

1884 HISTORY OF AUDRAIN COUNTY

History of Audrain County, Missouri: written and compiled from the most authentic official and private sources, including a history of its townships, towns and villages; together with... biographical sketches of prominent citizens
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CHAPTER XII

EARLY BENCH AND BAR

Introductory Remarks — Hon. Priestly H. McBride — Peter B. McCord — John Jameson — Resolutions of the Callaway County Bar — Chas. C. Ricketts — J. B. Abernathy— William H. Russell — Benjamin Sharp — Present Attorneys

Horace Greeley once said that the only good use a lawyer could be put to was hanging, and a great many other people entertain the same opinion. There may be cause for condemning the course of certain practitioners of the law, hut the same may be said within the ranks of all other professions. Such men should not be criticised as lawyers, doctors, or the like, but rather as individuals who seek, through a profession that is quite essential to the welfare of the body politic, as the science of medicine is to that of the physical well being, or theology to the perfection of the moral nature, to carry out their nefarious and dishonest designs, which are usually for the rapid accumulation of money, although at times for far more evil and sinister purposes, and which are the instincts of naturally depraved and vicious natures. None of the professions stand alone in being thus afflicted. All suffer alike. The most holy and sacred offices have been prostituted to base uses. And it would be quite as unreasonable to hold the entire medical fraternity in contempt for the malpractice and quackery of some of its unscrupulous members, or the church with its thousands of sincere and noble teachers and followers, in derision for the hypocrisy and deceit of the few, who simply use it as a cloak to conceal the intentions of a rotten heart and a corrupt nature, as to saddle upon a profession as great as either the shortcomings of some of its individual members.

By a wise ordination of Providence, law and order govern everything in the vast and complex system of the universe. Law is everything —lawyers nothing. Law would still exist, though every one of its professors and teachers should perish from the face of the earth. And should such a thing occur, and a new race spring up, the first instinctive desire of its best men would be to bring order out of chaos by the enactment and promulgation of wise and beneficial laws. Law in the abstract is as much a component part of our planet as are the elements, earth, air, fire and water. In a concrete sense, as applied to the government of races, nations and people, it plays almost an equally important part. Indeed, so grand is the science and so noble are the objects sought to be accomplished through it, that it has inspired some of the best and greatest men of ancient and modern times to an investigation and study of its principles; and in the long line of great names handed down to us from the dim and shadowy portals of the past, quite as many great men will be found enrolled as members of the legal profession as in any of the others, and owe their greatness to a sound knowledge of the principles of law, and a strict and impartial application of them. Draco, among the first and greatest of Athenian law-givers, was hailed as the deliverer of those people because of his enacting laws and enforcing them for the prevention of vice and crime, and looking to the protection of the masses from oppression and lawlessness. It is true that many of the penalties he attached to the violation of the law were severe, and even barbarous, but this severity proceeded from an honorable nature, with an earnest desire to improve the condition of his fellow-men. Triptolemus, his contemporary, proclaimed as laws: "Honor your parents, worship the gods, hurt not animals." Solon, perhaps the wisest and greatest of them all, a man of remarkable purity of life and noble impulses, whose moral character was so great, and conviction as to the public good so strong, that he could and did refuse supreme and despotic power when thrust upon him, thus replied to the sneers of his friends —

- • Nor wisdom's plan, nor deep laid policy,

Can Solon boast. For, when its noble blessings

Heaven poured into his lap, he spurned them from him.

Where were his sense and spirit, when enclosed

He found the choicest prey, nor deigned to draw it?

Who to command fair Athens but one day

Would not himself, with all his race, have fallen

Contented on the morrow?

