

Standard Form For Members of the Legislature

Name of Representative Darwin, Charles Ben Senator _____

Represented New Marine County, Iowa

1. Birthday and place ca. 1821 Tennessee

2. Marriage (s) date place _____

3. Significant events for example:

A. Business _____

B. Civic responsibilities _____

C. Profession Attorney

4. Church membership _____

5. Sessions served 11th General Assembly 1866

6. Public Offices

A. Local _____

B. State _____

C. National Appointed as United States judge of the District Court of Washington Territory (later Washington state)

7. Death 4 May 1901 San Francisco, California; buried

8. Children _____

9. Names of parents _____

Darwin, Charles Ben

10. Education _____

11. Degrees Possibly graduate of Oberlin Law School, Oberlin, Ohio

12. Other applicable information _____

- After graduating from college he went to Europe to study
- He was appointed a commissioner to frame the codes of
Iowa.
- He went to California in the gold rush, but returned after a year.
He then settled at Burlington in Des Moines County, Iowa. He
taught school at first, then taught in a private school followed by
being the first principal of North Hill School in Burlington.
- He was a well known orator and was considered his best at the bar
- After serving in the Iowa Legislature he was appointed a position in
Washington Territory
- He later resigned the position and moved to San Francisco California
in 1868 forming a partnership with D. O. Murphy. He later
became a partner of Mr. Murphy as an assistant district attorney.
- He practiced law in San Francisco more than 20 years.
- Two years before his death he showed signs of mental infirmity
and was placed in Napa Asylum where he died.

of its men, with its consequent waste of women, and have played with the preposterous comedy of life that is being lived under these unnatural conditions. The whole fabric of the state is being sapped by this danger. If the empire is to increase and be developed, with the women left behind by the men, then we shall soon have nothing but old women left in the country."

"And what are we to do with them?"
"Grand shrugged her shoulders.
"The house of lords can't hold any more," she said.

They said that love was blind—alackaday!
Then strung the lute with heartstrings,
soft with tears;
And love was blind, but thoughtless man
and maid
Forgot that love had ears.

They said that love was blind, and let
him play
With apple blossoms, sifted through the
years;
And now each kindred petal in the spring
Breathes what love hears.
—Virginia Frazer Boyle in Harper's Magazine.

Crocker in the Harvard Play.

New York Dispatch: Cambridge:—Old and young graduates crowded to the Hasty Pudding club Friday evening to see the undergraduates give their annual "show." It was named "The Dynamiters," but might have been named anything else. Such little plot as there was centered around the mythical but by no means ideal kingdom of Calusia, ruled by a worthless king who was himself "bossed" by Marcana de la Croca. The latter was supposed to be an imitation of the famous Tammany boss, and the character was portrayed by F. R. Dubois. His chief advisers were Mike Sik and Pat Sokum, parts taken by R. Water and H. L. Movius. Between the three of them they gave a fair idea of how the New York police department is supposed to be run. The prisoners were in every case allowed to go on paying sufficient money.

When the conspirators were being pursued Mike asked Pat what they should do with them when caught, and got the ready answer, "Blackmail them, of course." Everything was paid for.

De la Croca himself was a rather poor imitation of the famous Richard physically, but he was "boss" of the king in every sense of the word and governed the kingdom as a matter of personal business.

The last act of the play introduced a burlesque on "Sherlock Holmes," which was called "Surelock Combs" and was described as a melodramatic epidemic in one attack and three relapses.

Marriage and Divorce Laws.

Cleveland Leader: There seems to be no doubt that laws could be enacted under the constitution providing for a uniform marriage contract in all the states and prescribing the same causes and conditions under which divorce may be obtained in any part of the territory of the United States. The laxity of the marriage and divorce laws of many states has long been a source of national disgrace.

at politics. He says it from sincerity of heart when he intimates that if the good people of Iowa, who have given him the most flattering welcome ever accorded a returning minister, call him to the governor's seat he will not refuse it. No man could say less. Major Conger does not make the mistake of Dewey by waiting until it is too late and then announcing an active candidacy. He leaves it with the people, with the plain preference of continuing his important work in the Orient, if possible. His words make it decisive that he does not want the nomination unless it comes spontaneously and unanimously from the people. Six months ago this would have been possible. With the first three counties holding conventions, Boone, Story and Polk, pledged and instructed to support Cummins, the time has clearly passed, and the best friends of Major Conger believe that this is not the year in which to launch his candidacy for the highest honor within the gift of the people. He himself shrinks from becoming a tool in the hands of unscrupulous politicians for the mere purpose of knocking out any one who has entered the governorship race in good faith. For that reason he makes it plain that only a unanimous call from all the factions within the party would induce him to alter his first decision not to be a candidate.

