Thomas Stokely Senator _____

Represented Dubuque County, Iowa

1. Birthday and place 13 Oct 1813 Steubenville, Ohio

2. Marriage (s) date place
① Anna Hoge Steubenville, Ohio

② Mary Stokely 1864

3. Significant events for example:

A. Business Admitted to the Ohio Bar in 1834; he was a lawyer and a judge for 6 years 1834-1894 at his death.

B. Civic responsibilities Mason;

C. Profession Lawyer; Judge of the Supreme Court of the Territory of Iowa 1838 until resignation Oct 1847

4. Church membership Episcopal

5. Sessions served 11th, 12th General Assemblies 1866, 1868

6. Public Offices

A. Local Board of trustees of Dubuque 1837; Prosecuting Attorney of Dubuque City Iowa

B. State Judge of the Supreme Court of Iowa - appointed by President Van Buren, later by Tyler and Polk until 1847; appointed Judge of the District Court - Apr 1852 - 1 Jan 1863.

C. National He missed by one vote becoming the first United States Senator from Iowa.

7. Death 16 May 1894 Dubuque, Iowa; buried Linwood Cemetery, Dubuque, Iowa

8. Children By first wife - William; Thomas; Eliza; by 2nd wife - Ernest; Grace

9. Names of parents Peter and Frances (Stokely) Wilson

10. Education _____

11. Degrees

Graduate of Jefferson College, Pennsylvania graduating in 1837

12. Other applicable information _____

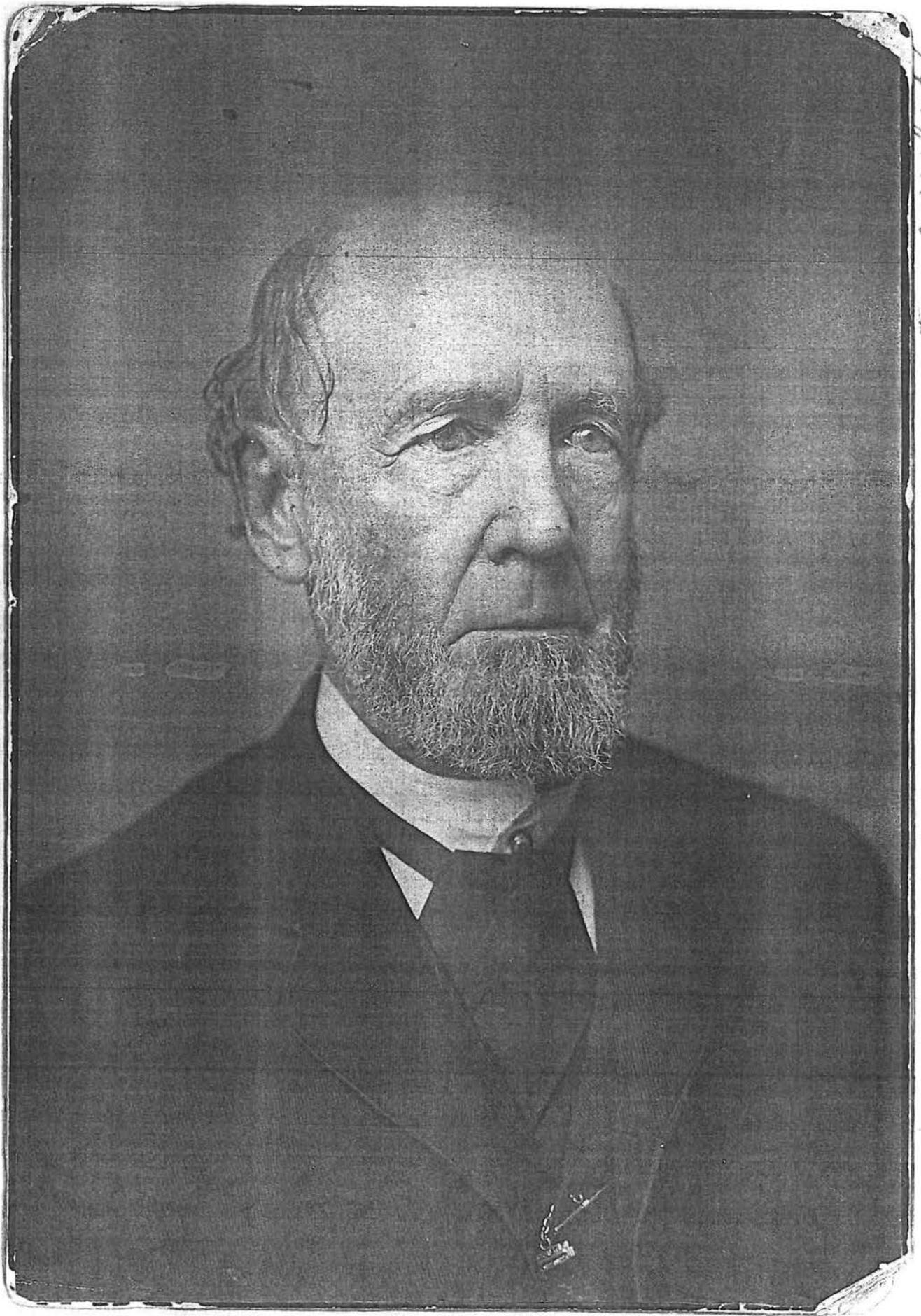
- *After college, he studied law for 2 years*
- *He began practicing law with General Stokely at Steubenville, Ohio*
- *He moved to Dubuque, Iowa in Oct 1837*
- *He practiced law in Dubuque, Mineral Point, Lamaska and Plover
in Illinois until 1 Jul 1838*
- *In 1847, he practiced law with Platt Smith and his brother D. S. Wilson aged 25.*
- *He held the first courts in Clayton, Delaware, Allamakee, Jones, Winneshiek,
Black Hawk, Chickasaw, Bremer, Fayette and Clinton counties*
- *His first wife, Anna, died in 1854.*

Sources Log For Legislation Entries

Applicability

Source Non Applicable Applicable Information obtained

- Obituary - The Dubuque Daily Telegraph, Dubuque, Iowa,
Wed. May 16, 1894, p. 5, col. 4 and Thurs. May 17, 1894, p. 5, col. 6
- Howe & Wood Beaman - judicial, state. in. us (accessed 27 May 2007)
- Biographical Dictionary and Portrait Gallery, Iowa Volume 1878, p. 366-367
- Obituary - The Dubuque Weekly Times, Dubuque, Iowa,
Tues. May 21, 1894, p. 2, col. 5
- Obituary - The Dubuque Weekly Times, Dubuque, Iowa,
Fri. May 18, 1894, p. 4, col. 1
- History of Dubuque County, Iowa 1860, p. 900-
- ancestry.com (accessed 31 Jul 2009)



WILSON, THOMAS D.

FOATNC

Wilson, Thomas D.

JUDGE WILSON DEAD.

After a Long Sickness He Expires This Afternoon.

One of the Original Judges of the Territory of Iowa.

Judge Thomas S. Wilson died this afternoon at his home, Clay and 16th streets, after a sickness of several weeks.

Thomas S. Wilson was born at Steubenville, Ohio, Oct. 13, 1813; he graduated at Jefferson college, Pennsylvania, in 1832, and, after studying law for two years, was admitted to the bar by the supreme court of Ohio in 1833; after being admitted he began practice with General Stokely at Steubenville; soon after contrary to the advices and wishes of his friends, he determined to come west; having a brother—Capt. George Wilson, of the 1st United States infantry, under command of Colonel Zachary Taylor at Prairie du Chien. He went there with his wife, and remained there until he could select a place of settlement; deciding to locate at Dubuque. He removed there in October, 1836; in the spring of 1837 he was elected president of the board of trustees of the town of Dubuque, Iowa was then a part of the Wisconsin territory, and contained two counties, Dubuque and Des Moines, he practiced law in Dubuque, Mineral Point, Lancaster and Prairie du Chien until July 4, 1838, he was engaged in almost every suit of that time, in June 1838, he was nominated a delegate to congress by the northern counties of Iowa, at the same time he was appointed by President Van Buren judge of the supreme court of Iowa. He had made no application for the appointment, and it was made without his knowledge. His appointment was renewed by President's Tyler and Polk, and he continued judge of the supreme court until a year after the admission of Iowa into the union as a state in 1846. When the first legislature met and went into joint ballot he came within one vote of being elected United States senator; the first court ever held in Iowa territory was held by Judge Wilson at Prairie la Porte, now Guttenburg, on the second Monday in November, 1838; he resigned his office as judge of the supreme court in 1847, and practiced law in partnership with Platt Smith, Esq., and his brother, Hon. D. S. Wilson. In April, 1852, he was elected without opposition judge of the district court, and by successive elections held the office until January 1, 1863, serving over twenty years as judge. He held the first courts in the counties of Clayton, Delaware, Allamakee, Jones, Winneshiek, Black Hawk, Chickasaw, Bremer, Fayette and Clinton; it is stated, on good authority that Judge Wilson never had ten cases reversed during all the time he was on the bench. Judge Wilson was elected two consecutive terms to the legislature, in 1866 and 1868; at the session in 1866, he was tendered by the democratic members the nomination of United States senator, which he declined. Judge Wilson has been twice married, his first wife, whom he married in Ohio before coming west was

William Casey, who lives at 422 Wind-or avenue with his parents, is defendant in a habeas corpus proceedings brought in a district court to-day. The plaintiffs are John and Caroline Burgman, foster parents of Casey's four year old boy, Burgman being the brother of Casey's divorced wife.

