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Judge Elisha Mills Huntington

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“To make the Past present, to bring the Present near,” was the avowed purpose of that fascinating historian, Lord Macaulay, and this sketch makes a modest effort to throw some sidelights of personality upon an honourable gentleman of the nineteenth century, an Indianian by adoption and for ten years a citizen of Perry county, Judge Elisha Mills Huntington, who is today only a shadowy name to those who pass along busy streets cut through the once unbroken forest acreage of his riverside estate, “Mistletoe Lodge,” bordering the beautiful Ohio northwest of Cannelton; a homestead whose site has been wholly lost through the growth of Tell City, founded in 1858 by the Swiss Colonization Society, to whom he sold his property.

Almost three hundred years have elapsed since the progenitors of the Huntington family came to America, and through personal courtesy of Robert Palmer Huntington, Jr., of “Hopeland House,” Staatsburgh-on-the-Hudson, New York, the compiler of this sketch has been informed that the church records of Roxbury, Massachusetts, contain the earliest record

of the Huntington name known in New England; in the handwriting of Rev. John Eliot himself, the pastor of that ancient church. This is the record, viz.:

Margaret Huntington, widow, came in 1633. Her husband died by the way of the small pox. She brought —— children with her.

The husband, Simon Huntington, who died, while on the voyage to this country, of small-pox in 1633, came from Norwich, England. Nothing is known regarding him or his family, except that a brother, Samuel, was captain of the King's Life Guard and much in favor with the King, Charles I of England. His widow was a woman of good family, piety, and virtue, and had a valuable fortune left her in money, and, not long after, she married Thomas Stoughton, of Windsor, Connecticut. There the good lady lived her life in affluence and comfort. Their son, Simon, lived in Saybrook, until 1660, when he joined the colonists who settled Norwich, Connecticut, and thenceforward stands among the first of that important settlement, both in church and state. Soon after his removal to Norwich, he was chosen deacon of Mr. Fitch's church, in which office he served with acceptance until 1696, when he was succeeded by his son. In 1674, and again in 1685, he represented Norwich in the General Court. In 1690, and again in 1696, he was the Townsman (Mayor).

His son Joseph, in the year of his marriage, went, with its founders, to the new Town of Windham. He was a prominent member of the first church founded there, of which he was chosen deacon in 1729. He was a large land owner and prominent in business affairs.

Nathaniel, son of Joseph, was born in Norwich and was taken by his parents to Scotland Society, Windham. He was a farmer and clothier.

Eliphalet, son of Nathaniel, was a farmer in Scotland Society, Windham. He enlisted, July 13, 1775, in the First Company, 8th Regiment, Connecticut Volunteers, under Col. Jedidiah Huntington, and was discharged December 16, 1775, and re-enlisted July 1st, 1778, and served until the expiration of the war.

Nathaniel, son of Eliphalet and father of Elisha, resided in Hartford until 1800, afterward in Waterford, Connecticut, and

finally, removed to Butternuts, New York. His widow lived to a very advanced age, and was "held in most affectionate veneration" for her extraordinary energy of mind, her active benevolence, her cheerful temper, and exemplary piety.

Eleven generations of Huntington lineage are thus listed:

