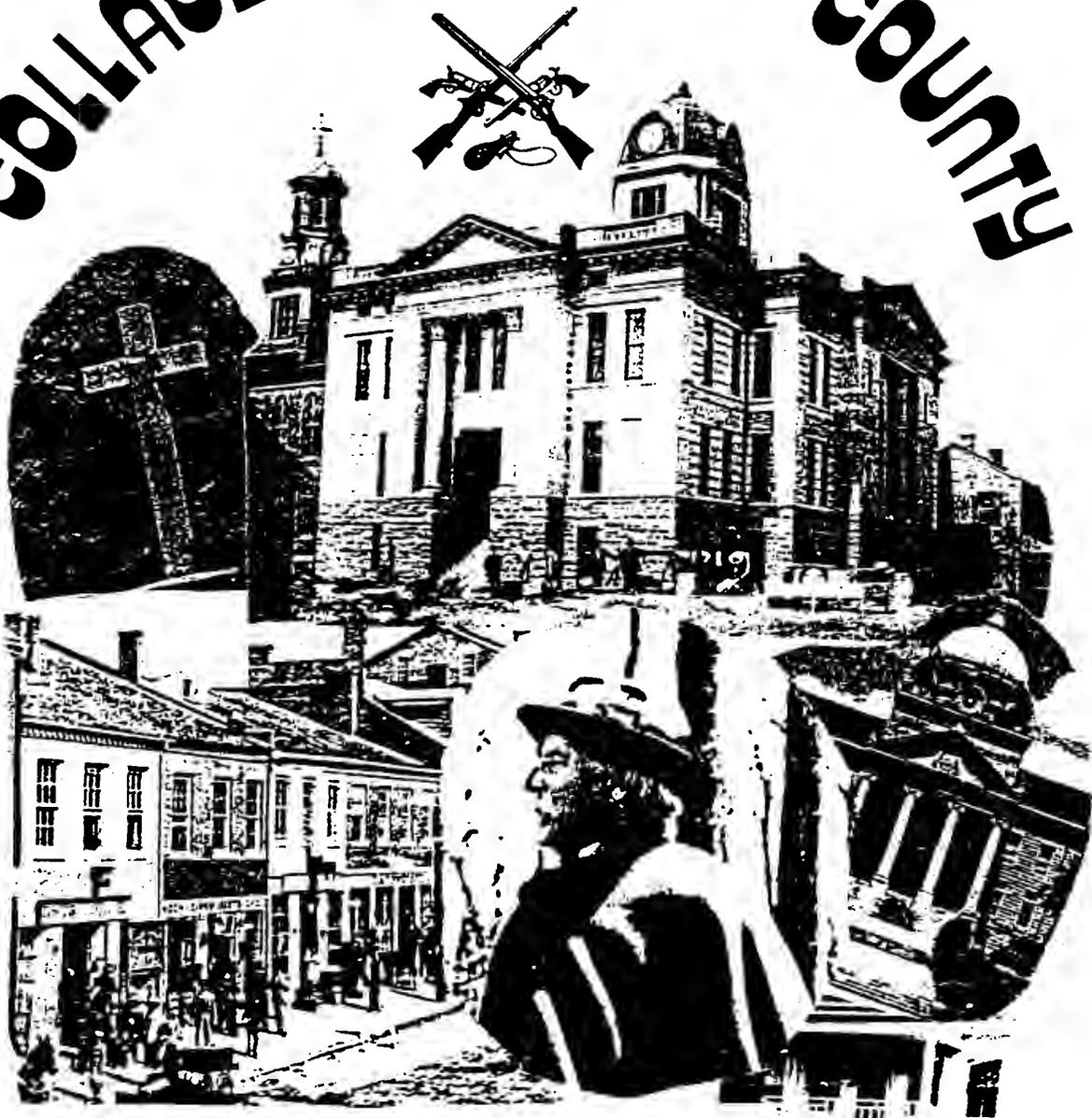


COLLAGE OF CAPE COUNTY



CAPE GIRARDEAU EXPORTS 1874

Item	Amount	Price	Value
flour	120,000 bbls	\$ 6.00	\$720,000
lime	38,000 bbls	1.15	43,000
bacon	300,000 lbs	.07	21,000
lard	50,000 lbs	.07	3,500
hogs, dressed	150,000 lbs	.05	7,500





CAPE GIRARDEAU COUNTY
GENEALOGICAL SOCIETY

P. O. Box 571

Jackson, MO 63755

Volume 40 Number 1

June 2020

The Cape Girardeau County Genealogical Society was organized in May 1970, a non-profit organization, its primary purpose is education in the field of genealogy. Membership is open to individuals upon payment of the annual dues of \$10, or a couple for \$15, per year, beginning in May. Life membership is available for a one-time payment of \$250. Web site: <http://www.rootsweb.com/~mccgcs/index.htm>

The CGCGS Library is located in the Research Room at the Cape Girardeau County Archive Center, 112 East Washington, Jackson, MO and is open during regular Archive Center hours. Our meetings are held at The Cape Girardeau County Archive Center, 112 East Washington in Jackson, MO, bi-monthly in January, March, May, July, September, and November on the fourth Tuesday at 7:30 p.m., unless announced otherwise.

CGCGS publishes this quarterly, *THE COLLAGE OF CAPE COUNTY*, in March, June, September, and December, sent free to members. All members are encouraged to submit articles for publication. Submissions on disk (MS Word, rich text, or text files) or by email (text or rich text format) are encouraged, but not essential. Mail to **Bill Eddleman, 1831 Ricardo Drive Cape Girardeau, MO 63701 (email: eddlemanw@sbcglobal.net)**.

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Cape Girardeau, Mo. August 6 1875

Miss Alice Francis

Bought of **WILLIAM BURGESS,**

WHOLESALE AND RETAIL DEALER IN

FANCY AND STAPLE DRY GOODS,

Clothing, Hats, Caps, Boots, Shoes, Oil Cloths, Carpets, &c.,

TERMS CASH. Nos. 2 & 3 Painter's Row.

