

miscl
list

Standard Form For Members of the Legislature

Name of Representative Casey, Joseph M. Senator Casey,

Joseph Montgomery - Represented Lee County, Iowa

1. Birthday and place 25 Mar 1827 Adair County, Kentucky

2. Marriage (s) date place
Miss Sarah Jane (Hard) Hollinsworth 1854

3. Significant events for example:
A. Business Admitted to the bar in 1847
B. Civic responsibilities Mason
C. Profession Lawyer

4. Church membership Presbyterian

5. Sessions served 18th General Assembly 1880 - House of Representatives

6. Public Offices 21st General Assembly - 1886 - Senate

A. Local Kirkub County prosecuting attorney 5 years; Kirkub County Judge elected in Oct 1859 - Apr 1861; mayor of Fort Madison - 2 terms; Judge of the 15th Judicial District Nov 1866 - 3 terms

B. State _____

C. National _____

7. Death 9 Feb 1895

8. Children Albert E.; Robert M.; Belle W. (Mrs. William S. Hamilton); Joseph M. Jr.; Sarah; one other child died in infancy

9. Names of parents Green and Jane (Patterson) Casey

10. Education Received a good academical education
in common schools of Illinois and Iowa
and the academy at West Point, Iowa

11. Degrees _____

12. Other applicable information Democrat

- At age 17 he began the study of law in the office of Judge John J. Kinney where he studied for 3 years
- In 1847 he settled in Keokuk County, Iowa.
- In 1861 he moved to East Madison, Iowa
- For 2 years he was editor of the Iowa Democrat and for 3 years editor of the East Madison Plaindealer newspapers.
- In 1836 the family moved from Kentucky to Sangamon County, Illinois
- His father made a trip into Iowa and made a claim that later became the town of West Point, Iowa. He went back to Illinois to move the family to Iowa and died.
- The mother and 4 children made the trip, moving to West Point, Iowa in Lee County.
- Wife, Sarah, born 1832 in Wayne County, Ohio, married a Mr. Hollenworth in 1850. He died in 1851. They had one son now known as Albert E. Casey.

Mr. Evans is a public-spirited man, and engages heartily in such local enterprises as tend to build up and further the interests of his city. The First National Bank of Council Bluffs was first incorporated under the state law; in 1865 it was organized under the national banking law. In 1870 Mr. Evans was elected president of this institution, and still holds that office. He took an active part in building up the agricultural works and the paper mill of Council Bluffs, and is a stockholder in the same. He is a man who takes pride in educational matters, and during the last ten years has contributed liberally of his time and money to the development of the public schools of his city.

Although he has never sought political honors,

his fellow-citizens have imposed upon him positions of trust. During the years 1868 and 1869 he served in the city council as alderman; it was at the time when the railroad lines running into the city were being completed, and the street railway and gas works were in process of construction,—so that the office was one of more than usual responsibility.

Personally, Mr. Evans is a man of admirable qualities, and from his varied experience and wide observation has acquired a fund of knowledge that renders him a most agreeable social companion.

His family consists of a wife and three sons. Mrs. Evans is a lady of fine attainments. The sons are now in school, their parents desiring to give them the advantage of a liberal education.

HON. JOSEPH M. CASEY,

FORT MADISON.

JOSEPH M. CASEY, a native of Adair county, Kentucky, was born on the 25th of March, 1827, the youngest of a family of six children. His grandfather was one of the pioneers of Kentucky, and his father, Green Casey, was the first male child born in Adair county. His mother, Jane *née* Patterson, was a native of Rockbridge county, Virginia. Both of his parents were well educated, and zealous members of the Presbyterian church.

When Joseph was eleven years old his father died, leaving his family in moderate circumstances. He received a good academical education, and at the age of seventeen began the study of law in the office of Judge John F. Kinney, who was then a prominent jurist in Lee county, Iowa, and who afterward became judge of the supreme court of Iowa. After a three years' course of diligent and thorough study, young Casey, in 1847, was admitted to the bar, and, settling in Keokuk county, was at once elected prosecuting attorney. He held that office for five years, and in that time established an enviable reputation as a prosecutor and as a lawyer. In October, 1859, he was elected county judge of Keokuk county, and satisfactorily performed the duties of his office until April, 1861. Desiring, however, to make Fort Madison his permanent home, he removed thither, arriving on the 12th of April of the last-named year, leaving a lucrative practice and many true friends.