What is true of one nation or race in this particular is true of all, viz.: that the wisest and greatest of all law-makers and lawyers have always been pure and good men, perhaps the most notable exceptions being Justinian and Tribonianus. Their great learning and wisdom enabled them to rear as their everlasting monument the Pandects and Justinian Code, which, however, they sadly defaced by the immoralities and excesses of their private lives. Among the revered and modern nations will be found, conspicuous for their great services to their fellows, innumerable lawyers. To the Frenchman the mention of the names of Tronchet, Le Brun, Portalis, Roederer and Thibaudeau excites a thrill of pride, of greatness, and of gratitude for their goodness. What Englishman, or American either, hut that takes just pride in the splendid reputation and character of the long line of England's loyal lawyer sons? The Bacons, father and son, who, with Lord Burleigh, were selected by England's greatest queen to administer the affairs of state, and Somers and Hardwicke, Cowper and Dunning, Elden, Blackstone, Coke, Stowell and Curran, who, with all the boldness of a giant and eloquence of Demosthenes, struck such vigorous blows against kingly tyranny and oppression; and Erskine and Mansfield and a score of others.

These are the men who form the criterion by which the profession should be judged. And in our own country have we not names among the dead as sacred and among the living as dear? In the bright pages of the history of a country, founded for the sole benefit of the people, and all kinds of people, who, more than our lawyers, are recorded as assisting in its formation, preservation, and working for its perpetuity?

The American will ever turn with special pride to the great Webster, Rufus Choate, William Wirt, Taney, Marshall, and a hundred others, who reflected the greatest honor upon the profession in our own country. And among the truest and best sons of Missouri are her lawyers, and even in the good old county of Audrain, some of her most highly esteemed and most responsible citizens are members of this noble profession.

The following sketches include only some of the earliest attorneys, who either presided upon the bench or practiced at the bar of the Audrain circuit court —

HON. PRIESTLY H. M'BRIDE

The first judge of the circuit court in and for Audrain county, was the gentleman whose name appears above. He was a judge of the Supreme Court of Missouri during 1845 and 1846. He was a native of Kentucky, and born, raised and educated near Harrodsburg. He received a good education, studied law in Kentucky, came to Missouri when quite young, and located in Columbia, Boone county. On December 11, 1880, he was commissioned as judge of the Second Judicial Circuit. On January 1, 1836, the Legislature adopted and passed a constitutional amendment, which, among other things, vacated all the judicial offices. Judge McBride, however, refused to give up his office, stating as a reason that time amendment had not passed by the requisite majority, and alleging also other irregularities. An information in the nature of a writ of *quo warranto* was taken against him, requiring him to show cause, by what authority or commission, he continued to exercise the duties of the office. In answer to this the defendant pleaded his commission of December 11, 1830. To this plea a demurrer was filed, and the question of the validity of the act of the General Assembly was thus raised. The real point in the case was this: The amendment had been ratified by a vote of two-thirds of a quorum of the House, but not two-thirds of all the members, which the judge contended was necessary. The case went to the Supreme Court, where it was held that two-thirds of a quorum was sufficient. This of course ousted Judge McBride from the office. The reader will find the case reported in the fourth Missouri Reports, page 303. The same Legislature organized a new circuit court composed of the counties of Marion, Lewis, Clark, Monroe and probably Shelby, and Judge McBride was appointed to that circuit, where he remained until he was appointed judge of the Supreme Court in 1845. During part of his judicial service, he resided in Paris, Monroe county. In politics he was an uncompromising Democrat, but, took no active part in the political contests while on the bench. In January, 1829, he was appointed by Governor Miller, Secretary of State, and resigned in 1830, in order to accept the judgeship of the Second Judicial Circuit. These were the only public positions he held. He was in no sense a brilliant man, though he made a fair judge. It is alleged that he seldom gave a reason for his opinion. He must have taken his cue from a very eminent jurist: "That any judge could give a good opinion, but few could give a reason for it." He was an earnest man, of strong convictions, strong prejudices, and strong attachments, jovial in his disposition, and of undoubted personal integrity. his published decisions will be found in volumes nine to eleven inclusive.

PETER B. M'CORD

Mr. McCord was born at Harrisburg, Pa., January 8, 1818 ; received a liberal education, and pursued his legal studies in the office of Ovid F. Johnson, of Philadelphia. In 1839 he was admitted to the bar, and during the same year married Miss Mary Josephine Rhey, of Edensburg, Pa.