Charles Ben Darwin.

The people of Iowa, who from 1860 to 1873 lived under the Iowa code, known as the "Revision of 1869," have many of them forgotten C. B. Darwin, who was the compiler of that code.

We find the following in a recent San Francisco paper:

"Charles Ben Darwin died at the Napa asylum last Saturday night. He was known as the foremost American student of criminal law and was constantly in demand as a criminal pleader in the early days of California. He was born in Tennessee. After graduating from a law college he went to Europe to study. He was appointed a commissioner to frame the codes of Tennessee. In the time of the gold excitement he came to California, but returned east in about a year, locating in Iowa.

After the first election of Abraham Lincoln to the presidency, being one of the presidential electors, Mr. Darwin was appointed a district judge for the territory of Washington. Having resigned this office he returned to San Francisco in 1868 and formed a law partnership with D. A. Murphy. When Mr. Murphy was elected district attorney Mr. Darwin was made his assistant. For more than twenty years he practiced law in this city. Two years ago he gave signs of mental infirmity and was removed to Napa asylum for treatment. He leaves a wife, a son and a daughter.

La Follette's Extraordinary Demand.

Davenport Republican: Governor La Follette of Wisconsin vetoed a bill taxing farmers' dogs. In his veto message he told the members of the legislature they could spend their time to better advantage in doing something to equalize taxation so that the rich would bear their just proportion. The governor is right.

heard me sing at my teacher's, gave me on Saturday and asked me to do the part on the following Monday; spent that Sunday and Monday in a way as well as in study. To appear before the wonderful Patti was enough to balance me, but to sing with her! I never forget how, when I finished my romanza that Siebel sings to Marguerite on the stage, before that whole audience, she took my face between her hands and kissed me."

Some "Voices of the Night."

When the earth is bathed in quiet and
stars are all on guard,
And the moon is sailing through the
of sky,
From the trysting place back yond
the shadows of the yard,
Comes the Thomas cat's prelude
cry!
Then they come from all directions
to uncork their throats,
An they bow their backs and swell
quivering tails,
And they laze the nightly breezes
con-catted notes
And their demi-semi-quaveristic w
Black cats, yaller cats, tortoise shell
striped cats,
Not a voice that seems to be in tu
Wille cats and Tabby cats, silken f
and scabby cats,
Singing to the midnight moon!

Then we wake from out our slumber
a sort of helpless groan,
And from out our vocal reservoir
fired
Overheated bursts of language tha
different in tone
From the prayer that we said wh
retired!
In our rage we gnash our grinders a
anger clinch our fists,
While our heart with nervous th
assaults our slats,
And we think if such a place as T
really exists,
It possesses not a torture worse
cats.

Petted cats, vagrant cats, Sweet
and Thomas cats,
Come to rob us of our slumber bo
Corpulent and thinner cats, own
saint and sinner cats,
Singing to the midnight moon!

In our righteous indignation from th
we wildly climb,
With a rude and highly emphasize
mark,
That is really unfit for publication i
rhyme,
And we grope toward the window
dark,
At our shrieked "Hiss-cats!" they e
and again we seek our rest,
And are drawing near the sho
Dreamland when
With a thrill of
saenger's
Hits the
again
of the evening

Gray
white cats, tenor and se
Bolt
a caterwauling tune,
and chorus cats, gifted)
cats,
Singing to the midnight moon!

—Denver

practice of law, known as Grimes & Starr. Of the two, Starr was by far the better lawyer, the other the better politician. Mr. Starr had keen perceptive faculties, and could at once see the real point on which a decision ought to be based in conformity with law and justice. He possessed a retentive memory; was a student of the law and loved it for its sake. On the 30th of March, 1799, Zenon Trudeau, governor of Upper Louisiana, gave Lewis Tesson a square mile of land on which the Town of Montrose was subsequently built, for which Tesson was to look after the Indians and keep them in fidelity to his majesty the king. Tesson lived there many years, built a trading post, erected buildings, fenced the ground, and among other things, planted an orchard of a hundred trees, the first orchard planted within the Territory of Iowa. He became largely indebted to one Robodaux. His property was seized and sold at the door of the parish church in St. Louis on Sunday morning, May 15, 1803, for \$150 to his creditor. The title to this land acquired through this grant and sale afterwards was disputed. Henry W. Starr represented the owner, claiming under the Spanish grant and sale to Robodaux. Their title was sustained by the Supreme Court of Iowa and the Supreme Court of the United States.

