Barrett, Joseph Seal and Lucien G. Sibley, 1876; Edward C. Longnecker and Frank S. Teller, 1878; Leverett C. Covey, 1880; C. A. Allen and Franklin E. Howard, 1881; William C. Hayes, 1882.

The Independent Practitioner, a dental periodical, was started in Baltimore in 1880, and removed to New York on January 1st, 1881. Dr. W. C. Barrett, of Buffalo, became interested in the publication in 1883, and it is now owned by an association of dentists, a majority of them in New York and Brooklyn, while it is edited by Dr. Barrett and published in this city. It is now the only independent dental publication in the State, and is ably conducted.

CHAPTER XVI.

THE BENCH AND BAR OF ERIE COUNTY.*


HISTORY, truly speaking, is an account of facts, particularly of facts relating to nations or States, while a formal account of the life of individuals is not history, but biography. This chapter will pretend to the dignity of neither, but will endeavor to speak of the men who, since the organization of Erie county, upon the bench and the bar, in the forum of the law and in public and private life, have dignified humanity by their intelligent labors. It will necessarily be confined to the lives of those who have gone before us, leaving to the future annalist the task of narrating an account of those who are now upon the stage of life. This history will be compiled from all sources from which it has been possible to obtain information, particularly from the files of contemporaneous newspapers, and the valuable archives of the Buffalo Historical Society, and will not aspire to originality in thought, matter or expression.

The old county of Niagara, of which Buffalo was the county seat, was organized by an act of the Legislature, passed March 11, 1808. The present county of Erie was not set off from the several counties then embraced in Niagara and organized until 1821. The first court held in Buffalo was in June, 1808, at Mr. Landen’s public house, situated on inner lot number

* This sketch was compiled by Hon. James Sheldon, Chief Judge of the Superior Court of Buffalo.
one, on the south side of Crow (now Exchange) street. No court had before that time been held in Western New York, except at Batavia, and the opening of the first term of court was an event of interest and importance. Augustus Porter, of Niagara Falls, was the First Judge, and Erastus Granger, of Buffalo, one of the puisne judges. At that time and before the war of 1812, the only practicing attorneys settled at Buffalo were, Ebenezer Walden, Jonas Harrison, John Root and Heman B. Potter. Jonathan E. Chaplin was here in 1812. Albert H. Tracy, James Sheldon and E. S. Stewart came in 1815; and Thomas C. Love, Ebenezer F. Norton and William A. Moseley, soon after. The situation of Buffalo and its prospective future soon attracted public attention, and in 1821, at the time of the organization of Erie county, the practicing lawyers were John Root, Ebenezer Walden, Jonas Harrison, Heman B. Potter, James Sheldon, Albert H. Tracy, Thomas C. Love, Ebenezer F. Horton, Joseph W. Moulton, Philander Bennett, Jonathan E. Chaplin, Stephen G. Austin and William A. Moseley. By May, 1825, Horatio Shumway, Henry White, Thomas T. Sherwood, Harry Slade, Joseph Clary, Sheldon Smith, Roswell Chapin and Major A. Andrews were added to the bar. These were the men, the pioneers of the profession, who gave it character and dignity and for many years continued in active practice, one by one retiring from active life, their places taken by the able and eloquent lawyers who came afterwards and worthily sustained the high reputation always borne by the Erie county Bar.

The practice of riding the circuit, borrowed from England, prevailed in those early days. Eminent lawyers, especially those reputed successful with juries, accompanied the Circuit Judges of the Supreme Court from county to county, upon the circuit, to assist on the trial of civil cases and the defense of persons charged with crime. In some cases they were retained beforehand, but most frequently, they were employed during the sittings of the circuit, and were obliged to rely upon the preparation which had been made by the attorney who employed them. Before 1825, Root, Potter, Sheldon, Love and Tracy usually attended all the courts in the adjoining counties of Chautauqua, Cattaraugus, Genesee and Niagara, to try their own causes and such as might be committed to them. The compensation which able lawyers received at this period will seem meager if not mean, to those who are familiar only with legal charges at the present day. In cases of considerable importance where the preparation for the trial had been made by an attorney, able counsel charged twenty to twenty-five dollars for the trial, and when several days were employed in the preparation and trial, fifty dollars to one hundred dollars was the largest charge for the services, including oftentimes a "summing up" to the jury, more eloquent and exhausting than Westminster Hall could produce once in five years. Although many of them at the present time, realize Daniel Webster's
declaration of a lawyer's fate, “to work hard, live well and die poor;” some of our predecessors failed in each of these particulars, as doubtless many of our contemporaries will persist in doing.