After practicing in Pennsylvania about five years, he moved, in the spring of 1844, to Missouri, and first settled in Callaway county, but during the following year made a permanent settlement at Linn, in Osage county. There were but two resident lawyers at the place, but the bar at Jefferson City generally attended the Osage court, for Osage was in the Cole circuit, and the Attorney-General of the State was *ex officio* prosecuting attorney. There was nothing to prevent Mr. McCord from occupying an exalted position at the bar but his extreme diffidence and modesty, a quality rather rare in the profession, yet very commendable if not carried to excess. In Mr. McCord's case it engendered a want of confidence in himself, which destroyed his efficiency as a court lawyer and advocate. He never would take upon himself the management of a case of any importance, and invariably called in assistant counsel. This natural diffidence kept him out of public life, and made him decline the appeals of his friends, who frequently urged him to become a candidate for the Legislature. In 1874, however, his friends, persuaded of his knowledge of the law, succeeded in getting his name before the people as a candidate for judge of the Ninth Judicial Circuit, and he was elected by a handsome majority; but before the time arrived for commencing the spring term of his court, he died at Linn. This occurred January 2, 1875. He left a wife and one son. The latter was a few years ago clerk of the circuit court of Osage county. Mr. McCord was a man of fine impulses, generous disposition, unimpeachable character and very sensitive and conscientious.

In 1864, United States Senator Ramsey, of Iowa, who was his class-mate, offered to procure for him the appointment of United States District Judge, which he declined, assigning as a reason that, being a Democrat, he could not, consistently with his sense of propriety, accept the appointment from a Republican administration.

JOHN JAMESON

Of the early public men of Missouri few were better known and none more popular than John Jameson, of Fulton, Callaway county. Of the early life of Mr. Jameson but little is known beyond the fact that his education was obtained in the common schools of Montgomery county, Kentucky, where he was born near the close of the eighteenth century. In 1825 he came to Missouri and settled in Fulton, entering the law office of William Lucas, brother of the late James H. Lucas, with whom he completed his studies, which had been commenced before leaving Kentucky. In 1826 he was admitted to the bar, and opened a law office in Fulton. He soon obtained a fair practice, considering the small amount of litigation that then obtained. In 1830 he was elected from Callaway county to the lower house of the General Assembly, and served until 1836. During a part of the time he was Speaker. He was by no means a thorough parliamentarian, yet few appeals were taken from his decisions, as both political parties reposed confidence in his judgment and integrity. In 1839 he was elected to Congress, to fill a vacancy created by the death of Albert Harrison, and served three terms. At that time Congressmen were elected in Missouri under the general ticket system, and not by districts, as at present. Mr. Jameson's career in Congress was in no sense brilliant, yet he made a fair member, and proved a strong advocate of Western interests. His dislike for Speaker Winthrop was so great that he took particular pleasure in annoying him by appeals from his decisions and by rising to points of order; and upon one occasion, when under considerable excitement, made a violent speech against him, charging him, among other things, with gross partiality. It was occasioned by the failure of Mr. Winthrop to award him the floor when he thought he was fairly entitled to it. Capt. Jameson exercised considerable influence in Congress by his pleasant and affable demeanor, and by the good practical sense which he exhibited on all occasions; but his want of application and study prevented him from obtaining a national reputation. As a lawyer he was not profound, but as a jury advocate was not excelled by any one in Central Missouri, and by few, if any, in the State. His power consisted in his strong and forcible presentation of the strong points in his case, and in exposing the weak ones in his adversary's, he was also an excellent Judge of men, and seemed to divine, almost at a glance, what particular hue of argument would reach and influence each juror; in fact he could almost read by intuition the thoughts of each juror on the panel. If an instruction of the court was unfavorable to his cause he would lead the attention of the jury from it, and thus escape partially its pernicious effects. His reluctance to labor and research made it necessary for him to have a law partner, and for many years he was associated with the Hon. James H. Sheley, now of Independence, a fine lawyer, and a gentleman who has filled most creditably many places of public trust. He studied divinity, and became a licensed preacher in the Christian church. His success in the ministry was by no means equal to that of the bar. He commenced too late in life, and was wanting in animation and zeal. He died in 1855 or 1856, leaving a widow and four children. Capt. Jameson was generous to a fault, and the meanest beggar could impose on him. He was also a social, genial man, and during that part of his life when engaged in politics, he would sometimes imbibe a little too freely, producing a slight unsteadiness in his walk, which he seemed to apprehend would be noticed. And it was said that, upon such occasions, he would tie over his knee a large silk handkerchief and complain of rheumatism, and if any one expressed sympathy for him would remark: "Oh, it is immaterial." Whether this was an invention of his friends (for he had no enemies) to produce a little merriment at his expense we are not advised; but the expression "it is immaterial" was mused by him on all occasions, until he got the name of "Immaterial John" thoroughly fastened upon him. There are many anecdotes told of Mr. Jameson which illustrate the influence he exercised with jurors. He was once engaged in the defence of a man charged with stealing corn. The evidence disclosed the fact

