

MEMBERS OF THE SEATTLE BAR, WHO DIED YOUNG*

The recent death of Walter S. Fulton ended a brilliant career, and brings to mind others who like him were illustrious members of the Seattle Bar, though removed from our midst by the call of death while they were young men. I will leave to others the privilege of commemorating the life of brother Fulton in a worthy memorial of him, which doubtless will be assumed by those who knew him well. In the short time allowable for an address at a noon-day meeting I will speak only from memory of a few of those who died years ago. The death roll of Seattle lawyers comprises about one hundred and fifty names; obituaries written by Mr. John Arthur and addresses published with proceedings of Washington State Bar Association honor the memories of some, but not all of them. Judge William H. White undertook to write a history of the bench and bar, but gave up the task on account of dearth of available information. That is regrettable because lawyers have been foremost among makers of history of our State and the Northwest. Now biographical sketches of lawyers living until recently, to be found in new histories, only partially satisfy desire for knowledge concerning the lives and characters of those most active in affairs of public importance during the infancy of our City and State.

George N. McConaha came to Seattle in the year 1852. Intending to make his permanent home on Puget Sound, he brought his wife and children, a son and one daughter with him, and at once built a cottage for their habitation on ground now occupied by the Alaska Building. A second daughter was the first white child born in Seattle. He came from Missouri on advice given to him by Senator Thomas H. Benton the first American statesman to recognize the advantages of this gateway for oriental commerce, and predict one of the great States of the Union to arise, wherein scope for the exercise of talents of an ambitious young patriot would be alluring. He journeyed across the plains to Sacramento where he tarried and practiced law for a time. In that period Miners' Courts dealt summarily with those accused of stealing gold from sluice boxes and other crimes, and the cases were extraordinary in which findings were—not guilty—and those

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condemned were speedily executed by hanging. In one case McConaha appeared before a miner's court, and by skill cleared an innocent young man.

He was a member of the California State Legislature in one session when David C. Broderick and Stephen Johnson Field were also members of the same body. McConaha was the peer in ability of the great men who were pioneers of California; if he had remained in that state, honors, fame and fortune would have distinguished his career. Coming to Puget Sound was in accordance with a definite purpose from which he was not to be diverted, and in forecasting the future, he chose Seattle as the best place to locate. He took an active part in all matters of public importance, and visited all the settlements in western Washington, finding a congenial friend in Col. Ebey on Whidbey Island, although Mrs. Ebey noted in her diary that—Mr. McConaha is a very conceited person—Action of Congress in creating Washington Territory followed the proceedings of the Monticello Convention, which petitioned for division of Oregon; McConaha was president of that convention. He would have been nominated for Delegate to Congress by the first political convention held in Washington Territory, if he had not declined to be a candidate for that honor. There was not sufficient time between the nomination and election day to effectually refute a libel upon his character published in a Sacramento newspaper, and he was unwilling to be placed in the situation of a seeker of votes throughout the whole Territory while having to defend his personal reputation. Voters in the Counties of Pierce and King knew him very well; their confidence in him was not impaired, and they elected him as a member of the Territorial Council, a position which suited him best, for sake of the opportunity to have a hand in framing the laws to be enacted by the first Legislature.

Columbia was proposed as the name of the new Territory. Though not adopted by Congress it was a popular name, and may have had some influence in the choice of Columbia Lancaster as the candidate for Delegate to Congress! at any rate it was suggestive of Timothy Dwight's poem, applicable alike to the man and the country, the recital of which by McConaha thrilled the nominating convention.—Addressing the nominee, he said:—

“Columbia! Columbia! to glory arise,
The Queen of the world, and child of the skies.
Thy genius commands thee; with rapture behold,
While ages on ages thy splendors unfold.
Thy reign is the last and the noblest of time,
Most fruitful thy soil, most inviting thy clime;
Let the crimes of the east ne'er encrimson thy name,
Be freedom and science and virtue thy fame.”

McConaha was president of the Council and a useful member of that wise Legislature which started the Government of the new Territory under a comprehensive and workable body of laws. In that pioneer period there were no public service carriers of passengers; travel between the Capital of the Territory and other points on Puget Sound was by canoes, and after adjournment of the Legislature on his journey homeward in a canoe, a storm was encountered and McConaha was drowned.

I was a small boy then, but I remember well the deep sorrow of the pioneers manifested when his death was mentioned. But little progress had been made in transforming the wilderness, and there was prevailing gloom as if a beacon light had been extinguished.