It is an action to produce the boy in court and to restrain Casey from illegally retaining possession of him or carrying him out of the state.

Judge O'Donnell set the case for hearing Friday morning. Longueville & McCarthy appear for plaintiff and J. H. Shields for defendant.

The story of plaintiff's petition is that Mr. Casey and Emma Bergmann were married in 1889 and this boy Eddie was born May 5, 1890. At the November term court, 1892, Mrs. Casey got a divorce on the ground of desertion and was awarded the custody of the child, her husband making no objection. April 6, 1893, she gave the child to plaintiffs who legally adopted it but defendant subsequently got possession of the child and now refuses to surrender it.

THE ANSWER CHARGES BIGAMY.

In his answer Casey admits the divorce, saying he had no objections to parting company with his wife, but the question of a child's custody was deferred to a later date and he was not notified of the date for the hearing and the custody was awarded to his wife without his knowledge of the court's action was null and void, as was also the option of the child by Mr. and Mrs. Bergmann. Furthermore he says his wife, now lives in Aurora, Ill., was not and not a fit person to have the custody of a child and on July 28, 1892, several months before she was divorced from him, he was married to Albert Meeker at Wray, Wis., who deserted her after a brief honeymoon. He further says he has had possession of the child since Dec. 1, 1893, when the boy was voluntarily surrendered to him by Mr. and Mrs. Bergmann and said they didn't want to keep him any longer. On May 5 last Mrs. Meeker called at Casey's house and asked permission to take the boy away with her, saying she would return him that evening. She is granted permission and kept her promise.

It is stated by the Casey party that the present grand jury will indict his divorced wife for bigamy.

If ever a man feels like "a poor worm in the dust," it is when he suffers from that tired feeling. Ayer's Sarsaparilla cures this discouraging physical condition and imparts the thrill of new life and energy to every nerve, tissue, muscle, and bone of the whole body.

CONGREGATIONAL CHURCH.

Plans for Altering It Discussed by the Members Last Night.

The members of the Congregational church met last night to discuss plans for the improvement of the church. Mr. H. Stout has offered a large sum on condition that the remainder of \$10,000 be subscribed. But \$3,000 is now wanting and it is thought this will be subscribed readily enough.

It was decided last night to put in a new front, paint the remaining walls and put on a new roof. The front will be of

By a Vote of Nearly 4 to 1 Missouri Democrats Declare for Free Coinage at 16 to 1.

American Consul-General Edwards Dies of Inflammation of the Lungs at Berlin.

Admit the Fact.

WASHINGTON, May 16.—Senator Huntton of Virginia and Senator Kyle of South Dakota, (the latter through his clerk) this morning admitted the truth of the published statement that they had been approached and offered money for their votes against the tariff bill, although both gentlemen declined to name the man who made the offer. A prominent democratic senator, however, said he knew the man well, and named C. W. Butts, ex-member of congress from South Carolina during the period of reconstruction.

The Senate.

WASHINGTON, May 16.—In the senate to-day Mr. Lodge, (rep.) of Massachusetts, offered a resolution reciting the statement in the New York Sun that bribes had been offered to certain senators to induce them to vote against the pending tariff bill and the signed article in a Philadelphia, Pa., paper stating that the sugar schedule had been made up as it now stands in consideration of a large sum of money paid for the campaign purposes of the democratic party, and providing for the appointment of a committee of five senators to investigate those charges. Under the rule the resolution went over until to-morrow.

Destructive Flames.

New York, May 16.—Early this morning fire broke out in the Empire Coliseum in Washington Park, better known as Jones Woods, extending from Avenue A to East river and 68th street and 70th street. The building were totally destroyed. The flames spread to adjoining buildings and fifteen stables and thirty shanties were consumed. About fifty horses were burned to death. Battalion Chief Fisher was thrown from his wagon in a collision while going to the fire and seriously hurt. Loss, \$100,000.

The Apportionment Case.

DANVILLE, May 16.—Argument was resumed this morning in the apportionment contest by Attorney General Moloney, who declared that the apportionment act could not be attacked by a private citizen in this way and in this state. He laid particular emphasis upon the propositions that the court had no jurisdiction and the defendant no standing in court.

During the afternoon session General Hunt closed the case with a brief but eloquent argument contending that the court had ample jurisdiction; and that the apportionment last year was unfair, unconstitutional, and should be set aside. The court took the papers and held the application under advisement.

Missouri Democrats.

KANSAS CITY, May 16.—The democratic state convention by a vote of 413 to 103 adopted the majority report of the committee on resolutions. The majority report, besides embracing Bland's ratification plank, declares for tariff for revenue only, favors an income tax as provided in the Wilson bill, indorses President Cleveland and the democratic congress, and strongly condemns the American Protective Association.

Miners' Conference.

CLEVELAND, May 16.—At this morning's session of the great joint coal conference President Melville announced that the miners had elected their conference committee and were prepared to meet the operators. Morton made a similar state-

Geo. Dee left Sheriff Phill Mrs. A. J. I to-day.

Miss Blanch Burlington.

Dr. Bingham Iowa to-day.

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Mr. James B a boiler establish is in the city.

Dr. Wm. Wa via the C. G. Puget Sound.

Mr. Howard iting Mr. E. A. Chillicothe, O

Mrs. George Assessor Stem after a serious

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It was decided last night to put in a new front, paint the remaining walls and put on a new roof. The front will be of pressed brick and cut stone with stucco work at the top and a circular stained glass window above the doors. The steps will be of cut stone and will open into a vestibule from which stairways will lead to the auditorium.

It was the proposition to remove the gallery or at least a portion of it which occasioned debate. This was proposed because Mr. H. Stout has offered a large sum of money on condition that the remainder of \$10,000 be subscribed. But \$3,000 is now wanting and it is thought this will be subscribed readily enough.

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Judge Wilson, in the case of Choteau vs. Maloney, defeated the claim of Julien Dubuque's heirs to the city of Dubuque. He was attorney for Maloney.

TRAGEDY IN CHICAGO.

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Death of Consul Edwards.

BERLIN, May 16.—W. H. Edwards, United States consul general, died here this morning after a long and severe illness from inflammation of the lungs. He will be buried Friday at Potsdam.

A. O. U. W. of Iowa in Session.

CEDAR RAPIDS, May 15.—The Grand Lodge of the Ancient Order of United

Burlington.
—Dr. Bingham
Iowa to-day.
Mrs. J. P. Northampton,
Eugene Adams extended to
Joseph Bott
U. W. grand
Prof. Probst
where he spent
Mr. E. A. S
life insurance
the city.

Mr. James I
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is in the city.
Dr. Wm. W
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Mr. Howard
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Craig, James
Frow, F. C.,
Groom, E. A.
Lakeman, Chas.
Miller, F. W.
Mulborn, H. H.
McGowan, M. J.
Smuckel, George.
Smith, Thomas

Burns, J. M.
Burnett, W. H.
Fox, S.
Greenlee, Miss L.
Lydon, Mary
McAnn, Ida
McManus, Sarah
Winters, Daisy

Wilson to pre- courts, Council the a meeting role and instructed discovered which aries can bency of made the 1 to-day mitted of sition of t will be r. James for Chi- and them was to Albert in r. James i Eugehe and frac- p for six ad to the ch Ging- 31 hes A. ve passed noon: an, Bart er, Cy- Hershey, ae, Pitts- s, a stand- ERIES. Car Seats equired. as always y to me," the New otive that a car in ant seats . In some is simple he person s to and is he vacant end of the al glance; stomed to s the first son that I ei' r de- m call takes a there are n sight. I an sitting at, in a car y of room, there was ips sort of as making

to certain of Bishop Henn's acts. Suit was brought against Dr. Horne by Bishop Henn, who demanded \$25,000 damages. The jury seemed to think the word used was intended to mean "forger" and gave Bishop Henn a verdict for \$0,000.

Most complexion powders have a vulgar glare, but *Pozzoni's* is a true beautifier, whose effects are lasting.

