



JUDGE CURTIS BATES

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THE pioneers of Polk County who are still living have a vivid remembrance of Judge Curtis Bates, who was a prominent factor in civic affairs in early days. It was little known that he was a Yankee, born in Connecticut, as he always preferred being considered a Buckeye, for he went to Trumbull County, Ohio, when three years old. There he passed his youth and early manhood, and began the practice of law. Soon after commencing practice, he was elected State Senator, as a Democrat, but his opponent contested the election, when it was shown that he was ineligible to the office, being less than twenty-five years old. During the contest, however, he became eligible, was re-nominated, and elected by nearly a unanimous vote.

He came to Iowa City in 1841, and opened a law office. In 1846, he represented Johnson County in the second convention to form a state constitution, that adopted by the first convention having been rejected by the people. The second was accepted by the people, and under it Iowa was admitted to the Union.

While at Iowa City, he was admitted to the Polk County Bar in 1849, became interested in Fort Des Moines, and resolved to establish a newspaper here. He entered into an agreement with Barlow Granger to take and carry into effect the project, the Judge to become responsible financially therefor. The press and material were hauled from Iowa City on wagons, and July Twenty-fourth, 1849, the first issue of the *Iowa Star*, the first newspaper in the town, was made. The office was in one of the log buildings vacated by soldiers, on Second Street, near Vine. The community was small, as were also the circulation and income, and on February Twenty-second, 1850, Barlow Granger threw up the sponge, the Establishment passed to the Judge, who assumed control and added to the heading a star of large proportions. He put up more money, formed a partnership with Luther Johnson, a young lawyer at

Iowa City, who came here to take charge of the paper, but in May, he died from Smallpox. The Judge again resumed control of the paper, and early in 1851, removed to The Fort, and opened a law office. He had started a town about seven miles from Council Bluffs, called Traders' Point, which reached the dignity of a hotel, a store, and nearly two hundred population, when the Missouri got on a rampage and floated the town away.

The Judge was a politician—not an office seeker—as well as a lawyer. The air was full of politics. The Whigs were making desperate efforts to revolutionize the state, the Know-Nothing craze, the Kansas Free State contest, the State Capital location question, were before the people, and the Judge took an active part in affairs, but, finding his law and editorial work were too onerous, he formed a partnership with Doctor A. Y. Hull, who wanted to take a part in the general scrimmage. He took the editorial end of the business, but at the close of the year, in May, 1852, withdrew, declaring he could not live on politics, yet two months later was in the field as a candidate for State Senator, stumped the district of twenty-four counties, and in October was elected.

Upon the Doctor's retirement, the Judge again assumed entire control of the paper until 1853, when he formed a law partnership with "Dan" Finch, then in the hey-day of life, a politician of the most strenuous type, a jovial fellow, a brilliant speaker, a vigorous, pungent writer, who became associate editor of the paper.

Relieved of editorial work, it gave the Judge more time to solve abstruse questions of law. For instance, the records show the following case which came before the courts during this hiatus:

William Oakes became indebted to Reuben Davis, and was so delinquent in payment that when Oakes was absent at Boone for several days, Davis sued him before Esquire Young for debt. A judgment was rendered in his favor, an execution issued, a Constable seized a cow and sold her at auction to William D. Corkeram for sixteen dollars. The money was given to Davis, and Corkeram put the cow in his pasture. When Oakes returned, he was mad, and applied to Judge Bates for counsel. Learning that Oakes had but one cow, and exempt from execution, the Judge secured a writ of replevin, and had the cow returned to Oakes. Corkeram did not

want to lose what he paid for the cow. He brought a suit against Davis and Wyatt Brownlee, the latter happening accidentally to be present at the sale, before Esquire McClelland, on a bill, to-wit:

"FEBRUARY TWENTY-FIRST, 1853.

"REUBEN DAVIS AND WYATT BROWNLEE TO WILLIAM D. CORKERAM, *Dr.*

"To cash paid for cow at Constable sale	\$16.00
"To costs of suit before William McClelland, Esquire.....	5.00
"To keeping of cow four weeks.....	4.00
"To expense in prosecuting and defending suits.....	<u>15.00</u>
"Total.....	\$40.00"

Davis employed J. E. Jewett as his attorney, who made the following answer to the petition of plaintiff:

"For answer to the charge in said plaintiff's account or petition first specified, defendant says: That the defendant never was a Constable nor a Deputy, nor did he ever officiate as one, nor did he ever, directly or indirectly, sell, bargain, or contract to sell, bargain or convey to said plaintiff any cow, bull, calf, steer or any other animal of that species, either as Constable, Sheriff, or Deputy Sheriff, or in the character of any other officer, either judicial, ministerial, or executive, or as a private person, for himself or anybody else, either as principal or agent.

"And though said cow might have been sold,
And paid for in American gold;
Yet this defendant never did,
Either sell or take another's bid.

"And as to the second charge in said plaintiff's account or petition, specified, this defendant for answer says: That he never was chosen either as plaintiff or defendant, in any suit at law or equity, which was tried before said Justice of the Peace, and if he ever was a party, it was a bald-faced meanness and transparent folly not to inform him of it.

"And that a suit could e'er be tried,
And the parties never notified,
Is clearly wrong—and this Court sees
That we are not liable for the fees.

"And as to the third charge in plaintiff's account or petition, specified, this defendant for answer says: That he never employed said plaintiff to keep a cow for him; that he paid him for all the keeping of cows he ever did for this defendant; and, lastly, that this defendant never had any cow that plaintiff could have kept.

