

This picture was taken shortly before Warren L. White retired on December 30, 1960, following 36 continuous years on the bench.
(Courtesy Mary Langsford)

CHAPTER II

BENCH AND BAR [1833-1976]

"First and last it was the lawyers who raised their voices against Hitler."

--Einstein

"People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices."

--Adam Smith, 1776

A hundred years ago Springfield, the frontier town, was on the move. The ravages of the Civil War had faded away. The 1873 Depression was waning. More than 1000 children were enrolled in the public schools. A gas plant, a wagon factory, a foundry and a cotton mill were new concerns. Drury College was in its third year. Four practicing Springfield lawyers: James Baker, late of Iowa; Colonel Semphronious "Pony" Hamilton Boyd, Civil War Commander of the Lyon Legion (later 24th Missouri Infantry); John Smith Phelps, a former Union General and Military Governor of Arkansas; and the dynamic Irish immigrant John O'Day were prime movers in successfully urging extension of the Southern Pacific Railroad (now Frisco) westward from Rolla to the Springfield terminus. This proved to be the catalyst to accelerate the economy of the theretofore isolated inland town. In addition to these four emigrant lawyers, the City Directory of 1876 lists: H.E. Havens, W.D. Hubbard, James R. Milner, and J.M. Patterson. This published list increased to a hundred lawyers during the following fifty years. The year 2026 will find the list again more than doubled.

If one is technical, October 17, 1903, is the date the bar officially began. But to me it seems to have started 70 years earlier than this date, when on the second Monday in August, 1833, the circuit court convened for the first time. The place: Log house of John Polk Campbell, founder of Springfield. The Judge: Charles "Old Hoss" Allen, who it was said could whip anyone disrupting his court.¹ Thus Campbell's residence was the first--the 1833 Courthouse. It must be remembered that today's Greene County was at first a part of and remained so until 1829, Wayne County, at which time it became and continued a part of Crawford County until January 2, 1833. On this latter date the Missouri Legislature by Special Act created Greene County (honoring George Washington's top Revolutionary War General, Nathanael Greene). Its boundaries were broad: Missouri's own boundaries to the West and South, the Gasconade (Phelps County) to the East, and the Osage River to the North. Thus this crude little county seat did then serve an area larger than the State of Connecticut.

On this August 12, 1833, when the circuit court first convened, the land close by the newly laid off two acre public square until recently had been a community of Delaware, Kickapoo, and sometimes Osage Indians living on and off of the lush prairie and fertile bottomlands along the James Fork of the White River. But it seems that the Tennessee emigrants favored the springs and woods at the northern edge of the Ozark Highlands, reminiscent of their "back yonder" places of abode.

The pioneer Campbell located at this place, soon to be called Springfield, four large springs surrounded by woods. Their flow emptied into a common stream that formed a creek named for John Wilson who lived with a squaw along its bank. Near the center of these water sources Campbell staked his own claim at a well spring flowing out of an underground lake. The place: 100 feet west of where Water Street runs into Jefferson Avenue. It seems natural to call the infant settlement Springfield, though another reason is given for its name. (Ozark would have been best.) I suppose the prairie and the bottomland were tipped in as far as the Campbells and the other early settlers were concerned.

The first and only case at bar on the first day circuit court met involved a free Negro who appealed a decision gone

against him. But this appeal was dismissed by the governor-appointed circuit judge. (Manual Carter v. Nathen Newson) The remainder of the court session involved several grand jury indictments, two murders, seven adultery charges, and sixteen gambling charges. The circuit judge usually fined the gamblers who pleaded guilty five dollars and costs. The adultery rap carried a stiffer fine. Felony convictions presented a problem. The nearest jail was at Boonville, Missouri. It was some time before Greene County built its own jail east of Boonville and north of Water Street. It will be March 8, 1836, before a prisoner will be convicted here of horse stealing and sent to the penitentiary at Jefferson City (he was the sole occupant for the 81 days that followed).

Two lawyers were admitted to the local bar at this initial session: Littleberry Hendricks (later a circuit judge) and Thomas J. Gevin (later a circuit attorney).

The county court then was similar to today's administrative court which looks after the courthouse, the county roads and bridges, and provides for the poor and insane, except then the county court judges were called justices and also had jurisdiction similar to today's probate court. This county court met in July, 1834, and ordered "a bar with eight benches built." This official action gave to the "bench and bar" of Greene County an official recognition even though the installation seems to have been made as an addition to Campbell's log residence. Perhaps a "dog trot" separated the courthouse from the residence. The Original Plat marked a lot on Olive Street at the Arcade as "Courthouse."

Campbell, late of Columbia, Tennessee, gave by deed 50 acres (bounded now by Jefferson and Campbell; Pershing and Mill Street) for the county seat site. All excepting the two acre Public Square site was sold by the county court as city lots. The sale proceeds funded the embryo government. In time the county provided \$3250 to erect a two story brick courthouse, with a pigeon roost on top, in the center of the square. This was the 1837 courthouse. It did not become a Civil War casualty as did so many similar structures on the western border of Missouri. Instead its ignoble demise was due to a not-too-bright prisoner in 1861 who somehow got hold of matches and set it afire some say the day before Major Charles Zagoni's celebrated cavalry charge down Mount Vernon Road (now street) between the present

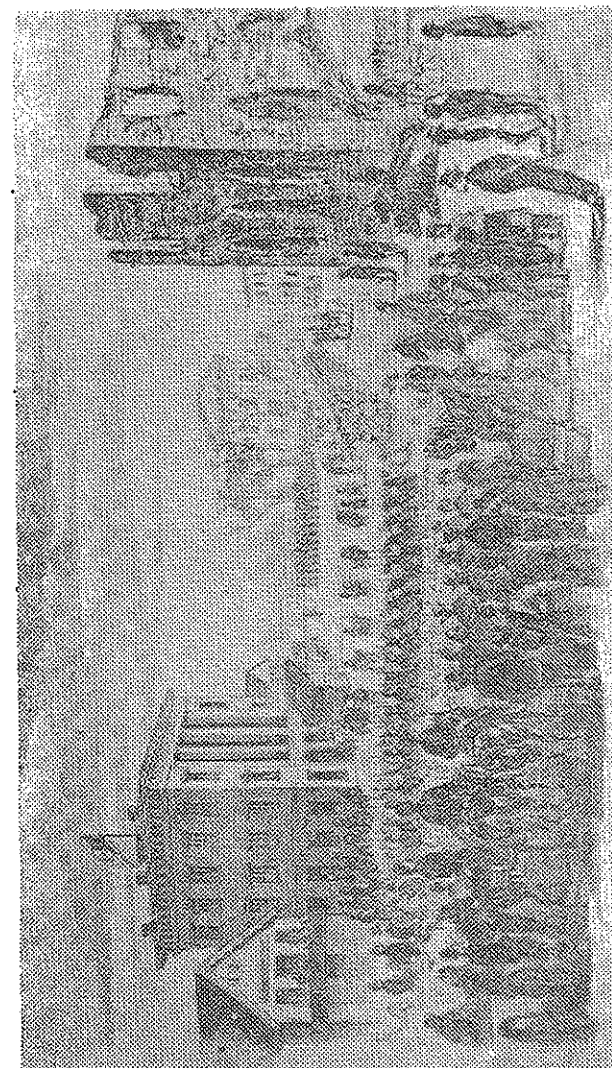
Kansas Avenue and Scenic Avenue. The loss of the 1837 courthouse was insignificant because of the new three story courthouse that had been abuilding since 1859 was practically complete and occupied. In the picture you see the three story 1859 courthouse (now Heer's store site) and the burned out part of the 1837 courthouse in the center of the square, and also the Campbell home location which was the 1833 courthouse. The Diemer 1912 courthouse is on the opposite page. Thus you have a view of all four Greene County courthouse sites.

