Address

Upon the Life and Character of

John J. McGivney
John A. B. Silva
Addresses

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John J. McGilvra.
LOWMAN & HANFORD
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SEATTLE, WASH.
Judge John J. McGilvra

Died December 19, 1903, at his home on the shores of Lake Washington in Seattle. On January 2, 1904, a memorial service was held in the King County Court House, under the auspices of the King County Bar Association, Pioneer Association of the State of Washington and Seattle Chamber of Commerce. Inspired by the desire to perpetuate the historic events with which the State of Washington, and particularly the City of Seattle, are inseparably connected, and in which Judge McGilvra took so active a part, a committee was appointed from the bar to compile and publish the resolutions passed and addresses delivered upon this occasion. The committee have included in this volume an address delivered by Judge McGilvra before the Pioneer Association of the State of Washington at its annual meeting in 1894, held in the City of Tacoma, believing that the character of the address, as well as the facts therein recorded, would be of especial interest to those who in future years may desire to study the history of the Northwest.

CORWIN S. SHANK,
E. F. BLAINE,
THOMAS BURKE,
Committee.
Members King County Bar.

Seattle, Washington,
September 10, 1904.
Resolutions

General James B. Metcalfe presented the following resolutions, as chairman of the committee appointed by the King County Bar Association to prepare a suitable tribute:

"It having pleased the Ruler of the Universe to take from among us a worthy brother, who has, for nearly half a century, been an honored member of this bar, it is meet that we warmly manifest our appreciation of his sterling character, and tender to his family and their friends our condolence in this, their hour of bereavement.

"Then be it by the King County Bar Association

"Resolved, That no member of this association has passed away to whom this bar and city owe a greater debt of gratitude than to Hon. John J. McGilvra. He was eminently a man of moral and physical courage, and he unfalteringly followed the path of duty. His words and actions showed that duplicity or equivocation had no lodgment in his mind. On most subjects he had clear and decided convictions, and these, when necessary, he fearlessly expressed, never fearing consequences. While much in the public eye, he never solicited favor. Often so direct and positive
in his course, he sometimes was misunderstood and made temporary enemies.

"In every cause, and especially that of a client, he was capable and conscientious. Not one blot rests upon his escutcheon, either as a husband, father, lawyer or citizen. As husband and father he was loving and indulgent, and his family best know of his generosity, for to them his heart was always open. As a lawyer he was gifted with a retentive memory, and his mind readily grasped and applied principles. His tenacity of purpose in the trial of cases was ever the subject of comment among his fellows, and in the days of his active practice it made him a worthy foeman of the ablest advocates.

"As a citizen he unflinchingly stood for law and order. He detested official corruption and exacted of the servants of the people prompt and faithful performance of duty. Of time spent, advice given and watchfulness over public interests, he gave more than his share to the common weal. Seattle never has had, and never can have, a truer friend than our departed brother. For upwards of forty years her welfare was his most peculiar care. No enemy from within or without assaulted her without the whole strength of the man coming promptly to her defense, and often he proved himself a valiant warrior in her cause.

"In all that concerned this city he had a singleness of purpose, and that always was her welfare and advancement. He sought no recompense for his public services, and his ambition was only to be thought a worthy citizen. To him citizenship was above party affiliation. His life's work and character are a rich
legacy to his family, ourselves and this community, and we, his brothers, in the midst of general sorrow, lift our voices to bear witness to the virtues of our departed friend and brother.

"Be it further resolved, that these resolutions be presented to the Superior Court of King County, the Federal Court at Seattle, and the Supreme Court at Olympia, and that they be requested to spread the same upon the minutes; and that the clerk of the Superior Court deliver to the family an engrossed copy thereof.

"J. B. METCALFE,
"ROGER S. GREENE,
"E. F. BLAINE,
"HAROLD PRESTON,
"EBEN SMITH,
"JOHN ARTHUR.

"Committee of the King County Bar Association."
Address by General J. B. Metcalfe

"And now, Mr. President, in behalf of these resolutions, I desire in briefest tribute to move their adoption. We often hear the expression, upon the death of some one prominent among us, that 'we shall miss the familiar form from the walks of life where he was wont to be.'

"To my mind this is not what we miss; it is not the encoffined clay that we have laid to rest under the flower-strewn mound in the city of the dead, but rather that inner self of the man, that subtle essence of being which animated the form and feature so familiar to our eyes, for

Back of the canvas that throbs, the painter is hinted and hidden;
Into the statue that breathes, the soul of the sculptor is hidden;
Never a daisy that grows, but a mystery guideth the growing;
Never a river that flows, but a majesty scepters the flowing.
Great are the symbols of being, but that which is symbol'd is greater;
Vast the create and beheld, but vaster the inward creator.

"It is not the lifeless form of our friend that we shall miss; it is that disembodied spirit; that more than precious thing which is now enshrined in the casket of death, which we shall remember and shall
always miss. It was that which gave to him all in life which we cherish. It is that which flashes from the eye, comes in voice of thunder or melody from the tongue, and revels in smiles upon the lips.

“Our brother had lived out a life of near fourscore years, and so lived out that time that this gathering of his brother members of the bar, his business associates and the pioneers of the State, best attests how well that life was lived. He held places of public trust and honor, and whether in private or public life his escutcheon was stainless. The one honor which he cherished above all others was his commission as United States Attorney of the Territory of Washington, conferred upon him by Mr. Lincoln, and well he might, for, as we gaze at the forms in the pantheon of the world's great, none stand forth more luminous and majestic than the towering form of the great war President.

“While he did not trek with Whitman and his compatriots across the Western wilds, still he was a pioneer, and there ran through his character that same strain of iron which was pre-eminently the characteristic of the pioneers who carved out the Commonwealth of Washington: for had they been made of less stern stuff the flag of Britain would in all probability now be floating over you peerless inland sea. He was profoundly proud of his country and gloried in her institutions. Civis Romanus Sum, as applied to the Republic of the United States, was his motto.

“I therefore move you, sir, that these resolutions be adopted and that such further action be taken by the Bar Association of King County as shall be meet upon this occasion.”
Address by Hon. Roger S. Greene

Mr. President, Representatives of Seattle Chamber of Commerce and Washington Pioneer Association, Brothers of the Bench and Bar, Fellow Citizens, Friends:

I second the motion to adopt the resolutions just read. Much would I have preferred that this grateful privilege should have fallen to yourself, Mr. President, who have longer, and for considerable space more intimately than I, known him we meet to honor. But, yielding to what I understand to be your own wishes as well as the solicitations of the committee, and craving the indulgence of all, I am encouraged to attempt, in few words, an estimate (which I fear will prove very imperfect) of his life and character.

Some men are self-defining. They remind you of a bold mountain cliff, that stands out clear and sharp against favoring background. But these rare men are not dependent upon background. It is not their surroundings that define them. They are definite per se. Let such a man be anywhere, on any occasion, in any company, under any circumstances, and still, not as a matter of environment, nor yet of pose or of effort, but as a thing native to him, a structural and essential thing, appears his clear-cut, irrepressible individuality.

