

## Judge Miles Carey Eggleston

By BLANCHE GOODE GARBER

- 1791 Born in Amelia county, Virginia.
- 1815 Completed classical and law course.  
(At William and Mary College).
- 1815 Removed to Indiana territory.  
(Located at Lawrenceburg, Dearborn county).
- 1817 Admitted to bar of Franklin county.
- 1819 Elected judge of Third Judicial district.
- 1825 Re-elected judge of Third Judicial district.
- 1831 Re-elected judge of Third Judicial district.
- 1837 Re-elected judge of Third Judicial district.
- 1843 Re-elected judge of Third Judicial district.
- 1820-1834 Practiced law in Brookville.
- 1834-1837 Practiced law in Vevay.
- 1838-1842 Professor of law on faculty of Hanover college.
- 1844-1851 Practiced law in Jefferson county.
- 1851 Died at Bedford Springs, Kentucky.

The awakening interest in Indiana pioneer history, and those who made it, has brought, and is still bringing to public and private sources inquiries regarding Judge Miles Cary Eggleston, and the relationship of Edward Eggleston to him. Replies more or less correct have been given in print, but it seemed good to me, who, not a contemporary of Judge Eggleston, but a lifelong associate of his entire family, and that of Edward Eggleston, to offer in response to inquiries a sketch of the former, from original sources.

Miles Cary Eggleston was born in Amelia county, Virginia, February 26, 1791. His cousin Joseph Cary Eggleston, was the father of Edward Eggleston, the writer.

Richard Eggleston came from England to Virginia in 1633,<sup>1</sup> bringing his family in 1635; patented 600 acres of land in James City county in 1653, having lived in this county

<sup>1</sup> (Hutten) *Virginia Magazine of History*, Vol. vi, 192.

then twenty years; he participated in the fight against the Indians at the Falls of the James river, in 1656.<sup>2</sup>

This emigrant, and a later one, Miles Cary of Magpie Swamps, born in Bristol, England, in 1620, who came to the James River settlement in 1640, were the emigrant ancestors of the Virginia and Indiana Egglestons.

Miles Cary was a son of the Hon. John Cary and grandson of Hon. William Cary, each of whom was in turn mayor of his native town, Bristol, England, the latter also high sheriff in the later years of the sixteenth century.

Miles Cary patented 3,000 acres of land near Richmond, on which he lived. His colonial services were: Justice, 1652; mayor of colony, 1654; lieutenant-colonel of Warwick county, 1657; colonel and county lieutenant, 1657-1659; member of house of burgesses, 1659-1663; escheator-general of Virginia, 1665; collector Lower James River and member of governor's council, 1663-1667; "Schotte to death by the Dutch when defending Old Pointe Comfort, June 10, 1667."<sup>3</sup>

His second son, William (captain) of Mulberry Grove, Warwick county, was the head of the line through which the Indiana branches descended.

Old world traditions and new world contiguity bound these two families by intermarriages; the grandparents of the two who came to Indiana were of these two families, and the grandfathers of Judge Miles Cary Eggleston were both Egglestons, his grandmothers both Carys of these lines.

Through seven decades of the seventeenth century and all of the eighteenth the successive generations of the Virginia Egglestons grouped their homes on plantations within thirty miles of Richmond,—in James City, Hanover, Powhatan and Amelia counties. The dignity of colonial architecture graced them all, and the added charm of continuing the old homestead as years came and went has carried the memory of several of these to the present time.

Among them are "Old Powhatan", in Powhatan county, built by a son of Richard, the emigrant; in Amelia county,

<sup>2</sup> "This I discover from the fact that the general court paid 400 lbs. of tobacco for the recovery of his horse after that defeat."—Edward Eggleston.

<sup>3</sup> Meade, *Old Families and Churches of Virginia*, and *Virginia Magazine of History*.