Iowa Weather.
WASHINGTON, May 17.—For Iowa: Local showers to-day and to-night in northern portion; fair and cooler Friday.

WEATHER RECORD FOR TWENTY-FOUR HOURS ENDING AT 3 A. M. TO-DAY

Time	Bar	Ther	Wind	Rain	State of Weather
7 p. m.	29.84	83	SE	.00	Fair
7 a. m.	29.68	72	SW	.00	Fair

Mean barometer, 29.84
Mean thermometer, 77.5
Highest temperature, 83.
Lowest temperature, 68.
Rain fall of the day, .00.

River Report.

Station	Stage	Rise	Fall
St. Paul	9.4	0.8	0.0
La Crosse	9.9	0.0	0.1
Dubuque	11.0	0.0	0.0
Davenport	9.0	0.0	0.0
Keokuk	9.2	0.0	0.2
St. Louis	19.6	0.0	0.5
Omaha	0.0	0.0	0.0

DIED.

JANSEN—In this city at 9:30 a. m. Wednesday, May 16, 1894, John Jansen, son of Mr. and Mrs. John Jansen, aged 13 years, 7 months and 2 days.

Funeral from the family residence, 14 Reeder street, at 2 o'clock Sunday afternoon. Services at German Congregational church. Interment at St. John's Lutheran cemetery.

Friends of the family are invited to attend.

HUGHES—At Waterloo, Iowa, Wednesday, May 16, 1894, Mrs. Eunice Hughes, aged 59 years.

Funeral from the residence of her son-in-law, Mr. Fred Spielmann, Lincoln avenue at Eagle Point at 10 o'clock to-morrow morning. Interment in St. John's cemetery.

Friends of the family are invited to attend.

WILSON—In this city Wednesday, May 16, 1894, Thoma S. Wilson, aged 80 years and 7 months.

Funeral from St. John's Episcopal church to-morrow afternoon at 3:30 o'clock. Interment in Luwood.

Friends of the family are invited to attend.

McINTY—At West Bend, Iowa, May 17, 1894, at 12 o'clock a. m. Ellen, wife of Michael McInty, aged 59 years.

Funeral Friday at 9 o'clock a. m. from the residence of M. J. Mulgrew 327 Main street, to the Cathedral and Key West.

Friends of the family are invited to attend.

DAILY MARKET REPORT.

CHICAGO, May 17.

Grain.
OPENING—MAY 16

WHEAT—July, 56 1/2c; September, 58 1/2c; 53 1/2c.

CORN—June, 37 1/2c; July, 37 1/2c; September, 38 1/2c.

OATS—June, 33 1/2c; July, 30 1/2c; September, 25 1/2c-25 3/4c.

Provisions.
PORK—May, 91.00.
LARD—July, \$6.99; September, \$6.60.
RIBS—July, \$6.12; September, \$6.12-6.15.

Grain.
CLOSING—MAY 17 P. M.

WHEAT—May, 53 1/2c; July, 53 1/2c; September, 57c; December, 60c.
CORN—May, 36 1/2c; June, 36 1/2c; July, 37 1/2c; September, 38c.
OATS—May, 32 1/2c; June, 29 1/2c; September, 25 1/2c.

ordered to take them to jail in case bail is not given

OUR WANT COLUMN

For Sale, Exchange, and Miscellaneous Wants inserted 1 day at 5 cents per line.

ROOMS AND BOARD.

WANTED—Boarders and roomers, \$3.25 per week, 173 Clay street. Good rooms and board. 5-11-6

ROOM AND BOARD can be had for two. Ladies preferred. Address "C" this office. 5-10-11

WANTED TO BUY.

WANTED—To buy a horse and buggy, or a good horse without a buggy. Address "R." this office. 5-10-11

FOR RENT.

5 ROOM COTTAGE on Garfield avenue, two blocks north of C. M. & St. P. shops, with large garden, ad. made. 5-17-6

ONE 3 room and one 6 room flat for rent. Inquire at 540 Lincoln avenue. 5-16-6

FOR RENT—A furnished room at 135 Wilson avenue. 5-15-6

12 ROOM HOUSE, with all modern improvements, on West Locust street, for rent June 1st. Inquire of MRS. P. HAMPEL. 5-14-11

NICELY furnished rooms for rent at \$4 per month. 1206 Clay street. 5-12-11

A SIX-ROOM HOUSE, 27 Rose street. Inquire on premises or 104 Main street. 5-12-6

FOR RENT—Half of double frame, six rooms, on Brad street, half a block from the motor, and a block from Fourth ward school. MRS. THOS. CROTTY. Inquire at 203 Brad street. 5-12-11

FOR RENT—12 room flat; elegant rooms; located cor. 7th and Main. Choice for dress-making or light housekeeping. Inquire at this office. 5-11

ROOMS AND BOARD can be had at 269 Main street. 5-11-6

FOR RENT—Nicely furnished room, 1240 Locust. Very pleasant with front view. 5-10-6

EIGHT ROOM HOUSE for rent, cor. 14th and Burt street. Inquire on premises. P. McCULLOUGH.

FOR RENT—A brick house, 956 Bluff. Inquire at 948 Bluff. 5-2-11

FOR RENT—House and barn, corner 11th and Rice streets. Apply to J. P. EARLY, at Tom Connolly's. 4-20-11

TO RENT—No. 129 Fifth street, fine rooms. Inquire next door. 4-12-11

NICE OFFICES for rent in the new I. O. O. F. building, opposite postoffice. Apply to Sarah Glemson, No. 123 9th St. 3-8-11

FURNISHED ROOM for rent at 469 Bluff St. 10-30-11

FURNISHED ROOMS for rent, conveniently located on 7th street. Inquire at this office 5-8-11

FOR RENT—A magnificent summer residence within the city limits. Twelve acres of ground and an orchard. 11-room house in good repair and convenient out-houses. Enquire of Peter Kline & Son. 5-8-11

FOR SALE.

HALF INTEREST in steam merry-go-round for sale. Address P. O. Box 314, Oelwein, Iowa. 5-11-11

FOR SALE—A house, lot and wagon shop and tools, at Washington Mills. Address, James Walsh. 5-9-11

ST. LOUIS, Cincinnati and New York daily papers for sale by A. Hoover, 427 Clay street. 4-18-11

If you have something to sell you cannot reach the public more effectually than by using THE TELEGRAPH'S want columns. It reaches the people and the expense is small. Try it.

Your own price, in lots to suit. I. E. ORBERT. 3-24-11

HOUSE FOR SALE on Adams street. 5-11-11

The Miners.
CLEVEDAND, O., March 17.—At this morning's session of the conference of coal operators and miners the chairman of the conference reported showing that the miners had proposed a scale based on 79 cents for Pennsylvania and 70 cents for Ohio. On the part of the operators a rate of 65c for Pennsylvania and Ohio 55c was proposed. On this difference of fourteen cents the committee struck. In the general discussion which followed the report considerable feeling was shown. President McBride declared that the miners were determined not to compromise. The convention adjourned until this afternoon without taking action on the report.

Serious Fire in Boston.
BOSTON, Mass., May 17.—The State street block, a six-story granite structure, was badly damaged and its contents ruined by fire and water early this morning. It was used as a United States bonded warehouse. A custom house officer stated that there was over a million's worth of goods in the building, and that the loss exceed \$600,000. Loss on building \$50,000. All the records of the port of Boston from the time the British evacuated the city to 1893, which were of great value, were destroyed.

Fined for Contempt.
CHICAGO, May 17.—Judge Chetlain today fined the election commissioners \$1,000 each for contempt of court and ordered them committed to jail until the fines are paid because of their refusal to produce before the special grand jury some of the ballots cast at the April election. Counsel for the commissioners says he will refuse to pay the fine or appeal, but will surrender the men and apply for a writ of habeas corpus.

Presbyterian Assembly.
SARATOGA, N. Y., May 17.—The general assembly of the Presbyterian church of the United States opened in the auditorium of the First Presbyterian church with a sermon by the retiring moderator, Prof. Craig, of McCormick theological seminary, Chicago. Six hundred commissioners from all over the world are in attendance.

A. O. U. W. Officers.
CEDAR RAPIDS, May 16.—The Grand Lodge, A. O. U. W., adjourned to-night after a session of two days. The election of officers resulted as follows: Grand master, L. T. Hanks, of Dubuque; grand recorder, H. B. White, of Earlville; grand receiver, E. A. Wadleigh, of Clinton; grand overseer, C. P. Shipley, of Mason City; grand foreman, A. St. Clair Smith, of Cedar Rapids.

Boone was decided on as the place of the next meeting, and the time set for May 15, 1896.