The 1859 courthouse was then a magnificent three story building. During the Civil War Union soldiers used it as a barracks. Following the Union retreat to St. Louis after the Wilson's Creek battle, the Southern troops occupied Springfield for a while and scores of Arkansas soldiers got a chance to climb to the top of a three story building for the first time.

The county outgrew this structure before the century ended, but the fourth and present courthouse was not ready to be occupied until 1912. It was completed only after bitter controversy and lawsuits contesting the present location that abuts the north line of Central Street, and is east of Boonville extending to Robberson. This location is very near to being midway the mile and three quarters distance between the Public Square and Commercial Street. Campbell believed his gift of 50 acres had insured that the seat of justice would forever be on the Public Square, and this was the basis of part of the controversy and some litigation.

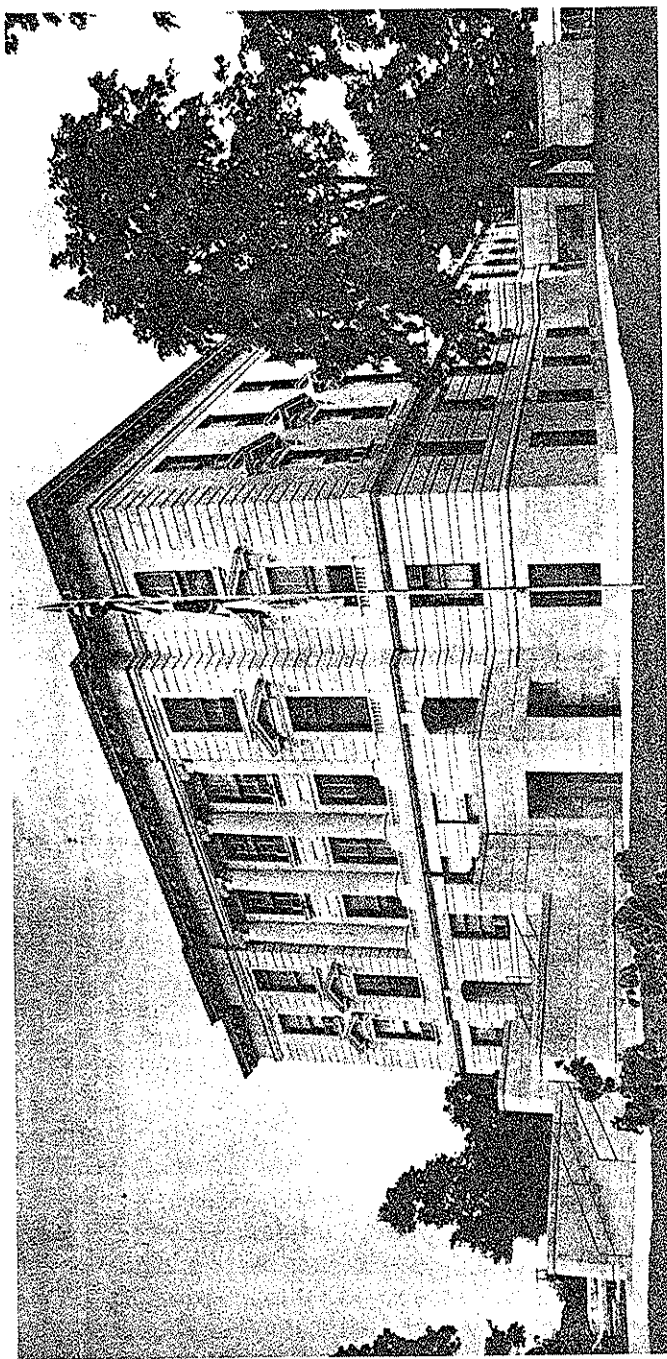
I suggest that the present courthouse be called the Diemer 1912 Courthouse because Presiding County Court Judge Ben Diemer conceived its location, stayed with his plan, and started the construction. Writing of this struggle, A.M. Haswell in the *1915 Greene County History* stated: "So ended perhaps the longest and hardest struggle of the sort on record anywhere in the Western States." Today Diemer's portrait, though once mutilated and repaired, hangs in the courthouse rotunda.

In recent times under former Presiding County Court Judge W. Fred Schaeffer, proposals were made to draw plans to build a new courthouse; but a recent expansion extending the area another block contiguous and north of the present grounds to Scott Street seems to be the solution; at least it is in our times.



You are (October 28, 1861) looking north on the Public Square. The 1833 log courthouse (first) was located just north of the northwest corner. The 1837 brick courthouse ruins stand in the center of the square, burned during Major Charles Zagoni's charge. The 1859 courthouse, not now completed, flies the National flag, and is used as a military hospital. The print depicts memorial services honoring General John C. Fremont's Bodyguards killed in Springfield during the charge on October 25, 1861.

(Frank Leslie's Illustrated Newspaper November 23, 1861)



The 1912 (Diemer) Courthouse as it appeared in June, 1974, following the controversial removal of its pediment, decorations, and the parapet from the roof's edge. Several other material changes inside and out impaired its significance as an example of classical courthouse architecture in Mid-America. (Springfield Newspapers, Inc.)

Inside these four courthouses our circuit court has gone about its work for one hundred and forty years now. From 1833 to 1901 the single circuit judge traveled his circuit, that is he held court during the year at all the county seats in his circuit on pre-determined dates. It was the same as circuit judges did in England hundreds of years ago, and do today in Missouri except in half dozen most populous counties. From 1833 until 1872 the circuit attorney's official duties covered the territory of the judicial circuit the same as that of the circuit judges. Thereafter, the system of electing a prosecuting attorney for each county within each circuit became the law of state, all to the delight of the legal profession and to the advantage of the county residents.

A criminal court existed in Greene County from 1889 until 1909 when by Session Law an additional circuit judge was added and then the criminal court merged into the new Division Two of the Circuit Court. Our circuit court since its creation has variously been in the Sixth, Thirteenth, Fourteenth and Twenty-first Circuits, and each one included counties in addition to Greene until 1901 when due to its increased population Greene County was by Session Law designated a single circuit--the Twenty Third Circuit with one Division. Added were: Division Two in 1909, Division Three in 1960, and on January 1, 1976, Division Four. Today the four circuit judges try to keep ahead of the cases on their dockets.

Admission to the Missouri Bar in the last century and before establishment of a state examination board occurred only after the novice made application to the circuit judge who then appointed a committee of examination from licensed attorneys in the circuit to join him in testing the applicant. Applicants read Blackstone, Greenleaf and Chitty, and generally attended court sessions, listened to the trials and read the pleadings. Most all "read law" for two or three years while they served as clerks in the office of a practicing lawyer. Generally the formal education ended with graduation from two years of high school. A few attended college, and fewer still ever got to a law school. Actually the only formal education required of an applicant was an 8th grade certificate.