"Egglestetten", the home of Major Joe Eggleston, for whom Gen. Joseph Eggleston Johnston was named, and "Locust Grove", the home of William and Judith Cary Eggleston.

These passed from sire to eldest son under the old regime. Matthew Jacquelin Eggleston, a younger son of William and Judith, received land near Locust Grove on which to build his home, as part of his patrimony. In 1789 he married Nancy Cary Eggleston, only surviving child of John and Elizabeth Cary Eggleston and located in Amelia county,—here were born their thirteen children, and here eight of the sons, and one daughter were reared to maturity. These all lived to advanced age; two sons and two daughters died in early youth.

Miles Cary, the second of the thirteen children, was born February 26, 1791. His mother's only brother died young, and in her centered the educational ambitions of her parents. The advantages of home culture, tutors, schools and travel were showered on her in a measure seldom bestowed on daughters, in those days. The English church was the faith of her fathers, and in this she was reared. It was her pleasure to pass on to her children the best of all she had received. They were her companions, and shared with her the religious, literary and cultural pursuits of a Virginia dame of the period. Her bedtime stories were from the classics, in prose and poetry, memorized by her and by the children from her recitation, and these were their familiar nursery tales. Neither was the father disobedient to the educational vision, but fully shared the responsibility of the moral and intellectual development of the youth of the family.

Miles Cary Eggleston's early years of home nurture were followed by several years in the schools of Richmond, and a classical and law course in William and Mary college, Williamsburg, Virginia, of which George Washington had so recently been a chancellor; which Thomas Jefferson, Chief Justice Marshall, and others of worth and well merited reputation claimed with pride as their Alma Mater.

The quality of his scholarship is indicated by the following letter received by Edward Eggleston not a great while before his death; the writer was an entire stranger to him as the text implies:

Saundersville, Pennsylvania,  
June 20, 1884.

REV. EDWARD EGGLESTON,  
New York, N. Y.

Dear Sir: I wish to know if you are the son of Judge Eggleston, formerly of Indiana. I am seventy years of age, was born in Hanover county, Virginia. My father was the preceptor of Judge Eggleston, for whom he manifested a pride bordering on that of Weems for his distinguished pupil, Washington. Please excuse my curiosity, and reply if affirmatively, otherwise no answer is expected. With thanks for the pleasure and instruction in your writings,

Respectfully yours,

J. O. HARRIS.

On the completion of his law course in 1815, at the age of twenty-four, impelled by a deep conviction of the wrong of slavery, the subject of this sketch left his native state and chose for his future home Indiana territory, because it was irrevocably committed to anti-slavery doctrines by the Ordinance of 1787. When in 1839 he came into his inheritance from his father, consisting largely of slaves, he freed them all.

He, only, of the large family of which he was a member, sought a northern home. The rest lived and died in southern tide-water and gulf states, save for protracted sojourns with their northern brother. The sister married Edward Baptist, a Baptist minister, founder of the college of that denomination in Richmond, Virginia. Five brothers lived as southern gentlemen on their plantations; three were professional men; Charles, a physician; Hugh, a lawyer and judge of New Orleans; and Judge Miles Cary of Indiana.

At that time, the Northwest territory was, so far as communication of all kinds was concerned, further from Virginia than China is today. Among the papers of Judge Eggleston is a letter from his father, written on the death of his infant daughter, Virginia, in 1826, full of fatherly sympathy and Christian consolation, which begins with the statement that the letter containing the "heart-breaking message of the loss of the dear babe has just been received, *fifteen days after date.*"

The young home-seeker on crossing the border into free-soil territory entered at once the practice of law at Lawrenceburg.