that the accused had been seen carrying away several small loads; but Mr. Jameson, by an ingenious cross-examination of the State's witness, forced him to admit that the corn was in shucks, and that he did not see what was in the shucks. He brought in several ears in shucks and paraded them before the jury, and asked each by name if he could see any corn through the shuck, and in a manner peculiar to himself asked the jury what faith they could put in the testimony of a man who would deliberately swear that he could see through shucks. The prisoner was acquitted, but the shuck story stuck to his counsel through life.

Mr. Jameson was once engaged in an argument in the Supreme Court, with Edward Bates on the opposite side, and frequently took occasion to say, "When the plaintiff did so, I turned around and did so and so." "When the plaintiff proved so and so by John Smith, I turned around and proved so and so by John Jones." "When the plaintiff" — here he was interrupted by Judge Tompkins, who said, "Now, Mr. Jameson, do you really mean to state that upon every motion made by the plaintiff, and upon every step be took in the cause, you actually turned all the way round?" "I will explain, if your honor please," said Mr. Jameson; and, suiting the action to the word, turned upon his heel, and picking up his hat walked out of the court-room, to the great amusement of the audience and the discomfiture of the court.

Mr. Jameson's tact in trying a cause before a jury was unsurpassed. He seemed to know how to turn everything to his own advantage, and how to bring ridicule upon his adversary.

He was greatly beloved by the people of Callaway, who fondly cherish his memory.

The following are the proceedings of the Fulton bar : —

"Upon the communication of the death of Hon. John Jameson (which occurred at five o'clock on Saturday evening, 24th instant), a meeting of the Fulton bar was held at the office of Hon. P. B. Reed, at which the following proceedings were had : —

"The meeting having been organized by calling Judge Ansell to the chair and appointing Nath. C. Kouns to be secretary, at the request of the chairman, Hon. P. B. Reed stated the object of the call, which was that the Fulton bar might take such steps as would most appropriately express the regret which we felt for the loss of one of our most gifted members, and the respect and esteem in which we have long held him.

"A committee, consisting of I. W. Boulware, George F. Burdett, P. B. Reed and N. C. Kouns, was appointed to draft resolutions expressive of the feelings of the bar, who thereupon reported the following preamble and resolutions : —

"WHEREAS, In the providence of Almighty God, our esteemed fellow-citizen, John Jameson, has been removed from our midst by the hand of death; therefore,

"*Resolved*, That we, the members of the Fulton bar, although forbidden by our humble reliance upon Him who doeth all things well to murmur at our loss, do yet sincerely regret the death of our professional brother, and do affectionately cherish the remembrance of his many virtues.

"*Resolved*, That we know the deceased to have been, in public life, a statesman whose highest ambition was his country's good; in private life an indulgent parent, an affectionate husband, a kind neighbor and a steadfast friend ; in his social relations, a Christian gentleman; in his professional intercourse with us, an able advocate, in whom great dignity was blended with greater affability, and a kind regard for the feelings of others; a sound lawyer, in whom superior ability did not lead to arrogance, and whose conscious rectitude. was free from bigotry; a man lenient to the faults of others, severer upon his own, and one who was in his whole life, public, private and professional, an honest man.