Such men's names become more than names. They are biography. They are epitomes of achieve-
ment and character. You hear the name and it speaks to you the man and what he stands for. Most men's names are mere labels. But such a man has so reacted upon his name that the name, charged with meaning, has become in the language a local or general word that has no synonym and whose meaning is him.

When one of us ordinary mortals disappears from among his fellows, another steps into his place, or the group closes up the gap. Very little readjustment is necessary, and the change to all but a few is unimportant. Not so when society loses a useful man of the other type. The loss then is irreparable, unremedied, although time may wear away and new interests displace the memory of it.

Such a man was John J. McGilvra. We shall see his face no more. The places that have known him will know him no more forever. His familiar figure—I should say about five feet ten inches tall, rather spare, somewhat bowed at the shoulders for the last ten years, perhaps from weight of years, yet still lithe and firm of step; habitually clothed in black; his keen, dark, reflective eyes, underneath black arching eyebrows; his lofty, unwrinkled forehead; his black hair, straight and close-lying on crown and temples, but on lips and chin slightly curling, which the snows of three-quarters of a century had not availed to whiten; his earnest, resolute, yet benevolent face; his quiet, composed and, except in the warmth of public speech, deliberate mien, these can never, save in memory, be recalled.

Succumbing, at the age of seventy-six, after ten weeks' illness, to an attack of jaundice, at fifteen minutes past twelve o'clock, noon, on Saturday, the 19th
day of December, 1903, at his home on the west shore of Lake Washington, a short distance north of the east end of Madison street, in the midst of his grief-stricken family, he died.

Mr. McGilvra, as his name hints, was of Highland Scotch ancestry. His great-grandfather McGilvra, in 1740, came from Scotland to Washington County, New York. There his grandfather was born, lived to the age of 70 years and was buried. There his father, John McGilvra, was born, grew to manhood and married Mary Grant. The pair then moved to Livingston County, in the same State, where, on July 11, 1827, their son, John J., was born. He lived there, receiving education at the public schools until seventeen years old, when with his father he removed to Elgin, Illinois, where he attended the academy and where, in 1850, under Edward Gifford, a prominent local attorney and law graduate of Yale and Harvard, he became a law student. Thence removing to Chicago, he continued his law studies with Ebenezer Peck as preceptor, afterward judge in the United States Court of Claims. At twenty-six years of age he was there admitted to practice. After eight years of professional work in Chicago, he was appointed, early in 1861, at the age of thirty-four, United States Attorney for the Territory of Washington by President Lincoln, who, while at the bar and occupying an office adjoining that of young McGilvra, had become his fast friend. The new district attorney came at once to Olympia, arriving in June, 1861, and for the four years next ensuing he filled his responsible position with signal faithfulness and honor, satisfactorily to the general government and acceptably to the people of the territory, achieving
meanwhile a reputation which naturally drew to him a large clientage and extensive practice. During these four years he changed his residence three times: first to Walla Walla, in the spring of 1862; again, in the autumn of that year, to Vancouver; and afterward, in 1864, to Seattle, which thenceforth was his permanent abode. His official duties took him to all parts of the territory, wherever sessions of court were held. This circuit practice made him thoroughly acquainted with the region covered and the men inhabiting it, but consumed much time and was attended with no small discomfort and even hardship. It brought him, too, into contact and contest with the ablest men at the bar of those days. Such practice was a severe school of training, compelling the lawyer to make the most of his memory and reasoning powers, and developing him into a resourceful and positive character. Mr. McGilvra declined reappointment that he might engage more freely in general practice and take part in territorial politics, to which his public spirit inclined him.

When I came to the territory in August, 1870, as appointee of President Grant to the Supreme Bench, one of the first lawyers I met was Mr. McGilvra, then in full general practice and in the front rank. The fact that we were both from Chicago and had many mutual acquaintances there was a bond of union between us. By that time the population of the territory, which was but 12,000 at the date of his arrival, had nearly or quite doubled. You, yourself, Mr. President, were then the newly appointed Chief Justice of the Supreme Court, as successor of Judge Dennison, and Judge James K. Kennedy, now one of the most respected citizens of Walla Walla, was the other Associate. The leading
names of lawyers then practicing at the territorial bar, as I remember, were Mr. McGilvra, Judge Wm. Strong, Joseph N. Dolph, Judge B. F. Dennison, Judge Obadiah B. McFadden, Judge Wyche, Henry G. Struve, Columbia Lancaster, Elwood Evans, Frank Clark and John B. Allen. And as I recall these men and others that came later, who and what sort they were, I wonder whether it was the locality that selected and drew to it, or the conditions they found here and helped to form that developed such a galaxy of strong, independent and aggressive personalities. Among them all there was none that, in noble and sturdy manhood, excelled Mr. McGilvra. I am told he was the first lawyer resident in Seattle. But in fact the elder McConaha and J. W. Thompson were earlier. He was bar leader here when my foot first touched Yesler’s wharf. Although my residence was in Olympia until the close of 1878, I not infrequently met him at places of holding court or when traveling by boat or stage. On two occasions in the ’70s, both which I remember with great pleasure, and while my residence was still in Olympia. I enjoyed the hospitality of his home. Once was soon after he had extended thither the road we now call Madison street, at his place, purchased by him. October 1, 1864, from the United States, and lying along the west shore of Lake Washington. At that time he was living there with his family and coming into town for business in the morning and going back at night. He drove me out there in a buggy, behind a young colt, over the new road, which wound about to dodge stumps and logs and had its ups and downs, although on the whole pretty true to the general direction and very creditably graded through three miles
of primeval forest. It was, I think, in April—a showery and gusty day. Nevertheless he would and did have me out for a spin on the lake in a sailboat, himself serving as both skipper and crew. We managed to enjoy ourselves for about an hour, until the water became so rough and the wind so unruly that the peril fairly balanced the enjoyment, and then we dropped sail and went ashore, to a bountiful meal, a lovely, well-ordered household and a quiet, restful night. The other time was later, during winter, when some judicial business called me to Seattle, and he and his family were living in a house he had built in town and still to be seen, I think, on the northeast corner of Seventh Avenue and Cherry Street.

Mr. McGilvra was active in professional labor in all the courts of record, Supreme, District, Superior and Probate, on Puget Sound up to 1893, when he gave up practice to devote himself to other and largely public matters. Aside from his term of United States Attorney, he never held office, I think, except one term in the Territorial Legislature in 1866-7, and one year as City Attorney of Seattle ten years later. He frequently, however, was selected to serve with other leading citizens on public committees, and on one occasion, in 1876, he was sent as sole committee-man to Washington, D. C., to see to it that the odd sections of land dependent upon the Northern Pacific Skagit County branch, which branch had been abandoned by the company, should be restored by Congress to the public domain—a mission in which he was entirely successful.