Prior to the time of mandatory State Bar Examinations held at Jefferson City, many stories were told, and handed

down as to the farcical examination by the committee and the judge. One account of an early examination of an attorney is that the young attorney had studied assiduously for the examination. The day of his examination arrived. He appeared before the circuit judge.

Q. "What is the principal concern of a lawyer?" was the first question.

A. "Collection of his fees," replied the young lawyer.

Q. "What is the first duty of a lawyer after admission to the bar?" was the next question.

A. "Buy everyone a drink," responded the young lawyer. And with that answer, he was promptly admitted, and the court immediately adjourned to celebrate the event.

Another account follows:

Q. "What books have you read?"

A. "Law books."

Q. "Then, sir, what is law?"

A. "Now, sir, if I did not know what law is, would I be wanting a license?"

Whereupon, the committee reported favorably, and the applicant was admitted and rode the circuit for many years to follow.

Often the training ground was work in a circuit clerk's office for a term or two. A story of a deputy circuit clerk being examined has been recorded.

Q. "What is the first pleading on the part of the plaintiff?"

A. "A petition, sometimes called a complaint or declaration."

Q. "What is the first pleading on the part of a defendant?"

A. "Application for a continuance of the case."

He was admitted without dissent.

An old-time lawyer related his experience as a brakeman on the first railroad out of Springfield to Indian Territory, saying he had to quit his job because the cowboys threw him off the train too many times. He turned to the study of medicine with a local doctor but the doctor ran out of funds and liquor so he transferred his interest to a lawyer across the hall whose funds and liquor lasted long enough for him to get ready for an examination by the bar committee.

Q. "What books have you studied?"

A. "Blackstone and some others."

Q. "How much law have you acquired from the study of these books?"

A. "Very damned little."

Frank B. Williams in recounting this story said, "Because of truthfulness the forthrightness, and being well-known to the members of the committee, he was thereupon admitted to the bar."

In September, 1939, the new Missouri law required henceforth to be eligible for admission to the bar, the applicant must have amassed 90 hours acceptable to an accredited college degree, and to be graduated from an accredited law school. As a result very few applicants fail the bar nowadays, especially since the law schools are ultra-selective. Today law schools can take only about one in eight who seek admission because of the lack of facilities and faculty to train them.

Fortunately, York Johnson, for many years a sort of father confessor to the local bar, and now retired from his duties as able Clerk of the Missouri Court of Appeals—Springfield District, preserved several incidents of local bar lore for use at the files in the bar's new central office. We thank him for his foresight. Hopefully he, or one of our history-minded judges such as A.P. Stone, Bill Collinson, Jim Keet, Don Burrell, or Jack Powell, will be inspired to put a history of the bar together in a hardback book during their retirement years.

Oliver Homer Travers' chapter "Bench & Bar" in the *Greene County History* by Fairbanks and Tuck published in 1915 is a worthy summary of the lawyers from its beginning in 1833 to 1912. But since this account was written over 63 years ago, it will be a sizeable undertaking for him who authors a definitive update.

Stories by and about local lawyers would fill a small book. Often these incidents serve better than any other vehicle to portray the flavor of their times. A few bits and pieces are worthy of preservation.

Elmer G. Wadlow, who began his practice in Springfield, then following World War I moved out into the leading Greene County town of Ash Grove, and thereafter always referred to himself as the "Ash Grove Bar," told me during my high school days how a Springfield lawyer once damned an adversary with a phrase that still lives: "He has reduced ignorance to a science."

Waldo G. Gideon slyly recalled that once a lawyer was

speaking in behalf of a fellow lawyer's candidacy for office, and upon hearing a complaint from a man in the crowd, "We don't want a lawyer for councilman," without hesitation resourcefully replied, "Why, he's not enough of a lawyer to hurt anything."

Frank B. Williams in a prepared speech about oldtime lawyers delivered before the Springfield Chamber of Commerce won his audience with his story of the lawyer who, having just heard the trial judge rule against the client, proceeded to exclaim under his breath to co-counsel, "That damned old son of a bitch." His voice carried to the bench, whereupon the judge inquired, "Did I hear counsel correctly?" The resourceful reply, "Yes, your honor, I said I wish I knew as much law as that damned old son of a bitch."

Bathtubs, like Henry Ford's Model T, were at first a novelty and the source of several jokes at home and on the vaudeville circuit. Sam M. Wear quoted a leading member of the bar who slipped on soap the first time he tried out the new family tub. Next day the victim exhibiting the splints holding in place his fractured wrist, announced that "By God, I'll never bathe again except in the family wash tub." And legend was that he didn't.

Phones, too, at first were a novelty as well as a convenience. But often phones created exasperation. The jovial Williams admitted that he once yanked his phone from his office wall. Then with a wink he would say, "Since I'm a mild-mannered man as ever cut a throat or scuttled a ship, it was not I but rather Oscar Hamlin who threw a phone out the window."

Typewriters were also a novelty at first. Hefferman and Buckley were the first to employ a shorthand and typewriter secretary to take dictation and transcribe it on an Oliver typewriter. The secretary: Mrs. Ed Sanford.

The trial lawyer Harold T. Lincoln, with whom I first officed thirty years ago, loved to regale a beginner with a story illustrating the technical requirements of drawing an indictment at the time he started practicing law. He said his mentor, the brilliant raven-haired, blue-eyed Tom Delaney once overturned a conviction in the Missouri Supreme Court because the word "*the*" had been omitted. The grand jury indictment read "Against the peace and dignity of State of Missouri." Delaney convinced the court that should they

create a precedent to permit the omission of any word, this would relax the standard of exactness required in indictments.

Former Circuit Judge Arch A. Johnson's favorite story demonstrating the Irish wit of the incomparable Delaney concerned the popular immigrant's trip to France to take depositions in the so-called Bunnell case² involving a large fortune left to a resident of the hill country south of here by a Parisian relative.

Johnson tells it this way: "The 'Little Giant,' as we called him, before leaving told a crowd of young lawyer friends that he had been reading up on the French people and that French women were without doubt the most gorgeous creatures on earth and he facetiously explained what a wonderful time he expected to have while in Paris.

"On his return the same crowd gathered to hear him relate his experience and he said it was frightful. The French women were all that he had imagined, but it seems that on crossing the ocean on his trip over, there was a terrific storm and for a time they despaired of the ship weathering it. He remembered his early training and promised Mother Mary that if he got safely across he would neither look to the right nor the left. So if he was tempted to disregard his vow, he recalled that he had to cross the ocean coming home."

Harry D. Durst, onetime Mayor of Springfield, told that the law partner of John S. Phelps often boasted to his poker-playing buddies that he didn't "worry about my wife beating me home because I locked her in the house when I left and brought the key with me."

To offset such male chauvinism it is recorded that before 1900 our bar had a husband and wife team: Mr. and Mrs. J.B. Dodson, she being the first woman lawyer to practice law here.