"*Resolved*, That we tender to the bereaved family of the deceased our sincerest sympathies; and while we deeply regret the loss of our friend, rejoice (since he is gone) that his end was peace and his hope the life eternal.

"*Resolved*, That our secretary be instructed to present to the family of our deceased friend a copy of these proceedings.

"*Resolved*, That a copy be presented to the editor of the *Missouri Telegraph* for publication; that one copy be given to George F. Burdett, with instructions to make application to the circuit court to have them spread upon the records of that court; and that another be given to I. W. Boulware with like instructions to have the same spread upon the records of our county court.

"Done by order of the bar.

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"NATH. C. KOUNS, Secretary."

CHARLES C. RICKETTS, ESQ.

the subject of this sketch was one of the early teachers in Mexico, but soon abandoned the vocation of a teacher for the profession of a lawyer. He was from Virginia. Mr. M. Y. Duncan, of Mexico, in one of his interesting contributions to the papers upon "Early Times in Audrain," said of Mr. Ricketts: —

"He was an industrious lawyer, a fair student, a man of much culture, a warm-hearted fellow and a boon companion. Though an old bachelor, he was still susceptible to female charms, and had some poetry and a little music in his soul. By attention to business he had drawn around him a large number of the best men of the county, and commanded a good influence. By economy he had become independent, and was really in a condition to enjoy this life well, when an attack of typhoid fever seized him, and death terminated his earthly career. In early life, deprived of the use of his right hand, he was forced to use his left, and the ease, rapidity and beauty with which he wrote was often a source of remark, and his pleadings in court, among the files, will be admired as long as they remain.

"Whilst he was good natured in a remarkable degree, he would sometimes give place to anger, and on a few occasions indulged in blows, though he was not a match physically for any one. On one occasion he indulged in some taunting remarks, reflecting somewhat on Octave Abot, who, on the impulse of the moment, struck out from the shoulder, and Charley immediately came in contact with the earth. But almost before Ricketts struck the ground, Mr. Abot caught and raised him to his feet, implored his forgiveness in a most earnest and beseeching manner, which Ricketts did not hesitate to grant, and ever after, as they had been before, they were the dearest of friends.

"On another occasion, when Major Silas Dobyns was either prosecuting or defending a small suit before a justice, Mr. Ricketts was indulging in some remarks to which Mr. D. could not assent, and he gave the lie to Mr. Ricketts, who in turn struck at Mr. D. with his left hand, and Mr. D. in turn planted his right near the outer portion of Mr. R.'s olfactory extension and drew a little claret. Here the battle ended. A half-witted boy who was present at the time gave utterance to the following lines: —

- • "Ricketts and Dobyns had a fight for lies,
Dobyns gave Ricketts a pair of black eyes.
Said Dobyns to Ricketts: 'Shall we fight any more?'
'No,' said Ricketts, 'my eyes are too sore.'"

Mr. Duncan, by whom the above sketch was furnished, says that Charles C. Ricketts was the pioneer attorney of Mexico, and that S. A. Craddock, who died in 188—, was the second attorney.

J. R. ABERNATHY, ESQ.

J. R. Abernathy was a school-teacher, and while he was conducting his school, in true pedagogue style, and never dreaming of the dull principles inculcated by Coke and Blackstone, some one of his patrons — perhaps the host with whom he boarded—had a bee-gum taken from him rather unceremoniously. He was in trouble, and in his extremity applied to "Abbey," as he was familiarly called. He took the statutes and turned to the index and looked first for "bee-gums." Seeing nothing, he turned to "bees," and being still unsuccessful, he next looked for "honey," but his search was a vain one; and thus mocked by everything, but being a man of resolution, he began to turn leaf by leaf and page after page. He had not proceeded far until he came to "forcible entry and detainer." "Ah!" said he, "I have it," and he instituted an action for forcible entry and detainer for the bee-gum. This was his first case in court, from which he afterwards branched out, and he was so well pleased with his success that he read law and applied for a license. His case was referred for examination to Judge Jack Gordon. It is said Mr. Gordon, who was himself a fine lawyer, though a little eccentric, only asked him if he could sing and dance, and these questions being satisfactorily answered, he was ready to report. He presented himself at the bar, and the judge asked him if he were ready to report. His answer was, that Mr. Abernathy did not know much of the common law, but was h—ll on the statute, and he recommended that the court grant him a license.

