



DANIEL O. FINCH

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DANIEL O. FINCH, or "Dan," as old-timers knew him best—in the early days everybody was called by his "front" name—came to Des Moines in 1853, and joined Curtis Bates in the law and banking business, their office being on Second Street, nearly all stores and offices then being on that street near 'Coon Point. He was one of the foremost lawyers in the state, his civil and criminal practice extending far and wide, the latter being usually for the "under dog in the fight." He was a natural orator, genial, courteous, alert, humorous, convivial and fond of society. He at once became an important personage in the body politic.

In 1854, P. M. Casady having resigned as District Judge immediately after his election, he recommended "Dan" to Governor Hempstead as his successor, but the Governor appointed C. J. McFarland, of Boone County, a very eccentric man, ostensibly on the ground that McFarland received the next highest vote in the convention which nominated Casady, but "Dan's" friends claimed it was because McFarland could control the most votes for the Governor in his race for Congressman. "Dan" said nothing.

In 1857, he was nominated State Senator, and was defeated by a very small majority. He ran far ahead of his party ticket, receiving one hundred fifty votes on the East Side in the Whig stronghold of Lee Township.

He was the leading attorney for the Des Moines River Land Company in the memorable extended litigation, disputes and neighborhood disturbances among settlers, resulting in a most deplorable state of affairs. The trouble arose from the vacillating and conflicting decisions of the Government Land Department at Washington respecting grants of land made to the State of Iowa under an Act of Congress in 1846 for the improvement of the Des Moines River by a slack water system of locks and dams. By that act every alternate section of land within five miles of the river, from

its mouth to Raccoon Forks, was donated for this improvement. The state began to make the improvement, but in 1854 got sick of the job and sold out to the River Navigation and Railroad Company, who agreed to complete the work, and Congress transferred the grant to the state, which was to transfer the land to the company as the work progressed. In the progress of events, the company claimed that the grant extended to the north line of the state, and the Commissioner of the Land Office so decided, but was over-ruled by the Secretary of the Interior, and the question was bandied between the Land Department, the courts, the state and the company, and finally the right was vested in the company. Prior to this claim of extension, the United States, and the state also, had disposed of land to settlers which was within this grant, above Raccoon Forks, and on which they made homes and improved farms, and when the River Land Company attempted to oust them, the trouble began, for the settlers could not see the difference between a legal and moral right. That the State of Iowa was most outrageously cheated in the deal there can be no doubt. Felix G. Clark, for many years Register of the Government Land Office here, and whose knowledge of land laws surpassed that of any official at Washington, said to me one day: "There," putting his finger on one of the Government field maps, "are over nine thousand acres that River Land Company got they had no more right to than you have to put your hand in my pocket and take my money. If I wanted to homestead a farm, I would go there and take it, and I would defy the company to get it away from me."

The energy with which Dan served his clients came near ending his days on one occasion. The trouble among settlers had got into court at Fort Dodge. At the hearing, the Court House was crowded to the doors, the excitement was intense, and there was evidently bad blood present. The evidence had been closed, all the attorneys had made their arguments except "Dan," who began his just after dark, when immediately the lights were extinguished and a row was on. "Dan," quickly comprehending the situation, got away to his hotel and escaped the bodily assault intended on him. Securing two revolvers, he went back to finish his argument, but the judge had wisely adjourned court for a week.

These cases were of a class wherein his conscience rebelled against his professional duty to his client, for "Dan" was the very soul of honor and justice.

In 1854, Curtis Bates, editor of the *Star*, was nominated for Governor, to run against Grimes, the Whig candidate, and, that he might devote his time to the campaign, "Dan" was selected to edit the paper, he being a politician in all that the name implies, but he soon concluded that ink-slinging was not his forte. He resigned, and soon after the *Star* twinkled out.

He was a leader in the Democratic party, and an orator unsurpassed in the state. He was a delegate to the National Convention in 1862, 1864 and 1868, and President of the State Convention in 1876.

He was very successful before a jury. His descriptive powers and wonderful use of language would often secure him a verdict against the law and facts, hence he was the popular attorney of defendants in criminal cases, but he was not a pettifogger nor a shyster.

