

Nuggets of History

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HALF A PAGE OF HISTORY by Mary Hills

For many years I hoped that some Civil War history buff would do research on the 92nd Illinois Mounted Infantry, and a visit to Kennesaw Mountain near Marietta, Georgia, in 1980 increased that interest. It was in the commemorative museum there that I found an exhibit that surprised me. A framed poster pictured about a dozen soldiers, one from each branch of the service that fought there, and each was shown in the correct uniform of his outfit and with the correct equipment.

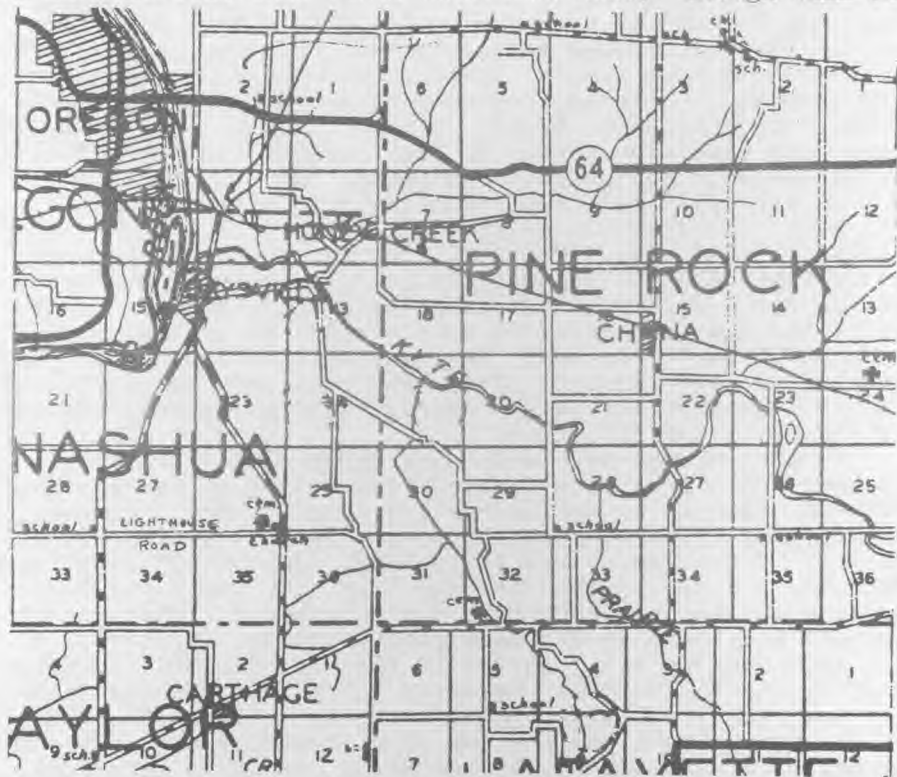
In the picture, representatives of the Confederate army were lined up along the right border and the Union soldiers on the left. The most conspicuous one, centered on the left border, was a natty soldier mounted on a horse and carrying a rifle. Its caption attributed much of the credit for the Union victory to the skill of its well-armed horse soldiers. The only "well-armed horse soldiers" in that battle were in the 92nd, who rode into battle like cavalry -- except that they carried the new Spencer rifles instead of pistol and saber.

I have always been under the impression that the 92nd was composed of recruits from all the Methodist churches in northern Illinois -- including Winnebago County. However, an old history of Winnebago County does not include it in the list of regiments from the county. If I still lived in Rockford, I could settle the question, for the Local History Room in the public library has a complete roster giving the name and township for each recruit in the regiment.