Not what I wanted, but WOW!

Betty Rolwing Darnell, 2020

My ancestor, John Thompson Sr. was born about 1751, came from Union County, South Carolina, to Christian County, Kentucky, in 1797, and then on to Cape Girardeau County, Missouri, by 1814. A Dennis Sullivan keeps showing up – is he the same guy?

In Union County, South Carolina, on 27 October 1790, John Thompson of Union County purchased 180 acres on both sides of Thickety Creek in Union County from Daniel McPheeters of Rowan County, North Carolina. The deed was witnessed by Dennis Sullivan and James McPheeters.¹

On 16 November 1790, John Thompson “Jr.” sold 200 acres on Mincoms Creek of Thickety [Creek] on the West side of Broad River, to William Tate Jr. The deed was witnessed by Francis Whelchel, Abraham Bosco, and Dennis Sullivan. The land was part of a grant of 358 acres dated 21 January 1785.²

John Thompson and Mary his wife sold the “plantation whereon the said John and Mary Thompson now live” on both sides of Thickety Creek, originally granted to Daniel McFeeters, to Richard Thompson [relationship, if any, is unknown] of Spartanburgh County, South Carolina, on 18 November 1795.³

John Thompson paid taxes in Christian County, Kentucky, in 1797, paying taxes on three males of age 21 or over, for himself and his sons John Jr. and James. On 19 October 1798, John Thompson (Sr.) received a land grant of 200 acres, “by virtue of his having improved the same, agreeably to an act of the assembly entitled An act for encouraging and granting relief to settlers.” The land was located on the West Fork of Pond River in Christian County.⁴

On 27 November 1800, in Christian County, Kentucky, Dennis Sullivan mortgaged a horse to John Thompson Sr. The mortgage was witnessed by John Thompson Jr. and James Thompson.⁵ John Thompson Sr. and his sons John Thompson Jr. and James Thompson continued paying taxes in Christian County, Kentucky, through 1807.

In Christian County, Kentucky, John Thompson Jr. married Jane Strong on 18 May 1805, and James Thompson married Jane’s sister Fanny Johnston Strong on 22 October 1807. Mary Thompson, daughter of John Thompson Sr., married Uriah Williams on 24 December 1809. On 7 June 1808, John Thompson Sr. of Christian County, deeded his rights to four tracts in Christian County on the west fork of Pond River, and personal property to his son James Thompson.⁶

On 19 January 1803, L. Lorimier signed a General Concession for 164 inhabitants of the District of Cape Girardeau; the list included John Thompson at No. 20 and Dennis Sullivan at No. 94.⁷ Dennis Sullivan produced the list to the Board of Commissioners on 18 May 1809; his claim was not granted. On 17 Oct 1833, Jonathan Buis testified before the Board that he saw Dennis Sullivan or OSullivan, in the district of Cape Girardeau in the fall of 1802. Sullivan was a mechanic and blacksmith and had come to the district

¹ Union County, South Carolina, Deed Book B, pages 441-442.

² Union County, South Carolina, Deed Book C, pages 138-139. John Thompson was styled “Jr.” in deference to an older John Thompson in the community; I have not determined any relationship.

³ Union County, South Carolina, Deed Book D, pages 292-293.

⁴ Kentucky Land Warrant #3712.

⁵ Christian County, Kentucky, Deed Book A, page 34.

⁶ Christian County, Kentucky, Deed Book A, pages 421-424, 434-435, 435-436.

⁷ *Collage of Cape County*, Cape Girardeau County, Missouri, Genealogical Society, Volume 10, Number 4, March 1991, citing Land Records, Volume 8, American State Papers.

in 1801 or 1802; Sullivan's death had occurred sometime after the change of government [to the United States]. The land, 300 arpens, was confirmed to Sullivan or his legal representatives on 12 June 1835.⁸

John Thompson produced the list to the Board on 1 November 1811; his claim was not confirmed.⁹ The earliest confirmation I have found that documents John Thompson Sr. as a resident of Cape Girardeau County is the 1814 Missouri Territorial Tax. John Thompson Sr. and his son James are in Cape Girardeau Township with no land; John Thompson Jr. reports 117 acres on Hand's Creek in Byrd Township.

The December 2003 issue of *Collage of Cape County*¹⁰ included a reference to a Missouri Supreme Court Grand Jury Murder Investigation in 1810; the body of Dennis OSullivan had been found with wounds to the head. Could this case answer my questions of any relationship between John Thompson Sr. and Dennis Sullivan?

An inquest was held at the Cape Girardeau Oyer and Terminer Court [Editor's note: A court authorized to hear certain criminal cases], with depositions held on 15 May 1810 at the house of Enos Randoll Sr. in Cape Girardeau Township, before William Daugherty, Coroner of Cape Girardeau District. The jury viewed the body and determined that his death was caused by his wounds, but "by whom & how the dec'd received said wounds it does not appear from the testimony of the witnesses produced to them." Testimony was taken of Allen McKenzie, Isaac Williams, and William Williams, of Cape Girardeau Township. The file did not give the opinion of the court.¹¹

So the case didn't answer my question; however – the file included the signatures of the jury. No John Thompson there, but three of my other ancestors were included! –

Joel Renfroe was born in Georgia or North Carolina, was a resident of Georgia in 1805, and of Cape Girardeau County, Missouri, in 1808. His daughter Polly married John Sheppard Jr. Their daughter Hannah married in 1846 in Mississippi County, Missouri, to Harrison Shelby Thompson, son of John Thompson Jr.

John Strong was born 12 April 1768 in Goochland County, Virginia. He migrated to Georgia in 1795, and was in Christian County, Kentucky, in 1805, in Cape Girardeau County in 1808, and in Arkansas County, Missouri Territory in 1814. He died in 1818 in St. Francis County, Arkansas. He was the father of Jane Strong who married John Thompson Jr. in Christian County, Kentucky, in 1805, and of Fanny Strong who married James Thompson in Christian County, Kentucky, in 1807.