Before the adoption of the constitution of 1846, the Court of Common Pleas and the Court of General Sessions of the Peace, were the only courts held in the county, except the circuits of the Supreme Court and the term of the Recorder's Court of Buffalo, which was established in 1839. The Court of Common Pleas was held by the First Judge and any two of the *puisne* Judges. Its practice assimilated both to that of the King's Bench and Common Pleas at Westminster, England, and its errors were corrected by writ of error brought in the Supreme Court. It was the former, where the greater part of the civil business of the county was transacted, and where the bar, if the annals transmitted to our generation are to be credited, engaged in exercises and practices that were not permitted at the circuit; a sort of legal arena where gladiatorial contests occurred that would not be tolerated at the present time. The Court of General Sessions of the Peace was held by the same Judges, but purely for the trial of criminal offenses. The constitution of 1846, abolished both courts and established a county court, with greatly enlarged jurisdiction and powers, and held and presided over by the county judge; and the Court of Sessions for the trial of criminal offenses, held by the county judge and two justices of the sessions. The Recorder's Court of Buffalo was established in 1839, and the appointment of the recorder vested in the Governor. The office was made elective by the people by the constitution 1846, and in 1854, the court was reorganized and merged in the present Superior Court, with three judges. It is now, under the constitution of 1869, a court possessing and exercising within the city, jurisdiction and authority concurrent and co-extensive with the Supreme Court, and each judge of the court possesses the same powers and authority in an action or special proceeding, which a Justice of the Supreme Court possesses in a like action or special proceeding brought in the Supreme Court, and appeals from the decisions of the court at a general term are taken to the Court of Appeals of the State, as the appellate court. The criminal powers and jurisdiction of the court in the city, are the same as those of the Supreme Court at the Oyer and Terminer. The Surrogate's Court was always an important tribunal and the office has generally been filled by learned members of the Bar.

Having thus referred to the various tribunals of the law which have existed since the organization of Erie county, it is proposed to give a brief sketch of the lives of those who, upon the bench and at the bar, have been connected with the administration of the law. Generally, the materials of such lives are few and brief, as are those furnished by the lives of the ablest, the wisest and the best who live and die among
us. Some of them were called upon to fill public offices and acquired State and National fame, but the greater number, knowing that civil office in their country, is not the criterion of merit or dignity, were devoted to the law and satisfied with the honorable position they sustained as counselors of their clients and fellow-citizens; believing that the highest function of the lawyer is to aid in the pure and intelligent administration of justice. Therefore, no extraordinary events happened to them in their careers, yet they were the men who gave tone and character to all public offices and exerted a controlling influence upon public sentiment. As citizens they were advocates of law and order and morality; firm and steadfast in supporting the institutions of the country, and worthily filling their places in all the offices and relations of life.

_Ebenzer Walden._—Judge Walden was a native of Massachusetts and a graduate of Williams College. After reading law in Onondaga county, he was admitted to the bar of this State, and became a resident of Buffalo in 1806, when it was but a mere frontier hamlet. His great sagacity comprehended its position, and he chose it for his home, becoming intimately identified with the fortunes of the place and contributing liberally in means and enterprise in building up its institutions, and promoting its growth and prosperity. He was one of the eight who in 1808 comprised the entire bar of what was then Niagara county. His colleagues before 1812, residing at Buffalo, were Jonas Harrison, John Root and Heman B. Potter, all of whom he survived many years. In 1812 Judge Walden represented in our State Legislature, the district composed of the present counties of Erie, Niagara, Chautauqua and Cattaraugus. During the war of 1812, he remained on the frontier and was present at the burning of Buffalo by the British, when, by his exertions and courage he aided essentially in saving the lives of several citizens. His own dwelling shared the common fate of the village. On the return of peace he resumed the practice of his profession and was distinguished as a safe counselor, a sound lawyer and able advocate. Soon after the organization of Erie county, and in 1823, he was appointed First Judge, the duties of which he discharged for five years with ability and fidelity. Judge Walden was a thorough lawyer and commanded the confidence and respect of the able bar who practiced in his court. In 1828 he was chosen one of the presidential electors and voted for John Quincy Adams. In 1838 he was chosen mayor of the city of Buffalo, and performed the varied and complicated duties of the office with ability and impartiality. During his last years he was withdrawn from the sphere of active life and died November 10, 1857, at the age of eighty years, leaving a reputation for integrity, benevolence and elevated patriotism which will always be associated with his memory.*

*For a more extended biography of Judge Walden see page 695, Vol. I.
Jonas Harrison settled in Buffalo before the war of 1812, and continued at the Bar until after 1820, when he went to Louisiana. There are no particulars of his history except such as are derived from memory. He sustained the reputation of a sound lawyer, ranking with the foremost of the able men of his time.