He was successful in most of his undertakings. His clients got from him sound counsel and, following his advice, their business prospered. He rarely lost a
case in court. If things went badly in the lower court, he was apt to get them bettered in the higher.

He was a much-valued business associate of men who have since won distinction. Judge Thomas Burke, James McNaught and E. F. Blaine have each been in law partnership with him. He was the intimate friend and a trusted adviser of the late Arthur A. Denny, from their first acquaintance down to the latter's death, and, although they consulted together on almost every important matter affecting the interests of this city, as well as many other matters of mutual or individual concern, yet I am told, and from my personal knowledge believe it, that they never, after the canvass of a matter, differed in view except in the single instance of the advisability of the city's acquisition of the Cedar River water system. Respecting this they at first were agreed and very decided in the opinion that the proposition was unadvisable, particularly because transcending the financial ability of the city. Later, upon full presentation by City Engineer Thomson and his able assistant, George F. Cotterill, of the whole situation, what was proposed and what was practicable, Mr. McGilvra was convinced that the project could and should be carried out and became a pronounced and exceedingly helpful advocate for it. Mr. Denny, not having had the advantage of such a conference with the engineer, adhered to his original opinion until at length converted, as at last every opponent was, by the logic of success.

Mr. McGilvra was associated with Mr. Denny, James M. Colman, the late Bailey Gatzert and others as one of the chief promoters and organizers of the Seattle and Walla Walla Railroad, and was very intel-
ligent and effective because of his knowledge of law and his experience with men and affairs. The project was devised and pushed, with results that entirely justified the hopes of its promoters, to preserve the ascendancy of Seattle and maintain her growth, despite the adverse machinations of the Northern Pacific Railroad Company and hostile sectional influences. He drew the articles of incorporation and by-laws and became secretary and for three years attorney of the new railroad company. The whole city turned out to help grade the line, and he and all had the satisfaction of seeing the plotters completely foiled.

In seeking to serve the people, Mr. McGilvra was wont to avoid being entangled with corporate interests, often finding it necessary to combat corporate greed and injustice. It is doubtful if his name will be found connected with any corporation, as incorporator, stockholder or attorney, except in this one case of the Seattle and Walla Walla Railroad.

Other of the more prominent public enterprises to which he gave himself heart and soul are the building, before the advent of railroads, of a wagon road across the Cascade Mountains by way of the Snoqualmie Pass; the acquisition for King County of the tract in Duwamish Valley, now occupied as the County Farm; the survey and construction of Lake Washington Government Canal and the acquisition of the City Municipal Light and Power Plant. For his services and contributions in these, as well as other directions, he deserves the enduring gratitude of an appreciative public, both contemporary and future.

Ardent and strenuous in all his undertakings, though unimpulsive and habitually deliberate, he was
never unmindful of civic duty. He thoroughly believed in party government, State and National; he carefully chose his party according to his convictions of right and was consistently loyal and self-sacrificing in its support. At the primaries, caucuses, conventions and mass meetings his form might be seen and voice heard, and at the polls he voted. An initial member of the Republican party, that was always his party to the day of his death.

Neither was he unmindful of domestic duty or family ties. On the 8th day of February, 1855, he married, in Chicago, Miss Elizabeth M. Hills, who survives him as his widow. She was born in Oneida County, New York, daughter of Mr. H. O. Hills of that county, whose parents came from Connecticut. Three out of five children of this union also survive, Carrie E., wife of Judge Thomas Burke; Miss Lilian McGilvra, and our young and capable comrade at the bar, Oliver C. During his nearly fifty years of married life, Mr. McGilvra was careful, with all his public and professional engagements, to provide well for those of his own household and has left them a large estate. In his home he was a model husband and father, loving, considerate, gentle, equable, generous. He had a vein of quiet humor and pleasantry which often enlivened his conversation with those with whom he was in sympathy, and was a special feature in his intercourse with his family at home.

I take it, Mr. President, that no lawyer is the lawyer he ought to be unless he is more than a lawyer. Nor can a just estimate of a lawyer's character or career be made unless you survey him through and through and all around as a man. In our departed
brother, thus tested, are to be remarked not only many admirable natural qualities, but a character to compose which are many shining and exemplary virtues.

Mr. McGilvra was a self-made man. His parents were in humble circumstances, so straitened for a livelihood that while yet in his twelfth year he began working for himself, first as a chore boy at four dollars a month, and later for school privileges and his board, so that from the time he was thirteen or fourteen onward he himself has been alone responsible for his advancement and support.

He was gifted with extraordinary intelligence, a quick and sober eye to perceive facts, and with sound reasoning powers and imagination and faculty of application to follow out processes and forecast results. Not but that he sometimes made mistakes. We all do. But if he were mistaken as to fact or result, it was almost certainly because something outside of his range of view (and that range he took pains to have exhaustive) had escaped him. He also had extraordinary faculty of expression. His clearness of perception and energetic temperament voiced themselves in sentences and periods as perspicuous and emphatic as his thoughts.

Public spirit was one of his most conspicuous traits. He wanted and proposed to be a useful member of society, serving practically and as beneficially as he might the community of which he was an individual. Those who have thought otherwise did not know the man. By him public spirit was not thought at variance or incongruous with most vigorous advocacy of a client's cause. And in him it was not. I
suppose he would not have espoused a cause that seemed to him opposed to public interest.

Madison Street, a public highway, was opened up by him in 1864 and '65 by a personal expenditure of $1500. When, many years later, the cable car line was laid along the street, he subsidized the cable company to the extent of land now worth upwards of $60,000. At the reunion, in June, 1902, of the Pioneer Association, of which he was one of the most esteemed and active members, he presented to the association a magnificent lot on the shore of Lake Washington.

He was a stout partisan for any cause for which he allowed himself to be retained. Exceedingly observant and vigilant, he became quickly aware of whatever was occurring that might affect the issues he had at heart. He was prompt and indefatigable to make proper dispositions to win the end he sought, and when the time came for hearing or trial, if any was unprepared, it was not he. He was punctual to his appointments and quick to do the proper thing the instant the favorable opportunity arrived.

Everything he interested himself in had sides, at least two—wholly on one of which he was—whether alone or in company.

He was a man of conscience and convictions. He painstakingly applied himself to discover what was right, and having, as he thought, discovered it, he steadfastly pursued it to its goal. His candor in suffering himself to be set right when uninformed or misinformed, or otherwise in error, and his frankness and heartiness in modifying or reversing his attitude and action were traits as delightful and refreshing as unusual in so pertinacious a character. He might not
always be tactful, nor always wise in methods, but he was not apt to be wrong in principles.

He was a man of absolute integrity, thoroughly reliable, to whose discretion and reserve the most private and momentous matters might with full assurance be confided.

He was also a man of supreme courage, both physical and moral. What he thought, he feared not to speak—and to speak plainly—and to speak emphatically to the face of those to whom he thought it ought to be spoken.