Statehood was trembling on the rise when he came to Indiana territory, and abundant reason existed for trembling. The Napoleonic agitations were making the whole world nervous, with its currents in America centering largely in the Northwest territory. Though the signing of the Treaty of Ghent, December 24, 1814, closed the War of 1812, news of it traveled slowly. Through the early months of 1815 Indian warfare continued, fomented more or less by British influence. It was September 8, 1815, that the Treaty of Spring Wells, near Detroit, was concluded, by which western Indian tribes agreed to place themselves under the protection of the United States, "and no other power". The year 1816 was the first when peace was actually established in the territory. This had weight which made it possible to carry statehood, with all the wavering of the 64,000 tax-frightened inhabitants. The new status increased the population in numbers, strengthened the scattered settlements, relieved instead of increasing taxation, and the promise of great prosperity which surrounded the infant state was speedily realized.

This transition brought to the young southerner ample material reward for his heroic renunciation of his old home for the sake of principle. Still, frontier conditions were on every side, villages were few, and these were filled with Indians, not always dependably friendly,—trading game, peltries, quill adorned moccasins for trinkets such as the settlers possessed. The people were a hardy, reckless frontier population, relying on their own prowess, and the strong arm of the law to right the crimes in which they more or less gloried. Virginian of the Virginians as he was, he often had to adapt himself anew to conditions, but he had acquainted himself with them as far as possible, and they disturbed him less than he did them apparently. Queues and moccasins marked the social etiquette of the floor of the court,—the ruffled shirt front and immaculate white stock of the judge on the bench jarred it quite perceptibly. This was his invariable attire, and the memory of it is preserved by a portrait of him, now one hundred years old, painted in 1821, the year before his marriage, still as fresh as when it came from the artist's brush.

In the contact of the polished Virginian and the frontiersmen from everywhere, two civilizations met, mending the latter, and not marring the former. He would well have fitted the Indiana of today, but filled the need of the Indiana of that date.

Physically he was of average height and weight, with abundant brown hair which in age showed scarce a shadow of turning gray; his blue eyes keen and laughing; his complexion fair, with a glow of healthful color; his habits always temperate, his gastronomic tastes those of an epicure; his smooth shaven face, and teeth regular and unsullied by tobacco, which he used in no form, gave him to the last a youthful appearance. This is the testimony of his family, who say also that he was never known to raise his voice, or otherwise lose his poise, considering gentlemanly demeanor the part of the man of culture as surely as of the judge on the bench. Statements occasionally published that he was small in stature, somewhat eccentric; of delicate health, and at times inclined to be pedantic are the nearest approach to criticisms of him, and they are not of importance, but are without foundation in fact,—made perhaps originally by unlettered frontiersmen of more brawn than brain, who had not the power to comprehend the man of letters, himself a student, and of a long line of lettered men and women.

Hunting and riding behind the hounds possessed for him an irresistible fascination. To within a short time of his death, at the age of sixty years, the bay of the hound on the trail of a fox, or the bark of a dog after a treed coon brought him to the saddle at any hour of the day or night, and no one gloried in the chase more than he. His failing health in latter years was due to excessive devotion to his profession, and the exposure it entailed in earlier years, under pioneer conditions.

He entered the practice of law at Lawrenceburg in 1815, leaving there in 1817, when he was admitted to the bar of Franklin county. He was prosecuting attorney of Franklin county from 1818-1821; judge of the court, 1819-1847. These dates are taken from Reiffes *History of Franklin County*, they differ a little from those given elsewhere, but agree approximately.

He was elected presiding judge of the Third judicial district of Indiana in 1819, taking his seat January 21, 1820; re-elected in the years 1825, 1831, 1837, 1843. Resigned in 1844. He presided at the first term of court held in Ohio county, December 4, 1844.\*4

Hon. Oliver H. Smith says in the opening chapter of his *Early Indiana Trials and Sketches*:

