



JUDGE CHARLES C. NOURSE

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An early settler who has been prominently identified with the public affairs of the state, Polk County and Des Moines, is Charles Clinton Nourse, or "Charley," as everyboy (sic) in the state calls him—in fact, he says that's his name.

A Marylander by birth, he received his education principally from his father, who for fifty years was a prominent teacher, and in 1850, graduated from the Law Department of Transylvania University, at Lexington, Kentucky. The year following, he decided to come West. Going down the river to Louisville, thence up the Mississippi, he landed at Burlington, where he was kindly received by the minister of the Methodist Church, of which he is a member. The Supreme Court then being in session there, he was taken to the hotel where the judges stopped, and introduced to them, of whom was Judge Joseph Williams, well known to old-timers as a man of "infinite jest," "a great joker, story-teller, and player on many musical instruments, especially the fiddle."

"Charley" was cordially received by the judges. During the visit, they learned that he held a sheepskin as a full-fledged lawyer, and Judge Williams wanted to see it. "Charley" promptly produced it, but not one of the judges could read it, as it was written in Latin, the judges in those days in Iowa being better versed in equity and justice than in dead languages. "Charley," however, read it to them in English. The next morning, a motion was made in court to admit him to practice in the state, and for a committee to examine him, whereupon Judge Williams said a committee was unnecessary, and directed the Clerk, James W. Woods, known to every lawyer in the state in those days as "Old Timber," to make out his certificate. He then decided to go to Keosauqua, in Van Buren County, and open a law office. It was the year of the big flood, when the valleys of the rivers were overflowed as they never were before nor since. Communication between towns and villages,

which were mostly along the streams, was difficult, or was cut off entirely. He had trouble in getting to Keosauqua, being compelled to abandon the jerkey and foot it about ten miles through mud and water, arriving there in a very unpresentable condition, a stranger, with less than a dollar in his pocket. Applying for board in a private family, the housekeeper did not seem to like his appearance, and "turned him down," but he was kindly taken in by "Father" Shepherd, at his tavern, where he remained until he took to himself a housekeeper.

He very soon made himself known in the community, being a good mixer, always bubbling over with quaint humor, and the following year was elected Prosecuting Attorney for Van Buren County, and at once took rank with the leading lawyers of the time. A quasi prohibitory law then being in force, the Grand Jury of Lee County found a large number of indictments for violations of the law. C. J. McFarland, who subsequently became the notoriously noted Judge of the District Court of Polk County, was the Prosecuting Attorney. He was a lover of whiskey, and imbibed it freely. The uselessness of attempts to prosecute the violators through him was so apparent changes of venue were taken to Van Buren County, where "Charley" was known to be a relentless foe of whiskey, but at every term of court, McFarland came up, put in dilatory motions and pleadings, got the cases continued, until the court got tired of it, and wiped them from the docket, not one being tried.

In 1854, "Charley" began to get into politics, and was elected Chief Clerk of the Lower House of the Fifth General Assembly, in the old Capitol at Iowa City, the most notable event of which session was the retirement of the nestor of ancient Democracy, General Augustus Caesar Dodge, from the United States Senate by substituting James Harlan, and the passage of the first prohibitory law in the state. It was a pivotal point in the politics of the state, and the Democrats, foreseeing their waning power, fought desperately for supremacy and the election of Dodge, but the Free Soil Whigs won out.

In 1856, "Charley" was elected a delegate to the Republican State Convention, which organized the Republican party in Iowa, and was also elected by the convention one of the secretaries.

At the session of the Sixth General Assembly, the last held at Iowa City, he was elected Secretary of the Senate. It was during that session the so-called "Black Laws" came into prominence. Up to that time, neither a negro, mulatto nor Indian was a competent witness in any court where a white man was a party to the action. A bill was introduced to repeal the law. The Democrats and Anti-Nebraska Whigs opposed it, and made desperate efforts to defeat it. As an indication of public sentiment at that time, for there were Anti-Nebraska Whigs right here in Polk County, at the August election, soon after the Legislature adjourned, Polk County voted sixty-five yeas to five hundred and fifty-seven nays to strike the word "white" from the Constitution and give the negro the right to vote. The proposition was defeated, but in 1880, the county voted again on the same proposition, giving three thousand and fifty-two yeas and six hundred and seventy-eight nays.

While "Charley" had no voice respecting these measures on the floor of the Senate, there was no bar to the expression of his opinions privately in the "Third House," and he usually had the courage of his convictions.