John Sheppard was born in 1765 in Anson County, North Carolina. He was in Washington County, Georgia, in 1787 and in Cape Girardeau County, Missouri, in 1807. His son John Jr. married Polly Renfroe, the daughter of Joel Renfroe. Their daughter Hannah married in 1846 in Mississippi County, Missouri, to Harrison Shelby Thompson, son of John Thompson Jr.

⁸⁸ *American State Papers, Documents of the Congress of the US in Relation to Public Lands*, Volume 8, Missouri, No. 283.

⁹ *American State Papers, Documents of the Congress of the US in Relation to Public Lands*, Volume 8, Missouri, 12th Congress, 2nd Session, No. 206.

¹⁰ Volume 23, Number 3, page 32. The reference cited the Missouri Supreme Court Historical Database, at www.sos.mo.gov/archives.

¹¹ Missouri State Archives F/1/4, Box 36, Folder 40.

... name on May 13.

M. Abernethy, J. M.
 Lewis Leatham
 Robert English
 Nicholas Seaver
 Wm. D. ...
 Thomas English, Esq.
 Wm. Verden
 John Hitt
 Samuel Kavencroft
 Jas. Benson
 John Strong
 Jas. ...
 ...
 ...
 ...
 ...
 James ...

2

Buss.

Jurors, Coroner's Inquest, Cape Girardeau Oyer and Terminer Court, Inquiry into the Death of Dennis O'Sullivan, 15 May 1810

Early Cape Girardeau County Lawyers

[from: Reminiscences of the Bar and Bench of Missouri, with an Appendix, by William Van Ness Bay, St. Louis: F. H. Thomas and Company, 1878; (<https://books.google.com/books?id=JqosAAAAIAAJ>) : accessed July 22, 2020).

[page 27]

GREER W. DAVIS.

It is with great pleasure we are able to give even a brief sketch of the professional life of one who has just passed from our midst, and who was justly entitled to the appellation of "Father of the Missouri Bar;" for he practiced law in Cape Girardeau County fifty-seven consecutive years, and at the time of his death was the oldest licensed lawyer, and the oldest practitioner, in the United States.

Mr. Davis was born near Washington, Mason County, Kentucky in January 1799 and removed to Jackson, Cape Girardeau County, Missouri in February, 1818, where he read law one year under the tuition of Timothy Davis, and one year in the office of Alexander Buckner, who afterwards represented Missouri in the United States Senate. His opportunity for acquiring a knowledge of the law could not have been better, for both Davis and Buckner were accomplished attorneys in full practice. He obtained his license on February 12, 1820, and immediately entered upon the practice in Jackson, where he resided until his recent death.

Mr. Davis' education commenced in the common schools of the country, and he afterwards entered Washington Academy, and finally Transylvania University, but whether or not he graduated we are unable to say. During his first year's practice he was appointed circuit attorney for his circuit, and afterwards elected by the people, and held the office over seventeen years - proving a most able prosecutor and faithful public servant. During the first two or three years of his practice he was regarded as rather a fast young man - not, strictly speaking, dissipated, but given to frolic and pleasure; but soon after, he sowed his wild oats, and devoted himself exclusively to his profession. He was frequently solicited to become a candidate for office, and was tendered the judgeship of his circuit, but nothing could induce him to leave his practice; for he loved his profession, and soon took rank among the ablest of our lawyers. He was, however, for several years register of the land-office at Jackson, a position he accepted at the urgent solicitation of the Department at Washington.

As a speaker he was fluent, logical, and impressive, never indulging in a superfluity of words, or lengthy harangue; and, like Mr. Calhoun, had the power of condensation in a remarkable degree - which always gave him strength before a court, and more than ordinary influence with a jury. In his argument he selected the strong points of his case, exhibited them in the strongest light, leaving the minor ones to take care of themselves. He never committed the error of impairing a strong point in the attempt to give an undue importance to a weak one. He was always a very successful lawyer, for, in addition to his thorough knowledge of the law, he carried with him the most exalted character for honesty and integrity, for nothing did he despise more than trickery or low cunning. No one can say that he was every guilty of a mean act to win a cause or accomplish an end. He was, moreover, one of the most kind-hearted and benevolent of men - always ready to give to the poor and needy, and cheerfully responding to every call of deserved charity.

One of the noblest traits of his professional character was a desire to keep his clients out of litigation, if the matter in dispute could be compromised upon fair and equitable terms; indeed, it is said that he compromised more cases and settled more disputes than all the other lawyers of his bar combined. If in the attempt to compromise his fee was in the way, or presented any obstacle, he would remit a part, and sometimes the whole, rather than permit the litigation to continue – particularly if the strife was between neighbors. He was eminently a man of peace as well as law.

Another peculiarity he possessed as a lawyer was the power to concentrate his thoughts upon any subject that engaged his mind. He could sit in court with clients around him, and subject to all the interruptions attending the session of a court, and draw up a pleading, contract, or any legal paper, with as much precision and accuracy as though sitting in his office free from all interruption. He was thoroughly versed in the common-law system of pleading, which gave him a great advantage, particularly over lawyers educated under a different system. Like most of the old lawyers, he became greatly incensed at the introduction of the “Wells Code,” regarding it as a mere contrivance to aid the uneducated and ignorant practitioners. In fact, most of the well-educated lawyers of the state opposed it, upon the ground that it was an unwise innovation upon a system of pleading that had been sanctioned and perfected by the legal learning of centuries. They subscribed to the legal maxim, “*Omnis innovation plus novitate perturbat quam utilitate prodest.*”

Mr. Davis died very recently, February 25, 1878, aged seventy-nine years and thirteen days. He joined the Methodist church as early as 1824, and lived the life of an exemplary Christian. “His death was not the darkness of despair, but was radiant with the hope of a happy immortality beyond the grave.”