I will confine myself to the Third Judicial district, and to the time when the Hon. Miles C. Eggleston was Presiding Judge of the circuit. At the March term of the Dearborn county circuit court, Judge M. C. Eggleston took his seat on the bench, as successor to the Hon. John Watts. The judge was a young Virginia lawyer, a cousin of the Hon. William S. Archer, of the United States senate. He was a fine scholar and a well read lawyer. His integrity and moral courage were above suspicion, while his impartiality commended him to the approbation of all. He will long be remembered by the writer, one of the younger members of the profession, for the judge was ever willing to hear all that could be said by the humblest member of the bar, and when he decided, even against him, his manner gave courage to increase preparation for the next case. I received my license to practice law from his hand, and after a short examination in person. His remarks in signing the license made a deep impression on me. My means were exhausted, and it was a matter of life or death with me. The judge kindly remarked: "Mr. Smith, I will sign your license, but you are only prepared to commence the study of law; don't be discouraged, but persevere in your studies, and you may yet stand high in your profession."

In *Courts and Lawyers of Indiana* it is stated that Judge Eggleston succeeded Judge Test as presiding judge of the Third circuit January 21, 1820, and the comment is added: "Judge Eggleston was the best known trial lawyer of early Indiana, if he has had a superior at any time, in any state." Also, "As a judge he was eminently fair." The same authority, in speaking of the celebrated Fuller-Warren trial says: "The judge, M. C. Eggleston, was trained in Virginia and somewhat aristocratic, but firm, fair and kindly. All sympathized (with the prisoner), but according to evidence the verdict of 'guilty' was pronounced by Judge Eggleston. \* \* \* The instruction of the judge fell like the pronouncement of a fatal oracle. All possible was done to avert the

\*4 *Ohio County History*, 119.

doom, but the prisoner was executed." This was in the Dearborn county court, March, 1820.

In this year Judge Eggleston opened an office in Brookville. Here he bought a house and established a home, on his marriage March 10, 1822, to Miss Elizabeth Sutherland of Brooke county, Virginia. Elizabeth Sutherland was educated in Hamilton, Ohio; was a sister of John Sutherland, of Indianapolis, and of William Sutherland, of Laporte. The marriage was solemnized at the home of the sisters of the bride, in Salisbury, at that period the county seat of Wayne county.

In this Brookville home their four children were born: Guilford, Virginia, Eliza (Mrs. Samuel Mackarness Goode), and Henry Clay.

David Wallace, then a graduate of West Point, later governor of the state was among the students who passed to the successful practice of law from the tuition of Judge Eggleston, while in Brookville. Judge Advocate William McKee Dunn was also one of his law graduates.

The frequent re-districting of the state brought new counties into the Third district, and the family residence was changed as business demanded. It was in Brookville until 1831; in '31 and '32 in Madison; in '33 and '34 Brookville again; in '34 and '35 Madison; '35-'37 Vevay. During Judge Eggleston's residence in Vevay he was joined by his cousin, Joseph Cary Eggleston, also of Virginia, who having read law in Richmond came as he had done, to a free state as a protest against slavery. His four children, Edward, George Cary, Jane Lowry (Mrs. Charles Zimmerman, of Evanston), and Joseph W. Eggleston, now of Richmond, Virginia, were born in Vevay.

In 1838, Judge Eggleston accepted the professorship of law on the faculty of Hanover college. In 1842 he resigned the chair, as the double duties of college professor and circuit judge became too arduous for his years; he was then a man of fifty-three. In 1844, he resigned the judgeship, but continued the practice of law, being admitted to the bar of Jefferson county, March 24, 1845.

After a short residence in Madison, '42-'46, he bought a farm at Dupont, the southern high lands of the state being then considered the only healthful region in which to locate.



His brothers, who had acquired wealth, and lived easily on their plantations used every persuasion to induce him to buy land in Virginia and slaves to till it, and spend the remainder of his life in ease, but his devotion to his chosen profession, and his anti-slavery principles were as unswerving in age as they had been in youth, and he could not consent to return to life under the old condition.

