



JUDGE JOSIAH GIVEN

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Though not a pioneer of Polk County, Josiah Given is an early settler, identified with much of the civic affairs of the county and state, and is widely known.

Born in Murrysville, Westmoreland County, Pennsylvania, October Thirty-first, 1828, of Irish parentage, he went, when ten years old, with his parents to Millersburg, Holmes County, Ohio, where his father settled on a farm and opened a crossroads blacksmith shop as a side line, where Josiah exercised his muscles blowing the bellows, keeping flies from the horses his father was shoeing, stiffened his vertebral column picking stone on the farm, and did such odd jobs as he could get. He devoted as much time as possible acquiring an education, but schools were inferior, and accessories limited, so that, whatever he secured was by persistent effort under very adverse circumstances.

When the Mexican War broke out, he enlisted as a snare drummer in Company I, Fifteenth Infantry, for recruiting purposes, and after a short service, being deemed too young for service in the field, was rejected. But early in 1847, at the age of nineteen, he enlisted in Company G, Fourth Ohio Regiment, under Colonel Brough, was appointed a Corporal, went with the regiment to the front, and served until the war ended.

Returning to his home in Millersburg, he began the study of law in the office of J. R. Barcroft, who subsequently became a citizen of Des Moines, and well known to members of the Bar for the past thirty years.

In 1850, upon the motion of Edwin M. Stanton, the famous Secretary of War, Given was admitted to the Bar of Stark County, Ohio, and opened an office. In 1851, he was elected Prosecuting Attorney for Holmes County, served two terms, and gained a high rank in his profession. His first case as prosecutor was the trial of a man who was indicted for murder in the first

degree. His opposing counsel were Honorable David Spangler, Honorable John McSweeney, and Honorable Thomas Armor, three of the most noted lawyers in the state; but he secured a conviction.

While he was holding that office, the County Treasurer left the country between two days, a defaulter to the county for sixty thousand dollars, and Given was deputized to hunt him up. He trailed him over the country for over two months, to Switzerland, where he found he had doubled his track, returned to the United States on a steamer which met the one on which Given went over, in mid-ocean. He immediately returned, got his man, and twenty thousand dollars of the sequestrated funds.

At the close of his official term, he formed a partnership with Barcroft, and in 1850 removed to Coshocton, Ohio. One day, while he was trying a case in court, a telegram was given the Judge, announcing the firing on Fort Sumter. He at once gathered up his papers, abandoned the case, left the Court House, and did not enter it again until the close of the war.

He organized Company K, Twenty-fourth Ohio Infantry, was commissioned Captain of the company, and served several months in Western Virginia, when he was promoted to Lieutenant-Colonel of the Eighteenth Ohio Infantry, with which he was engaged in the battles of Bowling Green, Nashville, and Stone River, at the latter being wounded.

In the Spring of 1863, he was promoted to Colonel of the Forty-seventh Ohio Infantry, to succeed the "fighting parson," Granville Moody, and went through the Atlanta campaign, a portion of the time commanding the Third Brigade, Third Division, Fourteenth Army Corps. The labor of that campaign and exposure in the Southern swamps brought on rheumatism, which so disabled him, and the war being practically ended, he resigned. He was soon after elected Postmaster of the Lower House of the Thirty-ninth Congress, his nomination being made, in an eloquent speech, by James A. Garfield. As a reminder of his service in the House, he has an album in which is inscribed the signature of every member of that which was known as "the Reconstruction House." The first name is that of Schuyler Colfax, the second Thaddeus Stephens, following with those of W. B. Allison, Garfield and others. After two years' service in that office, he returned to Ohio.

In 1868, he perfected a long-cherished plan, and came to Des Moines. In 1869, he was appointed Deputy Commissioner of Internal Revenue and assigned to the division pertaining to taxes on spirits and fermented liquors, where he remained two years and resigned. On leaving the office, a farewell message was presented him, signed by the fifty-seven clerks of his office, present in a body, expressing their feelings, which is deemed one of the most highly treasured souvenirs of his official life. It is artistically engrossed and elegantly enclosed in a frame 24 x 36 inches:

“UNITED STATES TREASURY.
“INTERNAL REVENUE DEPARTMENT.
“1871.

“By your own volunteer act, you are about to retire from the position of Second Deputy Commissioner of this Bureau and Chief of the division in which we are employed. Before you leave us, we desire to unite in a more enduring manner than by a passing breath, to bid you a ‘good-bye.’ Never were the duties of the office more onerous, difficult, or delicate, than when you entered upon them; and never more watchfully, industriously and efficiently discharged, or more satisfactorily, at once to the Government and to the taxpayer. But not here alone have we found cause for commendation (sic), Amid the severe labors and perplexities of these duties, you have ever manifested the consideration and kindness toward your subordinates which mark Nature’s true gentleman, and which have added to our admiration for the faithful officer a glowing and faithful friendship for the man.