James W. Woods. What we know of Mr. Woods, generally called "Timber Woods," is but little. He attended the first court held in Burlington, in 1835. In his short address at the Old Pioneers' Association in 1858, he says: "I count myself amongst the oldest settlers of Burlington. I attended the first court ever held in Burlington. It was held in a log cabin, without floor, chimney, or scarcely a roof." At this time Mr. Woods was living and engaged in the practice of law at Wapello. He was a fairly good lawyer and successfully filled a place in the profession.

Caleb B. Harrington. It was the good fortune of the writer to be acquainted with this most extraordinary man. We use the word extraordinary in the sense of his possessing certain characteristics different from most men. He came from Vermont to Burlington and for a time was a member of the law firm of Hall, Harrington & Hall. He was particularly noted for his sound judicial sense. With a given state of facts he seldom failed to draw correct legal conclusions. He was one of the best men to whom one could go for legal advice; could talk law, politics or on most any subject entertainingly while sitting in his chair; but could not talk while standing, to a jury. Was in no sense an advocate. Was one of the most companionable of men and could entertain by illustration or anecdote.

Charles Ben Darwin. Mr. Darwin had the reputation of being one of the best lawyers in Burlington. He came to the city when a young man and for a time followed school teaching. First taught a private school. In 1852 he was elected, and was the first principal of North Hill School. Was a man of liberal education, being a graduate of Oberlin College. He was a student of the classics, and delighted in reciting selections from Shakespeare's plays, as well as the orations of the Latin and Greek orators. His imagination was large, and with the gift of expression, feeling and thought, he was at the time considered the orator of the bar. Having these qualities, in a short time he came to be recognized as one of the leading men of the profession. He had not only a high opinion of his abilities as a lawyer; but also as to the value of his legal services. He was not a Roscoe Conklin, but of that order of a man. His bump of self-

esteem was perhaps as large, if not larger, than any other bump on his head. Was chosen to represent the people of the county in the House of the Eleventh Legislative Assembly of the state. There had not been a revision of the laws of the state since the codification of the laws made by Charles Mason, William A. Woodward and Stephen Hempstead, code commissioners appointed January 25, 1848, and it became necessary to have a new codification of the laws of the state. The Seventh General Assembly in July, 1858, passed a joint resolution appointing W. T. Baker of Dubuque County, Charles Ben Darwin of Des Moines County and William Smith of Lynn County, commissioners to draft and report to the Judiciary Committee of the two Houses a code of civil and criminal procedure. The Eighth General Assembly on April 2, 1860, passed an act which provided. "That Charles Ben Darwin is hereby appointed to incorporate by proper, etc., into the revision prepared by him, and presented to this session by the code commissioners, all the laws of a general nature, etc., and when published shall be known as the Revision of 1860." So it appears Mr. Darwin was the one on whom principally fell the burden of doing the work, and we notice that in the report to the General Assembly it is signed "Charles Ben Darwin." The Revision of 1860 was called by the lawyers, "Darwin's Code." Taking into consideration the time in which he had to prepare the work, it cannot but be said he did the work as well as it could be done under the circumstances. Soon after the organization of Washington Territory he was appointed United States judge of the District Court of that territory. How long he retained that position I do not know. He left Washington Territory and made his home in San Francisco, Cal. where he died several years ago.

Charles H. Phelps. This man knew more law with less reading of the law and decisions of the courts than any man who practiced at the Des Moines County bar. He came of a family of lawyers. Was a native of the Green Mountain State, where his father was known as one of its greatest lawyers. His brother, who at one time represented the United States at the Court of St. James, was a great lawyer. Mr. Phelps seldom attempted any oratorical fights, but rested his case on a clear, concise statement of the law and facts. Ridicule was one of the most effective weapons which he used, and with terrible effect. He did not particularly delight in the practice of the profession, but did delight in sitting in judgment on cases presented to him for decision. Of him in this connection we will speak in another chapter.

Thomas W. Newman. The subject of this sketch was a native of the State of Maryland. He received his education at Washington Academy, Princess St. Anna, Somerset County. Soon after leaving school he commenced the study of law, and was admitted to the practice in 1850. He landed at Burlington, June 5, 1850, and commenced to practice his profession. In 1855 he was elected county judge, which position he held until 1857. He possessed the quality of believing he knew the law, and was ready at all times to back up his belief by argument to the last word. Was ready at all times to enter into a legal fray. Was armed cap-a-pie, well mounted, and with sword and helmet was ready to make a charge on his adversary. If he was the victor over his adversary great was his delight; but on the other hand, if unhorsed and rolled in the dust, he soon arose and congratulated his adversary. He was chivalrous. He loved his profession. Had the power to express his thoughts on any legal point under discussion. Was