The notes taken by Johnson in an interview with Waldo G. Gideon confirm that only two Negro lawyers practiced in Springfield, and mainly in the old justice of the peace courts, before World War II. This is explained by the fact that forty percent of Springfield's Negro population left town on and following one Easter Sunday seventy years ago. It was in the early hours that April 15, 1906, when the mob estimated to be 6,000 completed their grisly job of burning the three suspected murderers who had earlier been forced to hang

themselves by a jump from the tall steel frame tower in the center of the Public Square, called "Liberty Tower" because of the small replica of the Statue of Liberty on top.³ On the following Monday Missouri's courageous Governor Joseph Wingate Folk ordered in six companies of militia which camped on the county jailhouse lawn. For the first and only time in its history, except during the Civil War, Springfield was under martial law.

In Springfield's history only one other non-legal hanging occurred. It was the "Graham Case" hanging at Grant Beach Park. I have included in the Appendix exactly as Frank B. Williams recorded the facts, and we thank him for the preservation.

Vestiges of frontier lawlessness at the beginning of this century are evidenced by the fact that many Springfield lawyers either carried pistols or kept them handy in their desk drawers. One asks: Will we have come full circle at the century's end? Although highly unusual, but not uncommon, lawyers were at an earlier time here shot or brutally attacked. At least seven members of the bar were shot and killed. One circuit judge (Yancey) in self defense killed a man he had once fined, and one practicing lawyer (Charles Noland), who in self defense killed a disgruntled man on the other side of a case in which the lawyer participated.⁴

Far and away the most dramatic killing ever to occur in the Ozarks happened in the bright July sunshine, and on the busiest spot in the area--Springfield's Public Square. Neither antagonist was a lawyer, but the aftermath involved lawyers.

Following the American Civil War, the Ozarks section of Missouri, a border state with fierce divided sympathies, became a stopping off place for a few notorious characters. Two of these transient gamblers, James Butler "Wild Bill" Hickock, late Union Army scout, and Dave Tutt, ex-Confederate from Yellville, Arkansas, were in Springfield. Each carried a cap and ball pistol and thought himself to be a crack shot. Obviously they would clash. Obviously the controversy would be over gambling. The odds were great that someone would get hurt. The scenario could have occurred in most towns in Western America during the final third of the last century. But few shoot-outs were more dramatic than the affair on Springfield's Public Square

during the morning of July 25, 1865. Two of the accounts are the source material. One appeared in "Harper's Weekly" in 1867, and the other in Holcomb's "History of Greene County, Mo." (1883).

York Johnson, researcher of facts of the duel, wisely preserved a simple account of the affair twenty-three years ago when he interviewed lawyer Waldo Gideon. On the morning of the duel Gideon's great-uncle, "Laughing" John Gideon, stood in the large doorway of the Sheppard Block, a three story brick building located at the southeast corner of South Street and the Public Square. While standing there he saw "Wild Bill" Hickock come out of the Lyon House at 318 South Avenue (now Systematic Savings) and walk toward the Square. As "Wild Bill" reached the place where young Gideon was standing, he said, "Young man, you better step back. I think there's going to be some shooting." The boy stepped out of the way but still remained where he could see what happened. He afterwards reported that "Wild Bill" proceeded diagonally across the Square toward the courthouse, which was then located where Heer's store is at the present time. Laughing John then saw Tutt coming towards Hickock with his pistol in his hand. As the two men neared each other, Hickock stopped for a second with his pistol on the ready. At that second Tutt fired and Gideon said he saw Hickock's hat jump up, Tutt's bullet evidently having pierced it. Hickock, at least 50 yards away, then fired without leveling his cap and ball pistol. His bullet struck Tutt's heart and he fell to the pavement dead.⁵

Gideon gave the account of how Hickock and Tutt happened to get into a duel, as told him by his great-uncle:

"They had been in a gambling game the night before and Hickock had lost all of his money to Tutt. Hickock then offered to put up his watch as security and continue the game. Tutt won the watch. When the game broke up, Hickock pled with Tutt not to wear the watch. He told Tutt that the watch had been given to him by his mother and that he promised her that he would never part with it. Tutt, being in a taunting mood, told Hickock that he intended to appear on the Public Square the next morning wearing the watch and displaying the heavy gold chain across his chest. Hickock said, 'If you appear on the Public Square wearing my watch I'll kill you.'

"Tutt replied that he would be on the Public Square at a certain hour. It was at that hour that John Gideon happened to be where he was and where he could see the actual duel.

"Hickock was arrested and jailed and charged with murder. He was defended by John S. Phelps, an eminent lawyer and a former congressman. Phelps had been in the Union Army operating in this area and Hickock had been a scout with the Union forces. Hickock plead self defense and the fact related by young Gideon that he had seen Hickock's hat jump up as Tutt fired was a strong circumstance to show that Tutt had fired the first shot."

Phelps, the leading lawyer in Springfield, had recently returned from his duties as a Civil War officer and resumed life at his plantation of 1000 acres (being today an area roughly south of Grand Street to Cherokee, bounded by Campbell and Glenstone Avenues. Robert W. Fyan of Marshfield, the circuit attorney, prepared the prosecution. Hickock was acquitted on a self defense plea.

Hickock stayed around Springfield for several months before drifting westward to Kansas. After "Wild Bill" withdrew, or maybe he was withdrawn, from government service as United States Marshal at Abilene, Kansas, he emigrated to the Black Hills in Dakota Territory, a wild and woolly section of the West frequented by desperadoes.

In a pistol duel with another desperado, Jack McCall, "Wild Bill" was killed. They buried his body in the renowned Boot Hill Graveyard at Deadwood. Citizens of Abilene, Kansas, used to campaign for removal of Hickock's remains; some even advocated doing it surreptitiously if legal methods failed. Nothing came of this agitation. Today Boot Hill Graveyard is a prime visitor attraction in Deadwood, South Dakota.

There have been many local bar members who have distinguished themselves in the Springfield Municipal Government and in positions of civic trust. Examples were two excellent former mayors: Harry D. Durst, under the former commission government; and Warren McE. Turner, under the present city manager government which succeeded the commission form in 1953. Don Busch, the present city manager, has served longer and better than any of the other managers. Gerald W. Gleason splendidly served as municipal judge from the beginning of the city manager

form of government until 1974, being succeeded by the incumbent, Paul R. Coffman.

One cannot overlook many splendid military records of scores of our bar members. From the time Private W.M. Weaver, the second white child born in Greene County, made the celebrated overland march from Independence, Missouri, into Old Mexico one hundred and thirty years ago to the recent conclusion of the drawn out Indochina conflict, the local lawyers have served from private and ordinary seaman to high positions of staff and command, often with distinction. The bar was "rent asunder" by the Civil War; even the then circuit judge "went south" as they said about any office holder who left office to join Jackson and Price's Missourians. Since the Union controlled Springfield for the duration of the Civil War following the Fall of 1861, naturally the sympathy of the court followed the North.

Springfield lawyers commanded companies, battalions, regiments and brigades in the Civil War, with Union sympathizers prevailing in number. An example of the Civil War officers is W.F. Geiger, later a circuit judge, who possessed a fine war record. His grave in the Springfield National Cemetery is marked with a war hero's monument.

Later lawyers volunteered service in Springfield's Company K and Company M of the proud old 2nd Missouri Infantry Regiment, Missouri National Guard. This Regiment was known as the "Hound Dog" Regiment, and once adopted an Ozarks Walker blue tick hound as its mascot. Many times Harry D. Durst graciously gave his time to tell me the story of this Regiment, and to highlight its days at Chickamauga Park, Georgia, during the Spanish American War. At the outbreak of World War I the "hound dawgs" were drafted into the federal army, became three machine gun battalions and a trench mortar battery, and served in the Meuse-Argonne Offensive.