Years of close application to professional duties and exposures during the quarter of a century he rode the circuit under pioneer requirements had impaired his health. Leaving the farm in the care of his wife and elder son he went to Bedford Springs, Kentucky, for the heated term of 1851. He was accompanied by his younger son, who tenderly cared for him, the end coming unexpectedly while there, July 19, 1851. He was buried from the home of his daughter in Madison, where in 1915 her life closed, just one hundred years after his coming to Indiana, the last of his immediate family. He lies buried in the family lot in Fairmount cemetery, at Madison.

In the above home, and in others within a radius of less than a quarter of a mile, live three generations of the descendants of Judge Eggleston.

In 1851 the state was in its prime; in 1815 when he adopted it as his home it was in its infancy. Through its formative period his influence had done much to determine the character of its judiciary, and there is abundant evidence that the bar of Indiana ranks high among those of the states of the Union.

The Third judicial circuit when he was its presiding judge included about half the state, the whole Whitewater district from Jefferson county to the state of Michigan north and south, from the Ohio state line to White river, two hundred miles by seventy-five in extent. It was an unbroken stretch of Indian-haunted wilderness; silent, somber, solemn; timbered till daylight was dark as night beneath the shadowing boughs of this forest primeval.

In the whole territory there was not a road, not a bridged stream. The circuit must be ridden twice a year, when court was in session, regardless of weather. Sometimes floods made the streams dangerously full for the horses to swim,

but swim they must. At times the horse lost his footing and horse and rider both must swim, and ride for hours perhaps, carrying watersoaked saddlebags with their dripping contents. Again drouth dried the streams till search for drinking water for horse and rider was a weary one. The prosecuting attorney and other lawyers rode the circuit with the judge. Among them was a *bonne camaraderie* which cemented friendship through the years, and to which thanks are due for many a pen picture of men of the past. There was protection in numbers, though Indians and frontiersmen alike, were often in the clutches of the law and held the court in a certain reverent awe which was its own protection.

Judge Eggleston had a keen sense of humor, was cheerful and companionable. He was sensitive to a degree which caused him to suffer acutely when a death sentence was pending in court, yet he never shirked a duty to shield himself. As many as nine penitentiary sentences and four for capital punishment are reported on one circuit.

The sentence of Hudson for the massacre of a peaceful party of Seneca Indians on the banks of Fall creek in 1824, was pronounced by Judge Wick, but the trial of the other three murderers was in Judge Eggleston's court. Oliver H. Smith tells us that as the boy, his father, and his mother's brother, stood before him to receive the death sentence, "The face of the Judge was pale, his lips quivered, his tongue faltered as he addressed the prisoners." The sentence of death by hanging was pronounced, but the usual conclusion, "And may God have mercy on your soul" was left struggling for utterance. At the final moment, after witnessing the execution of his father and uncle, Governor James B. Ray pardoned the boy. The historian writing in 1857 adds, "Thus ended the only trial where convictions of murder were ever had, followed by execution of white men for the murder of Indians in the United States."

Politically Judge Eggleston was a Clay man, but absolutely fair. He named a son for him, and when Henry Clay spoke in Madison he introduced the speaker, yet he stoutly maintained in open court that he believed that a Jacksonian was just as honest as a Clay man, and would no more perjure himself to acquit a Jackson man than a Clay man would to

convict him. He was on the bench of Franklin county court when a prisoner was fined one thousand dollars for calling a man a Federalist. The entire court agreed that to call a man a Federalist was libelous, and actionable.

In religion as in law Judge Eggleston was a man of genuine convictions and broad views. Reared in the Episcopal faith; educated at William and Mary college when it was under control of that denomination he continued his connection with it; was a member of Christ's Church congregation, Madison, and a vestryman of the parish. As in politics he was free from bigotry. His attitude toward life was one of serene content. His life had been a well ordered, successful one, a fact that he and his contemporaries could not fail to recognize.

This is evidenced by unquestionably honest expressions of it while he lived and through the near three quarters of a century since his day. John Lyle King, a lawyer of ability, known more or less throughout Indiana and in Chicago, says: "Foremost on the bench of the circuit court of eastern Indiana was Miles Cary Eggleston, an acute, learned and incorruptible judge." William Wesley Woolen spoke of him as a good lawyer, and one who never forgot the dignity of his station.