At the session of the Seventh General Assembly, the first held in Des Moines, January, 1858, he came as the hold-over Secretary of the Senate, to serve during the organization proceedings. He stopped at the old Grout House, which stood at the foot of Capitol Hill, on Walnut, where many of the Legislators domiciled, as they did not like floundering through the mud and ferrying across the river in the darkness to the West Side, the days being short, and no sidewalks nor bridges. Many times, the only way to get to the State House from the West Side was in boats. Some of the members placed cots in the garret of the rookery and slept there. It was a dismal change from the pleasant surroundings at Iowa City; but they were a wide-awake, gay old crowd, some of them subsequently acquiring national fame. There were among them Eliphalet Price, the star-gazer poet and notorious wag; "Old Timber" Woods, with his quaint ways and his foghorn voice; "Old Black Hawk" (Zimri Streeter), full of wit and humor; Sam. Kirkwood, J. B. Grinnell, James F. Wilson, W. W. Belknap, W. H. SeEVERS, B. F. Gue, George W. McCrary, and Ed Wright, none of whom are now living. They lambasted the

Town Council, and passed resolutions demanding the building of a sidewalk of two twelve-inch planks, one foot apart, from the river to the foot of the hill, which some of them, at times, could not have walked had they tried, or that they be furnished gum shoes or ponies to ride.

A couple of new members, without any experience as Legislators, had been placed on the Committee on Banking, and one day an old farmer in the back part of the hall arose and offered a resolution requesting the Committee on Banks to prepare a couple of bills on banks, and went into a long discussion of the powers and duties of the Legislature thereon, whereupon one of the new-comers said to the other: "Who is that old fellow? I am opposed to that resolution." "So am I," was the reply. "He is an old farmer; what does he know about banking? Let's have some fun with him." They soon learned that they had run up against Sam. Kirkwood. Though both of them subsequently became Judges of a District Court, they were a long time after often reminded of their "fun with that old farmer."

One day, a minister from Nebraska happened to be in the Lower House, and the Speaker invited him to make the opening prayer, which he did, to-wit: "Father of all good, bless this grand, young state with righteous laws, with an undefiled religion, with good women, true men, pure water, and a sound currency. Amen!"

So soon as the Legislature was organized, "Charley" went over to the House to take the place of the Chief Clerk elect, who was sick, where he remained until the Clerk's convalescence. He also remained some time after to assist in promoting the interests of the people down the river in securing the completion of the Slack Water Navigation project, and getting a move on the Navigation Company, whose chief purpose seemed to be to do nothing.

In March, 1858, he decided to make the Capital his future home, and, with his wife in a buggy, his household goods hauled by a pair of mules, after four days' wrestle with horrid roads, arrived on Saturday, and unloaded themselves into two rooms of a small frame house which stood on the southwest corner of Sixth and Locust, at twenty dollars a month rental. The next day, he and his wife lay in bed all day enjoying a vigorous shaking up

with "Fever'nager," without food or drink, except a cup of tea which Mrs. R. L. Tidrick brought them late in the day, she having followed the custom of the early settlers to "stand not upon the order of their going," but introduce themselves to new-comers at once.

Immediately, he formed a partnership with Judge W. W. Williamson, and entered into an active practice of his profession.

In 1859, Sam. Kirkwood was a candidate for Governor against Augustus Caesar Dodge. "Charley," who was a power on the political stump, and a crowd-getter, took the field for Kirkwood. One of the leading issues of the campaign was that of eleemosynary (sic) institutions. The Democrats were united in opposition to the alleged extravagance of the Republicans in ordering public buildings, especially the Insane Asylum at Mount Pleasant, which had been commenced. Dodge and his friends vigorously opposed any more being expended on it, declaring it was an extravagant waste of the people's hard-earned dollars; that there would not be enough crazy people in the state of Iowa to fill the enormous building in one hundred years. "Charley" punctured their sophistry with that pungent wit, sarcasm, and ridiculosity which made him famous as a stump orator, citing them to the only public building they had given the people, an inadequate Penitentiary at Fort Madison.

In 1860, he was elected Attorney General, and during his term he wound up the tangled claims of the state known as the "Eads defalcation," or "Eads Fund Claim."

When the association was formed by the East Siders to get the State House located on that side of the river, a large number of lots, including that on which the old and new Capitol were built, were put into a pool to secure the location. The State Commissioners having fixed the site, after being liberally bonused, as the West Siders alleged, the pool had a number of lots left, but no money. John D. Eads, then Superintendent of Public Instruction, was persuaded to loan the pool, without lawful authority, from the Public School Fund, the money necessary to built (sic) the State House, for which a blanket mortgage was given on the lots in the pool. The building was turned over to the state as partial payment of the loan some time later, and practically went into bankruptcy.