During the last winter we received several letters from him imparting valuable information in regard to the early bar of south-eastern Missouri. They are written in a round, legible hand, and a style indicating that he had lost none of the vigor of his mind. We had expressed to his son, who is a member of the St. Louis bar, our intention to dedicate this work to him as the only survivor of the territorial lawyers of Missouri; but, alas! before this manuscript could reach the hands of the printer, he was also gathered to his fathers.

“Man is his own star, and the soul that can
Render an honest and a perfect man
Commands all light, all influence, all fate;
Nothing to him falls early, or too late.”

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NATHANIEL W. WATKINS.

General Watkins obtained his military title from services rendered in the state militia; for he held the commission of brigadier-general. He was born in Woodford County, Kentucky, on January 28, 1796, and was a half-brother of Henry Clay. He came to this state in 1820, and located at Jackson, Cape Girardeau County, where he practiced law until his death, which took place March 20, 1875, at the ripe age of seventy-nine.

He served several terms in the State Legislature; was a member of the Convention which met in St. Louis immediately preceding the war, to take into consideration the relations of the state towards the Federal government – in other words, it was called by the Legislature, a majority of whom were secessionists – to adopt a secession ordinance; but the people thwarted the attempt by electing Union men. General Watkins was also a member of the late Convention called to amend the Constitution, and rendered very efficient service in that body. He was too devoted to his profession to become an office-seeker; hence he occupied but few places of public trust. Had he possessed any ambition for public honors, no doubt he would have been gratified; for he had traits of character and mind well calculated to secure public favor. He was personally popular, active, and energetic, and as a speaker very forcible, and at times impassioned and eloquent. In this respect he partook though in a less degree, of the nature of his gifted half-brother. As a lawyer he always commanded a good practice, and was generally successful. One of his faults was a habit of sometimes denouncing the opposing counsel and party – a practice that seldom accomplishes any good, and often results in the loss of a meritorious cause.

General Watkins was a kind, amiable, and benevolent man, and exceedingly liberal to the poor. No appeal was ever made to his sympathy to which he did not cheerfully respond. He was one of those men who took more pleasure in giving than receiving. In the younger members of the profession he always took a deep interest, and if it was in his power to do anything to aid and encourage them, he never failed to do it. He was a man of great personal magnetism, easy and polite in his manners, and made friends wherever he went. As a jury lawyer he met with unbounded success, and few criminals were ever convicted when he was retained on the part of the defense. He managed his cases with great adroitness, and always kept the opposing counsel uneasy.

General Watkins had not the benefit of a classical education, for the circumstances of his parents would not admit of it. At an early period he showed an adaptation to the legal profession, and it was fortunate that he had it in his power to pursue a regular course of legal studies in the Transylvania Law School, at Lexington, in which institution he graduated with distinction. His fondness for flowers and shrubbery was proverbial; and had he pursued the study of botany, would no doubt have become quite proficient in it. Like most of the early lawyers, he had a farm, and devoted all his spare time to its cultivation.

There seems to be an affinity between Law and Agriculture; for you rarely find a good lawyer who does not at some period of his life engage in the cultivation of the ground. All the early presidents and jurists were farmers, and many became fine horticulturalists. It is said that Mr. Jefferson would follow the plow for days and weeks preceding the planting season; and there is a story extant of Silas Wright, of New York, to the effect that a distinguished foreigner, on his way through western New York, called upon him and found him plowing in his field, with his pantaloons rolled up above his knees. Mr. Van Buren always lived on a farm adjoining Kinderhook, and Chief Justice Marshall was about as well versed in farming as in the law. Mr. Webster was never so happy as when toiling on his plantation at Marshfield. An amusing incident is told of him, which the reader no doubt recollect, but it will well bear repetition: A young man rather dandified in his appearance called upon the great lawyer at Marshfield, and when he reached the road in front of the house, found that he could not cross it without soiling his boots, as recent rains had deluged the country. Mr. Webster, whom the stranger had never seen, was standing a few rods off, and, seeing his visitor hesitate, approached him, and taking

off his shoes and rolling up his pants, waded to him, took him on his shoulders, and landed him safely on dry ground. When they reached the house the visitor requested that his card might be sent to Mr. Webster. "Well," said Mr. Webster, "that is my name." "No," said the other, "I want to see Webster the great United States senator." "Well, sir, my name is Webster, and I am a United States senator, but by no means a great one." The scene became too ludicrous even for the gravity of Mr. Webster, and both broke out in a hearty laugh.

All the early judges, and most of the early lawyers, of Missouri were farmers. Tompkins and Scott had farms in the vicinity of Jefferson city. Judge McGirk lived on one of the finest plantations of the state, on Lieuter Island, in Montgomery County. Edward Bates lived for a number of years on a fine farm in St. Charles County, but he was not a very successful cultivator of the soil, for he frequently said it took all that lawyer Bates could make to support farmer Bates.

That, however, was not the case with General Watkins, for he was successful in both. But one of the chief causes of his success at the bar was the happy facility he possessed of winning the favor and confidence of witnesses, thereby enabling him to elicit more from them in behalf of his client, and keeping back more that might be unfavorable, than any of his legal associates. Probably the most laborious position filled by General Watkins was that of speaker of the House of Representatives of the Sixteenth General Assembly. To make a good presiding officer not only requires a thorough knowledge of parliamentary law, but a cool and dispassionate head, capable of commanding, and, in times of great excitement, enforcing, obedience to the rules and regulations of the body. That General Watkins possessed these qualities in an eminent degree was conceded by all. Some men are peculiarly fitted for the place, and we can recall no one who was more so during our service in the Legislature than General Sterling Price. Both he and Watkins were endowed with the power to command respect and enforce obedience - both of which are necessary to control a deliberate body.

The memory of General Watkins is greatly revered by the people of south-eastern Missouri.

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ALEXANDER BUCKNER.

One of the earliest of the United States senators from Missouri, was born in Jefferson County, Kentucky, about the year 1785, and moved from Kentucky to Indiana, where he entered upon the practice of the law; but, having become involved in a duel, emigrated to Missouri in 1818, and location in Cape Girardeau County, where he purchase a farm, and combined farming with the practice of the law - not unusual with the early members of the profession. Colonel Buckner was a member of the Convention called to frame a state constitution preparatory to the admission of Missouri into the Union; and also served in the Legislature.