1. Simon Huntington, b. 1578; d. 1633; of Norwich, England; m. Margaret Baret, b. 1587; d. —; believed to be dau. of Christopher Baret, mayor of Norwich, England, 1634.
Children: William, Christopher, Thomas, Simon, and Ann.
2. (Dea.) Simon, b. 1629; d. 1706; of Saybrook, Conn.; m. October, 1653, Sarah, dau. of John Clark of Windsor, Conn.; b. 1633; d. 1721.
Children: Sarah, Mary, Simon, Joseph, Elizabeth, Samuel, Nathaniel, Daniel, and James.
3. (Dea.) Joseph, b. Sept., 1661; d. Dec. 29, 1747; Joseph was the first of the family born in Norwich, Conn.; m. Nov. 28, 1687, Rebecca, dau. of Dea. Thomas Adgate and Mary (Marvin) Adgate; b. June, 1666; d. Nov. 28, 1748.
Children: Joseph, Nathaniel, Jonathan, David, Solomon, Rebecca, Sarah, and Mary.
4. Nathaniel, b. Sept. 1st, 1691; d. Dec. 2, 1767; m. Feb. 28, 1723, Mehetabel Thurston, of Bristol, R. I.; b. June 8, 1700; d. Oct. 4, 1781.
Children: (Rev.) Nathaniel, Abigail, Mehetabel, (Gov.) Samuel,¹ (Rev.) Jonathan, (Rev.) Joseph, Eliphalet, (Rev.) Enoch, and Sibyl.
5. Eliphalet, b. Apr. 24, 1737; d. June 14, 1799; m. Nov. 11, 1762, Dinah Rudd, dau. of Jonathan and Esther (Taylor) Rudd, of Windham, Conn.
Children: Nathaniel, Elijah, Sybil, James, Eunice, Jonathan, Abigail, Enoch, Martha, and Lucy.
6. Nathaniel, b. Aug. 3, 1763; d. 1815; m. Mary Corning, of Hartford. Unable to ascertain date of marriage.
Children: Mary, Emily, Fanny, Nathaniel, George P., James, Halam, Eliza, Elisha Mills, and Mary.
7. Elisha Mills, b. Mar. 27, 1806, d. Oct. 26, 1862; m. Nov. 3, 1841, Susan Mary Rudd, dau. of Dr. Christopher Rudd, of Springfield, Ky.; b. Jan. 8, 1820; d. Dec. 3, 1853.
Children: Robert Palmer, born Sept. 7, 1842; Mary St. Clair, born Aug. 13, 1844, d. Oct. 13, 1845; Mary Louise, born Dec. 24, 1846; Gertrude, born Sept. 8, 1848; Christopher, born July 11, 1850; and Hetty Key, born March 21, 1852, and died in December of the same year.
8. Robert Palmer, m. Alice Ford; children: Ford, Robert P., Jr..

¹ Samuel Huntington, Signer of the Declaration of Independence.

9. Robert Palmer, Jr., m. Helen Dinsmore; children: Helen, Robert P. 3rd, Alice.
10. Helen, m. Vincent Astor; children: —.

Elisha Mills Huntington, born March 27, 1806, at Butter-nuts, Otsego County, New York, and married November 3, 1841, Susan Mary (Rudd) Fitz Hugh, daughter of Dr. Christopher Rudd, of Springfield, Kentucky. She was born January 8, 1820, and died December 23, 1853. Her father's family were from Maryland, and were Roman Catholics. Her mother was Anne Benoist, daughter of Henry Palmer, of Charlestown, South Carolina. She was, on her father's side, related to Charles Carroll of Carrollton, and through her mother's mother, who was a Caldwell, she was related to John C. Calhoun of South Carolina.

She was distinguished for the graces of both her mind and person, for high intellectual cultivation, for the most refined and elegant tastes, as a charming pattern of wife and mother, and, as the crowning beauty of her character, for her pure and humble piety. No woman was more universally loved and admired, throughout the extensive circle in which she moved when living, and no one was more sincerely and deeply mourned at her death.

Elisha Mills Huntington early devoted himself to the study of law, and was admitted to the bar at the early age of twenty-one. He had commenced preparing for college while living with his uncle, Elisha Mills, of Canandaigua, New York, but on the removal of his uncle, he entered, at the age of fourteen, the law office of the Hon. Mark Sibley, where, for a year, he won the confidence of his employer by his fidelity to the duties of the office, and for his persevering diligence out of office hours. In 1822, he came, with his older brother, Nathaniel, to Indiana, where he spent four years in varied exercise and travel, and reading, until he was admitted to the bar in Vigo County. He was soon appointed first prosecuting attorney, by the Legislature. He then served four years in the Legislature, when he was appointed president-judge of his district, and held the office for four years. He was next appointed Commissioner of the General Land Office at Washington, District of Columbia, and subsequently, in 1842, he was nominated by President Tyler, and appointed United States district judge for Indiana, making his home near Terre Haute, at "Fort Har-

rison Grove." having moved in 1848 to Cannelton. This office he held until his death, and its duties, in the words of the Hon. Oliver H. Smith in his history of Early Indiana, he "discharged to the entire satisfaction of the bar." The same author gives this estimate of Judge Huntington's ability:

His mind is of high order, his judgment good, and his courtesy to the bar such as to make him highly esteemed by all. Long may he live, say the Bar of Indiana, one and all, so far as I have ever heard.