"Charley" foreclosed the mortgage on what lots could be identified, and secured several thousand dollars to reimburse the School Fund, but the debt was never paid, and was carried on the records of the State Treasurer for nearly twenty years, when it was finally ordered stricken from the record by the Legislature.

In 1860, "Charley" was selected one of the thirty-two delegates to represent Iowa in the Republican National Convention, at Chicago, which nominated Abraham Lincoln for President and organized the National Republican Party. It was the largest and most imposing body of statesmen ever assembled in a political convention in this country.

In 1862, he was reelected Attorney General, and served two years.

In 1865, Judge Gray, of the District Court, deceased, and "Charley" was appointed to fill the vacancy. The following year occurred the memorable contest between the friends of John A. Kasson and General G. M. Dodge, respecting the nomination for Congressman, in which the most bitter animosities were engendered between citizens, even in social life. "Charley," who was of positive temperament, and not afraid to express his opinions, gave his influence to Dodge, who was nominated by the Congressional Convention. The Judicial Convention to nominate a candidate for Judge to fill the vacancy convened two days later. "Charley" was the logical candidate, and by the customary rule he would have received the nomination without opposition, but the friends of Kasson were angry; they packed the convention; they freely admitted his eminent fitness for the place, but they were determined to avenge the treatment given to Kasson, and H. W. Maxwell, of Warren County, was nominated, when "Charley" at once resigned and returned to the practice of law, which he found vastly more remunerative than office-holding.

In 1876, he was selected by the Governor to deliver the address responsive for the State of Iowa at the Centennial Exposition in Philadelphia. It was an eloquent, masterly exposition of the birth, rise and achievements of one of the youngest states of the Union, tersely told, in which he cited the monarchies of the Old World to Iowa as the center of the diadem of new

states born of their own enterprise and tutored at their own hearthstones. Twenty thousand copies of the address were printed by the state for distribution.

In 1877, Simpson College conferred upon him the degree of LL. D.

In 1884, occurred one of the most exciting events in the history of the state. It was the removal by Governor Sherman of John L. Brown from the office of Auditor of State, and the appointment of J. W. Cattell to the place. Brown, a man of iron will and determination, refused to vacate. The official business of the office became disrupted, for the Governor would recognize no act of Brown, who would listen to no proposition for adjustment of the trouble, which included his ouster. The Governor then ordered Adjutant General Alexander to remove him and take possession of the office. The whole body politic of the state was instantly aroused, for the Governor and Brown were both war veterans, well known and popular.

Alexander called out a company of the National Guard to execute the order and take possession of Brown's office, which was on the second floor of the State House. The Guards were composed of young men, some of them mere striplings, but they obeyed the orders. Brown resisted, but he was seized bodily and carried out of the building, and guards placed at the stairway with orders not to allow him to pass.

One day, I was standing near the guard at the head of the stairway, when I saw "Charley" slowly threading his way upward, his head bowed in deep meditation of the why and wherefore of the thusness, when he was greeted with a command to halt. Looking up, he saw a little, dapper fellow about five feet high, I think his name was Parker, armed and equipped according to law. "Charley" said he was the attorney for Mr. Brown, and must see him, and, with a broad, ironical smile on his face at the ludicrousness of the attempt of the little five-footer to stop him, started ahead, only to look straight into the front end of a big gun, with the warning that he would get its contents if he didn't stop. There was no chance for an argument, and he retired in good order, but he won out in the end, for Brown was finally acquitted of the charges against him.

He is public-spirited, always ready to aid any enterprise for the public welfare. For temperance and prohibition, he has been a strenuous and powerful advocate.

Religiously, he has ever been a pillar of the Methodist Church; is a believer in Divine Providence, so firm that he once declared in a public speech that the State of Iowa was the exemplification of the fulfillment of a great and divine purpose—that it was not an accident.

Socially, he is genial, humorous, conservative, loves a good story, spices his speeches often with witticism, sarcasm, and with *entendre*, or causticity which stings.

During the past few years, he has retired from active business because of an affection of the eyes, which has nearly enshrouded him in darkness, and on his Fern Hill farm, at the north city limits, is spending his days in quietude and reflection of a life well directed and approved by a people with whom he has lived.

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