According to the HISTORY OF THE 92nd ILLINOIS MOUNTED INFANTRY that I found at Newberry Library in Chicago, the 92nd was recruited by Methodist churches in Rock River valley, churches that saw the war as a means to put an end to slavery. Apparently the author was a member of the 92nd, and he may have attributed his own feelings to all the others. He certainly made a big point of the "fact" (perhaps his opinion) that the 92nd was selected as the regiment to be mounted and issued the new Spencer repeater rifles because it was "different" from the others. Although the commanding officer of the camp was disgusted with their atypical conduct, the member of the high command from Washington was favorably impressed by it. He saw nothing unsoldierly about men who sang hymns around the camp-fire rather than tell bawdy jokes, or preferred prayer meetings to getting drunk. In his opinion, the best soldiers are not those who enjoy fighting but those who fight with a religious fervor for a cause. Moreover, he was pleased to find that the 92nd was made up of farm boys who had ridden horses since childhood. What the Union needed was a substitute cavalry unit that was not too proud to use rifles against the Confederate cavalry that did use rifles.

With this bit of history for background, one should

not be surprised that William Martin Hills, age 18, was recruited for the army in his church at Lighthouse Point, a few miles southeast of Oregon in Nashua township. Before reporting to his training camp in Rockford, he used one of his few days to find a number of maple saplings in the family woods, dig them up, and replant them along the road in front of the family home, -- at Hills Corners where Lighthouse Road dead ends into Watertown Road. Though Will did



not survive the war, those maples are still there, the most conspicuous feature of the farm 125 years later. When his grandnephews and niece inherited it, they named it Maple



Lawn Farm and recalled their fun with the swings and tree house in those gnarled old trees.

My father, about nine years old when his brother enlisted, seldom spoke of those days. On rare occasions, though, I had a hint of life in Will's home. Whenever Dad yielded to my pleas for a song, the only ones he sang were clearly nostalgic reminiscences of the days when his sister played the piano, and Will and his younger brothers and sisters gathered around to sing the popular songs of those pre-Civil War days. When I came into possession of his sister's volume of sheet music, I found some of the songs he used to sing, for half of it consisted of popular songs.

Her Civil War songs were not the ones we were taught in school; they consisted almost entirely of anti-slavery verses. Though he did not ever mention the days he sang those songs as a boy, it is easy to picture him with his brothers and sisters. The only time he ever spoke to me about his brother Will was to recall quietly how deeply moving it had been to accompany his father to the station to help load Will's body -- doubly memorable because it was the only time he had seen his father cry.

I know nothing of Will's training in Rockford, nor of the march that eventually brought him to Franklin, Tennessee, the town from which he sent the first of his letters that have been preserved. In this and the later letters, it is obvious that he wrote often and appreciated all the letters he received. None of those to his family have been preserved -- perhaps because everything was lost in the fire that destroyed the farmhouse twenty or so years after



William Hills

the war. The letters we have must have been given to my father by a cousin, Philetus Martin. I was interested in his reference to "Bro (brother) Cartwright" (Barton Cartwright), the chaplain of the 92nd. I made the mistake of "assuming" he was the son of Peter Cartwright, the colorful fire-and-brimstone circuit rider of the early Methodist Church. Fortunately I found a brief biography of Barton Cartwright in the Local History Room and was happy to find that he, though also a circuit rider, had a much more human and engaging personality that Peter and was not related to him in any way.

The second letter to Cousin Philetus is dated Wartrace, Tennessee, July 10, 1863 -- 40 days after the first. In it he speaks of his present war assignment, refers to the sons of some Ogle County pioneers he sees in the army, and sounds a bit excited over the news that the regiment is to be mounted and equipped with Spencers. He also mentions Col. Sheets, whose sons and grandsons were prominent in both Winnebago and Ogle counties.

In the third letter (Trianna, Ala., March 28, 1864), he gives a light-hearted account of a "battle" between Company K (his company) and Company D, the Polo company. Apparently a March snowfall "six inches, more than we have had at one time all winter" was too tempting to resist. Though he expresses no desire to quit the job he volunteered to do, he is clearly annoyed at the politicians who think the men who had served for three years should be required to reenlist rather than for others to be recruited.