"And why this defendant should be dunned
For keeping of cows he never owned,
Or which he never agreed to pay,
Is all submitted for the Court to say.

"And as to the fourth and last charge in plaintiff's account, or petition, specified, this defendant for answer says: That he never employed said plaintiff to either defend or prosecute a suit for this defendant; the last time he did employ him, he managed it so badly that he was not entitled to any fees, and that this defendant has paid him all his services were worth.

"And to charge this party with that load
Is not according to the Code;
And the only way, we think, to end it,
Is to render judgment for defendant."

Judge Bates made answer to the petition for Brownlee, to-wit:

"DES MOINES TOWNSHIP, POLK COUNTY, IOWA,
"FEBRUARY TWENTY-SIXTH, 1853.

"Now, as you see,
Comes the defendant, Brownlee,
And on his own hook defends—
Because he seriously contends
That he is not indebted,
As by said Corkeram stated.
Persons having adverse interests to plaintiff
May, as defendants, be joined, says the Code;
And to join those having unity of interest is the true
mode.

"But Brownlee doth most seriously declare
That he never joined with Davis in any affair;
And why he is joined in the suit now pending,
Is far beyond his comprehending.
Plaintiff's bill charges the defendant sixteen dollars,

As cash paid by him for a cow
Which (as we gather from what follows),
He bought at a Constable's Sale, somehow
When she was offered as the property of the poor
man, Oakes,
And, being his only cow, the sale turned out a hoax.

"That Corkeram in good faith to the Constable
His money paid isn't denied;
Nor that the money was to the payment
Of Davis' judgment applied.
But what of that? This defendant was but a witness—
No party to the suit
Though he fed, for a short time,
The old dumb brute.
But neither this,
Nor the receipt of his fees,
Could make him jointly liable
With Davis—if the Court please.
Nor is he liable to Corkeram
In any event;
He therefore prays for costs
And for judgment."

After hearing the evidence and arguments of the lawyers, the Court decided for the defendant in both cases, by which Oakes kept his cow, Davis kept the money he received for the sale of her by the Constable; Corkeram lost the sixteen dollars he gave the Constable for the cow, his four weeks' cow pasturing, and his twenty dollars expenses for law suits. He was ever after puzzled to know how he could be compelled to pay that Oakes debt, pasture his cow four weeks, and have nothing to show for it. It was a "law p'int," as Ben. Bryant, an early, eccentric Justice of the Peace, used to put it, he could not unravel. It is needless to say he lost faith in Jewett and Bates, who frequently shook their sides over the affair. In 1854, Bates was nominated by the Democratic State Convention for Governor, in opposition to Grimes, of Burlington. The favor was celebrated by a big jollification at the Stutesman Tavern, corner of First and Walnut, afterward the Demoine House, where

Judge Casady, "Old Bill" McHenry, "Dan" Finch, and a host of others orated and made merry over the marked compliment given the "distinguished citizen of The Fort."

The campaign was a vigorous one. Strong opposition to the Judge arose in several localities where effort was being made to secure the removal of the Capital from Des Moines, on the ground that if elected he would use his influence in favor of Des Moines, and also between the East and West Side respecting the location of the State House. It entered into politics, business, and even social relations. The Judge being a West Side resident, naturally received the support of that faction. The result of the election in the county was a tie, but, unexpectedly to the Democrats, the state gave Grimes a majority of two thousand five hundred in a vote of about forty-five thousand.

The friends of the Judge attributed his defeat largely to the intense excitement among the River Land Settlers, caused by the River Improvement Company charging them five dollars an acre for the odd-numbered sections of land, while the even-numbered sections were sold by the Government for a dollar and a quarter, and no more. It was deemed an outrage, and more especially so as the river improvement did not extend above Des Moines, and was no benefit to them.

In 1855, Bates, who was a Judge before he came to Des Moines, was a candidate before the Democratic Convention for Judge of the District Court, against McFarland, who served out the vacancy occasioned by the resignation of Judge Casady. At the convention, a fellow turned up who claimed to represent King County, up where Sac County now is, which existed only in expectation. As the contest was very close, and every vote counted, he was seated, voted for McFarland, giving him one majority, and he was declared the nominee.

In 1855, the Judge, having tired of holding the bag to feed and sustain the impecunious Star, disposed of it, and in 1861, his health failing, retired from law practice and devoted his time to the care of his large property holdings.

In 1860, he purchased a tract of land lying south of Clark Street to Oakland Avenue, between Arlington Avenue and Fourth Street.

It remained unplatted and unsold during his lifetime, but the public, by common accord, used the northern portion, along the bluff overlooking the river valley, as a park, and it was known as Bates Park, the Judge interposing no objection. In 1883, his widow platted the entire tract, on which she designated a space 275x145 feet as a public park, in accordance with the evident intent of the Judge, and conveyed the title to the Board of Park Commissioners. In commemoration of her husband, she named it Bates Park.

In 1875, the Judge was elected Alderman from the Second Ward, and served one term.

Socially, the Judge was eminent for his virtues, integrity in business affairs, fidelity in friendship, purity of life, and loyalty to the home of his adoption. Whatever was to the betterment of civic life received his hearty support.

Religiously, he was not the member of any denominational church, yet he was a regular attendant at the services of Father Bird so long as that good man was able to preach, and subsequently attended the Presbyterian Church. His creed was the Fatherhood of God, and the Brotherhood of Man.

He died in May, 1879.

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