But the characteristic most exceptionally developed in him was persistency, a certain invincible, outlasting tenacity of purpose. Others might relax; he persisted. His adversary would tire, weaken, lie down, die; the kaleidoscope would turn and circumstances shift to re-accommodate themselves; corruptible barriers would decay, and even walls of most refractory living rock, the atmospheric acids, alternate frost and sunshine, or the inevitable ultimate earthquake shock, would disintegrate, rend, or perhaps throw down; and at last his unsleeping, accumulating purpose would find an open way, or at least a way that could be stormed, to victory.

A man of such sturdy independence could not, while still a pushing factor in affairs, fail to be much, and by a multitude, misunderstood. He seemed to many a chronic kicker. But the fact was this: He distrusted the conclusions reached by persons affected by private interest. He sought to arrive at a personal, independent judgment, whether when got it should carry him with or against the crowd. What to him appeared wrong or inexpedient, it was his nature to confront,
challenge, oppose. If conflict came, he took intrepidly
the brunt of it and brought forth his strong reasons,
and those who were actually in the fray quickly dis-
covered it was not McGilvra they were fighting, but
Reason and McGilvra.

Mr. President, I leave to those who hear me, to the
members of this bar, to all citizens here and hereafter,
whose conduct upholds the destinies of this State and
city, to draw the lessons taught by such a life and such
life work. Much there is to ponder, to compare, to
apply, to emulate. Much there is by which to be in-
spired. Although it is certain, as with all mankind,
that John J. McGilvra brought nothing into this world
and has carried nothing out, “he served his generation
by the will of God” and “his works do follow” him.

How little, in this free land of ours, is a man de-
pendent for success upon accidents of high or lowly
birth, inherited wealth, or any other adventitious cir-
cumstance not common to all! How much upon in-
seated intelligence, integrity, courage, will!

Contemplating especially, and as a concluding
thought, the purposive and fact-compelling features of
this rare and fruitful life, we are reminded of two pen
portraits by Tennyson:

“O, well for him whose will is strong!
He suffers, but he will not suffer long;
He suffers, but he cannot suffer wrong:
For him nor moves the loud world’s random
mock
Nor all calamity’s highest waves confound,
Who seems a promontory of rock,
That, compassed round with turbulent sound,
In middle ocean meets the surge's shock,
Tempest-buffeted, citadel-crowned.

But ill for him who, bettering not with time,
Corrupts the strength of heaven-descended will,
And ever weaker grows thro' acted crime,
Or seeming-genial venial fault,
Recurring and suggesting still!
He seems as one whose footsteps halt,
Toiling in immeasurable sand
And o'er a weary, sultry land,
Far beneath a blazing vault—
Sown in a wrinkle of the monstrous hill,
The City sparkles like a grain of salt.”
Mr. Chairman:

"The Honorable John J. McGilvra, in whose memory we are assembled here to-day, was a good citizen of the City of Seattle, the State of Washington, and the United States of America. He understood the duties of a citizen and discharged them faithfully, valorously and conscientiously, taking an active part in public affairs, as every man should in this country where we govern ourselves. If only half of the voters in this land would pay as much attention to their public duties as Judge McGilvra always did, our government could never go far wrong.

"He not only performed his political duties, but his civil and social duties as well. Taking note of the business interests in the community in which he lived, and using his voice and influence to foster them, he also mingled with his fellow men and took a kindly interest in their affairs, rejoicing with the fortunate and sympathizing with the unfortunate.

"Judge McGilvra was a man of strong convictions and adhered persistently to whatever appeared to him to be right. He did not, however, consider his opponents as enemies, but gave them full credit for honesty of purpose which he claimed for himself."
"With the magnanimity which is characteristic of the brave, he did not harrow those whom he defeated, while, on the other hand, he bore his own defeats with fortitude, acquiescing in the fortunes of war.

"My personal relations with Judge McGilvra have always been very cordial, we having mutual regard for each other as pioneers and helpers in the upbuilding of this commonwealth. Differences there were, and we maintained our respective opinions with the tenacity of our Scotch ancestors, but our personal relations were not disturbed. On the contrary, upon occasions when our discussions had been heated, Judge McGilvra always extended his hand at the close to show that he had no personal animus in the premises.

"The character of our departed friend will bear close inspection, and we may justly write upon his tomb, 'Here lies the body of a man who, during his whole life, was a good American citizen.' Nothing nobler than that can be said of any man."
Few men had a better opportunity to study and appreciate the character of Mr. McGilvra than myself.

In 1886 Mr. McGilvra and myself became associated as partners in the practice of law, and this relationship continued for many years. In fact, I am not able to state just when the relationship ceased, for when he concluded that he did not wish to any longer be burdened with legal cares, it took us a long time to close out the business on hand, and even after this we occupied the same offices.

During all this period we to the utmost shared each other's confidence and I learned the real worth of the departed. Mr. McGilvra never did anything without a motive—and honorable motive. I never knew a lawyer more faithful in the discharge of his duties than he. I do not believe that the thought of overreaching those who intrusted their business to his keeping was ever in his mind. Neither did he, at the end of successful litigation, seek to take advantage of his clients by excessive charging.

Mr. McGilvra, in one sense, was not a generous individual. I always attributed this to the fact that he never had much ready money. Practically all of his
wealth was in real estate, and this, by reason of taxes, was ever a burden.

As to donations of land, notably to the old Seattle & Walla Walla Railway Company, the Madison Street Cable Railway Company, the Pioneer Association, etc., he was more liberal than the average citizen. But the donations of property should not be the measure of a man's worth to a community. A life well lived, the development of a strong character and the dedication of one's thoughts to the direction and welfare of a community is, as a rule, of more moment and of greater worth than the donation of a large sum of money.

Few will question, and none of these will be among those who knew him best, that the Honorable John J. McGilvra led a pure life. All admit that he was a man of character, and a careful study of his life will reveal that no citizen of this community has ever given more of his time to the well-being of this city than the departed. From the very beginning he seemed to be possessed of a spirit that this was bound to be one of the great cities of our country, and he took pride in directing the course of events.

In the early 70s, when certain officials of the old Northern Pacific Railroad Company came to Seattle and as a condition of this being made the western terminus of that road demanded that one-third of the property here be given over to that company, or certain of its officials, as a townsite proposition, Mr. McGilvra promptly informed them that "they could not force pioneers to put up their hands."

This was characteristic of the man; he never compromised at the expense of principle. I never knew a
greater schemer, or a fairer one. He laid his plans with consummate skill. I have little doubt but that if he had been a general instead of a lawyer he would have died leaving at least a national reputation. In every plan of his there was a logical connection that ultimately controlled men, so that oftimes in the Chamber of Commerce, in city, county and even State affairs, those who felt themselves perfectly safe in their positions would suddenly become discomforted and oftimes defeated. He took a great interest in his family and was fond of relating little anecdotes or pleasantries that arose in his household. He has left footprints upon the sands of time. To me they are, and will continue to be, readily traceable. On the walls of my office hang only four portraits. These are Webster, the great expounder; Clay, the compromiser; the spotless Arthur A. Denny and the persistent John J. McGilvra. By the light of such lives I ought to be able to pursue the course of a good American citizen.
Address of Honorable Orange Jacobs

Brothers, again we have been called upon to halt—to open the green sod and to kindly and lovingly lay away in the bosom of Mother Earth a brother. This sad duty has been performed by us frequently of late. Pratt and Allen and Dore and Denny have but recently entered the land of the hereafter, and now our beloved friend and brother has joined the constantly increasing throng. It is, however, our belief and fondest hope that the mortal has put on immortality.