In his fourth and final letter (Ringgold, Georgia, April 11, 1864) Will expressed concern for keeping the Sabbath, appreciation of the beautiful mountains of northern Georgia, and regret that his education had suffered during his years in the army. Since his sister Mary and several other relatives graduated from Mount Morris Academy, I assume he was a student there before his enlistment. These interests become more poignant when we realize that he died just twelve days later.

An account of his death can be found in Dr. Helm's official report of the incident in the Local History Room along with the other official records of the 92nd. Dr. Helm, chief surgeon for the 92nd, was later taken prisoner by the same band of guerillas that made a specialty of harassing the 92nd and were guilty of other atrocities described in my reference history. The band was described as "attached to but not part of Johnson's army."

Many years after Dr. Helm's report, my father, then a young attorney, decided to investigate for himself what Dr. Helm had called a "murder". He found the woman who had given the details for the report and loved her for the tears she shed as she retold the story. She told how frightened she was when a patrol of Yankees dismounted in her yard, and one of them --"your brother"-- came to the door and --- of all things! --- merely asked permission to pump water from her well. He then asked for a pail, filled it with fresh water for her, and had the others bring armloads of wood to fill her wood box. "Those Yankee boys

were just as nice and polite as any Southern boys could be.

Then after Uncle Will stopped to pick up debris, she heard the others call to him. It did not sound like a warning to her, but she stepped to the window to see. Apparently it did not sound like a warning to him either, for he was completely surprised to face the guns of the guerillas instead of his friends. After he had surrendered his Spencer, the leader deliberately shot him with it. The Spencer was useless to the Confederates, for, as Will had pointed out in his second letter, it required a unique type of bullet unobtainable by the enemy. At least the bullet that killed him could not be replaced.

After she finished, the woman sobbed, "I've always been proud to be a Southerner, but that day I was ashamed."

150 YEARS OF THE CIRCUIT COURT IN THE
COUNTY OF WINNEBAGO, STATE OF ILLINOIS
by Robert J. Lindvall, Law Librarian,
Winnebago County Law Library

Tuesday, October 6, 1987, marked the 150th anniversary of the first session of the circuit court in the County of Winnebago, State of Illinois. The court has evolved through seven geographic circuits and fifty circuit judges. This essay will briefly explore this evolution.
SIXTH CIRCUIT 1835-49

After the formation of the county in 1836, the County of Winnebago became a part of the sixth circuit which had been established in 1835. Thomas Ford (1835-37) of Oregon, and later Governor of the State of Illinois, was the cir-



Chicago Historical Society

THOMAS FORD

Governor of Illinois (1842-1846) during the Mormon troubles. He was at one time a judge of the Circuit Court and later of the Supreme Court of the state. His support brought the Illinois and Michigan Canal to completion. He was in life-long pursuit of public office, but at the close of his career wrote that "the play is not worth the candle."

cuit judge for the sixth circuit, but he retired from the judgeship before the first session was held in the County of Winnebago.

Daniel Stone (1837-41) of Galena was the first circuit judge at the first court session held October 6, 1837, at the house of Daniel S. Haight, the first east side resident of what was to become Rockford. This residence was situated at the location of the present-day Bess Hotel on the northeast corner of East State and North Madison streets. The most important case heard during this two day session was a suit on a claim involving Samuel Gregory and Thomas Lake.

The most important event during Stone's judgeship in the County of Winnebago was the September 12, 1840, purchase of the former First Congregational Church building on North First Street as the first courthouse.

In the sixth circuit along with Winnebago were the Counties of present day Boone, Stephenson, Ogle, Lee, Jo Daviess, Carroll, and Whiteside. The circuit existed as such until 1841 when the Supreme Court of Illinois abolished the circuit judgeships and assigned Justices of the Supreme Court to the circuit to hold sessions. Under the new system, Mercer and Henry counties were added, and Justice Thomas C. Browne was assigned to the circuit. While justice for the circuit, Justice Browne was the subject of an attempted impeachment which was unanimously defeated.