The Goad-Ballinger American Legion Post carries the name of John Marion Goad, law student and son of lawyers (the mother never practiced), who gave his life as an aviator overseas in World War I.

A Greene County Bar assemblage with the members who are veterans of World War II, and subsequent affairs, wearing their service ribbons would be colorful indeed.

Three members have authored novels: F.H. Sheppard, a

U.S. Naval Academy graduate, who while at sea wrote "Love Afloat." Frank S. Heffernan authored "Romola," "Under the Palmetto" and "The Globe Trotter," and also put together one of the finest libraries in the West. J.W. Chilton, longtime president of the Farmers and Merchants Bank (now Bank of Springfield) authored "George Allender."

Many members have qualified for a vignette of courage in defense or in prosecution efforts in addition to Governor Phelps' defense and subsequent acquittal of "Wild Bill" Hickock for killing Dave Tutt in that celebrated pistol duel on the Public Square. "Pony" Boyd, Tom Delaney and O.H. Travers defended the Bald Knobbers who were hanged after trial in the Supreme Court of Missouri, and the governor's denial of clemency. Roscoe C. Patterson prosecuted a local blacksmith, one of several men indicted for participation in the infamous lynching and burning of Negroes on the Public Square the night before Easter, 1906 (the blacksmith was freed by the jury and the remaining cases were dismissed after Patterson left office). There are numerous other examples in cases of lesser public interest. There is no evidence that any accused ever wanted for charitable counsel during the 140 years before the recent law providing public financed defenders in felony cases.

A generation ago the aging lawyers of the bar were very relaxed in their practice, and they often paused to pass on an incident of interest to younger lawyers. Without doubt Frank B. Williams was the chief raconteur among the lot. During his last years, he took time to set down some of the stories which are recorded herein.

Years ago William C. Cockrill and I drove Arthur M. Curtis and William L. Vandeventer to a Jefferson City, Missouri, Bar Meeting, and they showered us with stories of their early days as young prosecuting attorneys, Curtis at Hartville and Vandeventer at Ozark. Actually, Vandeventer was a professional storyteller and frequently in demand at large gatherings. Our bar should require attorneys of different generations to travel together to bar meetings at least once annually. This would insure the preservation, at least the passing on, of the bar stories.

John S. Farrington, Arch Johnson, Lewis Luster, Frank C. Mann and Arthur W. Allen in their reminiscences tended to

relate incidents involving points of law holding a special interest for them. Roscoe C. Patterson, onetime U.S. Senator, and Edward A. Barbour, Jr., onetime Missouri State Senator, recalled their political experiences. Charles M. Newman, Ben M. Neale and Edgar P. Mann, all from Greenfield, often recalled incidents in Dade County where they practiced before removal to Springfield.

Ben Neale's favorite story occurred when he commenced the practice of law in Greenfield. His first case was defending a man charged with stealing a pistol. The man told such a straight story that Neale was convinced of his innocence. On trial the accused was acquitted, which was a real victory for Ben, and he sensed that the best time for him to collect his fee was when his client felt good about the outcome of the case. Ben said to him, "Now, we've had pretty good luck in this case, haven't we?"

"Yes, suh, Mr. Neale."

"And you're free now, aren't you?"

"Yes, suh, Mr. Neale."

"You know I think now's the right time to pay me something for my fee. I'm only going to charge you \$10. Don't you think you can pay me \$10?"

"Well, now, Mr. Neale," he says, "you know I ain't got no money, but here am that pistol," and he offered it to the surprised lawyer.

In more recent times two trials have been widely discussed and reported. In June, 1952, Charles Ray Brown, Commissioner of Streets for Springfield, received a check for \$1,000. It came from an attorney in Kentucky representing Russell and Axon, an engineering firm awarded an engineering contract by the city a full year before. The legal question was: Did Brown receive the \$1,000 in return for his favorable vote in awarding the contract, or was the \$1,000 part payment on a farm Brown swore he sold to the Kentucky attorney? On circumstantial evidence only, and without proof of any prior agreement with Brown as to his vote, the Supreme Court of Missouri upheld Brown's conviction by a Greene County jury.

In this case the young county prosecutor, Doug Greene, made a reputation as a relentless prosecutor. Fred and Bill Moon, father and son, together with Roscoe C. Patterson and Kirby Patterson, uncle and nephew, defended Brown.

After the supreme court upheld the conviction, the

hapless public official from his county jail cell told reporter Jim Billings that the supreme court's rule made it a bribe to accept a free dinner from someone who profited from your vote a year before. This pretty well summed up the matter. (See 267 SW2d 682)

You may have heard that in Missouri it costs only a dollar to call another person a "damned communist." This grew out of the hottest local issue in the early 1950's: Should City Utilities build a huge steam generating plant on the James River?

O.E. Jennings vigorously opposed a bond issue for construction of the plant. Murchison D. Lightfoot vigorously favored the bond issue. At a "Citizens Committee" meeting called by those against the bond issue, Lightfoot appeared at the speaker's table at the conclusion of the meeting. A flurry ensued. Lightfoot later swore that Jennings grabbed his arm and pulled him from the table, saying, "You're not going to talk here, you damn communist."

In the slander suit John Newberry and John Hosmer represented Lightfoot. Sam and Bill Wear, father and son, handled Jennings' defense. After a long and spirited trial, one that attracted wide media attention, the jury on a 9 to 3 count awarded Lightfoot \$1.00 actual damages for having been called a communist.

The case started before Judge Warren L. White, but his ruling was appealed when he held that calling a person a "damned communist" is not grounds for damages. However, the supreme court reversed Judge White and sent the matter back for trial on this issue. A change of venue was taken to the court of Judge William R. Collinson, who, the able reporter Jim Billings reported, "kept the eloquent Sam Wear in hand." (See 254 SW2d 596)

A roll call of the bar would reflect high positions attained for several bar members in positions beyond the Greene County Courthouse.

One Governor of Missouri: John Smith Phelps
One United States Senator: Roscoe C. Patterson
One Minister to Siam: Semphronious H. "Pony" Boyd
One Treasurer of the United States: William C. Price
One Under-Secretary of Commerce: Ewing Y. Mitchell
Ten members of Congress:
John Smith Phelps - 1847

Semphronious H. "Pony" Boyd - 1863⁶

H.E. Havens - 1871

James R. Waddill - 1879

John P. Tracey - 1895

Courtney W. Hamlin - 1903

Roscoe C. Patterson - 1921

James E. Ruffin - 1933

Marion T. Bennett - 1943

O.K. Armstrong - 1950

U.S. District Court Judges:

R. Jasper Smith

William R. Collinson

U.S. District Attorneys

Roscoe C. Patterson

William L. Vandeventer

Sam M. Wear

Missouri Supreme Court of Missouri [formerly Supreme Court of Missouri]

James Baker

Thomas Adiel Sherwood (30 years)

James Thomas Blair

John Turner White

Commissioners of Missouri Supreme Court

James Thomas Blair

John Turner White

Paul W. Barrett

**Missouri Court of Appeals - Springfield District⁷
[formerly Springfield Court of Appeals]**

John S. Farrington - 1913-1924

Perry T. Allen - 1933-1939

W.D. Tatlow - 1939-1940

William L. Vandeventer - 1945-1953

A.P. Stone, Jr. - 1954-

Richard Livingstone Goode,⁸ a member of the local bar, served as Judge of the St. Louis Court of Appeals (1900-1910) before the Springfield Court of Appeals was created.