Severe Storm Predicted.
WASHINGTON, May 17.—Conditions are favorable for severe squalls on the lakes and severe local storms in southern Wisconsin, northern Illinois, eastern Iowa, southern Michigan and northern Indiana.

Died at Manchester.
MANCHESTER, Ia., May 16—Charles Paxson died yesterday morning aged 70

JUDGE WILSON IS DEAD.

Was a Prominent Landmark of
Our City.

LIVED BEYOND THE ALLOTTED TIME.

Judge Thos. S. Wilson, a Pioneer of Iowa, Prominent in Politics a Half Century Ago, Passes Away in This City—First Territorial Judge, Also First Judge to Hold Court in Old Court House—Other Historical Incidents of Note.

One by one the landmarks of Dubuque are disappearing; only a few days ago we were called upon to chronicle the death of the late J. P. Farley, and now Judge Thomas S. Wilson is numbered with the dead. Deceased, who has been active during his whole life, very seldom complaining of any infirmities, was taken ill about three weeks ago, and since then has not left his home at 1614 White street where his death occurred at 1:10 p. m. yesterday.

It was not until a week ago however that his condition assumed an alarming condition, since which time his relatives and many friends have watched by his bedside.

Hon Thomas S. Wilson, one of the original judges of the Territory of Iowa and of the district court for many years, was born at Stubenville, Ohio, October 13, 1813; he graduated at Jefferson College, Pennsylvania, in 1832, and after studying law two years, was admitted to the bar by the Supreme Court of Ohio in 1834. After being admitted, he began practice with Gen.

okeley, of Steubenville. Soon after, contrary to the advice and wishes of his friends, he determined to come West. Having a brother—Capt. Geo. Wilson, of the 1st U. S. I., under command of Col. Zachary Taylor—at Prairie du Chien, he went there with his wife, and remained there until he could select a place of settlement. Deciding to locate at Dubuque, he removed here in October, 1836. In the spring of 1837, he was elected President of the Board of Trustees of the town of Dubuque, which was

chronic disease. Dr. Walter, great specialist in chronic disease cured them and has thousands testimonials to prove it. Call on him at the Merchant Hotel. Consultation free.

A TOUR OF INSPECTION.

Burlington Officials Pass Through
Tour of Inspection.

A number of the officials of the Burlington road passed through the city yesterday on their way to Chicago on a tour of inspection. They took a car at the Julien and looked over a number of local representations of their line, including everything in apple pie order.

The company was headed by C. Kenyon, the popular general manager and ticket agent, D. C. Ham, assistant; W. H. Lewis, superintendent of motive power; P. H. trainmaster, and Thos. Maltley, H. Gidfogle, conductors.

SHOCKED IN MID

Lineman Pence Receives
Thousand Volts.

HE FELL AGAINST TWO LIVE

Used for Incandescent Lighting and
narrowly Escaped Being Killed—Lineman
Spenser's Heroic Efforts to Save
Comrade Result in His Being
Burned—Although Badly Shocked
Pence Will Recover Fully.

Harry Pence, a lineman in the employ of the Light & Traction company, narrowly escaped death yesterday evening about half past five o'clock in the alley in the rear of the Opera House. He was, in company with another lineman named Spenser, working on some lines near the top of a pole when in a sudden manner he fell across two incandescent light wires and received the full charge of one thousand volts. Spenser used his best efforts to get Pence off of the wire and finally succeeded, but not until Pence was



THOMAS S. WILSON

Served on the Iowa Supreme Court from the formation of Iowa Territory in 1838 until he resigned in October 1847.

Born October 13, 1813, at Steubenville, Ohio. He was graduated from Jefferson College, Pennsylvania, in 1836, and was a boyhood friend and neighbor of Edwin M. Stanton, later Secretary of War. Justice Wilson was but twenty-five years of age when appointed to the Supreme Court.

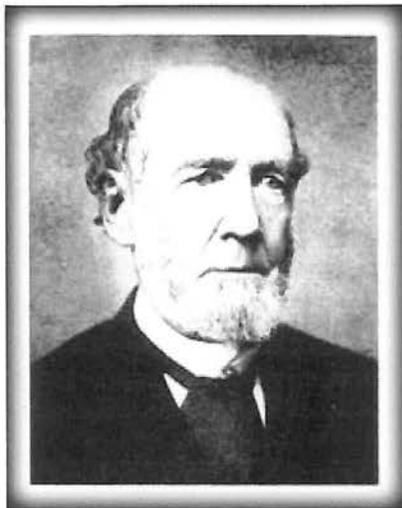
The first court session held in Iowa Territory was conducted in November 1838, by Justice Wilson at Prairie LaPorte, near what is now McGregor. This was a session of the District Court, presided over by a justice of the Supreme Court.

As a practicing lawyer, he was instrumental in extinguishing the Spanish land grant titles in Iowa, thus securing to the early settlers, in Iowa Territory, their homes against ouster at the hands of land speculators. He was a member of the Eleventh and Twelfth General Assemblies. He served later on the District Bench. He had missed by one vote becoming first United States Senator from Iowa.

Justice Wilson died in Dubuque May 16, 1894.

IOWA JUDICIAL BRANCH

< Previous Next >



Thomas S. Wilson (1838 - 1847)

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The first court session held in Iowa Territory was conducted on September 11, 1838, by Justice Wilson at Prairie La Porte (now Guttenberg) in Clayton County. This was a session of the District Court, presided over by a justice of the Supreme Court.

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< Previous Next >

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THE
HISTORY
OF
DUBUQUE COUNTY,
IOWA,

CONTAINING

A History of the County, its Cities, Towns, &c.,

Biographical Sketches of Citizens, War Record of its Volunteers
in the late Rebellion, General and Local Statistics, Portraits
of Early Settlers and Prominent Men, History of the
Northwest, History of Iowa, Map of Dubuque
County, Constitution of the United States,
Miscellaneous Matters, &c., &c.

ILLUSTRATED.

CHICAGO:
WESTERN HISTORICAL COMPANY,
1880.

returned to practice in Dubuque and Washington City; after returning to Iowa, in 1872, he was appointed Circuit Judge of the Ninth Judicial District to fill vacancy caused by the death of Judge Barker, which office he held until the following August, when he was appointed District Judge to fill the vacancy caused by the death of Judge Brayton; in the fall of 1874, he was elected by a large majority, irrespective of party distinctions, to the same office for four years. In 1850, Judge Wilson was united in marriage to Miss Henrietta E. Sanford, of Erie, Penn., and by this marriage has four children—three sons and one daughter, the latter, Mrs. Henry W. Brock, resides in Chicago; the Judge's oldest son, Henry, is engaged in the practice of law.

HON. THOMAS S. WILSON, attorney at law, one of the original Judges of the Territory of Iowa, and of the District Court for many years, was born at Steubenville, Ohio, Oct. 13, 1813; he graduated at Jefferson College, Penn., in 1832, and, after studying law two years, was admitted to the bar by the Supreme Court of Ohio in 1834; after being admitted, he began practice with Gen. Stokely, at Steubenville; soon after, contrary to the advice and wishes of his friends, he determined to come West; having a brother—Capt. George Wilson, of the 1st U. S. I., under command of Col. Zachary Taylor—at Prairie du Chien, he went there with his wife, and remained there until he could select a place of settlement; deciding to locate at Dubuque, he removed there in October, 1836; in the spring of 1837, he was elected President of the Board of Trustees of the town of Dubuque; Iowa was then a part of Wisconsin Territory, and contained two counties—Dubuque and Des Moines; he practiced law in Dubuque, Mineral Point, Lancaster and Prairie du Chien, until July 4, 1838, and was engaged in almost every suit up to that time; in June, 1838, he was nominated a delegate to Congress by the northern counties of Iowa; at the same time he was appointed, by President Van Buren, Judge of the Supreme Court of Iowa; he had made no application for the appointment, and it was made without his knowledge; his appointment was renewed by Presidents Tyler and Polk, and he continued Judge of the Supreme Court until a year after the admission of Iowa into the Union as a State in 1846; when the first Legislature met and went into joint ballot, he came within one vote of being elected United States Senator; the first court ever held in Iowa Territory was held by Judge Wilson at Prairie la Porte, now Guttenburg, on the second Monday in November, 1838; he resigned his office as Judge of the Supreme Court in 1847, and practiced law in partnership with Platt Smith, Esq., and his brother, Hon. D. S. Wilson; in April, 1852, he was elected, without opposition, Judge of the District Court, and, by successive elections, held the office until Jan. 1, 1863, serving over twenty years as Judge; he held the first courts in the counties of Clayton, Delaware, Allamakee, Jones, Winneshiek, Black Hawk, Chickasaw, Bremer, Fayette and Clinton; it is stated, on good authority, that Judge Wilson never had ten cases reversed during all the time he was on the bench. Judge Wilson was elected two consecutive terms to the Legislature, in 1866 and 1868; at the session in 1866, he was tendered by the Democratic members the nomination of United States Senator, which he declined. Judge Wilson has been twice married; his first wife, whom he married in Ohio before he came West, was Miss Anna Hoge, daughter of David Hoge, Esq., of Steubenville; he married Miss Mary Stokely, his present wife, in 1864, and has had five children.