The above estimate is fully sustained by a perusal of any of Judge Huntington's charges and decisions. They are eminently clear, sound, and practical. Their good common sense would give them weight, at once, with the court, jury, and the people. They are such as only the clear-headed jurist, the inflexible judge, and the thoroughly loyal citizen would give.

Judge Huntington was also eminently a social man, making just such a companion as any cultivated and highly gifted person would choose. His attainments, all made from the impulses of his own inquisitive mind, were very extensive and at ready command. He was a charming correspondent (as will be shown by a letter herein quoted), and was equally fluent in conversation. His interest in his family was exceedingly earnest, and it extended to the somewhat numerous family name in which he felt a true kinsmanly pride. He had counted much on being present with the family at their meeting in Norwich in 1857, but a sudden official engagement hindered him. In a letter apologizing for the disappointment, he said:

I have been hoping that I should be able to meet you and a thousand more of our blood, at Norwich on the 3d, according to intention. I have long desired to visit my ancestral state, and to know, personally, some of the name who still linger around the homes of my forefathers. That the family reunion will be a delightful occasion, I cannot doubt, and as I cannot be there, I beg you to assure all those who there assemble, that nothing but the most imperative reasons could keep me away.

In 1858 he removed from "Mistletoe Lodge" (which he had sold) to Terre Haute, to spend the remainder of his life. A pulmonary disease soon obliged him to seek relief in another clime. He visited St. Paul, Minnesota, and thence went to Cuba, but finding the climate of Havana too enervating, he returned immediately, much weakened by the voyage. He felt

that his days were fast numbering, and he only wished, as he expressed himself in failing breath, to reach home and "die among my people and friends in Indiana, the people whom I love."

Staying a short time at his pleasant home, he yearned for the pure and bracing air of the upper Minnesota region and, taking his two daughters, he again sought temporary relief in St. Paul. But his disease had made too deep inroads upon his strength to be arrested or helped, and he died there on Sunday, October 26, 1862. His remains were taken, as he wished them to be, by his nephew, John H. Rea, of Indianapolis, to Terre Haute for interment.

Judge Huntington's wife had preceded him to the grave nine years earlier, passing on when but thirty-three, hardly at the zenith of her beauty. Known as "the fascinating Widow FitzHugh" at the time of her second marriage, she has been described² as having "a dazzling complexion, liquid eyes, and a distinguished bearing whose charm was famed far beyond the two states of her nativity and her adoption." Mrs. Huntington added to this a mental poise placing her abreast of her husband and in the front rank of Indiana's talented women. In Terre Haute, the Huntington home was a centre of fashionable entertainment. It was told by a daughter of one of her contemporaries³ that the first formally engraved invitation ever seen in Vigo County was issued by Mrs. Huntington, and the grandeur of such an innovation quite set the whole Wabash valley agog. So, too, in Perry County, "Mistletoe Lodge" was a name to conjure with among country estates bordering the Ohio river. None on either bank surpassed it in lavish hospitality, princely, even when measured by Old School standards.

A memento of her public-spirited activity is preserved in that treasure-house of priceless relics, the Dale Owen home at New Harmony, where many members of the Southwestern Indiana Historical Society have seen and admired a magnificent silver pitcher: "Presented to Robert Dale Owen by the Women of Indiana," in acknowledgment of his true and noble advocacy of their independent rights to property, in the Constitutional Convention of 1850.⁴ It was Mrs. Huntington who

initiated the movement leading to this testimonial and the first public appeal in its behalf is believed to have appeared in the columns of her home town paper, the Cannelton *Economist*.⁵

It is worth while to repeat the rounded sentences of the open letter thus disseminated, and to enumerate its original endorsers:

Deprecating the efforts of those of our sex who desire to enter the political arena, to contend with men at the ballot box, or sit in our public councils; and demanding only protection for the property that Providence may enable us to give our daughters, protection for our sex against the improvidence or the vices of weak or bad men; we tender our sincere acknowledgments to the high-minded gentlemen, Delegates to the Constitutional Convention, who favored the adoption of the section securing to the married women of Indiana, independent rights of property; and we have determined to present to the Hon. Robert Dale Owen, as the original mover, a testimonial in the form of a piece of plate, with suitable inscriptions, as a slight token of our lasting gratitude.