WILLIAM H. RUSSELL

One of the most remarkable men of early times was the person whose name is at the head of this memoir, and who spent most of his professional life in Fulton, Callaway county, Mo. His entire life was one of excitement, daring and adventure, and in the hands of a ready, imaginative writer, would furnish ample material for a good-sized volume of romance. He was born in Fayette county, Ky., April

21, 1805, and was educated at the Transylvania University of that State, passing with credit through both the academic and law departments. Shortly after obtaining a license to practice, he was elected to represent Nicholas county in the lower branch of the Kentucky Legislature. About this time an incident occurred which caused a warm personal friendship to spring up between him and Kentucky's great statesman, Henry Clay—a friendship of the most devoted kind, which continued up to the time of Mr. Clay's death. Mr. Clay was for the first time a candidate for the United States Senate, and after a very heated contest was elected by one vote, and that vote was given by Mr. Russell, the youngest member of the body. Mr. Clay's gratitude to him was unbounded, and manifested itself in personal attentions; and whatever may be said of Mr. Clay in other respects, he never deserted a friend, or failed to admit his obligations to those who stood by him in his political struggles. As may be supposed, they corresponded through life, and had Mr. Clay reached the Presidency, Mr. Russell would have been the recipient of his highest favor. Mr. Russell would never permit Mr. Clay's name to be mentioned in his presence in terms of reproach, without taking up his cause and making it a personal matter, for his admiration of the great Kentuckian amounted to almost idolatry. In 1834, Col. Russell removed to Missouri and settled in Fulton, where he opened a law office and entered upon the practice, soon obtaining a prominent position at the bar. He was a man of fine conversational powers, free, easy and prepossessing in his address. As a speaker he was graceful, fluent and persuasive; in fact, he carried his point before a jury more by his adroit persuasiveness than the force of reasoning. He had a good knowledge of men, and well knew that logic was not always the best weapon to use before a jury, and hence he so shaped his address as he thought would best accomplish his aim.

Law as a science was not altogether suited to his tastes, for he was too restless and impatient to devote much time to the investigation of abstruse and intricate legal problems. He was fond of the excitement of a jury trial, and if associated with other counsel would leave them to settle before the court the questions of law.

He had a great fondness for political controversy, and although his party was always in the minority, never failed to enlist in any canvass, and spent his time and money freely in behalf of his political friends. He was an excellent stump speaker, and when Mr. Clay was a candidate for the Presidency in 1844, canvassed nearly the whole of Northern Missouri in his behalf.

In 1838 Mr. Russell was elected from Callaway county to the popular branch of our State Legislature, and, by reason of his ability and knowledge of parliamentary law, obtained in the Kentucky Legislature, soon became a recognized leader of his party. He took an active part in the debates, and by his popular manners secured the good will of the opposition members. Col. Russell obtained his military title through services rendered in the Florida war. He was captain of a company in Col. Gentry's 5th regiment, raised in Callaway and the adjoining counties, and in the battle of Ochechobe proved himself a brave and gallant soldier. It is well known that his regiment was placed in advance and met the first shock of the battle with great loss of life. The people of our State thought that Gen. Taylor, in his report of the engagement, did not do justice to our gallant boys, and made it the subject of legislative action.

In 1840 Col. Russell was a member of the Whig National Convention that nominated Gen. Harrison for the Presidency, and in the same year was appointed one of the visitors to the Military Academy at West Point. Under Gen. Harrison's administration he was appointed marshal of Missouri, and discharged the duties of the office faithfully and efficiently, but for some reason unknown to us, resigned a short time before the expiration of his term.