John Root was one of the earliest lawyers practicing at the Bar of Erie county, and was a learned and able man, but retired from the profession some years before his death, in 1846. His general knowledge of law and equity and jurisprudence, was, perhaps, equal to that of any of his contemporaries. Mr. Root was a man of large and imposing appearance and of particularly jovial and kindly temperament, ready at all times to advise with the younger members of the Bar, and was familiarly known as “Counselor Root.” But few are now alive who knew him in his manhood, but many sketches have been compiled concerning him, illustrative of his sparkling wit and readiness at repartee, and the lively fancy that distinguished him and gave life and cheerfulness to the circle and society in which he moved.

Heman B. Potter, after receiving a college education, entered the law office of the celebrated Elisha Williams, at Hudson, where he was well trained in the principles and practice of the law. He came to Buffalo in October, 1810, and almost simultaneously established a law office, organized a Washington Benevolent Society, a Federal Club, and joined, if he did not organize, a Masonic lodge. He little thought that the two acts of his earlier life last named would, as they did, form an insuperable bar to political promotion to the end of his days. His appointment as district attorney of the county constituted the only taste of office that he ever enjoyed. He had the kindliest of disposition, unimpeachable integrity, great industry, united to order and system in all transactions. He soon acquired what was then considered a large legal business, and tried and argued his own cases with good success. His addresses to courts and juries were pleasing in manner; his statements of law and fact, clear and well arranged, and although he did not rise to the height of eloquence, his forensic efforts could not fail to satisfy a moderate ambition. His administration of the office of district attorney for ten years was all that could be desired. The most celebrated prosecution in which he was engaged was the trial of the “three Thayers,” in the summer of 1825, for murder. The case was one to be made out by circumstantial evidence alone, and was prepared by General Potter and all were found guilty and executed. In after years, the late Chancellor Walworth, who presided as a Circuit Judge at the trial, declared that he had never known a case so well prepared and tried. Through his whole life he was one of the most influential and respected citizens of Buffalo, continuing in active business until his death in 1834, and leaving a large fortune to his family and the more enduring memorial of an honorable character.
Albert H. Tracy, settled in Buffalo in 1815, and though only twenty-two years of age and just admitted to the bar, was soon recognized as a lawyer of marked ability. He was elected in 1818 to the Sixteenth Congress, and twice re-elected, serving six years and acquiring a National reputation. During this time he continued in active practice, in partnership with James Sheldon, and subsequently with Thomas C. Love. In 1826 he was appointed Circuit Judge by Governor Clinton, in place of William B. Rochester, but declined the office, and in 1829 he again entered political life, and was the candidate of the anti-Masons for the office of State Senator, and was elected. The Senate was then a component part of the Court for the Correction of Errors, the highest judicial tribunal of the State, and as a member of the court Mr. Tracy acquired a just and enduring fame. He was re-elected in 1833 for another term of four years and exhibited great judicial ability during the whole of his Senatorial career, as well as occupying a commanding position in the affairs of State government. He then retired from public life, in the meridian of his fame and intellectual power, and devoted himself principally to his private affairs, and having acquired a large fortune died in 1859.

James Sheldon,* was born at New Hartford, Oneida county, N. Y., and having received a classical education at Fairfield Academy, pursued the study of the law at Onondaga Hollow with Gen. Thaddeus Wood. He came to Buffalo early in the year 1815, and continued in the active practice of his profession until 1832, and was devoted to the law, never seeking office or preferment of any kind. At the meeting of the bar on the 11th of March, 1876, on the occasion of the ceremonies of farewell to the “old court house,” Senator Babcock said:—

“James Sheldon is probably little known to most of my hearers, and yet he made a prominent figure in this hall for many years. He was at one time the law partner of Albert H. Tracy, and afterwards of Charles G. Olmstead. Sheldon continued his practice until about 1832. He had a powerful, well-compacted body, an acute intellect and an ardent temperament, and was exceedingly well prepared for his profession, and a thorough-going practitioner. He had a large business in criminal cases, and a fair share of civil practice, and generally attended all the courts in the Eighth district, to act as counsel in the trial of important causes. His speeches to courts and juries were models of conciseness, expressed in terse, forcible words and in a manner that seemed defiant of contradiction. In the legal fags of the Common Pleas, he was foremost, never avoiding an encounter of any description, and seldom coming off without his spurs.”