I first became acquainted with our departed brother in the summer of 1869. At that time the town of Seattle had less than one thousand inhabitants. The bar consisted of our departed brother, James McNaught and I. M. Hall. This sub-judicial district consisted of King, Snohomish and Kitsap Counties. These were the only known attorneys in this sub-district. The jurisdiction of the court extended over the whole field of jurisprudence, all centered in one court—and, in consequence, the variety and volume of litigation in that court was large in proportion to the population. Our departed brother was always employed on one side of every contested case. As a lawyer he thought out his cases with a good deal of care. He was thorough, persistent, tenacious. I say “thought out his cases,” for in those days reports were luxuries.
Every lawyer had to do his own reasoning from common law principles or the brief statements of the text writer. The court listened to such reasoning, and, if deemed sound, yielded to it. Hence the successful practitioner relied upon the clearness of his statements and the soundness of his logic. But things have very much changed, and I fear that court and bar have gone to the other extreme and are seeking too much for other men’s reasons and opinions. The one system makes intellectually strong men—the other makes a bookworm, utterly lost when no trails have been blazed or pathways opened up. Our brother had first a thorough knowledge and understanding of common law principles, and, secondly, he was a graduate of the first system, to which I have alluded. Thus armed and equipped, he was a foeman worthy of the sharpest steel in every department of law or equity. He could blaze trails and hew out pathways through untraversed fields to sound law and enlightened equity. This the bookworm could not do.

This mental equipment—this power of reasoning natural and acquired—this clearness of conviction, connected with a high degree of moral courage, made him a formidable opponent, not only at the bar, but on the rostrum and in the legislative halls and the deliberative chamber.

Our friend was a positive man. His convictions were of slow formation—but when formed, they glowed with intensity. The lapse of time increased their fervor and added to their strength. Add to this his love of conflict when he believed himself on the side of right, also his persistence and tenacity of purpose, and you have my estimate of the leading mental
and moral characteristics of our departed friend. But it must always be remembered that this positive man wielded all his forces and exercised all his powers on the side deemed by him to be just and right. Concede that he may have been mistaken in some few instances, but with a pretty full knowledge of his career, I believe that history will vindicate the correctness of his judgment. Concede that at times intemperate language was used, it was but the smoke of battle that disappeared as soon as the conflict was over.

He was a good hater of wrong and injustice, but not of men.

When a man of the prominence, character and active force of our deceased brother departs to the land of the hereafter, a great void is left in the community. We will miss his untiring zeal in the advocacy of that deemed by him to be politic and right—we will miss his fierce denunciation of the policy or measure deemed by him to be impolitic or wrong, and we will miss his sleepless vigilance in the resistance of the insidious invasions of corporate or other organized power on the rights of the individual or of the public. But the moral hero and warrior is no more. He fell, full of years, and his works will become an integral part of the history of his beloved city and of the State.

He has solved the question of a future existence, and left us to answer the question which has come sweeping down the pathway of ages with a growing intensity: "If a man die, shall he live again?"
Remarks by Hon. C. H. Hanford, Presiding Judge

(These remarks were delivered from the bench upon the occasion of the presentation to the Federal Court of the resolution prepared by a committee appointed by the King County Bar Association.)

In the opinion of the Court, the resolution which has been read will make a perfectly true record. All that is stated commendatory of the character and life of Mr. McGilvra in the resolution is within the bounds of moderation, and is certainly no more than is true to be said of him. Mr. McGilvra's career as a man and a lawyer in this commonwealth began in the year 1861, when holding a commission signed by President Abraham Lincoln. He represented the Government of the United States as United States Attorney in this jurisdiction. In the performance of the duties of his office as United States Attorney he visited all parts of the State, and was ever faithful and true as an officer of the government. He also became warmly attached to this commonwealth and her interests. At intervals, when the duties of his office permitted of his absence, at his own expense he made repeated journeys to the national capital for the purpose of promoting the welfare of this State. He made his home in Seattle, and
became warmly attached locally to this city, and it has been well said of him that for years he was the leading champion of all that affected the interests of this commercial city. He served the people of King County and his State as a member of the Legislature in pioneer days, and it can be truly stated that as a representative of the people in the legislative body he was there, as in every other place, faithful to duty and gave intelligent direction to the making of good laws and to providing for the development and future welfare of the county and the State. While not holding any official station, but simply as a citizen and a practicing lawyer, his efforts were repeated in the same manner as before. Leaving his business, and at his own expense, he made several journeys to the national capital to aid in promoting matters that were of vital interest in his estimation to the people here. In these matters he was enthusiastic and generous, never looking for compensation, and not sparing his own private resources in providing for expenses of those journeys. He ever sought to do what he could to advance the welfare of the people in the community which he loved. I might go further and refer to instances within my own knowledge where the same regard that he had for the public drew forth his sympathy and his kindly efforts in behalf of individuals, showing that his was a generous spirit. It is true that in every capacity in which he was called upon to act, as a man, a citizen, a lawyer and public official, he was faithful and true, and all the abilities which he possessed were exerted in the same generous spirit. If I were to undertake to name the most pronounced characteristic of the man, I would say that it was his honesty. He could no more
resort to tricks or deceit or subterfuge to gain an advan-
tage for himself or for his clients than he could
tolerate trickery or deceit in others. Light minded
people often speak facetiously of the legal profession
as if the members in a measure were exempt from the
obligation to be truthful, and with some it is taken
seriously as a fact that lawyers are not bound as other
individuals are to be truthful. But I do not think any
one ever doubted Mr. McGilvra's word. If he passed
his word, it was accepted and relied upon by friends
and foes as being the end of the matter. Certainly,
no one who knew him ever had any disposition to
doubt his word or hesitate in accepting as strictly true
whatever he stated or promised.

The resolution will make a true record, and it is
appropriate that the virtues of such a citizen should be
perpetuated in the records of this court. It is, there-
fore, ordered by the Court that the resolution be
spread at large upon the minutes, as a permanent me-
norial of the virtues of the deceased, John J. McGilvra.
Mr. President, Pioneers and Fellow Citizens: We belong to a generation of pioneers fast passing away; and at least in these United States the pioneer will soon be a character of the past, for the reason that his occupation is gone, there being no more virgin lands to conquer. In our day and land the extent of territory explored and prepared for occupancy by the pioneer has been immense; far surpassing that of any other generation in any country in the history of time. The area of land thus explored and prepared for occupancy, and now mostly occupied, is more than 3,250,000 square miles, embracing 35 degrees of longitude and 19 degrees of latitude. It extends from the western border of the thirteen original States to the Pacific Ocean and from the Gulf of Mexico to our northern boundary.