On the county scene during this time (1844) a second courthouse was built. The courthouse was located on the west side of the river after a long battle by groups on each side of the river for the location. The battle was settled only after a group of several west side businessmen offered over \$20,000 to underwrite the construction of the building.

The final justice assigned to the sixth circuit was Jesse B. Thomas, Jr. (1847-49), whose term ended with the enactment of the Constitution of 1848.

ELEVENTH CIRCUIT 1849-51

Under the Constitution of 1848, the County of Winnebago joined with several northeastern Illinois counties to form the eleventh circuit. This relationship lasted a short two years, with Hugh H. Henderson (1849-51) as the circuit judge. Little is known of judicial events during the brief inclusion of Winnebago County in the eleventh district. In fact, some histories state that Hugh Thompson Dickey was the first judge of the eleventh circuit. Other research has Dickey being elected judge of the seventh circuit, serving the County of Cook in 1848.

FOURTEENTH CIRCUIT 1851-73

Under the 1851 redistricting, the County of Winnebago joined Stephenson and Jo Daviess counties to form the fourteenth circuit. Benjamin R. Sheldon (1851-70) of Galena was the circuit judge. Judge Sheldon sat for the trial of Alfred Countryman, who was hanged for the murder of Sheriff John Taylor. The hanging took place March 27, 1857, northwest of Rockford on the farm of the new sheriff, Samuel I. Church.

Judge Sheldon in 1870 was elected to the Supreme Court

of Illinois and later moved to Rockford where he resided until his death in 1891. Sheldon's elevation in 1870 allowed William Brown (1870-91) to be the first resident of Winnebago County to serve on the circuit bench. Brown started a long line of former state's attorneys who would become circuit judges in the county.

Judges who were on the circuit had to be away from home for weeks at a time. This caused concern for the other family members. A letter Judge Brown wrote to his family in 1873 expressed this concern when he reminded his sons not to drink, not to use tobacco, not to use profane



WILLIAM BROWN.

or vulgar language, and not to associate with the wicked or the vile.

FIRST CIRCUIT 1873-77

In 1873 the number of the circuit was changed to the First. The key accomplishment for the county in this time period was the construction of an ornate courthouse on the present courthouse square, replacing the small building erected in 1844. The new edifice was finished in 1878 at a cost of \$211,000. This happened only after the death of eleven individuals caused by the collapse of the dome while construction was taking place. The inquest stated that the architect and the County Board of Supervisors were responsible for the tragedy.

THIRTEENTH CIRCUIT 1877-97

In 1877 the law changed to enlarge the circuit and increase to three the number of circuit judges. The Counties of Ogle, Carroll, Whiteside, and Lee were back with the others in the new circuit. William W. Heaton (1877) of Dixon and Joseph M. Bailey (1877-88) of Freeport joined Judge Brown on the circuit bench of the thirteenth circuit. These men, while circuit judges, heard few cases in the County of Winnebago, except for Judge Brown. Several individuals were serving as circuit judges. One of interest was James H. Cartwright of Oregon, a horseman who had a world champion pacing mare, "Citation", on his farm,

"Springvale", near Oregon.

With the death of Judge Brown in 1891, the County of Winnebago was without a resident as circuit judge because James Shaw of Mt. Carroll was chosen to fill Brown's position on the bench.

PRIOR SEVENTEENTH CIRCUIT 1897-1957

The Apportionment Act of 1897 accomplished three things: 1) it allowed for a resident of the County of Winnebago to be a circuit judge again, 2) rejoined the county with Boone, McHenry and Lake Counties as a new circuit, and 3) started the long association of the number seventeen with the circuit court in Winnebago County.

John C. Garver (1897-1901) of Rockford, Charles E. Fuller (1897-1907) of Belvidere, and Charles H. Donnelly (1897-1920) of Waukegan were the first three circuit judges for the seventeenth circuit.