James Sheldon was the father of Hon. James Sheldon, now the Chief Judge of the Superior Court of Buffalo.

Charles G. Olmstead will not be remembered in the profession, but he was a scholarly gentleman and possessed superior abilities. He was the

* This sketch of James Sheldon was prepared by W. C. Bryant, Esq.
first district attorney of Niagara county in 1818, and was succeeded by General Potter in that position, and up to about 1824 was the law partner of James Sheldon. At that time he left Buffalo and went south, but no record of his subsequent life can be found.

Thomas C. Love was one of the foremost men of his time in Erie county. In 1812-13 he served as a volunteer soldier on the northern frontier, and in 1814 was one of the first to respond to the call made upon the patriotic citizens of Western New York, to come to the rescue of our gallant little army pent up in Fort Erie. On the 17th of September, 1814, he was engaged in the memorable sortie from the fort, where, in the front of the battle, he was shot down, taken prisoner and carried ultimately to Quebec. When discharged from imprisonment, at the end of the war, he returned to Batavia, and after a short residence moved to Buffalo. Judge Love was well read in his profession and a man of real intellectual power, and an independent thinker; and while in active life, at the bar, on the bench, or in Congress, he exhibited great force of character, a strong intellect, courageous temperament, and an industry that shunned no labor. Into whatever he undertook, his whole soul was thrown, and as may well be supposed he was largely successful. His addresses to courts and juries made up in clearness and earnest force, whatever was wanting in taste and elegance. Mr. Love accepted the appointment of First Judge of the county in 1828, upon the retirement of Judge Waldo, and during a brief term filled the position with great credit and fairness. In 1829 he resigned in order to accept the office of district attorney, discharging its duties with great zeal and integrity until after his election to Congress in 1834. After this time Judge Love rarely appeared at the bar, but in 1841 he was appointed Surrogate of the county, which position was congenial to his judicial habit of mind, and was held by him for four years. He held various minor positions of honor and trust, sustained an enviable reputation through life as a man of integrity and honor as well as patriotic and chivalrous character.

Ebenzer F. Norton was at one time a prominent member of the bar, and occupied a creditable position. He settled in Buffalo before 1820, and was distinguished for his learning, but was never devoted to the law or the trial of cases. In 1823, he represented Erie county in the Assembly, and was an earnest advocate of the canal policy, which at the time was a question of great importance. In 1828, he was elected to the Twenty-first Congress, and served with honor. The later years of his life here were passed in retirement and the society of a large and influential circle of friends and relatives.

William A. Moseley practiced fourteen years at the bar of Erie county, having commenced in 1820, and retiring upon his election to the Assembly in 1834. He possessed fine ability and acquirements, including a fair knowledge of the law and its practice, and tried and argued his
own cases which were most thoroughly prepared and had good success with them. In the "heavy fights" in the arena of the Common Pleas, he bore himself well, having the ready wit and sarcasm so useful in such encounters. Mr. Moseley was elected to the State Senate in 1838 for the term of four years, and as a senator was a member of the Court for the Correction of Errors, and in 1842, was elected a representative in Congress and re-elected in 1844. It was thought remarkable, that, with such abilities as he possessed, he should have been four years in the Senate and four years in Congress without making a speech in either body; and four years in the Court of Errors without delivering an opinion. This did not arise from inattention to the ordinary duties of the position, for no one exceeded him in punctuality of attendance and a knowledge of what transpired in the bodies of which he was a member. Mr. Moseley was distinguished as a courtly and pleasant gentleman and an ornament to society who deserved and received its confidence.

Roswell Chapin, was the first Surrogate of Erie county, being appointed in 1821, and continuing faithfully to discharge the duties of the office for over seven years. He was a lawyer of considerable ability, somewhat celebrated for quaintness of speech and manner as well as for his wit and eccentricities; and at one time possessed fair reputation and influence, but in later years was unfortunate and leaving no family, is not remembered by many of the present day.