S. S. WINALL, of the firm of Palmer, Winall & Co., blank-book manufacturers, printers and book-binders, corner of Sixth and Iowa streets, Dubuque; is a native of Ohio, and was born in the city of Cincinnati March 29, 1834; in 1843, his parents came to Galena, and he grew up to manhood there, except one year spent in Dubuque; he came to Dubuque and located permanently in 1864, and associated with his present partners, and since then they have carried on their present business, doing the largest business in their line in Dubuque; they built the large and commodious building which they now occupy, in 1879. Mr. Winall has been a member of the I. O. O. F. for twenty-five years, and has been prominently connected with the Order, having filled all the offices, and has been Grand Master of the State and Grand Patriarch; he is a charter member of the Order of Workmen, and also of the Legion of Honor. Mr. Winall married Sarah J. Wallis, of this city, in 1875; he has two children by a former wife.

THE UNITED STATES
BIOGRAPHICAL DICTIONARY

AND

PORTRAIT GALLERY

OF

EMINENT AND SELF-MADE MEN.

IOWA VOLUME.

CHICAGO AND NEW YORK:
AMERICAN BIOGRAPHICAL PUBLISHING COMPANY.

1878.

He is a Mason, and has occupied the chair both in the lodge and chapter.

On the 12th of August, 1860, he was married to with Miss Jennie C. Jackson, of Charles City. They have had one child, which died in infancy.

Mr. Card was one of the leaders in bringing the

Iowa branch of the Milwaukee and St. Paul railroad to Mason City; is a very influential and public-spirited man, and has done as much, probably, to build up the home of his adoption as any resident of the place. His moral character is excellent, and he has the highest respect of his fellow-citizens.

HENRY GABBERT,

BLUE GRASS.

AMONG the earlier pioneer settlers of Scott county and the state, and one who has seen the rapid rise of this section for more than a quarter of a century, and one who in days gone by was to the front and bore the heat and burden of the day, and saw his adopted state takes its place from a territory in the bright galaxy of states of our Union, is enrolled the name of Henry Gabbert.

He was born in Overton county, Tennessee, on the 19th of March, 1821. His parents were David and Catherine Gabbert *née* Giles. His father, a native of Virginia and his mother of North Carolina. His father was a soldier in the war of 1812, serving on the frontiers of Ohio in General Harrison's brigade and in Colonel Barber's regiment, in which his brother was an officer. His ancestors were in the revolutionary war, and took part in forming our free institutions. He had few opportunities for education, as the schools of that day were few; his studies were confined to the common-school and ordinary branches. Mr. Gabbert has lived successively on

the frontiers of Indiana and Illinois, and at five years of age removed with his father's family to the west, and settled in Iowa in the spring of 1835. Here his father had located a claim, onto which he went, and for the first two years had charge of the ferry-boat at Buffalo, owned and run by Captain Clark of the same place. He has followed farming for years, adopting this calling from the first.

In politics, he is a democrat, one of the original old stock, to whose principles and precepts he is an adherent. He has never been a candidate for office, and is not active in political matters. His son, William H. Gabbert, is a promising young member of the bar at Davenport, and is at present clerk of the district and circuit courts of Scott county.

Mr. Gabbert was married on the 28th of December, 1848, to Miss Eliza J. McGarvey, of Holmes county, Ohio.

He is a genial gentleman, observant as he is generous in his social relations, thoroughly meriting the esteem in which he is held by his fellow-citizens.

HON. THOMAS S. WILSON,

DUBUQUE.

THOMAS STOKELY WILSON was identified with the interests of Iowa before it became a state. While it was a territory he was appointed one of its judges; and there are now living in Dubuque persons who recollect him, with his boyish look, sitting on the bench nearly forty years ago. His history presents points of no inconsiderable interest. He was born in Steubenville, Ohio, on the 13th of October, 1813, and was the son of Peter Wilson and Frances Stokely Wilson. He was educated at Jefferson College, Canonsburgh, Pennsylvania, and was graduated in 1832. After studying law two

years he was admitted to the bar, and commenced practice in his native town. In a short time he came west, stopping at first at Prairie du Chien, Wisconsin, where he had a brother, Captain George Wilson, of the 1st United States Infantry, under command of Colonel, afterward General, Taylor. In the autumn of 1836 he selected Dubuque for his home. Here he has resided for forty years, and has often been the recipient of political honors. It was in 1838, when but twenty-five years of age, that he received from President Van Buren, the appointment of one of the judges of the supreme

court of the territory. In June of the same year he was nominated as a candidate for congress by the northern counties, and was preparing to commence the canvass when the news came of his judicial appointment.

Judge Wilson sat on the supreme bench till 1847, one year after Iowa assumed her sovereignty, when he left that high position to form a law partnership with Platt Smith and his brother, David S. Wilson. Both of these gentlemen are still living in Dubuque, and his brother is judge of the ninth judicial district. In April, 1852, he was elected to the same office which his brother holds at the present time,

and by repeated elections he held that office ten years. Judge Wilson was in the Iowa legislature two terms, in 1866 and 1868, and at the former session was offered the complimentary vote of the democratic members for United States senator, but declined the honor. He is now holding the office of city attorney.

Judge Wilson married Miss Anna Hoge, of Steubenville, Ohio, before he left his native state. She died in 1854, and ten years later he married Miss Mary Stokely, a native of Derbyshire, England. He has three children living by his first wife and two by the second.

HON. SAMUEL J. KIRKWOOD,

IOWA CITY.

SAMUEL JORDAN KIRKWOOD, governor of the State of Iowa, and United States senator-elect, was born in Hartford county, Maryland, on the 20th of December, 1813. His parents were of Scotch-Irish descent and settled in this country previous to the war of the revolution. When ten years old he went to Washington, District of Columbia, to attend a school conducted by his uncle, John McLeod, where he remained four years. He then entered a drug store as a clerk, continuing until after his majority, excepting eighteen months spent in teaching school in York county, Pennsylvania. In 1835 he left Washington, and moving west settled in Richland county, Ohio, and assisted his father and brother in clearing up a farm. In 1841 he began the study of law in the office of Judge Thomas W. Bartley, in Mansfield, Ohio, and in 1843 was admitted to the bar by the supreme court of Ohio, at the spring session held at Cincinnati. Soon after his admission to practice he engaged in his chosen profession, in partnership with his former preceptor, Judge Bartley, which copartnership continued for eight years. From 1845 to 1849 he served as prosecuting attorney for his county, discharging the duties acceptably. He served as a member of the constitutional convention which met at Columbus, Ohio, in 1850, which, after a three months' session, adjourned until winter and sat a balance of a six months' term at Cincinnati. This convention framed the present constitution of that state.

In 1851² his associate in the practice of law was elected as one of the judges of the supreme court,

and Mr. Kirkwood entered into partnership with Colonel Barnabas Burns, with whom he remained in practice until the spring of 1855, when he removed to Iowa and settled upon a farm near Iowa City. Here he engaged in milling and farming until the breaking out of the war in 1861. In 1856 he was elected to the state senate and served through the last session in Iowa City and in the first in the new capital at Des Moines. At this last session they adopted the system of state banks, the safety of which has been practically proven. In 1859 he was elected governor over the democratic candidate, Hon. A. C. Dodge. This was the last severely contested election of the state, the republican majority being over three thousand. In 1861 he was re-elected governor with a majority of about eighteen thousand. As governor during the darkest days of the rebellion, he performed an important duty, reflecting much credit upon himself and the state. His administration during those trying times was bold, economical and successful. Each quota of troops was so promptly filled that no draft became necessary.

During his gubernatorial term he was nominated by President Lincoln as minister to Denmark. He was unanimously confirmed by the senate, but on being notified declined to accept until the expiration of his term. His privilege to accept the mission was held open until the expiration of his official term; but he finally declined the appointment, his private business requiring his immediate attention.

Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa

Belonging to the First and Second
Generations, with Anecdotes and
Incidents Illustrative of the Times

By

EDWARD H. STILES

For many years a member of the Iowa Bar; member of its House of Representatives, 1863-1864; member of its Senate, 1865-1866; Reporter of its Supreme Court, 1867-1875; author of Complete Digest of its Decisions from the earliest Territorial period to the 56th Iowa Reports.