His son and namesake, then six years old was his mother's helper when she bravely assumed the burden of supporting a family by her own toil, doing the laundry work of Seattle bachelors. Chopping logs which were handy and plentiful, the little fellow actually provided necessary fuel through winter as well as summer seasons, and he was the only boy pupil in the first village school. When he was about ten years old he was injured severely by being dragged a considerable distance by a horse. He was leading the animal and was unable to disentangle himself from the rope when it ran away with him. He survived, but ultimately the injury caused a lesion of the brain which blighted his life. On account of scars evidencing injuries to his head examiners rejected him when he appeared for admission to the Naval Academy as a cadet for which an appointment had been given to him. Having to bear that disappointment he returned to Seattle and was a scholar in the University of Washington Territory during the time that Rev. George F. Whitworth was president of that institution. Next for two years he alternated between teaching a country district school and working as a farm hand, and then prepared for the legal profession by reading law books in

the office of John J. McGilvra. At the age of twenty-two he was admitted to the bar, and the same year was elected as one of the King County Representatives in the Legislature. He made a noteworthy speech in that body in favor of amending the road laws to provide revenue for constructing continuous highways crossing county lines. That, was more than thirty years before we began to abolish legal restraints upon the making of good roads. George inherited popularity and he was well liked for his own personality; he was twice elected to the office of Prosecuting Attorney for the third judicial district, which embraced all the countries of western Washington north of Thurston and Mason, in which terms of Court were held twice annually at Steilacoom, Seattle and Port Townsend. The duties included prosecution of criminals and handling of all civil cases involving interests of the Territory and each of the several counties in the district. There were no stenographers or typewriters in those days; all pleadings and papers to be served and filed had to be written in long hand, and during the four years of his incumbency of that office George had no assistant except a law student in his office. The student was myself. His duties were well performed, and he left no unfinished cases, but he was incapacitated for continuing in practice. Mental and physical breakdown ended his career. And he was only twenty-eight.

I remember W. S. Baxter, but have no knowledge concerning him, except that he died in Seattle after practicing law a few months. Recently I was reminded of him by Mr. Rummens who had met English relatives who had traced him to Seattle and lost track of him.

G. Morris Haller was a man of superior business ability as well as a capable lawyer. An incident reminiscent of him illustrates his force of character. Captain Allen master of the Ship Harvester encountered him in litigation growing out of abuse of sailors on a voyage around Cape Horn. Haller was proctor for the sailors suing for wages and damages, and he was not in the least intimidated by the arrogance of the captain who on the witness stand tried to be insolent as if he were on the quarter deck of his ship. After Haller had finished with him he remarked:—"God Almighty's overcoat wouldn't make a vest for that fellow."

His legal education was acquired as a student in the office of James McNaught; after admission to the bar he soon gained prestige in practice at Port Townsend, and while there succeeded

in extricating his father, Col. Granville O. Haller, from financial embarrassment in which he had become involved doing business as a merchant on Whidbey Island while temporarily out of military service. For many years Port Townsend was a good location for a lawyer to secure a share of admiralty practice; several large mercantile houses there catered to ship trade and acted as agents for ships and ship owners, and being the port of entry crews were hired and discharged there. Haller's regular clients included the Pacific Coast Steamship Company, and he continued to be the lawyer for that corporation and other shipping interests after removing his office to Seattle. Here he took an active part in community affairs and prospered in real estate investments at a time when city lots began to have recognized value. He became a member of the firm of Burke, Haller & Rasin—having a lucrative practice. Unit M. Rasin was a good mixer, popular with farmers, loggers, coal miners and wage earners generally. He was a joker and the wit of our bar. Once when I was presiding in court in San Francisco, a prominent lawyer of that city referred to Rasin as authority for the proposition that a man is not drunk if he can maintain a horizontal position without holding on to the grass. Haller was not a joker, his uniform serious and candid demeanor marked him as an object for newspaper reporters to spear with sarcastic jibes; having mentioned in the hearing of one of them that he was at the battle of Gettysburg, a paper in a column of sprightly personalities hit him thus: "General Meade—Is G. Morris Haller present? He is. Then let the battle begin."