In 1831 he was elected to the United States Senate for a full term, but died in 1833, about forty-six or forty-seven years of age. We are not aware of his holding any other office, except that of circuit attorney, and, for a brief period, state senator.

Mr. Buckner, or, as he was usually called, Colonel Buckner, was a lawyer of very considerable ability and enjoyed for that period a lucrative practice; but his fondness for political life led him into a different field, so that it is impossible to say what distinction he might have reached in his

profession had he devoted more time to the law, and less to politics. In him were combined many qualities that usually contribute to success in both; for he was sociable, genial, and industrious, and as a speaker, fluent, argumentative, and earnest. Pleasant in his address, agreeable and interesting in conversation, he impressed favorably all with whom he came in contact. He was not in the United States Senate long enough to obtain much reputation as a statesman, but he seldom failed to carry any reasonable measure in which his constituents were interested, which did not partake of a political character.

It is much to be regretted that so little information can be obtained regarding the early life and education of this gentleman. In fact, there is but little known of him outside of his public life. That he stood high in the estimation of the people of Missouri is well attested by their conferring upon him the highest office within their gift.

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JOHN D. COOK.

Of the place of nativity of this excellent jurist we have no information, but he came to Missouri during the territorial government, and settled in Cape Girardeau County, where he entered upon the practice of the law. He was a member of the Convention which framed our original state Constitution, and we are indebted to him for some of its best provisions.

Upon the admission of the state into the Union he was appointed judge of the Supreme Court, but on the removal of Judge R. S. Thomas from the Circuit Court by the Legislature, in 1834, Judge Cook was appointed in his place — preferring that to the supreme bench — and presided over the Tenth Judicial Circuit for many years, and became a distinguished *nisi-prius* [Editor's note: Court of original jurisdiction] judge. He was a thorough lawyer, and understood the common law as well as any divine ever understood the Ten Commandments — indeed, it was a common saying among his legal associates that the common law was born in him. All he wanted to make him the peer of any western lawyer was industry and energy, in both of which he was greatly wanting. He loved his ease and comfort, and cared nothing for office or position, though his name was placed in nomination in the first State Legislature for United States senator — at the time Benton and Barton were elected. He was not versed in the classics, but was a fine English scholar, and well posted in English literature. Judge Cook was addicted to no bad habits, unless laziness is one. He had fine conversational powers, was genial, pleasant, and full of anecdote, and could entertain one by the hour in the recital of them.

He died in Cape Girardeau many years ago.

Judge Cook was an extremely ugly-looking man, and, what is strange, seemed to regard his repulsive looks as a fortunate gift. Upon one occasion he was selected, with several others, to represent Cape Girardeau in the great Internal Improvement Convention which was held in Chicago a short time before the war. They took passage on a steamer for St. Louis, and one of the party discovered a gentleman on board who struck him as being an uglier man than Cook. This gentleman proved to be Judge Wright, a distinguished man from Ohio, and on his way to the same Convention. On returning to his party the gentleman who made the discovery offered to bet a bottle of wine that there was a man on board uglier than Judge Cook. A stranger overhearing the conversation, and who was an acquaintance of Wright, immediately turned his eye upon Cook, and said, "I will take that bet," and it was agreed that it should be decided by a

disinterested committee of three. It was then proposed to bring about an introduction between the two judges, and when it took place each fixed his eye most intently upon the other for several seconds without a word passing between them. At length Judge Cook broke silence by saying, "Judge Wright, before I left home I promised that if during my absence I found a man uglier than myself, I would immediately return; and now, sir, I shall leave the boat at the next landing, and take the first one on the downward trip." "Stop, my dear sir," said Judge Wright, "you may be a good judge of law, but you are an exceedingly poor judge of beauty, and the only way to settle this question is to submit it to a disinterested tribunal, and I propose to let the bar decide it; thereupon they all proceeded to the bar, and over several bottles of champagne drank to each other's health; and it was *held*, without a *dis-senting opinion*, after due deliberation, that two uglier men were never born of woman, and that they should be adjudged to pay the costs.

Judge Cook was a man of large heart and great benevolence – in fact, almost prodigal in his gifts to the poor. He was, moreover, a warm friend to the younger members of the profession, ever ready to assist and encourage them. To an applicant for a law license it was almost impossible for him to give a refusal. A young cabinet-maker, with a few months' reading, imagined that he was cut out for a lawyer, and applied to the judge for a license. The judge appointed a committee of the bar to examine him, who reported him disqualified. Thereupon he made a request that the judge should examine him in person, which was accordingly done.

"What do you understand law to be?"

"Law, sir – law – yes, sir – it is that which governs the people, and out of which lawyers make a living."

"But what does Blackstone say about it?"

"Ah [pompously], excuse me, judge, I have not yet read the learned author."

"Well, what does Kent say about it?"

"Kent, Kent – well really, judge, to tell you the truth, I have not read him either; but promise myself the pleasure of doing so at an early day."

A few other questions followed, with no better result, when the judge, with one of his kindest smiles, said: "Mr. R., I will take pleasure in granting you a license, *for I think you can do as little harm to the profession as any one I know.*"

Notwithstanding Judge Cook's amiability, he could, when the occasion called for it, be quite sarcastic. While holding a term of his court at Bloomfield, a young lawyer who had made himself very conspicuous, much to the annoyance of the court, rose – while the court and bar were awaiting in silence the return of a jury – and inquired in a pompous way, "if there was anything before the court." The judge, taking a prolonged and significant look at him, replied, "*Not much, I believe.*" The poor fellow felt the sting, and wilted down.