"In old age alone we are masters of a treasure of which we cannot be deprived, the only treasure we can call our own. The pleasures of memory and the retrospect of the varied images which in an active life have floated before the mind, compensate, and more than compensate, for the alternate pleasures and cares of active life."—SIR ARCHIBALD ALLISON.

"Personal anecdotes, when characteristic, greatly enliven the pages of a biography."—SAMUEL SMILES.

RECOLLECTIONS AND SKETCHES

his gentle goodness and attaching qualities of heart, will shed a calm light over his memory, like the pure ray of some distant star which the mists for a time obscured from our view."

Associate Justice Thomas S. Wilson.

I know nothing of the ancestry of Judge Wilson. I have not been able to obtain any information respecting it, and the autobiographical narration embraced in this sketch fails to throw any light upon it, save that it discloses that he was given an academical education, from which we naturally infer that at least his parents were fairly well circumstanced and able to give their son a suitable education; and beyond question, he belonged to a strongly intellectual family. He had three brothers who, as well as himself, attained more or less pre-eminence as men of ability. His brother George was an officer of repute in the regular army and a member of General Zachary Taylor's Regiment. His brother David, whom I knew well, and who was a most companionable and delightful man, was an able lawyer, and for a number of years, Judge of the District Court in the District embracing Dubuque County, and his brother, Samuel Wilson, was one of the most distinguished lawyers in California. The latter had two sons who became leading lawyers in San Francisco. While in California quite a good many years ago, I was told that Wilson was the greatest land lawyer in the State, particularly along the line of Spanish grants. He was regarded as very able. I might also add that Judge Wilson had a nephew that I knew in Missouri, George Wilson, a banker at Lexington, who was a man of decided intellectual parts; that he had another nephew in Kansas City, Missouri, B. Wells, a learned lawyer, who was one of Edwin M. Stanton's Secretaries during the War of the Great Rebellion; that he had a niece at Dubuque, Rebecca Wells, one of the brightest, as well as one of the loveliest of women, who became the wife of the distinguished Iowa Editor, M. M. Ham, of the Dubuque Herald—both long since dead; and that he himself had a daughter who was regarded as one of the most charming and gifted ladies in Dubuque. I know not whether she be living.

Thomas S. Wilson enjoyed many offices of trust, and in every one he exhibited perfect fidelity; among them, that of Prosecuting Attorney of Dubuque County, and of Grant County while we were a part of Wisconsin Territory, and he was one of the Commissioners to settle the title to the Half Breed Tract. After the organization of the Territory in 1838, he received the first nomination for Congress. But pending this, the news came of his appointment as one of the Judges of the Territorial Supreme Court which he concluded to accept, and in consequence declined the nomination for Congress. He came within one vote of being elected United States Senator when George Wallace Jones was chosen for that office. In 1852, he was elected District Judge of the Second Judicial District and re-elected in 1857, serving in that capacity for eleven years, making in all a judicial service on the Ter-

ritorial and State Bench of twenty years. He several times represented Dubuque County in the Legislature. In every position he proved an able, true and useful servant of the people. He was the early and constant friend of Dubuque and a protector of its rights. He was ever the friend and ally of the early settlers and exerted himself on all needful occasions to defend their rights. He was selected to represent them at Washington when their titles were threatened by Congressional action, and on all occasions showed his fidelity to the people who had braved the perils of the wilderness to found a State, and for him, in return, they always cherished an appreciative regard.

When appointed as one of the Supreme Judges he was scarcely twenty-five years of age and by several years younger than his associates. Not only young in years, but in appearance, his slight form and stature accentuated his boyishness; he hardly filled the preconceived idea of what a Judge should look like. This, as well as his innate good nature, is illustrated by the following relation of Professor Parvin:

At the date of the organization of the Territory, Judge Wilson was the only one of the Judges on the ground. Judge Mason was absent from Burlington and Judge Williams had not yet arrived at Bloomington (Muscatine). Having attained my majority, I was anxious to be admitted to the bar and repaired by steamer to Dubuque that I might be sworn in by Judge Wilson. Arriving at Dubuque I sought the residence of Judge Wilson without delay. Reaching the open door, for it was midsummer, and the whole scene now, after forty and eight years have passed, seems like a "midsummer's dream"—we were met by a pleasing and youthful looking gentleman who invited us in. Taking him for a son of the old Judge, I asked for his father. He had no father, he said, and even blushed at my embarrassment. Rallying in a moment, we stated that we had called to see His Honor Judge Wilson, of the Supreme Court of the Territory of Iowa; and were surprised, as well as more embarrassed, when informed that he was Judge Wilson. Could it be possible that this young man was one of the Supreme Judges! Three months later when the first term of the Court was about to close at Burlington, a steamer from below was announced. Judge Wilson, desirous of returning to his home at Dubuque, requested the United States Marshal, General Francis Gehon, who also lived in Dubuque, to go and secure him a berth. The general, an old and large man, went to the steamer and engaged a room for the Judge and so reported. A few minutes later Judge Wilson hastened aboard with his grip-sack, and having the number of his room, at once went to it. The captain stopped the Judge at the door and said, "Hold on, young man, you can't have that room." "This is the room I've engaged," blandly remarked the Judge. "No, sir," said the captain, a tall, middle-aged man of the world, "that room is reserved for the old Judge who is going to honor me with his company to Dubuque, and I am waiting his coming. I will give you a good room, but not that one." The Judge, taking in the situation, good humoredly replied: "I know the Judge well; he and I are good friends and always travel together." Just then the Marshal came in, and seeing the Judge outside the door, asked: "Did you find your room?" "Yes," said the Judge, "but the captain won't let me in." The Marshal coming forward, at once introduced to Captain Throckmorton his friend, Judge Wilson. The captain, more surprised than we had been upon a former occasion, looked down upon the young Judge and then to the old Marshal and said: "What, this young man Judge of your Supreme Court! In my country they make judges of old men, not boys." Grasping the young boy-judge by the hand, he cordially led the way to his room and laughed heartily afterward at his mistake.

It will go without saying, that the appointment of one so young to such a high and responsible office, shows that he must have been regarded as a young man of

superior attainments. In 1881, I earnestly requested him to assist me in the present work by sending me a brief autobiographical sketch, together with such other information respecting the early times as he might be pleased to give. In kindly response, he sent me the following narration which I feel assured will prove of interest:

I was born at Steubenville, Ohio, October 13, 1813; graduated at Jefferson College, Pennsylvania, in 1832; commenced the practice of law there in 1834; left for Wisconsin the first of October, 1836. Edwin M. Stanton and myself were about the same age. Our parents were neighbors. When children we went to the same school (our first) and slept with our heads resting together on the lap of the schoolmistress. When I left Ohio for the West he came from his home at Cadiz to bid me farewell. He told me that he would move to Steubenville to fill my place at the bar, which he did. When he was Secretary of War he made it a point to bestow favors upon his early friends. He inquired of my brother David, who called upon him in Washington, why I had not been to see him. My brother remonstrated with me for not having done so, saying that Mr. Stanton had remarked that I was the only early and intimate friend on whom he had not bestowed an office, and he told David that he wanted me to come and see him. Having business in the East a few months after that, I called at the War Office to see him. It was during the Civil War. The ante-room was filled with Generals and other officers waiting for an audience. I sent in my card. He immediately sent for me to come to his room. I was conducted in. Upon entering he took me by the hand, gave me a hearty greeting and after some friendly and reminiscent conversation, insisted that I should go home with him at five o'clock and remain his guest during my stay in Washington. He said he desired to send me South on important business for the Government. I told him that I greatly appreciated his kindness, but that as my wife was very near her end with consumption I could not leave her or be absent longer than possible from her and that I must leave for home on the next train. I had a high regard for him and deeply regret that I did not see more of him in his later years. He was one of the most extraordinary men in history.

When I came to Wisconsin I landed with my wife at Prairie du Chien, as my brother, George Wilson, who was a lieutenant in General Taylor's regiment, was living there. George advised me to settle either at Mineral Point or Dubuque. I visited the former place, but did not like its appearance. On my way back to Prairie du Chien, feeling homesick and melancholy and much perplexed as to which of the two places would be the most desirable, I alighted from my horse at one of the Platt mounds and tossed up a dollar, saying to myself, if heads turn up I will go to Dubuque, if tails, to Mineral Point. It turned up heads and I started on a canter for Prairie du Chien. The steamer which made biennial visits to the town had made its fall visit and we were obliged to put our baggage into a canoe, and by this means of conveyance to make our way to Dubuque. We reached Cassville the first evening, and Dubuque on the second, eating our midday lunches on the island.