Samuel Wilkeson is gratefully remembered and more generally known from his identification with the history and prosperity of Buffalo and of Western New York. He settled in Buffalo shortly after the war of 1812, and became prominently interested in every measure that tended to advance its interests. Judge Wilkeson was an extraordinary man, of strong mind, indomitable energy and perseverance, possessing great public spirit and active enterprise, and his fame rests upon his devotion to all the measures and enterprises of the time that conduced to the growth and prosperity of the country. He was not a lawyer by profession or education, but his good judgment and vigorous common sense, enabled him in most cases to form quite correct opinions of the law from the discussions of counsel and their citations of adjudications made by higher courts. His appointment as First Judge of the county was made in 1810, and he continued to hold the position until in 1823. In 1825 he was elected to the Senate of the State and during his term of office was distinguished for his great ability. As Mayor of the city in 1835, and in all public positions, he is remembered for his zeal and impartiality.

Philander Bennett graduated at Hamilton College and came to Buffalo in 1817, well prepared to enter upon the duties of his profession. By his ability and learning he acquired public confidence, and in 1829 was appointed First Judge of the county, which position he held with great honor until in 1837. He filled various minor offices and positions
of trust with rare fidelity, and his conduct all through a useful life was marked by integrity, charity for all, and kindness and benevolence to those who looked to him for advice, for sympathy or aid in affliction. For many of his last years he lived in dignified retirement, sometimes engaged in foreign travel, but mostly in horticultural pursuits, and studies and reflections suited to an enlightened, Christian and philosophic mind.

Stephen G. Austin, in his time, was one of the leading members of the Bar. He settled in Buffalo in 1820, and by diligence and devotion to his business and fortunate investments, amassed great wealth. In the practice of the profession he was noted as being faithful and painstaking, sound and judicious in his advice to clients, and well versed in the principles of law and equity and the rules of practice. Mr. Austin was engaged in later years in many enterprises that contributed to the prosperity of that city, and at the time of his death, in June, 1872, was president of the National Savings Bank.

Oliver Forward.—A memorial of this distinguished man was written a few years since by the compiler of this chapter, for the Buffalo Historical Society, in just recognition of his character and valuable labors as a citizen and in the public life. He was, by birthright, an inheritor of those sterling and manly New England virtues which planted the graces of our civilization and the republicanism of our institutions upon our western frontier. About the year 1809 he settled at Buffalo under the auspices of his brother-in-law, Judge Erastus Granger, at that time the postmaster and collector of customs of that place, and agent for the Indian tribes in Western New York. Judge Forward immediately assumed the practical duties of those positions, and was appointed a justice of the peace, all of which affairs were transacted in a small wooden building, in the rear of what is now No. 102 Pearl street, but which was burned by the British on the 30th of December, 1813. In 1814 he erected a brick dwelling, of which only the northerly portion is now standing, being the same number and which probably is now the oldest house in the city and in which the public business was transacted for many years. The village was incorporated in 1813, and he was nominated in the act as one of the trustees, and in April, 1817, was appointed one of the Judges of Niagara county, a position he held for several years, displaying in an eminent degree the true judicial character of fairness, patience and impartiality. As collector of the port he purchased the land and erected the first lighthouse for this port at the mouth of the harbor, and on the first day of November, 1818, the first light was displayed, the harbinger of the commerce so fabulous in amount and value which has since that day centered at this emporium.

The question of the terminus of the Erie canal was greatly agitating the community in 1819, and Judge Forward was selected as the master
mind to represent the interests of Buffalo in the Assembly of the State, and then as a Senator in 1820, and the ensuing sessions, in which body he maintained a conspicuous position and accomplished the great object of his mission. He participated in all of the important events occurring at the time, and held many positions of public trust with rare fidelity; always one of the most active and influential men of his day, and contributed as much as any other to the success of the measures which laid the foundation and splendor of our city, and in April, 1833, closed a life which had been almost entirely devoted to public service. On the memorable occasion of the visit of General La Fayette to the United States as our Nation's guest, Judge Forward delivered an address of welcome to the distinguished visitor at Buffalo, on the 4th of June, 1825, which has been well considered as the most happy and dignified that was presented during his sojourn in this country. His brother, Walter Forward, was Secretary of the Treasury during the administration of President Tyler, and another brother, Chauncey Forward, was a distinguished representative in Congress from Pennsylvania.