JUDGE JOHN C. GARVER

Garver's judgeship was the cap on a splendid legal career, which included two terms as state's attorney. His early death robbed him of his congressional ambitions, State's Attorney Arthur H. Frost (1902-17) was selected to the bench upon Judge Garver's death. Frost always had the law in his system starting with his trips as a boy to the courthouse to hear members of the bar present their cases. The courtroom was his forte, especially in the criminal arena.

Just before Frost's death, the courthouse acquired an addition toward the south which is still standing and in use by the courts, and is now often referred to as the "old" courthouse. This \$240,000 structure was complete and up-to-date, equipped with a second floor dormitory for jurors and a basement lounge where for 5¢ one could obtain

a supply of linen and the use of a washbowl and toilet.

For six years after Frost's death, Rockford attorney R.K. Welsh (1917-23) was circuit judge. Judge Welsh is the only Winnebago County resident to resign from a circuit judgeship while in office because the salary (\$6,500) was not sufficient. While on the bench Judge Welsh had several major cases before him, including the Arthur Person conspiracy against the government trial which brought Clarence Darrow to Rockford. Welsh also heard the case of Herbert Steward, the crippled orphan boy convicted of manslaughter.

In 1923, the "Winnebago County seat" on the circuit was filled by Earl D. Reynolds (1923-26) and followed by Arthur Fisher (1926-39). In the 1930s the local judiciary heard the Russell McWilliams case involving a robbery and murder of a Rockford streetcar motorman. During the legal proceedings of this case, Judge Fisher twice sentenced McWilliams to death. Judge Edward Shurtleff of Marengo sentenced McWilliams a third time to death, which was later commuted to life imprisonment by Governor Henry Horner. This case also brought Clarence Darrow to Rockford as counsel.

Thomas E. Gill (1939-41), a non-state's attorney, was selected after Fisher's death. Highly regarded by his peers, Judge Gill had served only eighteen months on the bench when illness took his life.

The individual selected to fill the vacancy caused by Judge Gill's death is one whose life should be fully explored by a writer at another time because the stories and folklore connected with him are the stories that novels are made of. This judge was the well-known and still-remembered William R. Dusher (1942-64). One such story worth recalling happened about the start of his career on the bench. While Judge Gill was ill, a mural had been placed in his courtroom in the 1916 annex. When Dusher took over the courtroom, he put a huge American Flag over the mural where it remained the entire time he was on the bench. Judge Dusher said he hated the mural from the first time he saw it.

The General Assembly in 1951 added a judgeship to the seventeenth circuit. Selected for the post was Albert S. O'Sullivan (1951-73) of Belvidere. Judge O'Sullivan held court in Rockford and Belvidere, with the last ten years of service being that of the first Chief Judge for the circuit.

PRESENT SEVENTEENTH CIRCUIT 1957-PRESENT

When Judge Dusher was to run for reelection in 1957 several individuals were going to run against him. To ease the political pressure, the General Assembly cut the seventeenth circuit in half and allowed for a new judgeship. Arthur V. Essington (1957-68) was elected to the newly-created bench. Essington later said that while on the bench he handled civil suits, divorces, and few criminal cases ("no big ones").

(Continued in next issue)

A PIONEER GENTLEMAN AND HIS FAMILY
by Hazel Mortimer Hyde
(Continued from last issue)

The Lewis line around Byron, Stillman Valley, and Oregon has not run out. Helen Debnan of Byron writes for ROCKFORD REGISTER STAR. One of her feature articles concerned the Lorado Taft Black Hawk Statue near Byron on the occasion of its 75th Anniversary. She called after the article about Mary Carolyn (Carrie) Vaughn appeared in NUGGETS OF HISTORY. We discussed the OGLE COUNTY BICENTENNIAL HISTORY and Attorney Heckman's farm named Ganeymede. We conversed about early settlers like her relatives and others who settled in that area and later moved to Rockford, and a McAfee family that settled near Roscoe. She told me her mother was a Lewis of the line that Diana Keller of St. Paul is researching and that she had an interest in Carrie Vaughn. She invited Diana to spend two days with her in Byron when she visits the area in August. We forgot to explore the possibility of her family having one of the very old portraits or paintings of scenery along Rock River done by Carrie Vaughn.