In 1846 he led a party of emigrants across the plains to the territory of California, which was then an unexplored wilderness. It was the second expedition to the Pacific slope, Fremont's having preceded it. To have been made a leader of such an expedition at that day, after the sufferings and privations of the Fremont party, was no slight compliment. Governor Boggs and family were with him, and also the noted Donner family, every member of which perished from starvation and cold in the fastness of the Sierra Nevada Mountains. But the intrepid spirit of Russell brought the greater part of the company safely through. Upon the organization of the provisional government of California, Col. Russell was made Secretary of State, and continued in that position as long as Gen. Fremont was at the head of the territorial government. Upon retiring from the office of Secretary of State, he was made collector of the port at Monterey, which office he held for some time, and then returned to the practice of his profession. He had left his family in Missouri, and in 1852 returned to them, and took up his residence at Independence, Jackson county, where he remained two years, and then removed to Kansas, and was there during the turbulent times that preceded her admission into the Union. Though a pro-slavery man, he refused to identify himself with that element known as "Border Ruffians," nor would he give any aid or comfort to the Abolitionists, headed by Lane. He took conservative ground, and in that respect followed the footsteps of his illustrious friend, Mr. Clay. He advocated the supremacy of law and order, and held that the constitution was broad enough to heal all existing grievances, and that it was the duty of the patriot in such a crisis to stand by his government, and endeavor to avert the storm that threatened the entire country. His whole course was marked by the highest patriotism and a full sense of his obligations to a government which he characterized as the best on earth. While in

Kansas he became a candidate for Congress on the Native-American or Know Nothing ticket, but was defeated. The excitement in the State was too intense to admit of the success of any intermediate party. Shortly after the breaking out of the Rebellion, he left Kansas for Washington City, and Mr. Lincoln, who was his old acquaintance and friend in Kentucky, appointed him, in 1852, consul to Trinidad, Cuba, which position he held till the close of the war. He then returned to Washington City and practiced law there up to the time of his death, which took place in December, 1872, when in the sixty-seventh year of his age. Col. Russell was as brave as a lion, and when not aroused as mild and as easily led as a child. He was also a man of generous impulses, charitable to a fault, indulgent to his friends, and for their sake would part with the last dollar he had. His heart was too large and broad and his disposition too forgiving to harbor a feeling of resentment or revenge; hence he had but a few enemies. He left a large family of children, and gave each of them a good education, the advantage of which he fully appreciated. His remains repose in the cemetery at Georgetown, District of Columbia.

BENJAMIN SHARP

Mr. Sharp was a native of Jonesville, Va., and was born April 10, 1820. He studied law with his father, who had a large practice in that State. He received a good academic education, and at one time contemplated entering the army, and for that purpose attended the military school at Lexington. We are unable to state how long he remained there, nor do we know what induced him to embark in the legal profession, but the probability is that he was influenced by the wishes of his father. In November, 1842, he married Miss Sarah E. Rebeck, of Lee county, Va., and two years from that time moved to Missouri, and settled at Danville, and was soon afterwards admitted to the bar.

For a considerable period of time he represented his district in the State Senate, and became an acknowledged leader of his party. He took an active part in the debates, and, by the aid of a strong practical intellect, exerted a large and salutary influence upon all questions of public policy. Though a man of great force of character and decided convictions, he was tolerant of the opinions of others, and never assumed, or arrogated to himself actual superiority. This influence proceeded more from his admitted ability, than any attempt to secure popular favor.

During the war he took strong ground in favor of the Union, and by his zealous advocacy of the war measures of Mr. Lincoln's administration, provoked the hostility of the Southern element of his section of the State, which sought and accomplished his death. He was murdered at Martinsburg, in July, 1861. He left a widow and four children. He was a heavy thick set man, rather low in stature, with a broad and high forehead, and an intellectual cast of countenance.

PRESENT MEMBERS OF THE BAR

Samuel W. Bickley, Thomas B. Buckner, Angus B. Cluster, James W. Daniel, M. Y. Duncan, Forrist & Fry, David T. Gentry, John M. Gordon, Orlando Hitt, William H. Kennan, Warren B. McIntyre, Macfarlane & Trimble, D. H. McIntyre, Attorney-General.