“Your departure for the new field of labor will be followed by the best wishes of us all, and with the sincere expression of our perfect trust that your future will form an uninterrupted justification of the high opinion and cordial regard you have inspired in us, we bid you a regretful and affectionate farewell.”

Returning to Des Moines, in October, 1871, he was elected District Attorney for the Fifth Judicial District, and served three years, when he again joined his old tutor, Judge Barcroft, and James M. McCaughan in the practice of law.

In November, 1876, he was elected Representative for Polk County, in the Sixteenth General Assembly. He was made Chairman of the Committee on Public Buildings, and a member of the committees on Judiciary, Cities and

Towns, and Judicial Districts. I was reporting for the press during the session, and recall it as a busy session. I think the House Journal will show Given's name as frequently as that of any other member, for he took an active part in the proceedings. It adopted the Woman Suffrage amendment to the Constitution, defeated the effort to restore capital punishment, to repeal the law giving the Railroad Commissioners power to fix passenger and freight rates, and repeal the so-called Granger Law. To secure the latter, there was present the largest and most formidable lobby ever seen about the Legislature to represent the railroads, who claimed that the law was inimical to the prosperity of the state, prohibited railroad building where it was needed, and would force the railroads into bankruptcy. It was a strenuous and exciting contest. There was also elaborate amendments to the Code, respecting county and township affairs, and corporations. It also settled the question as to when United States Senators must be elected. The Act of Congress requires that it shall be on the first Tuesday after the meeting and organization of the General Assembly. Governor Kirkwood, and nearly a dozen others, were candidates, and the contest was a lively one. On January Eighteenth, both houses met in joint convention and elected Kirkwood. Soon after, the question arose as to the validity of the election, for, from delay in the proceedings, the organization of the House had not been fully completed on the day of the election. To make doubly sure, and forestall any action the Democrats in Congress might be disposed to take, Given presented a resolution providing that the House, on Tuesday, January Twenty-fifth, proceed to elect a Senator, to be followed by the joint convention on the Twenty-sixth. It was adopted, and Kirkwood had the distinction of being twice elected by the same General Assembly.

Given must have run up against a passenger station on some road during an Iowa blizzard, for early in the session he presented a resolution instructing the Committee on Railroads to prepare a bill requiring depots to be kept open at all reasonable hours, for the accommodation of the traveling public. If it prepared such a bill, it forgot to present it to the House.

In November, 1880, Given was elected Judge of the Circuit Court, the jurisdiction of which was that of a Court of Probate, and in November, 1884,

was reelected. In 1886, the court was abolished, the District Court reorganized, and in November, he was elected Judge of that court. He served until March, 1889, when he resigned, and was the same month appointed by Governor Larrabee as Associate Justice of the Supreme Court, to fill the vacancy caused by the resignation of Judge Reed. In November, he was elected to serve out Reed's term, and in 1885, re-elected for a full term. During his incumbency, he served two years as Chief Justice of the court. On the expiration of his term, in 1890, he practically retired from active business, owing to impaired health, having for twenty years poised the scales of justice on the bench, and is now living in quietude with his daughter.

Politically, he was originally a Democrat, but when the attack was made on Sumter, he became a Union man. When he emerged from the war, he was a strong Republican, and as such has done valiant service for the party.

His speeches were punctuated with apt stories, and true Celtic witticisms, which made him one of the best stump speakers in the state. It is a somewhat singular fact that he never in public, and seldom in private, refers to his valorous army life through two wars. He seems studiously to avoid it. I recall one instance, however, when he was posted to make a speech. A large crowd had assembled, but he was delayed and did not arrive until near the close of the meeting. To indicate that he did not intend to make a long speech, he went on the platform carrying his hat and overcoat on his arm. The presiding officer arose to welcome him, and reached out to relieve him of his hat and coat, but he very quietly placed them over his other arm, saying to the crowd: "Forty years ago, when I was in the army, some man stole my blanket, and I have never been able to find him since, but I think I have my eye on him now." The sally brought down the house.

Socially, he is courteous, affable, companionable, open-hearted, enjoys a good story, and can tell one himself. His bearing is unassuming and dignified, his manner frank, the reflex of characteristics of unimpeachable integrity. As a legislator, jurist, lawyer, and citizen, he has proved ever the same, faithful, honest and true. He is a highly esteemed member of the Masonic fraternity, the American Legion of Honor, and the Grand Army of the Republic.

Religiously, he is an exemplar of the faith of the Presbyterian Church, of which he has for many years been an active member. He was once elected church treasurer, but declined, saying it was absurd, as he had never been able to build a home for himself without putting a mortgage on it.*

November Eighteenth, 1906.

*Died February Third, 1908.