This is not unlike the story of Curran, who was once addressing a jury when the judge, who was thought to be antagonistic to his client, intimated his dissent from the arguments advanced,

by a shake of his head. "I see, gentlemen," said Curran, "I see the motion of his lordship's head. Persons unacquainted with his lordship would be apt to think this implied a difference of opinion; but be assured, gentlemen, this is not the case. When you know his lordship as well as I do, it will be unnecessary to tell you that when he shakes his head, there really is *nothing in it*."

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JOHNSON RANNEY.

Was a prominent lawyer in Jackson, Cape Girardeau County, Missouri, having practiced in the south-eastern part of the state upwards of thirty years.

He was born in Litchfield County, Connecticut, on December 19, 1789, and came from good old Revolutionary stock, his father having been a soldier during the War of the Revolution and the War of 1812, and during the latter was lieutenant-colonel of the Fourth United States Infantry. After the close of the war he settled down as a farmer in Connecticut, and being in poor circumstances, was unable to give his sons the advantages of a liberal education. Johnson, at a very early age, expressed a strong desire to acquire a good education, and entered one of the higher academies, rendering personal service for his tuition. When old enough to take charge of a school he commenced teaching, and directed all his spare time to reading and prosecuting his own studies. He was often seen at night pursuing his studies by no other light than that afforded by a scanty fire. During the War of 1812 he served as ensign in the Fourth United States Infantry, and through life manifested a strong partiality for a military life. After coming to Missouri he was made a brigadier-general of militia.

It will be noticed that nearly all the Cape Girardeau lawyers held commissions in the state militia – most of them reaching the grade of brigadier-general. There were General Watkins, General English, General Jackson, General Evans, and General Ranney ; and several colonels and majors. In those days some knowledge of military tactics was regarded in a public man as an element of success, more particularly if he had political aspirations.

The state militia at that time were under thorough organization, and every able-bodied man between certain ages was compelled to muster quite frequently, or subject himself to the payment of a fine. The practice gradually fell into disrepute, until the Legislature was forced by public opinion to so amend the law as to require simply an enrollment. We mustered on several occasions, but failed to elicit any commendation from the officers in command, nor can we say that our military education ever conferred much glory upon the state; for the highest grade we reached was that of fourth corporal. While teaching, General Ranney devoted a portion of his time to the study of the law. He could not have been licensed in Connecticut, for as early as 1814 he came West and located at Indianapolis, Indiana, and practiced there a short time. He then came to Missouri, and opened a law-office in Jackson, Cape Girardeau County. Here he encountered a difficulty which he had not anticipated. The inhabitants of Cape Girardeau were mostly from Virginia, Kentucky, and Tennessee, and were strongly prejudiced against the Yankees. Wooden nutmegs had become an article of commerce, and were just beginning to find their way into the western settlements. Many of the people of Jackson determined that Mr. Ranney should leave, and sought every opportunity to involve him in personal rencounters. In some of these fights he was badly used up, while in others he came off victorious, and showed so much pluck that he acquired the appellation of the "Brave Yankee." From this time he rose rapidly in his profession, and soon obtained the confidence and good-will of the people. He

practiced in the counties of Cape Girardeau, St. Genevieve, Perry, Washington, Madison, Wayne, Scott, and New Madrid; and sometimes attended the court at Davidsonville, in Arkansas. As was the invariable practice in those days, the lawyers traveled from court to court on horseback, which led to those social and genial habits for which the western lawyer is particularly noted. He represented his county once in the Legislature, which convened at St. Charles, but with that exception we are not aware of his holding any civil office. He was too much devoted to his profession to let his name be used for office, though he was well versed in the political history of his country, and was fond of listening to the political contests on the hustings.

General Ranney was a strong, well-read, reliable, and successful lawyer. He was not a pleasant speaker, though in the argument of a question of law was clear, concise, and logical, and always commanded the close attention of the court. Before a jury, he was not impressive, but his high character for integrity, and the confidence reposed in him, gave him an influence which was always felt in the jury-box. He was not a man given to conviviality, hence there are no anecdotes that attach to him. He was slovenly in his dress, and often wore a large overcoat in the hottest period of the summer. Upon one occasion he appeared in the Supreme Court to argue a case of importance, when he was reproved by one of the judges for the negligence of his toilet. The next morning he again appeared, but this time in the garb of a dandy — so completely metamorphosed that his own dog would not have known him. When he rose to resume his argument, he commenced by saying, in a serious and grave manner: "May it please the court, before proceeding further in the argument, I should like to know if the fastidious taste of the court interposes any obstacle to my recognition."

General Ranney was licensed by Judge Silas Bent, on December 4, 1815, and, to give the reader a knowledge of the form of an attorney's license under the territorial government, we here furnish a copy:

"By the Honorable Silas Bent, Esquire, one of the Judges of the Supreme Court of Missouri Territory,"

To all to whom these presents shall come, greeting :

"Know ye, that Johnson Ranney, gentleman, having completed with the requisitions of the existing laws of this territory, in such case made and provided, and having been by me examined and found well qualified, I do by these presents authorize and license him to appear and practice as an attorney and counselor at law in any court of record in this territory, according to the rules and customs of said courts, and the laws of the territory aforesaid.

"Given under my hand and seal this fourteenth day of December, in the year of our Lord eighteen hundred and fifteen.

"Silas Bent. {Seal}"

General Ranney died on his farm near Jackson, in August, 1848, in his fifty-ninth year. He was twice married, and left a large family in independent circumstances.

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MASON FRIZELL.

Mr. Frizell was a practicing lawyer for at least thirty years in Potosi, Washington County. He was a native of Massachusetts, and studied law part of his time with Philip Cole, of Potosi, and the remainder with Edward Bates, of St. Louis. He practiced in the Ninth Circuit until 1862, when Governor Gamble appointed him judge of the St. Francois Circuit, which position he held till his death, in 1865. About 1863 he took up his residence in Cape Girardeau County.

He was a man of powerful frame, and had he been trained as a prize-fighter, would have proved a dangerous antagonist in the ring. His head was nearly a third larger than the average man, his hands and feet of enormous dimensions, and his movements awkward and ungraceful, and by no means calculated to impress a stranger favorably; and probably for this reason he seldom indulged in the society of ladies.