Charles Townsend.—Judge Townsend was one of those pioneers who will ever be remembered as identified with the settlement and progress of Buffalo, and who contributed in an eminent degree to advance its commercial and business interests. He settled here in 1811, participated in the struggles and incidents of the war of 1812 upon the frontier, and in 1817 was appointed one of the Judges of the Common Pleas of Niagara county. His course in judicial life was marked by a kind and considerate regard for the rights and interests of suitors, and for decisions which displayed the qualities of fairness and impartiality, and, although not educated for the bar, his native good sense and judgment, enabled him to maintain the respect of the profession. Judge Townsend was a man of great integrity and held many minor positions of trust, but never sought the honors and labors of public life. In later years he was largely connected with commercial business at this port, and acquired a large fortune, and died in 1847, leaving a most honorable record as a man and a citizen.

Horatio Shumway settled in Buffalo in 1824, and having received a good professional education, soon acquired the confidence of the leading business men, and at the bar ranked among the foremost as a sound, legal adviser. He disliked the trial of causes at nisi prius, and was devoted to the business of a counselor, in his office, and the management of large trusts and estates. In 1846 Mr. Shumway was persuaded to become a candidate for the Assembly, in which position he originated many public measures and attracted attention by the sound judgment he manifested in the consideration of the questions of the time. In all the duties and relations of life, he was ever found supporting what was right and just, dealing conscientiously and affording to the last a good example.
of that integrity which is the most enduring memorial the citizen can leave to society.

*Dyer Tillinghast,* came to Buffalo in 1826, and at once secured a very respectable standing and business. He was an excellent practitioner in all law and equity tribunals and possessed great clerical ability. He was at home in all forums. A justice's court, a board of town officers, an ecclesiastical convocation, a court martial, a trial at the sessions or circuit, a case in chancery or in admiralty, were equally his delight, and in each he acquitted himself with credit. He was a lawyer of great learning, assiduous and painstaking, without ambition, whose integrity and kindness of heart were proverbial. Especially during all his life, did he manifest a remarkable sympathy for the younger members of the bar; extending to all the right hand of welcome, and freely giving of his varied stores of learning. Probably no larger or more dignified meeting of the bar of Erie county was ever held, than the one of March 19, 1862, upon the occasion of the death of Mr. Tillinghast. The proceedings were fully reported in the papers of that day, and were characterized by that genuine sympathy for a friend and brother, which was the best tribute to his character as a man and a lawyer. Faithful to the interests of his clients, honest in his dealings with his fellow-men, filling various posts of usefulness in the community where he had resided for thirty-six years, he departed without leaving an enemy behind. Marked tributes of regard were paid to his character and standing by Judges Clinton, Sheldon, Masten and Skinner, on the sad occasion.

*Harry Slade* graduated at Dartmouth College, and after being admitted to the bar, settled in Buffalo in 1822. For nearly twenty years he served as a justice of the peace, and represented Erie county in the Assembly of 1848. With a mind finely cultivated, a clear, sagacious intellect, firm and honorable in his convictions and life, Mr. Slade might, if he had so chosen, have won a distinguished position in public life; but he was singularly unambitious and found his chief enjoyment in rural sports, of which he was passionately fond, and the social converse of his friends. Tenacious of the old school principles in which he had been brought up, he was in heart gentle and simple as a child. His character was strikingly individualized, and many anecdotes have been related illustrating his peculiarities. While actively engaged at the bar he was considered a safe counselor, and was faithful to his clients' interests, but he did not practice in his later years; devoting himself to the just administration of the law in the court of a justice of the peace, the varied duties of which he performed with singular fairness and equity.

*Joseph Clary,* at one time was ranked among the leading members of the bar of Erie county, although never aspiring to the celebrity of the advocate. He was peculiarly a man of fine social feelings, endowed with strong and well-balanced intellectual powers, and a general sagacity
and good sense, and, while exercising great deliberation in forming his convictions upon all subjects, he was ever firm in asserting them. Mr. Clary held various minor positions of trust and represented Erie county in the Legislature of 1834.

Henry White, during the few years at the bar, attained considerable reputation. In many respects he was a remarkable man. He had a subtle and ingenious mind, great industry, entire devotion to his profession, and read much and thought more of his books. His ready ability, genial and attractive manners, gave him influence with juries, while his entire faculties were devoted to every cause in which he was retained. His reputation in Western New York as a nisi prius lawyer, had reached a high point and was increasing, when he died suddenly of cholera in 1832. Mr. White never sought or held office, but maintained the high position of an independent and fearless advocate at the bar.