I immediately opened an office, soon acquired a practice, and in a short time was appointed prosecuting attorney. Judge Irvin, one of the Judges of the Supreme Court of Wisconsin Territory, was assigned to the Judicial District composed of the counties on the west side of the Mississippi; Judge Dunn, to the counties of Grant, Crawford, Iowa and Greene; and Judge Frazer, to the eastern counties. There were then but two counties on the west side of the river, viz., Dubuque and Des Moines. The boundary line between them on the river was a few miles below Davenport.

I brought a suit of forcible detainer in favor of a client against Antoine Le Claire, of Davenport, to recover the possession of a farm adjacent to that town. The suit was tried before Warner Lewis, a Justice of the Peace in the town of Dubuque. Stephen Hempstead, W. W. Chapman, Peter H. Engle and myself were the only practicing attorneys at Dubuque. Thomas P. Burnett, a very talented and experienced lawyer of Prairie du Chien, had one side or the other of every case in the counties of Iowa, Grant, and Crawford, in 1837-8.

In 1837, I was appointed by Governor Henry Dodge prosecuting attorney of Dubuque County, and by the court prosecuting attorney of Grant County, but soon resigned as I disliked the business of prosecuting.

As soon as the bill organizing Iowa was passed, the northern counties held mass meetings for the nomination of a Delegate to Congress, and I was nominated. W. W. Chapman, who had removed to Burlington, was a candidate also. After my nomination, at the suggestion of friends, I prepared to canvass the lower counties of the Territory. When I arrived at the steamer to take my passage to Burlington, I was informed by the clerk that I had been appointed one of the Judges of the Supreme Court of Iowa. When I expressed my doubts about it, he took me into the office and showed me a copy of the Missouri Republican, which contained a notice of it. I then returned home to consider whether I should accept. After a few days' consideration I concluded to do so, and declined the nomination for Congress.

The most important law suit with which I ever had any connection either as judge or lawyer was the suit in which was tried the validity of the Spanish and Indian Grant to Julien Dubuque for the land including the present city of Dubuque, and running from the mouth of the little Maquoketa to a point nine miles west, thence south in a parallel line to the Mesquibenanques Creek (now called "Tete des Mortes"), thence east to where that creek empties into the Mississippi River. Julien Dubuque was an Indian trader, a Canadian Frenchman, whose trading house and dwelling were located at the mouth of Catfish Creek, about one and a half miles below Dubuque City. He purchased his goods from Mr. Choteau, of St. Louis, a prominent member of the American Fur Company. In the year 1788, Dubuque, at Prairie du Chien, procured a grant for the same land from the Indians (Sacs and Foxes), and presented it in 1796 to Baron Carondelet, the Spanish Governor of the Territory of Louisiana, at New Orleans, for confirmation. The Baron endorsed upon the petition of Dubuque the words, "Granted as prayed for," and signed it. A grant was first procured from the Indians who then occupied the country, as the Spanish Government never allowed any intrusion upon their lands without their consent, and it is worthy of note here that it never sold an acre of land in its American possessions, but granted the land to settlers upon their petition. It never surveyed the lands, but its rules required that persons who obtained grants of land should, unless a plat of survey was presented with the petition for the grant, have a survey and plat made, and these were recorded in the books of the Governor's Office.

Dubuque never had this survey made. Being indebted to Choteau for Indian goods, he conveyed to the latter the south half of the lands in his grant. Dubuque died at his trading house on the land in the year 1810, and after his death the Indians occupied the land. The Territory of Louisiana was ceded by Spain to France and by France to the United States. When Iowa was organized as a Territory, the public lands were surveyed, and the sale of lands commenced. But for years after other lands on the river were sold, the lands described in the grant to Julien Dubuque were not opened for sale. These lands were kept from sale by the influence of the Missouri members of Congress, Thomas H. Benton, Lewis F. Lomax and others, who interfered at the request of the Choteau family, which had great influence in Missouri. The pretext was, that the validity of the Dubuque claim should be settled before a sale of the land. But in the course of time, the Commissioner of the General Land Office ordered the lands, including these, into the market, commencing as in all other sales, with a public sale. Before the date of the sale Congress met, and the Missouri Senators introduced a senate resolution, which passed, requesting the President to hold these lands from sale. This caused great trepidation among the settlers here who had settled upon and improved the lands, for the postponement of the sale depreciated the value of the lands and prevented their settlement. Further, it retarded the settlement of the town of Dubuque, and kept its population below that of Burlington and Davenport. Having a large farm on this tract on which I resided, I was called upon by many of the settlers to go to Washington, in order to prevent any interference with the sale. I did so, and had an immediate interview with S. C. Hastings and Shepherd Leffler, our members of Congress. We had then no representation in the Senate. I presented the situation to them, and it was agreed among us at my suggestion,

that Judge Hastings should call the next morning on the President, and ask him not to interfere to postpone the sale, but that if he thought he could not disregard the Senate resolution, then to ask him if he would not permit the sale to proceed if the lower house should pass a resolution requesting it. The President replied that he would. As soon as the House met, Judge Hastings introduced the resolution. It was opposed by the Missouri members, and as the vote was taken viva voce it was difficult to decide whether it had passed or not. But Judge Hastings, after the House adjourned, went to the clerk and asked him for a copy of the resolution "which had just passed." The clerk replied, "It did not pass, did it?" Hastings replied, "Certainly, it passed," and the clerk gave him a certified copy, which was presented to the President, and the sale proceeded. With great joy we entered our lands, but the Choteaus soon brought a suit to test the validity of their claim. I was at the first selected as the victim defendant, but as they were not certain on which part of the grant my farm was situated, they selected P. Malony, the owner of a large farm, as defendant. He employed me as his attorney, and I commenced the study of Spanish grants and Spanish law applicable to the case. This opened up a new field of research to me and to Judge Dyer, the United States District Judge here, before whom the suit was pending, and we spent much of our time for two years in the investigation. The case was decided, as a matter of form in our favor in the court below, and was appealed to the Supreme Court of the United States. The accomplished gentleman, Reverdy Johnson, was the attorney for the plaintiffs, and I employed Platt Smith, Esq., to assist me in the defense. On the trial of the case in the Supreme Court Mr. Johnson made a powerful speech for the appellant; one which surprised and alarmed Mr. Smith and myself, as we did not think that so good an argument could be made in so weak a case. The case was submitted and we waited at Washington many days anxiously for the decision. I was stopping with my wife at Brown's hotel, as also were United States Supreme Judge McLean and his family. I should have stated before, that in the conclusion of my argument to the court, in order to call its attention to the importance of the case, and to inform them that the controversy was not about a tract of wild and unsettled land, I remarked that a decision of the case adverse to my client, would place hundreds of families at the mercy of foreign, heartless speculators, turning them from house and home; that these men, women and children would be turned into the wilderness and be in a worse predicament than were the children of Israel when they were in the wilderness, for the latter had the "pillar of cloud by day and the pillar of fire by night" to light their path and direct their wanderings, and their hunger was satisfied by manna from Heaven, while our poor settlers would have no such blessings, and hunger, poverty, destitution and death would mark their lonely way.

One morning while we were thus anxiously waiting for the Court's decision, my wife and I were at the breakfast table, when Judge McLean entered with his family, and seated themselves near us. Judge McLean then said to my wife in a playful manner, "Mrs. Wilson, are you ready this morning to pack up and start into the wilderness?" alluding to my argument. She replied, "No, Judge, and I hope the Court will not make any decision that will render that necessary." Without finishing my breakfast, I hastened to the room of my colleague, Platt Smith, who was sleeping soundly, and said to him, "Smith, wake up, we have gained our case." "What makes you think so," said he. I related to him what Judge McLean had said at the table, adding that Judge McLean was too much of a gentleman to joke with us upon the subject if the decision had been against us. We hastened immediately to the office of the clerk of the Supreme Court to inquire about the decision, and were informed that the Judges had made a decision in their room the day before, but what it was, was not known. In a few days a decision by a unanimous Court was handed down in our favor, based on the ground that there never was a legal survey of the grant, and that the paper signed by the Baron Carondelet was merely an inchoate grant.

I may add here that for my services in the case, including two years of labor and the expenses of two winters' sojourn in Washington, waiting for the cause to be reached and then trying it, I received the enormous fee of \$800 in city warrants, which I had cashed for \$700. The land in controversy was nine miles wide and twenty miles long situated on the banks of the Mississippi River, including the City of Dubuque.

Julien Dubuque had great influence with the Indians, and sometimes resorted to unworthy measures to maintain his influence over them. At one time he was desirous of obtaining a favor from them, which was refused by them after three days' solicitation. On the evening of the third day he told them that if they did not grant his request he would set fire to and burn up the Mississippi River the next morning. In the night he took out a barrel of turpentine and poured it on the still waters of the creek near its mouth. The turpentine like oil floated on the surface. In the morning he set fire to the turpentine, telling the Indians that, to show them that he had power to fulfill his threat to burn the river, he would burn the creek. He touched fire to the turpentine and the blaze, to the great astonishment of the Indians, spread over the surface of the water in the creek. He then called out to them, "Will you grant my request, or shall I burn up the river?" They immediately cried out that the request was granted and besought him to put out the fire. He ordered the fire to stop in a certain number of minutes, giving time enough for the turpentine to burn out. It was said to be the great object of his life to find out how many Indian wives he could get, but he never kept but one at a time.