Judge Frizell was well read in his profession, and yet, as a *nisi-prius* lawyer, a failure. He had but little, if any, command of language, and no power to entertain a jury or audience; and in the trial of a cause manifested an utter want of tact and management. He was much better fitted for an office lawyer, and those who knew him well, appreciated him very highly as a counselor and legal adviser. His briefs in the Supreme Court show much research and investigation, and whatever success he had was in that tribunal. He was an unassuming man, and one of his greatest drawbacks was a want of confidence in himself. Though a man of strong dislikes and prejudices, he seldom became involved in a personal difficulty.

After passing the meridian of life he was appointed, as before stated, a judge of one of the south-eastern circuits, and in that capacity was far more successful. His mind was slow, but his knowledge of the law deep, and he listened patiently to argument, took time for reflection if he had any doubt as to the law, and in the end his decisions were almost uniformly correct. In addition to this, he was a man of sterling integrity.

He married a niece of Judge John D. Cook, who, with several children, survive him.

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RICHARD S. THOMAS.

Of the early life of this gentleman there is nothing known. He came to Upper Louisiana as early as 1815, and settled in the practice of the law in Cape Girardeau County. In 1817 or 1818 he was appointed circuit or district judge, and remained on the bench until 1824, when he was impeached and removed by the Legislature.

He was a large, portly man, with pompous and disagreeable manners, which made him exceedingly unpopular with the bar and the people; and in addition to this he was overbearing and tyrannical, and seemed to take particular pains to make himself obnoxious to suitors, witnesses, and all others who attended his court. It is said, however, that when in the company of those whom he fancied, he could make himself pleasant and affable. His unfortunate disposition was attributed by some to domestic difficulties, which to some extent was no doubt true.

After his removal from office he returned to the bar, but did not succeed in his practice, and soon became very intemperate.

On his way to one of the courts in his circuit he was thrown from his horse and killed.

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THOMAS B. ENGLISH.

We became acquainted with the gentleman whose name is at the head of this article in the winter of 1846-7. We were then serving together in the Legislature, he representing the county of Cape Girardeau. He seemed to be a mild and amiable gentleman, of excellent habits, and free from those vices which are not uncommon in legislative bodies. We noticed that he mingled very little with the members, and seemed disposed to avoid a general acquaintance. As a speaker he was fluent and argumentative, making no effort to obtain reputation as an orator. He mingled freely in the debates, and always commanded the attention of the House, and, although unpopular by reason of his exclusiveness, was credited with more than ordinary intelligence. We served with him on several important committees, and found him hard-working and laborious. He exhibited much anxiety to obtain a seat in Congress, and when the bill for laying off the state into congressional districts came up, he evinced a great desire to procure such a district in his section of the state as would favor his political aspirations. He committed the error of supposing that he could better pave the way to success by obtaining the good-will of both political parties, and to accomplish this was found frequently voting with the Whigs. This led to a suspicion on the part of the Democrats as to his fealty to his own party, and doubtless weakened his chances for political promotion.

Mr. English was a native of Louisiana, and born at Harrisonburgh, July 15, 1811. He became an orphan at a very early age, and was brought up and educated by relatives, the chief of whom was an uncle by the name of Simeon English. When a small boy, in the year 1817, he came to Missouri with his uncle and other relatives, who settled in Cape Girardeau County. Thomas was placed as a clerk in the store of Andrew Giboney, and after remaining there about two years entered St. Mary's College, in Perry County, where he received a classical education, and obtained a diploma as Master of Arts. To enable him to meet a liability incurred in his education, he remained in the college two years after graduating, teaching the Latin and Greek languages.

In 1834 he married, and, having fixed upon the law as his vocation, entered as a student the law-office of Colonel Ranney, an eminent lawyer at Jackson, and in due time was admitted to the bar, and commenced his practice at Jackson. He soon obtained a fair amount of business, which gradually increased under his studious habits and close application.

As is well known, Missouri was limited at that time, by her Constitution, to one bank and five branches. Chiefly by the efforts of Mr. English one of these branches was located at Jackson, and Mr. English became its cashier, and continued so for a period of twelve years. For several years he was receiver of the United States Land Office at Jackson, and in 1860 was returned to the State Senate. In 1864 he was elected judge of the Tenth Judicial Circuit, but was ousted from office in 1865 by the Drake Constitution.

He died on November 11, 1866, leaving a widow and four children, who still survive.

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WILLIAM McCORD.

Notwithstanding the easy and social habits of Mr. McCord, there are but few persons outside of Morgan, and one or two counties adjacent thereto, who have any recollection of him, and no one is now living, beyond his own family, capable of defining his peculiarities. He was probably the earliest law- yer of Morgan County, though others, particularly from the Cole bar, practiced in the Morgan court before Mr. McCord's time.

He was of Scotch descent, but born, raised, and educated in Albemarle County, Virginia. He received a good English education, became an excellent mathematician, and acquired a fair knowledge of the Latin tongue.

About the time of his becoming of age, and his admission to the bar, he married Miss Sally M. Field, a daughter of a wealthy planter of Albemarle County. In 1825 Mr. McCord moved into Randolph County, and located at Beverly. We are unable to give the year of his birth, but it must have been about 1800, for he practiced a few years in Albemarle before going to Randolph. In 1831 he again changed his residence, and located at Huntsville, in Pocahontas County. It was during his residence at Huntsville that he obtained his largest practice. He attended the courts of several counties, including Greenbrier, Bath, and Monroe.

Having a large family, still increasing, he began to think seriously of coming to the far West, and in 1836 put his purpose into execution. He crossed the Mississippi at Cape Girardeau, Missouri, and there formed a mercantile partnership with two old Virginia friends, Hugh F. Young and Robert Steele. The business was conducted under the firm-name of McCord, Young & Co., but proved disastrous, and Mr. McCord again turned his attention to the practice of his profession. In 1837 he moved to Versailles, in Morgan County, where he died in October, 1839. The change of residence to Versailles was probably induced by the fact that his father-in-law had in the meantime left Virginia, and settled in Cooper County, Missouri, about twelve miles south-west of Boonville.