Nearly every railroad and most of the canals in our vast domain have been constructed in our time, and the telegraph, telephone and electric motor, with most of the labor saving machinery now in use, are not only inventions of our day, but of quite recent origin.

We have lived to see changes, more rapid and wonderful in the progress of human events, than any generation that has preceded us in the world's history. How the human race is to be affected by these great changes remains to be seen.

It is said that the world is growing wiser and better. Let us hope that it is so. Of the first proposition there is no doubt;
as to the latter there may be some question, at least in the mind of the pioneer.

Leaving this query for the present, we will join Judge Jacobs in looking backwards. We love to look back and linger upon the memories of long ago, when even the western part of the Empire State was a wilderness, and the great West beyond was comparatively an unexplored region; and I doubt not there are many present who will joyfully return with me to those early days and familiar haunts.

Our first recollections are of the dense forests, with few roads or trails, and here and there a little patch of cleared land, with the stumps, of course, still standing; the rough log cabin, the chinks filled with split wood and plastered inside and out with common clay.

The windows, if any, were mere openings in the wall, the floors split timbers, rough hewed on one side with the common adze or broadax, the fireplaces of boulders laid in clay, the chimney a cobhouse of split sticks also plastered with clay, and the door split basswood or other soft timber with wooden hinges and latches, and the latch string always out.

Then the home-made chairs, tables, bedsteads, etc., and last, but not least, was the trammel that hung from a wooden crossbeam in the chimney. The trammel was a piece of flat iron several feet long, perforated with holes, in which were placed the hooks on which to hang the pots or other culinary vessels. The crane, which was fastened into one jamb of the fireplace, and which could be swung out to put on or take off the pots and kettles, was a subsequent invention, and for some time was only used by the more aristocratic of the frontier families. The hearth was flat stones or clay, and the fireplace ample, so that on a winter night, with a backlog, front stick and good green hard wood, well piled up on a bed of live coals, a fire blazed out with a cheerful warmth and weird welcome that is a luxury even now to recall.

Then, my friends, do you remember the logging bees and
the house and barn raisings, where jolly good cheer prevailed, sometimes enlivened by imported hard cider, or good pure old rye? Those were the days when our mothers and sisters spun and wove the flax and the wool, and cut and made for each member of the family those old-fashioned home-made garments that were so comfortable and which wore like iron. Then every man, woman and child who wanted work could find plenty of it, and there were no strikes, except the individual strike for fame and fortune.

But, to return from this digression, we must not forget the sugar orchard, the bush and camp fires. Do you remember those magnificent groves of sugar maples which our fathers used to tap regularly every spring as the frost went off the ground, the establishment of the camp, gathering the sap and boiling it down into good old-fashioned cakes of genuine maple sugar?

Do not your mouths water even now for some of that most deliciously sweet product of those early days?

Then, in a few years, when, as if by magic, those forests had been converted into fertile fields and bearing fruit orchards, do you not remember in the late fall or early winter, when the corn had been stooked, apples gathered, cider made, and the forest fruits collected, what jolly, rollicking, good old-fashioned times we had at the corn husking and apple paring parties, always winding up in the wee sma' hours in the morning, after the last country dance, by seeing the girls safely home?

Memory loves to linger on those halcyon days when life and love were young and patriotism was preached and practiced all the way from the cradle to the grave; when a public office was a public trust, and the privileges of the elective franchise a sacred and priceless boon.

But, as "Westward the star of empire takes its way," so must we.

Inheriting the western spirit of our pioneer parents, at an
early age we set out to conquer the forests of the Middle States.

Only fifty years ago, when your humble servant was attacked with the Western fever and migrated to Illinois, when Chicago was an uncouth young city of only 8,000 people, there was no railway west of Rochester, New York and our transportation was by wagon fifty miles to Buffalo, and thence by steamer on the lakes.

West of Chicago the settlements were few and far between, and Western Ohio, Michigan and Northern Indiana were sparsely settled.

Some of you will remember the picturesque and at times dramatic conflagrations that annually swept over vast regions of that country in the late fall or early winter. Such scenes must be witnessed to be realized; they cannot be described. While magnificent and gorgeous at a distance, especially at night, when they approach the improvements of the settler they become terrible.

Some of you will also remember the long and weary hours and sometimes days and nights of back-furrowing and back-firing to save your fences, your crops and your buildings from the devouring element, and how at times even the most heroic efforts were in vain, and the pioneer was stripped of his all in a few moments and was thankful to escape with the lives of himself and family.

Then you have not forgotten how, as the tough prairie sod was turned under by the breaking plow, and the sloughs drained, the malarial fevers, to say nothing of the fever and ague, infested that whole western region, especially in autumn, and in many cases proved fatal. You will not forget also that it was the rule with most people to shake one day and work the next, if he was not so unfortunate as to have the ague every day, and that it was a common practice to carry a bottle of quinine along if you were going from home even for a day.

These are a few of the trials and perils of the pioneers of
the Western prairies; but they did not materially retard the progress of the strong-hearted frontiersman.

He turned over the prairie sod, planted the sod corn, fenced his farm, drained his lowlands, built his barns and his houses, constructed school house and churches, and, in a word, reclaimed the wilderness and made it "blossom as the rose."

But the inborn and enterprising spirit of the pioneer, like that of other heroes, is ever seeking new fields to conquer, and many who helped to subdue the wilderness of the western prairie States now find themselves on the Pacific Coast and are the last of the pioneer "Mohicans."

The history of the discovery and very early settlement of this Northwestern Pacific Coast has been so often and so fully gone over by the able pioneers who have preceded me in annual addresses before this society that I shall not attempt to reglean that field, but shall confine my remarks to the period of my own residence in your midst.

Having read Gov. Isaac I. Stevens's report of his surveys and explorations in 1852-1853 for a railroad by the northern route, and obtained such information as was to be had about this distant country, I determined to explore it myself, and set out on the expedition early in the spring of 1861. It is perhaps only fair to state that there was an additional inducement in the shape of a commission from President Lincoln as United States attorney for Washington Territory. At that time there were only two routes from the Atlantic seaboard to this country; one overland with teams, and the other via the Isthmus of Darien. As I brought my family with me, the ocean route was chosen, and it took a month and seven days from New York to Olympia, being fortunate in making close connection at San Francisco with the monthly steamer from that place to Puget Sound via Portland.

There was only one steamer a week (the old Eliza Anderson) between Olympia and Victoria, and as we arrived at Port Townsend, the terminus of the ocean route, a few hours after
the Anderson had departed on her return trip to Olympia, we had to lie over a week or take a sloop. We chose the latter course and chartered the sloop H. L. Tibbals, which I believe is still afloat and doing good service.

