



JUDGE JOHN MITCHELL

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Residents of Polk County a score of years ago cannot have forgotten Judge John Mitchell, a nephew of the venerable pioneer, "Uncle Tommy" Mitchell.

He was born near Claremont, New Hampshire, on February Twenty-eighth, 1830, of Scotch-Irish ancestry.

His father was a farmer, and on a farm John passed the days of his youth, devoting every opportunity to acquiring an education. He took college preparatory courses at Kimball Union Academy, in Meriden, entered Dartmouth College, and at the end of his Sophomore year was compelled to suspend his studies because of impaired health, and seek a more favorable climate. In the Winter of 1855-1856, he had so far regained his health, he passed the Winter reading law in the office of Freeman & McClure, in Claremont. In the early part of 1856, he came to Fort Des Moines, and finished reading law in the office of "Dan" Finch and M. M. Crocker, then two of the ablest lawyers in the state, and in August, was admitted to the Bar of Polk County. He continued with his tutors as an assistant until 1857, when he hoisted his shingle on his own account.

Soon after the breaking out of the Civil War, in the Spring of 1861, there was unmistakable evidence of hostility on the part of Indians in the northern and northwestern part of the state. Horses and cattle were stolen, fields of grain robbed, and within three miles of Sioux City, two settlers were killed and their horses taken from them. These raids seemed to be made along the Little Sioux, from Peterson to Correctionville, and up the Big Sioux and the Floyd.

There was great anxiety and unrest among the settlers, for it was known that the Indians on the reservations along Minnesota River, farther north, were in an ugly state of mind, which also intensified the premonition of coming danger.

No one had a greater realization of the importance of protecting the frontier settlements than Governor Kirkwood. There was quite prevalent a suspicion that emissaries from the South were among the Indians, endeavoring to incite hostilities against the white people. Early in July, on reports made to him of the threatening attitude of Indians along the border, the Governor ordered the enlistment of a company of cavalry in Des Moines, and Mitchell was made Captain. It left Des Moines on the Seventeenth, and went to Sioux City, where it was furnished arms, tents and camp equipage. Thence it went to Cherokee, where headquarters were established, and from which scouting parties were sent in every direction, Captain Mitchell going north, also to the lakes and various points along the Little Sioux. The company remained at Cherokee until September, and returned to Des Moines, Captain Mitchell having been in the saddle three months. The trouble continued, and on September Third, the Governor convened the Legislature in special session to provide for putting a volunteer force in the field. It was done, and companies of Home Guards were formed in Emmet, Kossuth, and Palo Alto counties, at Fort Dodge and Webster City. The prompt action of the Governor saved the Iowa border settler from some at least of the terrible events which culminated in the massacre at Mankato.

In November, 1861, Mitchell was elected Representative for Polk County in the Ninth General Assembly, and served during the troublesome and stirring times of the following two years. A remarkable incident of that General Assembly was that, one-half of its members enlisted in the army and went to the front, a fact which troubled the Governor not a little, for the state was not prepared for war. It had no organized militia, and no money with which to comply with the evident demands of the times. He said one day, if an extra session of the General Assembly should be necessary, he would not know what to do, as so many of its members had gone into the army, there would not be a quorum to transact business. The General Assembly, however, had voted for war bonds to meet all demands, and even more than the Government at Washington asked for.

In 1865, Mitchell was elected to represent the Second Ward in the City Council, and by the Council was elected President *pro tem*. He served one term.

In 1866, the General Assembly abolished the county commissioner system of three commissioners, and provided for a Board of Supervisors, composed of a representative from each township in a county. Mitchell was elected to represent Des Moines Township, and on the organization of the Board was elected Chairman, the first person to hold that office in the county. He served one year.

In 1867, he was appointed Register in Bankruptcy, and held the office some time.

In 1868, the Twelfth General Assembly abolished the old County Court, and created a Circuit Court, having jurisdiction in probate matters, together with all the powers previously exercised by the County Court, and exclusive jurisdiction on appeals from Justices' Courts, Mayors, Police Courts, and all inferior courts, in criminal and civil actions. In November of that year, Mitchell was elected Judge of that court for the First Circuit, comprising the counties of Dallas, Polk, and Warren, counties of the Fifth Judicial District. The duties of his office were multifarious, embracing the settlement of estates of decedents, laying out roads and highways, building bridges, and issuing marriage certificates, requiring great judicial versatility, and the exercise of good judgment, yet he proved himself master of the situation. He was a prodigious worker, and so burdened were all his judicial acts with a pervading sense of justice, equity, and responsibility to the public, he was re-elected without opposition three times, for terms of four years each, and served twelve years, the longest official term ever held by any officer of Polk County. During his long service, so painstaking were his decisions prepared, very few were reversed by the Supreme Court. At the close of his judgeship, he returned to the practice of his profession, and later became a co-partner with L. J. Brown and C. A. Dudley, forming a triumvirate which did an extensive and lucrative business.

In 1890, his physical system gave way under the pressure of his zealous ambition, and on the Twenty-ninth of October, his spirit took flight to a world unknown.

At a meeting of the Board of County Supervisors, December Thirtieth, 1890, the following was unanimously adopted:

"WHEREAS, Judge John Mitchell, whose honorable and upright life has now closed in death, was the Chairman of the first Board of Supervisors organized in Polk County, Iowa, January, 1861, and held other positions of public trust with marked ability and faithfulness; therefore, be it

"RESOLVED, by the Supervisors of Polk County, Iowa:

"*First.*—That the quiet and kindly nature of John Mitchell, his cultivated mind, the excellence of his character, and the conscious rectitude of his life will linger always in the affectionate memory of those who knew him in life.

"*Second.*—That his dignity, learning and integrity as a lawyer, high-minded, and always actuated in professional as well as public affairs by principles of honor, command the confidence and admiration of his fellow-men.

"*Third.*—That the virtue and ability he displayed in public life and the faithfulness and diligence he brought to the discharge of public duties, dignified and honored every position of trust, to which he was called.

"*Fourth.*—That in his death, we, as individuals, suffer a personal bereavement, and extend to his family and relatives, to whom this grief is so near and keen, the assurance that we sorrow with them for the loss of so pure, so kind, so upright and honorable a citizen and judge, father and friend.

"*Fifth.*—That a copy of these resolutions be sent to his family, and be given to the press for publication, and that they be spread upon the record of the proceedings of this Board."

Socially, his dominant characteristic trait was uprightness. He believed a lawyer should be a representative of the highest type of citizenship. He scorned shystering and technicalities. If a case did not bear the scrutiny of justice and right, he did not want it. He was of quiet temperament, never obtrusive, amiable, carried a heart which pulsated with generous impulses, and the best offices for the improvement of the community in which he lived. He gave little attention to every-day social functions, though in the very early days, before the coming of predatory concert troupes and barnstormers, be

was a favorite integral part of the various amusements improvised by the young people of the town to enliven the passing hour. Of domestic taste in his home, he sought and found the rest and comfort his nature craved. So far as I know, he was not a member of any fraternal organization or club.

Religiously, he was a devout and active member of the Episcopal Church.

Politically, he was a Republican always, but not a politician. Though he held several public offices of great responsibility, it was in response to a unanimous demand of the masses.

October Twentieth, 1907.

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