Sheldon Smith, at the time of his death, in 1835, was one of the oldest and most reputable counselors of Western New York, no less distinguished for his legal acquirements than for eloquence, urbanity of manner, philanthrophy of nature and purity of morals. As an advocate before a jury, he was fluent and graceful, presenting his case with moderation and clearness, in language extremely well chosen and effective. Mr. Smith settled in Buffalo about 1820, and continued in practice until his death at the early age of forty-seven, and during all that time was conspicuous at the bar to the varied duties of which he was devoted. He was a rhetorician of cultivation, didactic, impressive and slow of speech, or ornate and profuse in declamation, as to him seemed most suitable to the occasion. His most celebrated popular effort, of which only the memory remains, was made on the 26th of October, 1825, when the great concourse of people who had assembled to witness the departure on that day, of the first boat from Buffalo upon the Erie canal for tide-water, moved in procession to the court house, and listened to his magnificent oration. Had Mr. Smith yielded to the wishes of the people, and the allurements of political life, he would have graced the halls of our State and National Legislatures; but he was unambitious and devoted to the law, and sought no distinction beyond that of being an ornament to his profession.

Major A. Andrews, will not be remembered particularly as a lawyer although he maintained a respectable standing at the bar when he settled in Buffalo about 1820, he purchased a large real estate which increased in value with the growth of the place, and the management of which diverted him from the practice of his profession. He was the second Mayor of the city chosen in 1833, and gave patient and zealous attention to the interests confided to him. The only other prominent position held by him was that of a member of the electoral college of 1833, in which he cast a vote for Andrew Jackson for President.
Martin Chittenden, came from Vermont a young man of distinguished family, highly educated, and attracted at once the popular attention. He was appointed Surrogate of the county in February, 1832, but he held the office only a few months, when he died of cholera, to the great regret of the Bar and of all the community. He had given such marked evidence of the possession of superior abilities and learning, combined with a dignified but genial address, that his untimely death was regarded as a public calamity.

Absalom Bull, resided at Black Rock from about 1821 until his death, and was a practitioner of good reputation. At one time he acted as one of the Judges of the Court of Common Pleas. Judge Bull was an influential delegate to the Constitutional Convention of 1846, and was always recognized as an exemplary and honorable citizen.

George R. Babcock, came to Buffalo in 1824 and after pursuing the study of law in the office of General Potter, subsequently his father-in-law, was admitted to the Bar in 1829, and was connected with the profession until his death in 1876. During the later years of his life he was withdrawn from the more general business of the law, and devoted himself to the management of a few important trusts. He was well informed in the principles of law and equity and jurisprudence, and often called upon to act as referee in the determination of difficult litigations. Mr. Babcock, without any pretensions to genius, was a man of ability, of a philosophic turn of mind, and his judgments were intuitively correct. Always a student, there were few subjects of interest to the scholar and statesman that had not passed under his critical review. He maintained the respect and confidence of the community through a long life of public and private service, but was without ambition for office and disliked the arts by which men of inferior qualifications were raised into power. His mind was eminently well balanced and conservative in all its tendencies, and with his unspotted integrity and judicial learning and temperament, he would have greatly adorned the bench in the higher courts. In 1843 he represented Erie county in the Assembly and was elected to the State Senate in 1850 and re-elected in 1852, and was recognized as one of the ablest and wisest men in public service.

Elijah Ford, received a classical education at Union College and settled in Buffalo in 1828, where he entered the law office of White & Sherwood, and in due time was admitted to the bar. Mr. Ford was an office lawyer and counselor, rather than an advocate, and as a Master in Chancery acquired extended reputation, for his fair and equitable disposition of the important matters referred to him by the court of chancery. The settlement and management of the estate of Hon. Samuel DeVeaux, was entrusted almost entirely to him for eighteen years, and the College near the Suspension Bridge was built under his supervision. Mr. Ford held many positions of trust and was somewhat distinguished in public life,
having represented Erie county in the Assembly in 1850, in which body he was the Chairman of the Committee of Ways and Means. In 1859 he was the candidate of the Hard-Shell branch of the Democratic party for Lieutenant-Governor, but was defeated. Nothing could have been more absolutely honest than his busy and useful life, through all of which his manly virtues and intellectual attainments were a benefit to society. Mr. Ford was not a learned man, nor a great lawyer, nor had he the gift of eloquence, but he was strictly a business lawyer, studious, thorough and conscientious, a wise, impartial and just arbitrator of the affairs of men, and an exemplary and honored member of the community.