The following winter, 1861-62, was the hardest winter ever known in this country. Snow commenced falling Christmas and lay on the ground a foot to eighteen inches deep until the middle of the following March. It was a regular old-fashioned New England winter. The Columbia River was frozen over and more than 50 per cent. of the stock in the whole country, both east and west of the Cascade Mountains, perished from cold and hunger. Communication between the eastern and western portions of the territory was entirely cut off.

At that time it took about six weeks to go or return from the Atlantic States. Early in 1862, however, telegraphic communication was established between Portland (Oregon) and the East, thus relieving us from our previous isolated condition and putting us in touch with the balance of the world. In 1864 the telegraph wires were extended to Puget Sound under the supervision of R. R. Haines, now a veteran in telegraphy in Los Angeles, California.

In 1869 the Union and Central Pacific Railways were completed to San Francisco, by which means the time for the transmission of the mails and passengers from Puget Sound or Portland to the Atlantic seaboard and vice versa was reduced to about ten days. Now we are only about six days from New York City direct by four different and competing transcontinental lines of railroads.

In 1861 Washington Territory, which then embraced the three northern counties or Pan-handle of what is now the State of Idaho, had a population of less than 12,000 people; now the State of Washington has a population of at least 400,000, an excess of some 50,000 over that of the State of Oregon.

Great as the change is, and rapid as it might seem to have been, by a single glance backward covering the space of thirty-
three years, the average life-time of a generation, yet many here present can testify to the long and weary waiting and watching we had for the time to come for the rapid development and improvement which has been realized in the last decade. We have at last, however, more than realized our wildest dreams as to the growth and development of this young commonwealth, and the growth and development has only commenced.

It requires no prophetic vision now to foretell the further rapid and extensive growth and development of the State of Washington and the proud and influential position she is destined to occupy in the galaxy of the States of the American Union.

With the Columbia River on our southern border, the Pacific Ocean laying our western shores, the Straits of San Juan de Fuca on the north, and the great inland seas of Admiralty Inlet and Puget Sound in the very heart of the western division, it cannot be otherwise than that ours will be a great commercial people. Then, when is added our extensive resources, in agriculture, timber and the various minerals, to say nothing of our extensive fisheries, how can it be doubted that our noble State will be both populous and wealthy? Then, when we consider our mild and healthful climate and matchless mountain scenery, what more is needed or even to be desired to make the home picture complete?

But, my friends, as I have before intimated, we are here to-day rather to look back and refer to the olden times and contemplate the present than to look forward and anticipate the future.

Let our children and those who succeed us do that, as we have done before them. If the evening of their lives is made as pleasant by their environments as ours, they will be fortunate indeed.

Now to go back thirty-three years, as before stated, we had our mountains, lakes, rivers, forests and extensive plains;
but all else, how changed! We had no steamboats on Puget Sound, except alone the old Eliza Anderson, already referred to, and one tug boat, the Resolute, owned jointly by the Puget and the Port Madison mill companies. We had no railroads and hardly a wagon road; certainly no good one.

Port Townsend, Steilacoom, Olympia, Vancouver on the Columbia, and Walla Walla were the only villages in the territory worthy of the name, and Steilacoom was by far the largest and liveliest of them all. The people of Steilacoom were certain that that town was to be the metropolis of the Northwest, and our old friend, John Salter, no doubt is of that opinion still. May he live to see that distant day.

The principal means of transportation in those days on both tide and inland waters was the Indian canoe with two or more natives as the propelling power. In such craft, with blankets and grub, by taking advantage of tides, eddies and currents, we could make about forty miles a day, and camp upon the beach when night or storms overtook us, contented, and, as a rule, comfortable, and absolutely independent, as we made our own time table and dispatched our own line.

About the only wagon road in Western Washington at that time was the so-called stage road from Olympia to Monticello on the Cowlitz. A trip over that road, as it then was in winter, would be an interesting experience for some of our friends of recent arrival. Clad in rubber coat and leggings, and with broad-brimmed felt hats, at Olympia we huddled into a common lumber wagon with a canvas cover, about 3 o'clock in the morning, and rode thirty miles to Van Wormer's for breakfast and a change of horses. The change of horses consisted in leaving the wagon and mounting fresh horses for the balance of the journey, as the road was too muddy, rough and mountainous to traverse any other way. At about 8 o'clock in the evening we would arrive at Drew's Tavern, where we spent the night. At about the same hour (3 o'clock) next morning we would remount and plod along in darkness so
dense that the white horse you were riding was invisible. At about daylight we would arrive at the foot of Cowlitz mountain, and about 1 o'clock p.m., at Burbank's hostelry in Monticello, where we got a good square meal and shipped for Portland, at which latter place we arrived the same evening, making two long and weary days' travel from Olympia.

For Eastern Washington we again shipped at Portland for the Cascades, on the Columbia river via Vancouver, which was picturesquely ensconced in the forests on the left bank of that magnificent stream, then, as now, the principal military post of the Northwest. At the portage of the Cascades our baggage was transferred some four miles over a tramway by mule power, while we walked, for change and exercise. At the Dalles we made another portage of sixteen miles to Celilo by stage. From Celilo to Wallula, on the upper Columbia, we had several rapids to pass, and sometimes we would tie up at one of these over night, when we would have the choice of sleeping on board or in more roomy quarters on shore.

On our first trip up the Columbia, in the fall of 1861, we got shipwrecked at the John Day rapids, and had to wait some three or four days for the next steamer, the Colonel Wright, to carry us on. Our vessel, the steamer Okanogan, was not stove to pieces, but was caught by a protruding rock which penetrated one of the compartments of her hull, and, holding her there in midstream, careened at an angle of about 30 degrees, so that with a boat we could pass to and from the shore, where again we had a choice as to bed rooms, and found some very good fishing in John Day river.

Judge Wyche, Judge Strong, General Bridges, Governor Gibbs, Hon. Columbia Lancaster, and many other noble and notable members of the Portland and Vancouver bar, who were fellow passengers at that time, have long since gone over to the other shore and joined the ranks of the great majority.

From Wallula to Walla Walla, a distance of 30 miles, was by stage over a sand and alkali desert, where the prevailing
high winds had cut out the roads in places into grades and curves so sharp and fanciful that the stage would frequently turn bottom side up and occasionally topple over into the Walla Walla river. The town of Walla Walla, pleasantly situated in Walla Walla valley, with a mountain stream meandering through it, was a veritable mining town in close proximity to the military post. Every public house was also a gambling saloon, and the court room was in the loft of one of them. The building was constructed of hewn logs, clapboarded on the outside, but wholly unfinished on the inside. There was no jail, and two Indians accused of murder were chained to staples driven into the walls of the court room. Colonel Stone, of the firm of Stone & Ball, proprietor of one of these gambling houses, was foreman of the grand jury. None of these saloons had taken out license, and when the question came up as to indicting them Colonel Stone declined to be excused and voted every time in favor of a true bill, including his own case. But time will not permit of too much detail, and we must pass on.