Although Judge Casey's attention has been de-

voted mainly to the practice of his profession, he has yet found time for literary culture. He was for two years editor of the Iowa "Democrat," while a resident of Keokuk county, and was for three years editor of the Fort Madison "Plaindealer."

In political sentiment he has been always an uncompromising democrat, and cast his first vote for General Cass. But although he has firmly adhered to and advocated the principles of his party, he has never been so biased by political prejudice as not willingly to allow those who differed from him the peaceful enjoyment of their opinions, recognizing the fact that men may honestly differ in their views. As a consequence he has many warm personal friends among men with whose political views he has no sympathy.

Personally, Judge Casey is kind, courteous and affable. He has a decidedly mathematical turn of mind, and his arguments, especially those before the supreme court, have been styled by superior jurists as models of logical strength and literary excellence.

He has taken a prominent stand in the masonic fraternity, and been honored with the highest offices of the craft. As a Royal Arch Mason, he is acknowledged to have few superiors.

He has taken a deep interest in educational matters, and in all public enterprises tending to the prosperity of his city he has coöperated to the extent of his ability. He has twice filled the office of mayor.

From: U.S. Biographical Dictionary
Iowa Volume - Chicago N.Y. - American Bio
Publishing Co. 1878 Page 168

As a lawyer, his aim has been to be true and faithful to his clients. He resolved, when he first began his practice, that he would never resort to deception or dishonesty, and has rigidly adhered to his principles, so that courts and juries never doubt the sincerity of his arguments, and it has become a common saying, "for safe counsel and honest advice go to Judge Casey."

His life has been spent in the interests of his fellow men, with a full realization of the truth that, while he should seek to develop in himself a true manhood, he should also do all in his power to assist others. Such has been his course of life, and

his dealings with all with whom he has had to do, that he has secured to himself universal confidence and respect.

Judge Casey was married in 1854 to Miss Sarah J. Ward, a native of Ohio, and daughter of Thomas and Nancy Ward. They have had five children, four of whom are now living.

Such in brief is an outline of the life history of one whose career has been marked by enterprise, energy, pure motives and honest effort. He has made himself what he is, a worthy type of independent manhood, and may justly be placed upon Iowa's roll of honor.

HON. LYSANDER W. BABBITT,

COUNCIL BLUFFS.

LYSANDER W. BABBITT, a native of Ovid, Seneca county, New York, was born on the 31st of January, 1812, and is the son of William J. Babbitt and Persena *née* Losey. His paternal ancestors were of Welsh origin, while his maternal grandfather was a Hessian and served in General Burgoyne's army. His father was a blacksmith by occupation, and he himself early developed a decided mechanical taste. In 1828, being then sixteen years of age, he learned the gunsmith's trade and pursued that occupation in New York until 1833. During the next three years he continued his trade at Cleveland, Ohio, and in 1836 removed to Burlington, Iowa, and there resumed the same calling, and continued it with good success until the year 1844. During his residence in Burlington he became well known as a man of fine native talents and thorough business qualifications, and in consideration of these he was soon honored with positions of trust. In 1838 General A. C. Dodge, who was then brigadier-general of the territorial militia, at Burlington, appointed him adjutant of a regiment which was held in readiness to quell border troubles. In 1841 he was elected city recorder, and served in that capacity for two years. Soon after this he removed to Knoxville, in Marion county, and there was appointed clerk of the district court and of the board of county commissioners.

Iowa was then a territory, and there being at that time no railroads within its limits, Mr. Babbitt made the journey to Knoxville with an ox team. Some idea of the wildness of the region may be formed

from a knowledge of the fact that within the last hundred miles which he traveled there was but one house, and that was on the present site of Oskaloosa. At Knoxville he turned his attention toward mercantile pursuits, and also operated a grist and saw mill. In his business he met with fair success, but was soon called to serve in other capacities.