When there was agitation for forfeiture of the Northern Pacific Railroad land grant the Seattle Chamber of Commerce in a largely attended meeting adopted a resolution protesting against forfeiture. Haller was one of two members who voted against that resolution; though with a small minority in that meeting his vote was in accord with popular sentiment. That was proved by the result of the ensuing political campaign when Washington Territory, though normally republican, elected Charles S. Voorhees, the democratic candidate, its Delegate to Congress; his success being attributable to his attitude as champion of settlers on public lands whose rights were contested by the railroad company. Haller's vote in the Chamber of Commerce meeting accorded with his understanding of the law that while the land grant was afloat, that is neither earned nor definitely located, the assertion of rights under the grant as being superior to rights

of settlers was illegal. In subsequent litigation, his opinion in that regard was confirmed by the Supreme Court of the United States.

He was likewise bold and outspoken on the side of law and order, at the time of the anti-Chinese agitation and the troubles, which culminated in the better organization of the National Guard of Washington Territory. He was the initiator of that movement, and was an officer of the First Regiment with the rank of Lieutenant Colonel.

In 1875 the Legislature provided for holding terms of court in Snohomish City; for attendance at those terms before the advent of railroads and automobiles, Seattle lawyers travelled with the Judge by steamboat which was an all day's journey. Chief Justice Lewis enjoyed those trips for sake of the opportunities for playing whist. He conducted court with dignity, and was strict in enforcing decorum. We could not pass up judgments to be signed unread; he required all judgment entries to be read in open court before signing. On one trip going to court his partner in a whist game was a stranger who attended court the next day. Debtors in default on contract obligations bearing a high rate of interest were quite numerous. Haller was in court to take default judgments on a fist full of promissory notes, and the stranger was amazed hearing him read:—and interest thereon from date until paid at the rate of two per cent per month payable quarter annually with interest on each installment if not paid when due at the rate of two per cent per month from the due date until paid. The stranger arose and spoke out—Say partner does the law import two per cent compounded four times a year? The court ordered the sheriff to arrest the man, and fined him \$10 for contempt.

Haller was a sportsman, and being a prodigious worker he promptly cleared his desk of accumulated business after vacations. With Dr. Thomas T. Minor and Louis Cox, on a duck shooting trip, all three were drowned in the water of Puget Sound. That occurrence was on the 2nd day of December, 1889, when Haller was about forty years of age. General sorrow for the untimely death of those men was manifested by a large attendance of mourners from various parts of the State at memorial services held in Seattle. The Haller Building, construction of which commenced soon after the conflagration of June 6th, 1889, commemorates his business sagacity and enterprise.

Elwood Evans' history contains a brief sketch of John C. Haines, which when it appeared was unsatisfactory to him and to

his friends. He was the most learned man that ever practiced at this bar; to begin with he had an exceptionally bright mind, a retentive memory and was a splendid specimen of physical manhood; an untiring worker, he went deep into every subject, studied and pursued it until conscious of mastery, and was an adept in the use of conveniences like stenography and photography for accomplishing tasks. He was a graduate of Williams College, and his post-graduate education included a course in the law department of the University of Chicago, and a course in a medical college; he was a self-taught student of architecture, engineering and navigation. He was thorough in knowledge of anatomy, and could name the component parts in the structure of ships from keel to truck. As a cross-examiner of expert witnesses he had few equals and no superior.

Before coming to Seattle he had experience in law practice in Chicago and was twice elected a Justice of the Peace in that City. He came in January, 1880, and brought with him the first typewriter I ever saw, probably one of the first made. The keyboard was all capital letters that looked like buckwheat. Almost immediately he became as well known as if he were an old timer, and a leader in matters of public welfare. As a volunteer fireman he was among the first on the scene whenever a fire occurred at night or in daytime. He organized and was first Captain of Company D and was the first Colonel of the First Regiment of the National Guard, which was organized immediately following the anti-Chinese disturbance.

The law firm of Judge H. G. Struve and John Leary had cases ready for a trial lawyer to handle, and from the time of joining that firm Haines was busy in important litigation. I was not opposed to him in all the cases he tried, but he was my adversary in most of my cases and I soon learned to count on it that no point favorable or unfavorable to my side would be overlooked or slighted by Haines. He was eloquent, lucid and a master of mild sarcasm; he hit me hard, but without malice, so there were no angry tilts between us, and there was cordial friendship. Once I took him off in a pleasant way. I was prosecuting ship officers in a series of cases for maltreatment of sailors. Haines in defending asked every witness the question:—Was the spanker set?—That gave me the chance to remind the jury that he had asked that question of every witness without failing, and I said:—The explanation for that is—in getting

his nautical education in the prairie State of Illinois Haines had experiences with his mother's slipper, so he could never forget the spanker.