In July, 1862, Judge Oliphant, Selucius Garfield, the silver-tongued orator of the Northwest, Marshal Fargo, myself and others, went from Walla Walla to Colville to hold the first term of court at the latter place. The distance was 210 miles by the old Mullen road, and there was no habitation between Snake river and Colville, except the ferrymen at the Spokane river, about 16 miles below the falls, where the beautiful city of Spokane now stands. Of course, we carried blankets and grub and camped out. Garfield was chief cook and made excellent coffee. Fargo had charge of the transportation department, and upset Oliphant and Garfield, who were in the wagon, soon after we had passed a company of the regular troops who were returning from Fort Colville. It was not observed that Fargo had appropriated more than his share of the commissary banquet, tendered us by the military, until this incident happened. Garfield was a very cool and deliberate, as well as able, man, and Fargo always insisted that
Garfield never let go of his pipe or ceased to puff away at it during the process of the overturning and righting of the wagon.

Lewiston, at the junction of the Clearwater and Snake rivers, which was then in Washington and on the reservation set apart for the use of the Nez Perces Indians by the treaty of June 11, 1855, was also a mining town, and the next largest to Walla Walla in Eastern Washington.

Notwithstanding this was the Indian country, spirituous liquors and wine were taken into it, in violation of the law, by the shipload, as my friend Major Rinehart can testify, he being in the military service in that section at the time.

Where Spokane, Waitsburg, Dayton, Colfax, and all the other towns of Eastern Washington now stand, excepting Walla Walla, Lewiston and Colville, the country was inhabited only by the aborigines.

The Nez Perces Indians were one of the finest specimens of the Indian race, physically, mentally and morally, that ever existed upon the American continent, and at that time it was the proud boast of the nation that the blood of a white man had never been shed by them. Still even they were not exempt from the contaminating and devastating influence of the march of so-called civilization. First came the gold hunters in vast numbers to invade the home reserved to them by solemn treaty stipulations, and with the gold hunters came large quantities of spirituous liquors, as has been stated. This was in 1862. No attempt was made by the general government to prevent this wicked and wanton trespass upon the property and rights of this friendly tribe, or to protect them from these demoralizing and devastating influences.

Major Rinehart can testify, I think, and the record and files in the attorney general's office and the war department at Washington will show, that there was at least one government official who had the moral courage to protest against this great wrong and crime. The commanding officer, a brig-
adier general, whose duty it was to protect these friendly Indians, was called to account, and only saved his official head by cowardly prevarication and obsequious apology.

Still the wrong went on, and the next year, 1863, instead of protecting the rights and redressing the wrongs of this loyal and defenceless race, the government, by force of military display and other arts known to diplomacy, forced the reluctant assent of perhaps a majority of this tribe of Indians to a treaty further reducing the area of their reservation, and surrendering the Williw valley (Chief Joseph’s home) and the mining regions embracing Elk City, the Warren and Oro Fino diggings (the home of Big Thunder and Eagle of the Light). These chiefs—Joseph, Big Thunder, and Eagle of the Light, refused to sign or sanction the treaty.

As stated by Major Rinehart in his able and interesting address before the society last year, it was at this time and by this mock treaty, to which he was a witness, and which he so graphically describes, that was “sown the seeds that ripened into a red harvest of war fourteen years later at White Bird creek, and resulted in sending the survivors (Indians) of that war into perpetual exile away into the Indian territory.”

The fate of these Nez Perces Indians is only another instance, too common in the world’s history, of the rule that might makes right.

But it is not my purpose on this occasion to discuss the policy of our government as to Indian affairs. The red men are not only fast disappearing, but they have mostly disappeared already, only remnants here and there remaining.

While I am aware that the race prejudice is quite strong with the average pioneer, candor requires me to state that the result of over thirty-three years of observation and experience on the frontier convinces me that the native races, as a rule, are friendly and true to those who are friendly and true to them, and that all, or nearly all, of the Indian wars have been caused by long-continued and cruel wrongs inflicted by the superior upon the inferior race.
But enough of the past, especially in view of the able address of our president upon the text “Looking Backward.” Notwithstanding the text, we congratulate him and ourselves that his point of observation was not the one occupied by Mr. Bellamy.

While the pioneer is strongly inclined to sociability, he is not a socialist or communist in a political sense. He is very much of a self-reliant, matter-of-fact being, ever ready to meet a present emergency and fight his own battles. If there are any Coxeyites, anarchists or traitors in the ranks of the pioneers, it has not been my misfortune to meet them, and trust I never may.

The social, industrial and political condition of our country has greatly changed in our day. Millionaires have multiplied and immense trusts and monopolies have been created. Manufacturing and commerce is being carried on upon large and constantly increasing scales, mostly by corporations and largely by monopolies, employing large aggregations of labor, both skilled and unskilled; and this condition of things has necessarily resulted in the impairment and destruction of individual independence. Capital has not only combined in large aggregations for great undertakings, but conspired for its own profit and aggrandizement, and that too often with little or no regard for the just rights or privileges of labor. As a matter of necessity and in self-defense, labor has been compelled to organize also, and in turn, taking lessons from organized capital, has conspired to obtain the mastery of at least some very questionable methods.

Without going into detail as to the merits of this conflict, which, although now presented in a new form, is as old as civilization itself, I not only voice the sentiment of the pioneer patriot, but of all parties, when I say that this conflict must not be permitted to endanger this last great experiment of self-government by the people, which is now being tried by this highly favored land. Corporations, and especially corporate monopolies, which are artificial persons created by law,
but without soul or conscience, must be controlled by law, and all unlawful acts of aggregated or congregated labor, whether organized or not, must be restrained by the same strong arm.

The bludgeon, the torch and the boycott are the weapons of the anarchist and the assassin, but not of the American sovereign. This magnificent and rich country of ours, with its free institutions, has long been regarded and proclaimed as an asylum of the down-trodden and oppressed of every land and clime. This asylum and sanctuary privilege, so generously extended to nearly the whole world, has been most shamefully abused.

It is high time that it was understood and proclaimed that the pauper and criminal element of all lands, including the anarchist, are not included in the term, "down-trodden and oppressed," and should be excluded from our borders. It is also high time that our naturalization laws should be so amended as to require a longer period of probation and stronger proof of qualification on the part of the applicant to become a citizen of these United States of America.

Eternal vigilance is the price of liberty, and the elective franchise is the potent weapon with which the American citizen can successfully preserve and defend his birthright. This franchise should be guarded and protected as the apple of the eye, and regarded as a jewel above price. The registration system and the reform ballot has accomplished a great deal in the interest of good government, and much remains yet to be done.

King Caucus should be dethroned and candidates for office held to a strict accountability for any attempt to influence elections by the corrupt use of money or any other unlawful means.

The race of the pioneer is almost run, and the protection and preservation of the social, industrial and political institutions of our beloved land must soon devolve entirely upon those who succeed us, but while a remnant of the old guard remains they will be found in line, and in the front ranks of the army of patriots, fighting the battle of America for Americans.