



JUDGE CHESTER C. COLE

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CHESTER C. COLE was born June Twenty-fourth, 1824, at Oxford, New York, of English ancestry, which is given high rank in Burke's Registry of English Peerage and Heraldry. He spent his youth on a farm with his mother, attended public schools and Oxford Academy until thirteen, when he became clerk in a store until eighteen, when he entered the Junior Class at Union College. At twenty-one, he entered the Law School of Harvard, and graduated in 1848. He then went to Frankfort, Kentucky, where he reported the proceedings of the Legislature for the *Daily Commonwealth* of that city, at the conclusion of which, he located at Marion, Kentucky, was admitted to the Bar of Crittenden County, and began the practice of law, in which, during his nine years' stay there, he attained a high rank, especially in criminal law. It was said of him he was counsel for the defense in nearly every criminal case before the court, and never had a client convicted; that he never prosecuted but two criminal cases, one for murder, and the defendant was hung; the other for passing counterfeit money, and the defendant was sent to the penitentiary. His practice extended to several counties in Illinois, and he came in contact with the ablest lawyers of that time and place.

In 1857, he came to Des Moines, a stranger, began practice, and was soon accredited a leading position with the Bar.

In 1859, he was nominated by the Democratic Convention for Associate Justice of the Supreme Court. His opponent was Caleb Baldwin, of Council Bluffs, weighing over four hundred pounds, a ponderous and formidable one for the young newcomer. The Democratic party was then divided on the leading political issue at that time—the Missouri Compromise. Cole was identified with the Douglas wing of it, but the party had lost its grip in Iowa, and he was defeated.

In 1860, he was nominated by the Democrats for Representative in Congress, from the Second District, which comprised nearly the south half of the state. His opponent was Samuel R. Curtis, very little known, and whom he was told could be beaten without effort. He loaded himself with speech-making material, and having got possession of the *Statesman* office, he hired Stilson Hutchins, a well-known politician and newspaper editor in those days, to run it during the campaign. With a team each, they started out—there were no railroads, and stage coaches did not run where they wanted to go. They traveled together, became good friends, sometimes riding together, and the drivers together. He soon discovered that Curtis had to be considered with zeal and care. Referring to it not long ago, he said:

“I will tell you what I did. I made a speech—I had material for a few speeches on hand—and the next day made another speech. I found Curtis’ mind so tardy he could not answer the speech I had just made, but would answer overwhelmingly the speech I had made the day before. The difficulty was, it did not get to the same audiences, for we had moved. I concluded I would substitute; make the speech in one place that I should have made in another place, and, upon my word, he made most conclusive answer to it. I found that it would not do to be repeating the same thing before him; I must get new material; so I had Hutchins gather up material and suggestions, which he brought me every week or two. The campaign was never equaled in the state. There were seventy days in succession. From Keokuk to the Missouri River, back to the Mississippi, thence back to the Missouri, and then back to the Mississippi, with an average of more than one debate a day, for though there was arranged but one debate each day, each party had the right to put in an additional one, and we did. The hardest task was to avoid repeating, to baffle my opponent’s slow grasp of points, but he proved to be a man of great strength of mind and vigor of character, and became one of the great men of the Nation. We became warm friends thereafter.”

In 1858, he was elected City Attorney, and served one term.

In 1861, when reports came of the attack on Fort Sumter, the Judge headed a call for a mass meeting, which was held in Sherman Hall. The crowded gathering was addressed by him in a stirring, unanswerable appeal

for support to the Government in putting down the Rebellion. Thenceforward he was allied with Union men, though he was recognized by his party until 1862, when he was called to address a party convention, on which occasion, in most scathing terms, he denounced the party for its sympathy with the South.

In 1863, when rumors came that a Rebel raid was to be made on the Missouri border, the Judge took the field and spent thirty days among the people of the border counties, in earnest endeavor to reconcile his old Democratic associates to the new order of things. He left the party, and joined hands with Baker, Bussey, Tuttle, and Crocker, to save the Union. William M. Stone was running for Governor on the Republican ticket. The Judge supported him by public addresses and through the newspapers, giving in vigorous, patriotic terms his reasons therefor, and Stone was elected.

In 1864, in recognition of his labor in behalf of the Union, Governor Stone appointed him an Associate Justice of the Supreme Court, and in October he was elected to the full term of six years by the unprecedented majority of forty thousand. In 1869, he became Chief Justice of the Court. In 1870, he was reelected, and the same year Iowa College at Grinnell conferred upon him the degree of Doctor of Laws. In January, 1876, he resigned and resumed the practice of law.

In 1865, he boldly and publicly announced himself in favor of Negro Suffrage, and was the first person of prominence and influence in the state to do so, on the ground of right, reasonableness and justice, an innovation which, at that time, required the courage of one's convictions.