From an old manuscript of John M. Johnson, an old time resident of Brookville the following is taken:

Miles C. Eggleston, perhaps the leading jurist at that day, and about whom the historians say remarkably little, although he was presiding judge of the Third judicial circuit for more than twenty-one years, was a good-looking gentleman, rather below the middle size, with a good head, leaning a little to one side; with ruffles protruding from his shirt bosom, well dressed. \* \* \* He had a liberal education, and was a good Latin scholar; he was not a great advocate before a jury but eminently qualified for a judge, and was justly regarded as the best in the state. His charges to the jury were clear and clothed in fine language, and listened to with the utmost attention. The people of the county had such implicit confidence in him that they would quote his decisions before those of the Supreme court. \* \* \* He observed the utmost decorum in court, and made the lawyers keep their places. There was no slipping to the judge with a paper and holding a private conversation, and no lawyers leaning on each corner of the judge's seat.

But by his own words he will best be known. Embalmed in his words of affectionate appreciation, his mother, who

lived but one year after he left the old home, is today an inspiration to his descendants. His ideals of life pervade the following letter to his fifteen year old daughter, then away at boarding school; it is addressed:

Madison, Indiana, November 27, 1843.

MISS ELIZA A. EGGLESTON,

Kalorama, near Louisville, Kentucky.

MY DEAR DAUGHTER:

It is with no little pleasure I acknowledge the receipt of your last letter today. It is in every way gratifying. It evinces that you have been both attentive to your studies, and sensible of the advantages you can and ought to derive from the opportunities you possess with your capable instructors, and your intercourse with the sensible and amiable lady who watches over the education of your heart and manners,—a consciousness of this other value of it is the first step to real permanent improvement.

I am glad to hear you speak of the heart as well as of the head. A woman without a heart, a warm "glowing heart of sympathy" is a something which can just be tolerated, nothing more. If nature has not endowed her with a sympathetic temperament she should from policy try to counterfeit a lively sensibility to the interests, joys and sorrows of others. The show of this, like sterner sentimentalities is, more winning and will make friends, if not lovers. I felicitate you on the improvement of your style and orthography. This is very visible. You now write *currante calamo*, smoothly, and easily to yourself and reader,—the great beauty of epistolary writing. If one knows the English grammar well, and the right sense of words one can have little perplexity in writing well,—with reading and conversation. We all know the belle-lettre languages, *tant mieux*, they may serve as ornaments, like fine ribbons, or jewels in an Indian's nose, or a garnish to an insipid dish.

I acknowledge that you have just cause for complaint against your brother for not writing to you. His apology is,—how true I don't know, that you show his letters even when he intends them to be confidential. If he is not mistaken, you have erred. The confidence of private friendship should be kept sacred. This is a high point of honor with the world. Private letters which contain our nearest and dearest secrets, which come "warm from the heart, and faithful to its fire," are never to be exposed to the scrutiny and criticism of others, unless with the consent of the writer. There are some friends we may allow to read them, or some part of them, without impropriety, unless otherwise directed. My own opinion is that your brother Guilford has no just ground for complaint. He is from home now. He went last week with Cousin Joe to New Orleans. It is doubtful whether or not he will return this winter.

Your Uncle Hugh writes he has just recovered from an attack of yellow fever. He was absent some time at a watering place, but returned

too soon, and took the epidemic. He says it has cost him about one thousand dollars, which a few fees this fall will soon make up. He still defies the assaults of "awful beauty," even when it "puts on all its arms,"—patches, paintings, laces and all that.

Some, it would seem, prefer philosophy to a Juliet. It may be they take it as an alternative. This is the most charitable view.