Mr. McCord was credited with being a good lawyer, and having a good legal mind, but was lacking in that application and diligent study so essential to eminence in the profession. He was a generous, kind-hearted man, full of life and animation; was always happy himself, and endeavored to make every one else happy about him. He took life easy, looked at the bright side of everything, and belonged to that school of philosophy which teaches "that whatever is right." He was a strong predestinarian, never permitted himself to brood over any misfortune or disappointment, and quietly submitted to what he called "inevitable destiny." He had a large fund of good humor, delighted in anecdote and social intercourse, and sought every occasion to mingle in the society of his friends. He took a lively interest in politics, was a great admirer of Webster and Clay, but never sought office for himself. His party being in the minority in Missouri, he saw no hope for political preferment. He was a poor financier, and never was free from pecuniary embarrassment. He had a high sense of honor, and despised hypocrisy and the semblance of untruth. We have spoken of his free and generous nature, which no doubt led him to contract intemperate habits. He left a wife and six children, but the only one surviving is James McCord, of the firm of Nave, McCord & Co., of St. Joseph.

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SAM CARUTHERS.

Were we to give the full scriptural name of this gentleman, his friends would scarcely recognize him, for he was known by no other Christian name than " Sam." He was a native Missourian, born in Madison County, October 13, 1820, and educated at the Cumberland University, Lebanon, Tennessee. He was the oldest son of David Looney Caruthers, a farmer of more than ordinary intelligence, who brought his sons up to work on his farm until it became necessary to send them away to be educated. Sam, at an early period, expressed a desire to follow the profession of the law, and he commenced its study in Tennessee with his uncle, Robert L. Caruthers, who had some connection with the above-mentioned university. As soon as he completed his studies he was admitted to the bar, and commenced the practice in his native county of Madison.

In 1849 he married Miss Sophronia Smith, of Greenville, Wayne County, by whom he had two children, a son and daughter, the former following the profession of his father, and now practicing in the city of New Orleans.

We remember Sam Caruthers as a whole-souled, genial, and companionable man, who made friends wherever he went. There was nothing in him sordid or selfish, and he was ever ready to lend a helping hand to all who applied to him. Had he devoted himself to his profession he would undoubtedly have made a successful lawyer; but his fondness for public life led him into a different channel. He soon embarked in politics, and in 1853 was elected to Congress from the South-eastern District, which he continued to represent till 1849.

He died at Cape Girardeau, July 20, 1860, in his fortieth year.

Mr. Caruthers obtained reputation in and out of Congress as a speaker, and upon the stump had but few superiors. He had a fine voice, was ready and fluent, told a good anecdote, and at times was very ingenious in the application of them — often to the great discomfiture of his opponent. The lower part of his district is a low, swampy country, and the people there gave him the sobriquet of the "Swamp Fox," which name followed him to Washington.

One cause of his popularity was his fine memory with respect to names of persons. He seldom forgot a name, and if he met a person years after an introduction, would generally call his name. To a public man, and particularly a politician, this rare gift is invaluable.

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TIMOTHY DAVIS.

It is very questionable if there is a person now living who has any recollection of this gentleman. He came to Jackson, in Cape Girardeau County, Missouri, in 1818, and opened a law-office at that place. He came from Canada, or the northern part of New York, and was well read in his profession. The late Greer W. Davis studied law with him one year. He only remained about eighteen months in Jackson, when he moved to St. Genevieve, where he accumulated some property and then moved into Iowa. He was sent to Congress from that state, but whether one or two terms we are unable to state. He was a man of fine natural ability, but awkward and unprepossessing in his manners. It was said that he argued a question of law with considerable force, but he remained too short a time in Missouri to obtain much reputation

in his profession. He speculated considerably in real estate, and turned his attention to other modes of making money besides the law, which was not uncommon with the early territorial lawyers. His character for probity was good.

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ALBERT JACKSON.

The recent death of this judge, so generally noticed by the press, recalls to memory the celebrated impeachment trial before our Legislature, in which he figured as defendant. Of his place of nativity, boyhood, and early life we have sought information in vain. He was a married man, but his wife and children preceded him to the grave, and there is no relative in the West, or elsewhere, to whom we can apply for the incidents of his life prior to his coming to Missouri.

It is said that he was an Eastern man, and received part of his education at West Point, and as far back as we have any recollection of him he bore the title of general. He came to Missouri about the year 1840, and commenced the practice of the law in Jackson, Cape Girardeau County, where he remained through life. He had not practiced long before he was elected or appointed circuit attorney of his circuit. Soon after this he was elected judge of the Fifteenth Judicial Circuit, embracing the counties of Stoddard, Wayne, Reynolds, Shannon, Oregon, Ripley, and others. In 1865 he succeeded Judge Thomas B. English on the bench of the Tenth Judicial Circuit, Judge English having been removed by the Drake Radical Constitution, which swept out of office the entire judiciary of the state. It was while holding this office that the impeachment trial was instigated.

He was a man of good address, a fine declaimer, and by no means deficient in his knowledge of the law ; but he imbibed strong prejudices and dislikes, and towards many of the members of the bar who practiced in his courts he was overbearing and tyrannical. This led to his impeachment upon various charges, such as tyranny, oppression, and favoritism, and the entire bar of his circuit was summoned as witnesses to Jefferson City.

Judge Jackson appeared *in propria persona*, and the old adage that "he who tries his own case has a fool for a client " was certainly not verified in his case, for he made a successful defense, and proved a full match for those appointed managers on the part of the state. His answer to the charges preferred against him was prepared with much skill and ingenuity, and elicited no little praise from the profession generally. He remained on the bench but a short time after his trial, and died in April or May last at his residence in Jackson. He was too vindictive in his disposition to have many attached friends, and on the bench made no effort to conciliate those who were opposed to him.

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