In 1849 he was elected to represent in the state legislature Marion, Jasper, Story, Polk, Dallas, Madison, Guthrie, Warren, Boone, and all the counties of that tier, westward to the Missouri river. There were then probably not more than thirty voters in this whole section outside of Pottawattamie county, and only nine votes were cast. After serving his term of two years, he was, in 1851, reelected for a second term. In 1853 he removed to Kaneshville (now Council Bluffs), having been appointed by President Pierce register of the United States land office at that place. He served in this capacity until 1856, at which time he again turned his attention to merchandising, opening an establishment of general stores, and erecting a three-storied building to accommodate his business. He continued this business with good success for two years and then sold his interest. This was at that time a fine business point, since the overland emigrants to California, and the Mormons going to Utah, made it the principal place for purchasing their outfit.

In the year 1857 Mr. Babbitt purchased the "Council Bluffs Bugle," the oldest paper in western Iowa, having been established in 1850. This he continued to edit until 1870, firmly and zealously

United States courts for Iowa, and, after vigorous resistance, judgment was rendered against the county for the amount. Execution was issued upon this judgment, which being returned nulla bona, such proceedings were had further in the court as that, pursuant to the statutes of Iowa, the court issued an order directing the supervisors to levy and collect a tax to pay the judgment. The supervisors refused to obey this writ, and for this disobedience, a writ of attachment was issued, under which the supervisors were arrested; whereupon they brought a writ of habeas corpus before Beck, judge of the supreme court of Iowa, and upon the hearing at his chambers the defendants were discharged by Judge Beck; and from that order this appeal was taken. Upon the hearing of that appeal, the opinion was prepared by Dillon, chief justice. The case was ably argued, and the opinion is exhaustive, and decides many questions. The essential and pivotal point ruled was, that a person who is held in custody under an order issued by a court of the United States, in the regular course of procedure, is not entitled to be released on a writ of habeas corpus issued by a state court. A state court has no right to thus interfere with the proceedings and process of a federal court. Beck, justice, filed a very elaborate and exhaustive dissenting opinion, to which he attached a copy of his opinion at chambers. The case in the reports covers an hundred pages, and is well worthy of the attention of the student desiring thorough acquaintance with that question. The counsel in the case were Robert H. Gilmore, J. M. Casey, D. F. Miller and Francis Semple for the supervisors, and H. Scott Howell for the marshal.

Joseph M. Casey was born in Kentucky and was well educated, but he removed with his family when a boy to Iowa, where he studied law, and where he was admitted to the bar in 1847. He first settled in Keokuk county, where he built up a fine practice and was made county

judge. In 1861 he removed to Ft. Madison in Lee county, and he succeeded there very promptly in building up a good practice, and was recognized as the leader of the bar in his city. He was later made district judge for that first district, and he discharged the duties of that office with recognized integrity and ability. Judge Casey was a man of great moral worth, quite above the average in ability, and he exerted a potent influence for good not only upon the jurisprudence of the state, but upon the social and moral phases of his locality.

R. H. Gilmore was a leading and very prominent lawyer for many years in Keokuk. His partner a portion of the time of his extended practice there was Mr. Anderson, the firm being Gilmore & Anderson. They did a very large business, and Mr. Gilmore's arguments in the supreme court were seldom surpassed in point of thoroughness of presentation, soundness of positions and authorities in their support. We have before said that the bar of Keokuk was among the strongest, if not the very strongest bar in the territory or state, and Mr. Gilmore held a high place in that bar.

CHAPTER XXXIII.

JUDGE DILLON RETIRES, E. H. WILLIAMS APPOINTED, JUDGE MILLER AND JUDGE DAY COME TO THE COURT.

Francis Semple was one of the very earliest lawyers in Lee county, a man of very strong character and of originality of thought. His study of the law was not in his early youth nor with the idea of attaining a profound knowledge of the law, but he was possessed of such legal knowledge as, buttressed by his strong common sense