Your Uncle John says Brother Charles is in South Alabama, and has a good practice. He does not speak of the latter's *Dulcinia del Toboso*. When with us he was about ready to woo and be wedded by proxy. I hear of no marrying and giving in marriage with us at this time.

Mr. Paine's great pork house, near the river, with four others, burned last week—a great deal of pork and lard lost. Pitcher lost about one thousand dollars, and Mr. Wharton about the same, among others. Mr. Cravens, I heard, came near losing his life. In falling from the third story of one of the houses, he was saved by being caught by the hair.

I send you and little Mag<sup>e</sup> a box of bonbons, sweet things, but not half so sweet as she is, and all good and amiable girls like her, and my dear Eliza.

I cannot express too strongly my gratification at Mrs. Smith's account of your conduct and behavior. She is, I doubt not, a most estimable lady and preceptress for young ladies. Her feeling is more maternal than I had thought, even, and therefore of more value to you. Can't you approach her more confidently and freely as a daughter, a kind mother, and catch the glowing spontaneous effusions of her sympathetic heart to comfort and console you in your homesick hours. It would teach much—of more worth than books. *Mauvais honte* is a vulgar feeling and should be subdued, if possible,—it acknowledges an inferiority, which you ought to feel to no one, unless for higher worth and wisdom. Return to the lady for me, my sincere thanks for her kind interest, and her attention to you.

We shall find some suitable way to have you with us at Christmas. We want to see you as "awfully" as you want to see us. Your mother will give you her reason for not writing when she sees you. She says to tell you it is not because she does not love you. She tells me to send her love by this. Henry is well. He took your letter to the window and read it with a smiling face. He is now out among the "merry throng," I suppose.

My regards to Miss Margery, and a father's love to you.

M. C. EGGLESTON.

You may let any friend you wish read such parts of this as you wish them to see.

The closing permit, and the lapse of years make it no trespass to now give to the public this picture of the intimate home life of long ago. The letter is sealed with wax, without

<sup>e</sup> Margaret Lanier, daughter of J. F. D. Lanier, Eliza's room-mate.

postage stamp, but with pen and ink acknowledgment of twenty-five cents postage paid.

Mrs. Bessie Hubbs Woolford, who was a member of "The Western Association of Writers", and known for the music of her words, joined to an appreciation of all that was fine in life, wrote under the caption, "The Value of Oral Tradition", as follows:

My uncle, the late Captain John H. Oglesby, who came to Madison from Kentucky with his parents in 1814, was a great admirer of Judge Eggleston and often quoted fragments of his speeches.

One cold winter night a small party of Madison's "prominent citizens" were gathered around the stove in a store on Main Cross street (it then was), Judge Eggleston being one of the number. Several of them were professional men, and each in turn paid tribute to his chosen calling. Judge Eggleston sat apart, his hat pulled down over his eyes (which shows their manners were much as those of the present day).

They spoke out of a cloud of tobacco smoke. I'm not sure Judge Eggleston smoked; I know my uncle did. It isn't easy to remember what somebody said some one else was doing at a particular time more than sixty years ago.

Presently it was the Judge's turn to speak, and there fell upon the ears of his listeners in that smoke-filled, tallow-candle-lighted room, such a magnificent spontaneous tribute to his profession—such a flood of eloquence as many a time had moved his hearers and influenced stern-visaged jurors to render a verdict directly opposing their previous convictions. I regret that only the closing words of his fine peroration remain in my memory:

"The Law is the light of the land! It illumines the palace of the rich, and shines in the cottage of the poor! It guards the hovel and the throne, and watches by the cradle and the grave! It is the Avenger of Wrong, the Strength of Age, and the Protector of Innocence! It arms the weak with power, and wrests from Wealth its unrighteous immunity!"

It is twenty years since I heard these words,—repeated by one who heard them spoken before I was born. But today when I see or hear the name of Judge Eggleston, his splendid tribute to the majesty of the Law stands out in letters of light against the shadow of oblivion that wraps his eloquence.