Greene County Circuit Court Judges [1833-1909]

Charles H. Allen - 1833

Foster P. Wright - 1837

Charles S. Yancey - 1841

William C. Price - 1857

John R. Chenault - 1857
 Patrick H. Edwards - 1860
 Littleberry Hendricks - 1862
 John S. Waddill - 1863
 Semphronious H. "Pony" Boyd - 1865
 Robert W. Fyan - 1868
 W.F. Geiger - 1869
 James R. Vaughn - 1886
 W.D. Hubbard - 1887
 James T. Neville - 1892

Division One [1909-1976]

James T. Neville - 1909
 Guy D. Kirby - 1910-1928
 John Schmook - 1929-1934
 Guy D. Kirby - 1935-1946
 F. Hiram McLaughlin - 1947-1949
 William R. Collinson - 1949-1965
 (Resigned to become a federal judge)
 Jack A. Powell - 1965-

Division Two [1909-1976]

Alfred Page - 1909
 Arch A. Johnson - 1912
 Orin Patterson - 1916
 Warren L. White - 1925
 Douglas W. Greene - 1960
 (Resigned to enter private practice)
 John C. Crow - 1975-

Division Three [1965-1976]

James H. Keet - 1965-

Division Four [1976-]

Glenn A. Burkart - 1976-

Criminal Court Judges [1889-1909]

Mordecai Oliver - 1889
 James J. Gideon - 1893
 C.B. McAfee - 1896
 James J. Gideon - 1900
 Azariah W. Lincoln - 1904
 Alfred Page - 1909

Note: Incorporated into Division Two Circuit Court in 1909.

Probate Judges [1847-1976]

William C. Price - 1847

James Arnold - 1849
 James Dollison - 1852
 P.H. Edward - 1856
 Sample Orr - 1857
 H.J. Lindenbower - 1862
 John A. Mack - 1864
 J.H. Show - 1870
 T.H.B. Lawrence - 1876
 W.H. Winton - 1884
 T.J. Murray - 1885
 Azariah W. Lincoln - 1887
 James A. Frink - 1895
 Frank B. Williams - 1903
 George Grant Lydy - 1907
 Thomas H. Gideon - 1915
 John A. Fairman - 1923
 Harold Pierce - 1943
 Charles L. Chalender - 1955
 Don E. Burrell - 1967-

Magistrate Court, Greene County, Missouri

Division I

W.K. Webb* - 1947
 Thomas B. Coppage - 1951
 H.L. Teaff - 1953
 Charles R. Wadlow - 1954
 Orville F. Kerr - 1955-

*Justice of the Peace (non-lawyer) "grandfathered in" under law creating Magistrate Courts.

Division II

Thomas H. Gideon - 1947
 Ernest C. Hamlin - 1955
 Edward A. Barbour, Jr. - 1959
 Louren G. Davidson - 1970-

Division III

Richard L. Franks - 1971

Winston G. Davis - 1974
 Max E. Bacon - 1975-

Circuit Attorneys [1833-1871]

Thomas J. Gevins
 Benjamin F. Robinson
 E.B. Boone
 H.J. Lindenbower

J.A. Mack
G.W. Randolph
R.W. Fyan
W.F. Geiger
J.M. Patterson

Prosecuting Attorneys [1872-1976]

Joseph T. Rice - 1872
James R. Waddill - 1874
W.D. Hubbard - 1876
O.H. Travers - 1878
Semphronious H. "Pony" Boyd - 1880
P.T. Simmons - 1882 (died in office)
T.J. Delaney - 1883
J.A. Patterson - 1885
J.J. Gideon - 1887
H.E. Havens - 1891
J.H. Duncan - 1893
A.H. Wear - 1895
A.B. Lovan - 1899
Roscoe C. Patterson - 1903
W.R. Self - 1907
J.C. West - 1909
James H. Mason - 1911
Sam M. Wear - 1913
Paul M. O'Day - 1917
Oliver J. Page - 1919
Harold T. Lincoln - 1923
Willard W. Hamlin - 1927
George H. Skidmore - 1929
Dan M. Nee - 1931
Nat W. Benton - 1933
F. Hiram McLaughlin - 1939
William R. Collinson - 1941
Joe N. Brown - 1945
Wayne T. Walker - 1947
E.W. Collinson - 1949
Milton B. Kirby - 1951
Douglas W. Greene - 1953
Lyndon Sturgis - 1955
Don E. Burrell - 1959
Jack Yocom - 1967
John C. Crow - 1969

Dee Wampler - 1971
Charles LeCompte - 1973
James Kelly - 1975-

Missouri State Senators

John T. Coffee - 1854
William C. Price - 1856
John S. Waddill - 1858
J.W.D.L.F. "Alphabet" Mack - 1862
J.M. Patterson - 1873
James J. Gideon - 1885
Frank M. McDavid - 1903
Kirk Hawkins - 1911
Edwin L. Moore - 1915
William W. Bowker - 1919
Willard W. Hamlin - 1923
Lon S. Haymes - 1927
Edward A. Barbour, Jr. - 1935
R. Jasper Smith - 1943
Jack S. Curtis - 1955
Paul L. Bradshaw - 1971-

Missouri State Representatives

John S. Phelps - 1840
Marcus Boyd - 1858
John T. Coffee - 1858*
Dabney C. Dade - 1879
E.C. O'Day - 1889
V.O. Coltrane - 1899
J.P. Tracey - 1903
W.R. Self - 1905
Kirk Hawkins - 1909
McLain Jones - 1911

*Speaker of the House (Representative of Dade County)

Charles J. Wright - 1913
F.T. Stockard - 1915
McLain Jones - 1919
Edward A. Barbour, Jr. - 1923
Lon S. Haymes - 1925
O.J. Page - 1927
O.K. Armstrong - 1933
Ernest C. Hamlin - 1937
Albert T. Parrish - 1939

James H. Keet - 1941
 Willard S. Tucker - 1943
 Joseph N. Brown - 1951
 Virgil V. Anderson, Jr. - 1951
 Robert E. Yocom - 1953
 Don E. Burrell - 1955
 Albert T. Parrish - 1955
 Louren G. Davidson - 1963
 Rolland L. Comstock - 1965
 George J. Donegan - 1967-
 Ted C. Salveter, Jr. - 1969
 Max E. Bacon - 1971
 Bill Stoner - 1975-

Note: O.H. Travers' article refers to F.M. Wolf as a representative, but my search of the official records did not so disclose.

Several families, none of whom are now actively represented, once had multiple representatives at our bar. There were seven Pattersons, five Hamlins, five O'Days, ⁹ four Gideons, three Rathbuns, and several pairs.