In the election campaign of 1884 when the N. P. land grant was an issue, the Democrats with support of the Post-Intelligencer were victorious, their candidate for Delegate to Congress was elected, and two years he was re-elected, giving him the advantage of prestige in a campaign for a third term. Mr. Leigh Hunt having acquired ownership of the Post-Intelligencer made it an organ of the Republican party, and for success in leadership he deemed it good policy to support a candidate hailing from the eastern part of the Territory. John B. Allen lived at Walla Walla, was known all over the Territory as a man of superior ability and his personal character was unimpeachable. For those reasons the paper favored Allen, and Haines was in accord with Hunt's policy. A King County Republican Convention, however, chose Thomas J. Humes, on the favorite son idea, for standard bearer, and it elected twenty delegates to the nominating convention; Haines could not be snuffed out, so he was one of the twenty, and the only one not bound to work for the nomination of Humes. The convention was held at Ellensburg. Judge George Turner of Spokane was a candidate, and dissensions among the delegations from the eastern counties were handicaps on Allen, but Haines was his champion. In a splendid fight he won the nomination for Allen, and popularity for himself. For his recognized ability he was made chairman of the campaign committee to manage Allen's campaign.

Then came tribulations; he was obliged to give up the chairmanship by being arrested and taken to Albany, New York, under an indictment charging him with complicity in the crime of smuggling opium into that state. The smuggler had been an efficient member of the police force of Seattle and a Custom House Officer especially zealous and successful in capturing smugglers operating on Puget Sound. He was an admirer of Haines whom he retained for his own defense when caught bringing a wagon load of opium into northern New York. The stuff was seized and while in legal custody it was stolen. The theft was presumed to have been instigated by a genius, and the indictment of Haines followed. He was acquitted on his trial, but was detained a long time waiting for trial. During that time of waiting Watson C. Squire befriended him.

Speaking of a very learned man is apt to suggest spectacles,, a pale face, an under-nourished body hollow in front and languid

movements and a head full of mythology, astrology and ancient lore. Haines was not like that, his form was superb and he had gigantic strength. My little boy, a beginner in school, brought home the news one day that "Captain Haines threw a policeman down and broke his leg off." That was not far from a true report. The actual occurrence was that in a wrestling match Haines threw James H. Woolery, who was the Chief of Police, and one of the most powerful young men in Seattle at that time, and in the struggle one of Woolery's legs was broken.

Haines was a toiler; in study and preparation of his cases he worked many hours at night, and I seldom quit earlier than he did. Many times we walked homeward together at midnight. Thus our friendship was cemented and as a confidential friend he told me that his ambition was to be one of the first United States Senators of our State. When statehood came and opportunity might have been grasped, he could not offer himself as a candidate for the office he aspired to, without defeating Watson C. Squire who had befriended him in a time of trouble. Loyalty to friends was a principle that ruled his life. Seeing that in a three cornered contest between Allen, Squire and himself, the first named would almost certainly be elected and Squire defeated, he had to choose between the way to which ambition pointed and the other way, which he regarded as the path of honor. Under circumstances that existed he was unwilling to enter the contest as an adversary of his friend, but hoped for a fair opportunity at a later time.

His aspiration was noble for he was conscious of ability to serve his country well in association with statesmen, and his patriotism was worthy of an American. Before the time came for the second election of a Senator the grim reaper extinguished hope for a second chance, and before ending the forty-second year of his life, John Charles Haines died at his home in Seattle.

Captain Howard D. Hughes, son of Elwood Clark Hughes, volunteered for military service when his country called its young men to the colors, and was killed in one of the bloody battles of the world war. From childhood to manhood he grew up in Seattle. To his sterling character and natural aptitude for the profession of a lawyer was added a good education. In his experience after being admitted to the bar there was no dreary waiting for clients; efficiency as an assistant in the office of the Corporation Counsel proved his ability and gained for him recog-

dition as a first class lawyer. He was busy in independent practice when the call to patriotic duty was the call to supreme sacrifice.

I admired Howard Hughes for his poise and graceful manners as well as for his sincerity and fairness in court-room practice, and for his superb voice; his calm utterances in court proceedings imposed no strain upon hearers. There was convincing power in his arguments, due to simplicity and clear understanding of his subjects. There is no extravagance of eulogy in naming him as one whom death robbed of distinction as a great lawyer.

C. H. HANFORD.