He was a special favorite of Judge McFarland, the like of whom was never seen on the bench in this state. He was a rugged, unconventional man, a good lawyer, had a keen sense of exact justice, with a heart in the right place, but of gross, bibulous habits and given to swearing, like the army in Flanders, regardless of place or persons. His decisions were often appealed from, more because of his peculiarities than otherwise, but were rarely reversed.

At one time "Dan" was defending a criminal I will name Smith, who was convicted by the jury, whereupon the judge at once sentenced him to pay a fine and be imprisoned in the comity jail for a term. "Dan" arose and suggested to the court that she—the judge always called his court a "she"—had made an error. "The statute provides," said he, "that the penalty shall be a fine or imprisonment, not both."

The judge looked at "Dan" a moment, and, pointing to the jail, retorted: "Daniel, do you see that building over there?"

"Dan" replied that he did.

"Well, take your seat," said the judge; and "Dan" subsided.

The next morning, on opening court, the judge said: "Mr. Sheriff, bring that man Smith into court." He was brought in,

much to the surprise of "Dan," who could not imagine what was coming next.

"Mr. Smith," said the judge, "I have changed my mind and concluded to change your sentence to imprisonment, and remit the fine; for if I fine you and let you go, I'll be d—d if I would know where to find you when I wanted you."

On another occasion, one Rain was accused of stealing six hundred dollars from Taylor Pierce, a prominent early settler, who for many years was City Clerk and Auditor, and, in fact, practically ran the whole town government. He was an Indian trader, spoke their language fluently, and the Tama County Musquakies (sic) always made him a visit when they came to the city. As I could not understand the inconsistency of names here when I came to the city—the city was called a city of monks, one river the same, and another river the Raccoon—when Indian names were much more musical and applicable, I asked Taylor to give me the Indian names of the two rivers, and he said the Indians called the 'Coon "As-e-po-lo," accent on the last syllable, which means the raccoon, or "As-e-po-lo-sepo," the terminal "sepo" meaning river. The Des Moines was called "Ke-o-sau-qua," which means dark, black, inky, as the water usually had that appearance in the Spring and Fall, when they hunted along its banks, caused by drainage from the prairies burned over and covered with charred, blackened debris of grass and weeds. Taylor said he once met a band of Fox Indians one hundred miles north from Des Moines, who were hunting, and, asking them where they were going, they replied, "Up Ke-o-sau-qua-sepo." Sometimes they would be headed towards Des Moines, and their answer would be, "Posse [pony] puckachee [going] Asepolo," meaning that they and their ponies were going to the Raccoon, as they always called The Fort.

But, to get back to my subject. When the hearing had been closed, the judge told the jury to retire to their room and prepare their verdict. They started, when "Dan" laid before the judge some instructions and requested that they be given the jury.

"Hold on, jury! Wait a minute," said the judge. Running his eye hastily over the papers, and brushing them aside: "Go on, gentlemen, to your room; (turning to "Dan") he is guilty as h—l."

The jury returned a verdict of "guilty," and the judge sent him to the pen for five years. "Dan" immediately asked leave to file a motion.

"Daniel, do you see that blue house over there (the jail)? Sit down, or I'll send you there in five minutes." "Dan" sat down.

On another occasion, "Dan" and John A. Kasson were stump-ing the Congressional District during a hot political campaign, in joint debate, as opposing candidates. They rode together in the same buckboard; ate and slept together at hotels. The tempera-ture was torrid, it being mid-Summer. At one hotel, during the night, Kasson discovered an extensive system of blood-sucking going on all over his anatomy, and, bounding out of the bed, he seized "Dan" and, giving him a shake, said: "Get up, Dan, or the bedbugs will eat you up."

"Dan" opened his eyes, muttered in sepulchral tones: "Where ignorance is bliss, 'tis folly to be wise," then turned over and went to sleep.

"Dan" is still living, but has retired from active business.*

May Twenty-second, 1904.

* Died in San Francisco, November Twenty-sixth, 1906.

**Transcribed from:
PIONEERS OF POLK COUNTY, IOWA AND REMINISCENCES OF EARLY
DAYS**

by L. F. Andrews

Volume I

Des Moines, Baker-Trisler Company, 1908