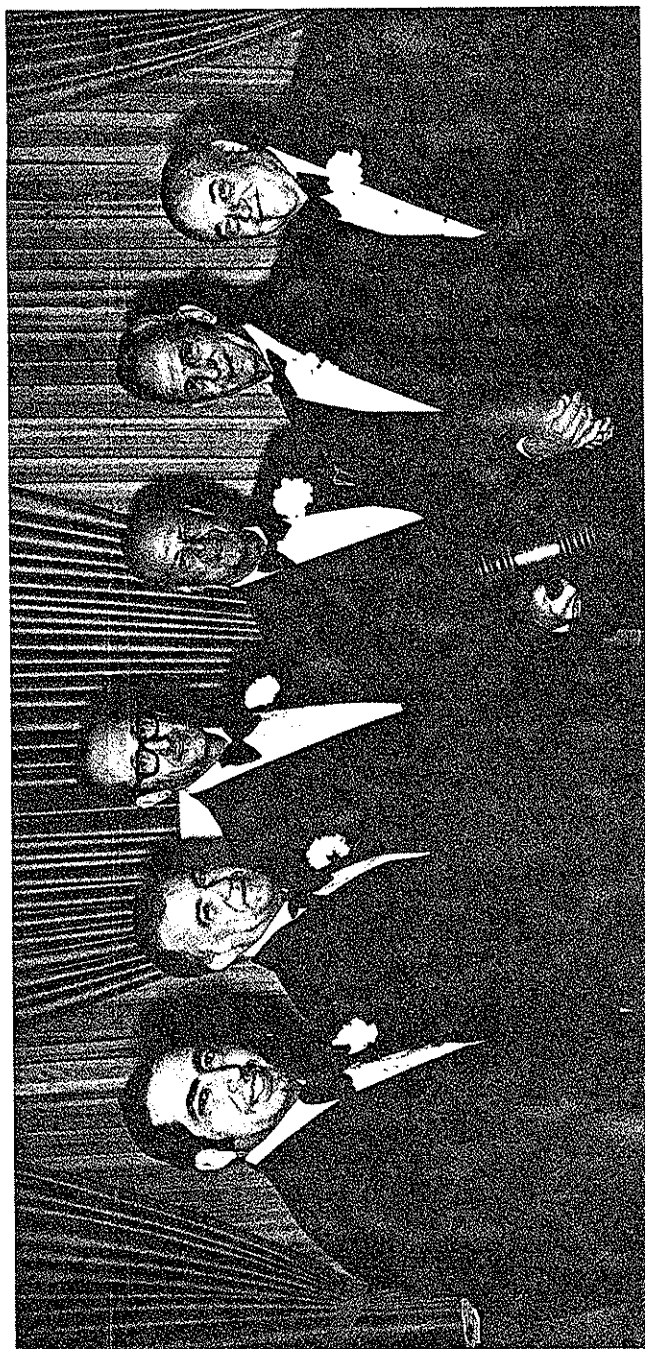
Today W.A. Wear, Jr. practices with his father who started with his father, Sam M. Wear, who followed in the footsteps of his father, A.H. Wear. Today Fred C. Moon is in practice with his father, Parker F. Moon, and his grandfather, Fred A. Moon, who started with his father, James A. "Dick" Moon. The youngest Wear and Moon lawyers are the only fourth generation successive lineals now in the practice in Springfield. Currently four third generation lineals are in the practice in Springfield, namely, Sam S. Dickey, Arthur E. Curtis, Arthur S. Haseltine, and John M. Carnahan, III.

I had intended not to spotlight any living member of the bar since I hold so many of my brethren in high esteem, and it is impractical to do justice to all of them. However, since Fred A. Moon is the dean of our group, and the father of three sons with a hundred years of total practice at our bar, I decided to break over and relate a story about Fred and his beloved wife, Clara. They were in Washington City where Fred handled a matter for the Union Stockyards of Springfield. While there they were invited to a reception for

Vice President Alben W. Barkely at the exclusive Shoreham. The two Ozarkers arrived well ahead of the other guests so they might "case the joint" fully. Because Fred and Clara were dead ringers for Harry and Bess Truman, the doorman in livery was completely fooled when the early arrivals requested a tour of the hotel. For a half hour they were escorted about the place in royal manner. A few years ago I popped a riddle to the popular longtime lawyer: "Fred, can you tell me when an Ozarks Moon was once mistaken for a President of the United States?"

The bar association doubtless should be more forceful for good in the community than it is. Its members have long excelled in and headed up the uplift organizations to which they belong. The lack of a centralized bar executive office was the chief weakness. This became ever so clear to me during my term as president of the bar in 1973. I concluded that the bar must have a permanent and adequately staffed fulltime executive office if it were to meet the challenges of change and growth. The January 19, 1974, *Leader-Press* reported that my appointee, Flavius Bennett Freeman, a Specialist in organization, would head a Committee to plan and install a nerve center of the bar. "Doc" Freeman did follow the blueprint and brought to fruition the collecting of the legal aid, secretarial, and publications functions at a central bar headquarters on the 8th floor of the Woodruff Building in January, 1975. York Johnson volunteers his expertise, and the new plan is off the ground. Wallace N. Springer, Jr., the 1976 President, is vigorously continuing the plan. If it is maintained for five successive years, success will doubtless be insured, indeed it might grow into something comparable to the Greene County Medical Society, a very effective organization.

Many lawyers are University of Missouri--Columbia football buffs. During my three years at the law school during the Christman football era, the team lost only a single game at Columbia. While serving as bar president I asked my lawyer friends, Sam F. Hamra, Jr., Bill Hart and Hank Westbrooke, to help inaugurate an annual bar overnight trip to see the Tigers play. Our first trip was successful with a victory over "Ole Miss." For luck I gave each lawyer and his bride a buckeye from Copperhead Hill. On the two successive outings the bus trippers saw victories over



At the bar installation January 16, 1974, these participants pose. L. to R.: Sam F. Hamra, Jr., master of ceremonies, Lawrence Askinosie, president-elect; Robert L. Hawkins, president of The Missouri Bar, John K. Hulston, president, John Weston Miller, 50-year bar member honoree, Meredith B. Turner, Bar District Governor. The oversized gavel is a traditional object wholly without utility save on installation occasions. (Mignard and Associates, Inc.)

Arizona State, Wisconsin and North Carolina, so the affair is forming a seed pod of tradition.

In January, 1976, I obtained from The Missouri Bar the official list of Greene County lawyers. Alphabetized, it is as follows:

Clyde R. Allemann	T.O. Carver
Robert E. Almirall	J. Douglas Cassity
David P. Anderson	Donald E. Chaney
Virgil V. Anderson, Jr.	Peter C. Charles
David W. Ansley	Leonard W. Chinn
John A. Appelquist	Lindell R. Church
Max E. Bacon	Billy H. Clampett
Charles Ronald Baird	Russell G. Clark
Michael Baker	Donald L. Clough
Robert T. Beezley	William C. Cockrill
Theodore Beezley	Paul R. Coffman
Richard Dale Bender	Maynard E. Cohick
David W. Bernhardt	E. Wayne Collinson
J. Scott Bertram	Victor O. Coltrane
William C. Billings	Rolland L. Comstock
William H. Billings	Raymond C. Conrad, Jr.
Charles H. Blair	Donald R. Cooley
Joseph A. Bohrer	John R. Courtney
Darold D. Bolton	Louis W. Cowan
Donald E. Bonacker	Lester B. Cox
John B. Boyd	John C. Crow
Paul L. Bradshaw	Donna M. Cummings
Richard Lee Brodbeck	Jay Preston Cummings
Fred A. Brooks	Arthur E. Curtis
R. Steven Brown	E.C. Curtis
Robert L. Bruer	Jack S. Curtis
Glenn Adrian Burkart	William A.R. Dalton
Don E. Burrell	W. Ray Daniel
Don G. Busch	Louren G. Davidson
Leland C. Bussell	Winston G. Davis
Clyde A. Butts	A. Clyde Dennis
Lloyd Joseph Carmichael	Samuel S. Dickey
John M. Carnahan, Jr.	Lawrence H. Dolci, III
John M. Carnahan, III	George J. Donegan
E. Andrew Carr	James R. Doran
John F. Carr	Richard E. Dorr
John C. Carver	Donald R. Duncan

