

Memoir of Judge Carleton

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MEMOIR OF JUDGE CARLETON.

BY L. B. PATTERSON, ATTORNEY.

JAMES P. CARLETON, JR., was born February 24th, 1812, in Cumberland, Maryland; was educated at college in Washington, Pennsylvania; studied law in the office of B. W. Howard, in his native town, was admitted to practice, and started for a western location at about his majority. He located in Covington, Fountain County, Indiana, where he rapidly built up a business. Was, in a short time, elected a member of the Indiana Legislature, from Fountain County. Married Louisa, the eldest daughter of Peter H. and Elizabeth Patterson. In the year 1841, he, in company with his father-in-law and family, started for Iowa City, Iowa, where they arrived on the 27th day of April, 1841.

He commenced the practice of the law in company with his father-in-law, in Iowa City, soon after his arrival, but in a short time his partner retired from the profession. The Judge's office was of the backwoods style, being a one-story log office, located on Iowa Avenue, where a paint-shop now stands, just west of O'Hanlon & Son's boot and shoe store. In this office at the time were gathered as students of Blackstone, office boys, with William Smyth, afterwards the Judge's successor on the bench, and later a Member of Congress, since deceased; also A. A. Patterson, a native of Washington, and engaged in the practice of the law; and his brother, L. B. Patterson, attorney, now in practice in Iowa City.

In the year 1843, Judge Carleton was elected a member of the Territorial Legislature of Iowa from Johnson County, and served as Speaker of the House for the session, which convened at Iowa City in December, 1843. At the first election after the admission of Iowa as a State, he was elected District Judge of Iowa for the Fourth Judicial District, which was at that time composed of the following counties: Johnson, Linn, Benton, Iowa, Poweshiek, Jasper, Polk, Dallas, Tama, Marshall, Story, Boone, and the counties west. The first court

held at Des Moines, after we were a State, was held by Judge Carleton. The position of Judge was held by him until his death, on August 3d, 1852.

He was twice married. His second wife was Mary, the daughter of Rev. A. Young, who still survives him, with two daughters. His children, by his first wife, died before attaining majority.

As a lawyer, Judge Carleton had few superiors. In the trial of a cause by a jury, he was quick to apprehend the strong points in a case, and to make the evidence clear to the jury by his logic, impulsive eloquence, and honesty of purpose in whatever he undertook. At the time when he was in successful practice, cases were more frequently tried and won by successful attacks upon the jury than at present. In such trials he was very successful, and was almost always retained on one side of all jury trials in his county.

As a Judge, he was pure in purpose, of incorruptible integrity and honesty, with a keen sense of the dignity of his position, holding in contempt any kind of trickery and subterfuge that might be attempted in his court; kind and courteous to all, especially so to the younger men of the profession. He was quick to comprehend all the points in a case, and decided them with great promptness, always giving a reason therefor so clear that the losing party generally were convinced of its correctness. When, however, he was in error and convinced of the same, none was ever more anxious and ready to make apology and reparation. At times on the bench he was unable to control his nervous and sensitive organization, and would manifest impatience in trying to listen to a prosy or stupid argument, since his quickness of intellect had comprehended all at a single glance upon the first settlement of the points. The occasions, however, were rare. By some it was thought he carried on the bench too much of the technicalities of the law. In extenuation, it may be said that many lawyers of his period were trained rigidly in the school of technicalities; he was well versed in such knowledge, which he used very effectively in his practice. It ought not to be overlooked if at times he could not entirely

eradicate it from his judicial acts. In truthfulness, however, it can be said of him that with any defects he may have had, his reputation as a Judge stands fully equal to that of his judicial brethren of the period.

As a politician, he was always a Democrat, and rendered to the party effective aid; hence his elevation to the bench both in Iowa and Indiana—being a very effective stump speaker, and having few superiors in arousing the masses to action.

The great secret of his success and advancement after all was his severely studious habits and application to business. His most eloquent appeals to the jury, or to his constituency or friends, were not simply the impulse or inspiration of the moment, as was very frequently thought. They were the coinage of intense thought and reflection on the subject. as the writer has been frequently informed by the Judge.

INFANTILE INQUIRIES.

Tell me, O mother! when I grow old,
 Will my hair, which my sisters say is like gold,
 Grow grey as the old man's, weak and poor,
 Who asks for alms at our pillared door?
 Will I look as sad, will I speak as slow
 As he, when he told us his tale of woe?
 Will my hands then shake, and my eyes be dim?
 Tell me, O mother! will I grow like him?

He said — but I knew not what he meant —
 That his aged heart with sorrow was rent.
 He spoke of the grave as a place of rest,
 Where the weary sleep in peace, and are blest;
 And he told how his kindred there were laid,
 And the friends with whom in his youth he played;
 And tears from the eyes of the old man fell,
 And my sisters wept as they heard his tale.

He spoke of a home, where, in childhood's glee,
 He chased from the wild flower the singing bee;
 And followed afar, with a heart as light
 As its sparkling wings, the butterfly's flight;

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