As an accompaniment to the foregoing narration, he sent me an additional paper containing some incidents and observations concerning the period, from which I give the following excerpts:

I have associated with two generations of men and it is my opinion that the first settlers were far superior to their descendants of the second generation. Their necessities and the privations they endured drew out and strengthened their best qualities. There was no communication with the East except steamboat via the Ohio and Mississippi rivers. It was a two weeks' trip even to Wheeling or Pittsburg, and from thence to Washington almost an interminable one. There were but two counties in Iowa, Dubuque and Des Moines, Davenport being included in Dubuque County. There were at Dubuque but three or four stores. These furnished the common necessities. If we wanted anything further we had to go to Galena. The Indians had at that time ceded only a strip of land about sixty miles wide along the river. There was not a railroad nor telegraph in the United States. When navigation closed our only communication with the East was by mail carried on horseback via Chicago. When traveling on the river was not safe we went on horseback to the Supreme Court and Legislature at Burlington, following the bank of the river. General Taylor, afterward President, was stationed at the Indian agency of the Sacs and Foxes at Prairie du Chien. On the Neutral Ground were the Winnebagoes with their hereditary chiefs, One Eye and Waukonda De Korry; after the latter of whom were named the towns of Waukon and Decorah. General Taylor landed with his regiment at Dubuque on his way to the Florida War. He had his family in a Mackinaw boat. I suggested to him the propriety of his embarking to St. Louis on a steamer which was then at the wharf. He replied, "I always travel with my men"; and he did, in the boat all the way to New Orleans, his men going in accompanying boats.

At the trial of Chegaweyscum, a Chippewa Indian, for the murder of a half-blood trader, Burnett was employed to prosecute and I was appointed by the court to defend. While the prisoner was being conducted by the marshal from the jail to the court room he was under the impression that he was to be immediately hanged, and requested the marshal to shoot him instead. When he entered the court room he sang as he marched to his seat the Indian death song, which translated was, "Is it true; is it true; is it true, that I must die? Great Spirit, give me your hand," stretching his hand toward heaven, and bracing himself with Indian heroism to meet the death which he instantly expected. Upon his acquittal he desired to go to Dubuque and serve me; and did. But being annoyed by some Winnebagoes, he finally returned to his nation. On leaving, he took my right hand in both of his, as a manifestation of gratitude, and pressed it against his heart until its rapid pulsations could be felt. He subsequently sent word to me by a trader that he had for me two handsome Indian girls as presents for wives. My wife very unreasonably objected and the presents were not sent.

I hunted over the ground where the City of McGregor now is. There was then no settlement there. Alexander McGregor sold eighty acres of land in Chicago, where the Wells Street depot now stands, to buy at McGregor. The Chicago property is now worth many millions. The first court ever held in Iowa Territory after its organization was held by me in that county in September, 1838, at Prairie Laporte, from which the county seat was afterwards removed to McGregor.*

The first term of court in Jackson County was held by me in an unoccupied building belonging to Mr. Hefley, a grocer. A hogshead of molasses which was in the room was rolled against the side wall, with the end upward. Judge Grant was trying his first case in that county and the following ludicrous incident illustrates one of his well-known peculiarities. While addressing the jury the high-pitched, shrill and piercing tones of his voice, for which he was distinguished, reached far and near the ears of the loungers on the outside, who thinking there must certainly be a row on hand rushed pell-mell for and into the court room. The bailiff, a short man, mounted on top of the hogshead to restore order, but while in the act of doing so at the top of his voice, the head of the cask gave way and he went down chin-deep into the molasses. The effect of this on the court proceedings can be imagined better than described.

My personal acquaintance with Judge Wilson commenced in 1864, and was actively renewed in and continued from 1867 to 1875, during the spring and fall sessions of the Supreme Court of the State at Dubuque, which I invariably attended, and indeed, was required to attend for the purpose of hearing the arguments, under the law relating to the Reporter's office.

During this latter period, he was in the neighborhood of 60 years of age. Time had naturally wrought its changes. But he was the same amiable, kindly, thoughtful man that he has always been described as being. He was generous and charitable to a fault; he had not amassed a fortune, and was still in the hard-working professional harness. He was employed in important litigation, and continued active professional life to a late period.

He was in many respects quite in contrast with his associates. While he was short and slight, they were both tall and comparatively large. One of them was thirty-two when appointed, the other older, while he was only twenty-five. He had neither the dominant qualities of Judge Mason nor the vivacious ones of Judge Williams. But he was a rare man nevertheless; rare in the soberness of his judgment, in his general equipments and ability as a lawyer, in his industry and usefulness as a Judge, in the fidelity of his friendships, and in his unflinching kindness of heart and manner. He was a natural-born gentleman; his tokens of heraldry were from the Almighty; he belonged to the old school of which there are scarcely any specimens left. He was able and efficient, both as a Trial and Associate Judge, and he laid aside his judicial robes as unsullied as when he put them on.

* It must not be understood that this was a session of the Supreme Court, but of the nisi prius or district court of that division, the Territory being judicially divided into three districts, which were assigned to the Judges respectively. Judge Mason had the lower district, Judge Williams the middle district, Judge Wilson the upper district. From the decision of any one of these district courts an appeal lay to the Supreme Court of the Territory, which was composed of the three Judges in banc.

In view of his great and well-known industry, coupled with his unquestioned ability, it has been a matter of surmise as to why a greater number of the published opinions did not emanate from him. His explanation which I cheerfully give, is contained in the following letter:

Dubuque, Iowa, July 22, 1886.

Hon. E. H. Stiles.

Dear Sir: Your letter of the 19th was received yesterday. My statement as to the authorship of the opinions of the Court as contained in Morris Reports is that at least one-third of them was written by myself. When I wrote out those in cases left with me, I procured L. A. Thomas, Esq., an attorney of this place, to copy them for me, and forward them to Mr. Morris, the Reporter. This he did, but neglected to note by what Judge the particular opinion was written. Mr. Thomas and I afterwards talked the matter over together and he remembered well how the mistake occurred. The printer, where no Judge was named as the author, credited them to the Chief Justice.

I think justice should be done me in the premises by some public notice, especially as a certain gentleman has referred to it as an evidence of my indolence.

Yours truly,

T. S. Wilson.

After having given the subject a pretty close examination, it is my deliberate opinion that the statement of Judge Wilson is perfectly correct. Indeed, if it were not, it is morally certain that it would never have been made. One important thing is clear from Judge Mason's statement, that upon full hearing and consultation they nearly always agreed.

Judge Wilson died in Dubuque in 1894, after a continuous service as lawyer and judge for a period of sixty years—from 1834 to 1894. He was a pure and lovable man, and in the entire history of the commonwealth it has never had a more faithful and heroic servitor. His name and memory should be perpetuated in its annals, and this I have in my feeble way endeavored faithfully to do.



You searched for **Thomas S. Wilson** in **Iowa**

1860 United States Federal Census

Name:	Thomas S Wilson	
Age in 1860:	40	
Birth Year:	abt 1820 1818	
Birthplace:	Ohio	
Home in 1860:	Dubuque, Dubuque, Iowa	
Gender:	Male	
Post Office:	Dubuque	
Value of real estate:	View image	
Household Members:	Name	Age
	Thomas S Wilson	40
	Mary Wilson	40
	Fanny Wilson	20
	William Wilson	14
	Eliza Wilson	12
	Frank Wilson	9
	Thomas Wilson	6
	Ellen Curley	16
	Rosa Bell	25

Source Citation: Year: 1860; Census Place: Dubuque, Dubuque, Iowa; Roll M653_320; Page: 176; Image: 536.

Source Information:

Ancestry.com. 1860 United States Federal Census [database on-line]. Provo, UT, USA: The Generations Network, Inc., 2004. Original data: United States of America, Bureau of the Census. Eighth Census of the United States, 1860. Washington, D.C.: National Archives and Records Administration, 1860. M653, 1,438 rolls.

Description:

This database is an index to individuals enumerated in the 1860 United States Federal Census, the Eighth Census of the United States. Census takers recorded many details including each person's name, age as of the census day, sex, color; birthplace, occupation of males over age fifteen, and more. No relationships were shown between members of a household. Additionally, the names of those listed on the population schedule are linked to actual images of the 1860 Federal Census. [Learn more...](#)