Robert D. Durst
 Thomas D. Dwyer
 John D. Eakes
 James Eiffert
 Ranson A. Ellis, Jr.
 Ivella McWhorter Elsey
 James C. England
 Perry A. Ennis
 Douglas S. Evans
 Frank M. Evans, III
 John H. Fairman
 Richard Farrington
 James P. Ferguson
 Thomas G. Field III
 David R. Fielder
 Robert C. Fields
 Nicholas R. Fiorella
 Bradley J. Fisher
 Harold J. Fisher
 George M. Flanigan
 Willis G. Fletcher
 Walter T. Fowler, Jr.
 Benjamin J. Francka
 Richard Lee Franks
 Flavius B. Freeman
 Robert W. Freeman
 Samuel F. Freeman, II
 Charles A. Fuller, Jr.
 Timothy E. Gammon
 Leland L. Gannaway
 Harold W. Gardner
 Roger L. Garrison
 David A. Geisler
 Donald H. Gibson
 Harold F. Glass
 Gerald W. Gleason
 James P. Gray
 Douglas W. Greene
 Douglas W. Greene, III
 Joseph C. Greene
 Robert V. Groce
 Joseph W. Grossenheider

David W. Hall, Jr.
 Fred L. Hall, Jr.
 Sam F. Hamra, Jr.
 Larry W. Hannah
 D.O. Harned
 Jeffrey H. Harrison
 William J. Hart
 Arthur Sumner Haseltine
 Edwin C. Haseltine
 Robert D. Hawthorne
 Lon S. Haymes
 Lloyd R. Henley
 Robert E. Hogan
 David G. Holden
 Harry E. Holden
 James C. Holman
 James H. Holt
 Loren R. Honecker
 John E. Hosmer
 E. Mitchell Hough
 John K. Hulston
 Ralph E. Hunt
 Donald Wayne Ingram
 Owen G. Jackson
 George McAfee Johnson
 Gregory K. Johnson
 Kenneth William Johnson
 Theodore L. Johnson, III
 William Henry Johnson
 York Johnson
 Donald W. Jones
 Michael A. Jones
 Frederick W. Joyner
 John J. Kane, III
 William H. Karchmer
 James H. Keet
 Bobby J. Keeter
 James M. Kelly
 John E. Kelly
 W. Clark Kelly
 Orville F. Kerr
 Charles Franklin Kiefer, Jr.

Paul W. King
 Bruce Kemper Kirby
 Milton B. Kirby
 Paul A. Kirk
 Lincoln J. Knauer
 Daniel M. Knust
 Walter S. Langston
 Charles M. LeCompte
 Noble I. Leighton, Jr.
 Daniel E. Letsch
 John R. Lewis
 Frank B. Lilley, Jr.
 Max W. Lilley
 Rodney Earl Loomer
 Gary A. Love
 John Alan Love
 Craig Frederick Lowther
 Gerald H. Lowther
 Charles D. Martin
 William L. Mauck
 Francis H. McClernon, Jr.
 J. Bruce McCurry
 Frederick D. McDaris
 William H. McDonald
 Thomas K. McGuire, Jr.
 James F. McLeod
 M.J. McQueen
 Jerry D. Mee
 J. Weston Miller
 James E. Miller
 Carm R. Moehle
 Kerry L. Montgomery
 Philip M. Moomaw
 Charles A. Moon
 Fred A. Moon
 Fred C. Moon
 Parker F. Moon
 William A. Moon
 A.D. Moore
 John T. Morgan
 Edward J. Munsey
 Harry G. Neale

Gary T. Nelms
 James W. Newberry
 John B. Newberry
 Dennis C. O'Dell
 Thomas J. O'Neal
 James Richard Owensby
 Mathew W. Placzek, Jr.
 Lloyd G. Poole
 Lloyd G. Poole, Jr.
 Lyndel H. Porterfield
 Vernon A. Poschel
 Jack A. Powell
 William Don Powell
 William T. Powers, Jr.
 John S. Pratt
 James K. Prewitt
 William D. Raine, Sr.
 Jerry L. Redfern
 Paul Frederick Reichert
 Kenneth H. Reid
 Jerry Lee Reynolds
 Paul D. Rittershouse
 James L. Robinett, Jr.
 James E. Ruffin
 Theodore C. Salveter, Jr.
 William P. Sanford
 John H. Schmidt
 R.W. Schroff
 Irving W. Schwab
 Joe H. Scott
 Stephen P. Seigel
 Devon F. Sherwood
 James L. Sivils, Jr.
 Arch M. Skelton, Jr.
 Kenton George Slankard
 David L. Smith
 Gregory John Smith
 Lawrence A. Smith
 Tyce Stuart Smith
 Wayne C. Smith, Jr.
 Wallace N. Springer, Jr.
 Warren S. Stafford

Christopher J. Stark
Ronald K. Stenger
A. Ronald Stewart
Dennis Joe Stewart
A.P. Stone, Jr.
William E. Stoner
Theodore A. Strecker
Thomas G. Strong
Jon Miles Sweeney
E. Gene Taylor
Otto J. Taylor
B.A. Tibbits
David L. Timmerman
Scott B. Tinsley
Rex Titus
W. Newell Toalson
K. Tom Tough
Scott R. Traylor
James D. Tucker
Willard S. Tucker
Meredith B. Turner
Bert V. Twibell
Brent Vincent Tyndall
Ben K. Upp
Carol M.C. Van Sambeek
Jack R. Victor
Wayne T. Walker

C. Wallace Walter
Kenneth T. Walter
Homer D. Wampler, Jr.
Homer D. Wampler, III
Charles M. Wantuck
John S. Waters
E. Massey Watson
William A. Wear
William Austin Wear, Jr.
Buell Franklin Weathers
William H. Wendt
James H. Wesley, II
Henry W. Westbrooke, Jr.
Turner White, III
Raymond E. Whiteaker
Keith V. Williams
Richard K. Wilson
Howard Winget
David B. Woodruff
Larry Arthur Woodward
Donald E. Woody
Richard K. Wooldridge
Clarence O. Woolsey
Howard C. Wright, Jr.
Carl E. Yates
Jack L. Yocom

NOTE: Admitted in April, 1976, were: Gary Ray Cunningham, Larry Wayne Dority, Ray G. Payton, Stephen L. Shepard, and David F. Sullivan.

Admitted in September, 1976, were: Jack Tising Bangert, James Kevin Checkett, Robert Hager Handley, Nancy S. Horton, Steven Linney Kraft, Charles K. Lee, William Dennis Sheppard and Ralph Lee Weatherwax.