_Thomas T. Sherwood_ was one of the remarkable lawyers and men of his or of any time. He came to Erie county and practiced law at Springville sometime before he settled in Buffalo, in 1826, at which date he became the law partner of Henry White. Their relation lasted until 1831, but he still continued in active practice, and in 1838, formed a partnership with Mr. William H. Greene, whose beautiful and truthful memorial of the life and character of Mr. Sherwood has preserved the fame of a really great man. In that paper Mr. Greene says: that as a lawyer, Mr. Sherwood was not learned, but he was an able one, far abler than any mere learning could make him. Without a scholastic or thorough study of the law, he had acquired and become familiar with the principles in which our jurisprudence is founded, both those of common law and equity. There was no question of law or of fact to which he was not equal in case it became necessary that he should examine it and master it in connection with a cause actually at hand. But in _banc_, on mere questions of dry law, he did not appear to his own advantage, because he lacked the accuracy which is there indispensable, which nothing but a minute and laborious preparation can secure. Still there was no judge of sufficient intelligence to appreciate such a man, who did not care to hear him and who did not hear him with patience and with benefit. There was no one who could affect, in his presence, judicial indifference, arrogance, indolence or contempt; such was the size, the looks, the heart and the stir, as well as the courage of the man. But Mr. Sherwood had been trained up in his profession far more in the scenes of _ nisi prius_. There it was, in the pressure and tumult of a trial before a jury, that his blood and pulse, the faculties of his body as well as of his mind were aroused into action. There he appeared in his best condition and to his own best advantage. He was familiar with the ordinary rules of evidence and their use; and there he felt and acted at his ease like one on a theatre to which he was accustomed. He was far from being an accurate or a graceful speaker, yet if eloquence be judged of by the criterion of carrying a man's point with a jury, he was eloquent. The twelve men before him were the only body of men he ever coaxed or courted. On the judge who presided, he was apt to look as an
obstacle in his way and altogether out of place. He treated the judge just as he did the juror, rather as a man than as a lawyer, for by his own experience and observation he had learned how little law, in truth, is made use of in the administration of the law. He impressed the jury with his theory and ideas of the case, and so impressed it into their minds that they might not be dislodged, and it was in these scenes of the trials of causes that the ability of the man, in the capacity of the lawyer, appeared. Very many might complain, criticise and object, sometimes even venture to ridicule; the victorious answer to the whole swarm of these fault-findings, was the verdict. Mr. Sherwood never allowed himself to be a candidate for public office, for he possessed that stern independence of character which would not allow his views and opinions to be subordinated to those of any man or party. In private life he was truthful and kind-hearted exerting great influence in all matters to which his attention was directed, always exacting obedience to the law and the precepts of morality as the price of his friendship, and lived and died in comparison with the best of his fellow citizens, an upright and honest and just man.

*Millard Fillmore*, the thirteenth President of the United States, moved to Erie county in 1821, and the next spring entered a law office in Buffalo, and was admitted to the Common Pleas in 1823. He then settled in Aurora, and was there admitted to the Supreme Court in 1827, but in 1830 removed to Buffalo, and continued engaged in the practice of the law until his election as Comptroller of the State, in 1847. In the practice of the law, the preparation and trial of causes, Mr. Fillmore was assiduous and painstaking to the last degree; never allowing himself to rely upon the inspirations of the moment, or the mistakes of his adversary. The interests confided to him by clients were thoroughly protected, and on every occasion, before the varied tribunals of law and equity, he was fully prepared upon the law and the facts, to maintain the cause in which he was engaged. He was considered as a safe and reputable counselor and an advocate of superior ability. Mr. Fillmore was not a man of genius or of eloquence. He relied upon the adjudications in the books to support, before the judges, his views of the law, as applicable to the case in hand, and for success in the trial of causes before a jury, upon his plain and candid statements and inferences from the testimony, without any pretense of oratorical power. Always cool, unimpassioned, yet pertinacious, dignified and imposing in appearance, and apparently in earnest in supporting his views and convictions, he possessed in the highest degree the qualities of the successful lawyer. But it was as an office lawyer that Mr. Fillmore acquired distinction and wealth; by the same industry and mastery of details and general accuracy, and the conservative nature of his mind, that gave him prominence in the halls of legislation, and enabled him to manage with real ability, the