The same year, he, with George G. Wright, his court associate, organized the Iowa Law School, at Des Moines, which at once gave promise of great success. In the meantime, steps were being taken to organize a Law Department of the State University. To avoid a formidable rivalry, a plan was perfected to merge the school into the department of the University, but the necessary legislation thereto was not secured until 1868, when the department was opened, but the founding was antedated so as to include the graduates of the Iowa Law School for the years 1866, 1867, and 1868.

The school then closed, became the Law Department of the University, and Wright and Cole the law lecturers.

The year 1865 was a busy one for the Judge. A general effort was being made to provide a suitable home for the orphan children of soldiers. It appealed so directly to his sympathies, he at once took an active part in the matter, was made one of the Trustees, and elected President of the Board. He found there twenty-five children, poorly cared for, with less than one thousand dollars funds for expenses. During the first year, eight hundred children were gathered in, and over two hundred and fifty thousand dollars expended in improvement and equipment of the home.

He also assisted in organizing the State Fire Insurance Company, and was elected its Vice-President.

In 1872, it became apparent to discerning minds that the State Library was in a dilapidated, chaotic condition, evidencing no purpose, method, or utility—in fact, it could hardly be called a library. The necessity for some legislation that would give it the dignity of a state office and be of benefit to the people became so conspicuous, Judge Cole and his associates took hold of it, and secured the passage of an Act creating a Board of Trustees comprising the Governor, Superintendent of Public Instruction, and Supreme Judges; the library was made a state institution, and provision for its enlargement and permanent improvement. It is now, with its more than one hundred thousand volumes, beautifully housed in the Capitol and "Charley" Aldrich's magnificent omnigatherum—that's what everybody calls it—an honor to the state.

When the Judge was practicing law, he also edited for many years the *Western Jurist*, a law journal published by Mills & Company, which attained a high rank. In 1879, he edited the re-publication of the first eight volumes of the Supreme Court Reports, with elaborate annotations, which evidenced his legal acumen and exhaustive research.

In 1892, he was chosen Dean of the Law Department of Drake University, which office he holds now.

Possessing a natural genius for the law—in fact, being a born lawyer—he has cultivated and enlarged his acute, subtle, penetrating mind by cautious, laborious study, large experience, and long practice, until he has become

master of the science of law. As a forensic orator, he is clear, forcible, argumentative, possessing the power to sway juries, and hold the attention of audiences. As a Judge, his plain, penetrating, analytical reasoning, and good judgment, were potent factors in his court, consisting of his associates, Wright, Dillon and Lowe, the strongest and best the state has ever had. Under the new Constitution, without precedents, it was their duty to fix the rule of law respecting the taxing power of the Government; the relation of corporations to the body politic, and corporate rights, involving intricate and perplexing questions under an ambiguous clause of the Constitution requiring the property of corporations, with their numerous ramifications and widely divergent interests, to be taxed the same as that of individuals. So wisely was it done, their decisions have become the established law.

In social life, the Judge has been a prominent factor in all its departments—civic, educational, and religious—always ready and active to promote the welfare of the community. He holds high rank in the Masonic fraternity and Knights of Pythias. He is eminently social, and heartily enjoys company. His home is noted for its generous hospitality. That big house on Fourth Street was the scene of some of the most brilliant and notable entertainments known in the city.

In my reporting days, the Judge was my favorite in fishing for news respecting the doings of the Supreme Court. He knew and appreciated the wants of newspaperdom. I recall one day when interviewing him, Judge Mitchell, of the then Circuit Court, came in, bringing an opinion he had prepared with great care, evidently to avoid a reversal of it by a higher court, and asked Cole to read it, which he did, saying: "You have sustained your position very well, but suppose _____" adding a half dozen words. "I never thought of that," said Mitchell, and, putting the opinion in his pocket, went home to build another one that would stand up. The Judge was ever ready to help others.

The Judge is an admirer of fine horses, and he likes to see the "wheels go 'round." Several years ago, he became just a little sporty, for a diversion, indulging in a beautiful pair of black, high-steppers, which, with perceptible self-satisfaction, he gave the people frequent opportunity to see on the

streets in their graceful movements. Sometimes, perchance, he would draw up alongside Levi J. Wells, outside, exercising some of his sprinters. It was the rule of Levi never to let anything that went on four legs pass him on the road, and the Judge was sometimes humorously inclined to tease him for a short spin, and "see the wheels go 'round."

As a citizen, he is an exemplar of the best type of civilian. His public spirit and constant endeavor to promote the highest ideal of civic life have added greatly in the betterment of the city and state.

Religiously, he is a Presbyterian, and for many years has been an Elder of the church. He was largely instrumental in securing the merger of the Old and New School churches in the city, in 1874.

Despite his eighty-two years, he is hale and hearty, and to his law school, clients, and friends, seems as vigorous as thirty years ago.

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