And how does Diana Keller, teacher, and exhibitor of photography as fine art, figure in the family of Lewis? Diana Louise Keller born Lynwood, CA July 7, 1949 was daughter of Allan Charles Keller born Albuquerque, NM April 30, 1914; her grandmother, Kate Vaughn, daughter of Charles Edward Vaughn born Albuquerque, NM, Nov 16, 1884, died San Diego, CA, June 14, 1929; Charles Edward Vaughn born Shullsburg, WI, May 16, 1843 died San Diego, CA, Sept 1922; (Charles her great-grandfather was a drummer in the Civil War); Edward Vaughn married Mary E. Lewis at Byron Dec. 9, 1841 and she was the daughter of David Lewis born Belchertown, Massachusetts.

Mason Lewis was in his eighth year when his parents moved to Ogle County, Illinois. He recalled incidents on their trip and the appearance of the country. He attended the pioneer schools and assisted his father on the farm.

His recollections were similar to those of Thomas B. Talcott, son of William Talcott, and preserved in a journal of young Thomas. They made their way, also, by horse and wagon. Thomas wrote, in part, in July 1835; "Had about four miles of prairie and then came to timber land. The



Carrie Vaughn (1838-c.1890),
portrait painter, at age 15.
She was fond of step-grandfather
David Lewis.



Fay Lewis, son of
Charles Fayette
Lewis, Atchley's
Gallery of Art, 314
West State Street,
Rockford, Illinois

timber is of various kinds such as oak, walnut, beech, maple, ash, elm and basswood...We came to bad going, our horse got mired and we had to loosen him from the wagon and help him out, and then got the wagon out the best way we could with handspike...After awhile came to where woods were more open and the road rather better...The road was so bad we were yet obliged to walk." Some days later Thomas Talcott observed they would sell the horse and leave the wagon. He continued in his journal "...and then go to Rock River on horse back. Starting after breakfast and had to cross a very large prairie, traveled all day without sing any inhabitants..." Mason Lewis remembered the waist-high prairie grass just as young Talcott described it.

When Mason's parents removed to Rockford he continued working on the farm and lived there until 1855. Then he settled on 120 acres of land located in Marion Township. He built a house, added modern improvements and made plantings to beautify it, living there until 1874. Selling that farm, he located one mile north of the site of the present Stillman Valley where he lived until 1883. In that year he moved into the village. He married Helen W. Preston of Camden, New York, January 17, 1855. She was the daughter of Lyman and Hannah (Gillette) Preston, born October



Fannie Lewis, daughter of
Fayette Lewis, Brands Studios,
210 & 212 Wabash Avenue,
Chicago, Established 1858

24, 1836. Her parents came to Illinois in 1850 and settled in Marion Township. Mason and Helen's son Frank became a teacher and had attended Yale University.

The David Lewis land consisted of the Fred Bushnell farm and the John Swanson farm, land later owned by D. Homer Lewis. David lived with Mason for a time as he grew older and finally with his daughter Juliette Strong in Winstead, Connecticut, where he died in February 1884. Reading Charles Edward Vaughn's Diary and looking at names of Ogle County Historical Society as well as Rockford Historical Society concluded Carrie Vaughn spent considerable time with her Lewis relatives in Oregon, Byron, and Stillman Valley area.

An obituary has been preserved which speaks of this New England born gentleman, David Lewis, and his contributions to a pioneer community and his faithful attendance at church. He was eighty-nine years of age at the time of his death. Farmer, mill owner, starch maker, and church deacon, he made successes in many areas of life.

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