That the women of Indiana, generally, may have an opportunity to contribute to this most laudable object, we have limited the contribution to one dollar from each.

Signed: Susan M. Huntington, Cannelton; Sophia A. Hall, Princeton; Jane H. Pepper, Rising Sun; Alice Reed, Bloomington; Mary E. Ellsworth, Lafayette; Louisa F. Kent, Ann E. Smith, New Albany; Nary St. C. Buell, Mary F. Lane, Lawrenceburg; Sarah T. Bolton, Mary B. West, Ann O. Morrison, P. Holmes Drake, Pauline Chapman, Indianapolis.

A year prior to this, Judge and Mrs. Huntington had made a summer trip east, and from a personal letter written to the late Judge Charles H. Mason of Cannelton (an uncle to the compiler of these biographical notes) it appears that they passed the month of August at Newport, Rhode Island, where the letter was dated August 15, 1849.⁶ While he comments freely upon how the old Puritan plainness of dress and equipage had "given place to the artificial and ostentatious habits of European life," there is no note of cynicism anywhere. He praises where praise is due.

² Indianapolis *News*, November 1, 1916. Indiana Women's Supplement, "Some Phases of the Rise of Distinction Among Our Women," Miss Tarquinia L. Voss.

³ *Ibid.*

⁴ Pamphlet, *Proceedings at the Presentation to the Hon. Robert Dale Owen*, etc., 28th day of May, 1851. Working Men's Institute Library, New Harmony.

⁵ Cannelton *Economist*, Saturday, December 22, 1850, Volume II, Page 270.

⁶ Cannelton *Economist*, Saturday, September 8, 1849. Volume I, Page 150.

So vast have been the improvements during the past twenty years in all modes of conveyance and travel that those who have lived here and witnessed it all can scarcely tell you how the country looked when they were boys. Hills have been leveled and valleys filled up, the steamer has taken the place of the schooner and the locomotive of the "Jersey wagon" and stage-coach. In passing from Buffalo to Albany our route lay along a country with portions of which I had been familiar in my boyhood.⁷ Perhaps it was because we hurried along so rapidly that I had no time to recognize old and familiar objects, but it really pained me when I found myself unable to recall a single building or tree, and but a single fence in the beautiful town where I had spent five years of my school-boy life. I trust it may not be so when I revisit my native valley of Unadilla whose scenes are now so vividly before me. I daresay however, that I shall feel disappointed there, too, when I find objects dear to the eyes of my childhood looking so different to my matured vision.

You have heard much of what is called Western New York, but I confess I was disappointed in point of improvement, and I doubt whether it is keeping up with other parts of our country, East and West. From Utica to Albany the country is very picturesque and presented to my eye the appearance of more rural beauty and independence than any I have seen. The valley of the Mohawk is indeed a most lovely region, and I do not wonder that the Dutch who live upon its banks look upon it is the Eden of the world.

Conditions of steamboat travel in 1849 on the Ohio or on the shallow Wabash were widely different from what Judge Huntington met on the broad, deep Hudson:

At Albany we went from the cars to the steamer Isaac Newton, which to a western man accustomed to travel on the old Hibernia, or even the Bostona, looks like an enchanted palace. I certainly have never seen anything afloat so beautiful or so comfortable. In all her appointments she seems to be faultless and although of immense length is managed with the ease of a fishing shallop. No noise, no confusion. Before you are aware of it, she glides from her wharf so gently that you are hardly conscious of it, and in ten minutes is speeding toward New York at a rate of fifteen or twenty miles an hour, with five hundred passengers aboard of her, every one of whom

—here our voyager notes the difference from Indiana cordiality of manner—

seems intent upon his own objects, utterly indifferent to everybody else around him.

Just as we were leaving the wharf there happened to be a boat immediately below us, decorated for a moonlight excursion down the Hudson. She was literally crowded from stem to stern with flags

⁷ Canandaigua had been the scene of Judge Huntington's education.

and streamers of every size, colour and shape. She seemed to have been fitted up expressly for such purposes as pleasure parties and balls, a sort of aquatic salon. The strains of a powerful band of music aboard attracted to the wharf an immense concourse of people. By the time the music had faded from our listening ears, the shades of evening began to steal over us, and by the time the moon rose it was time for us to "turn in", and we therefore saw nothing of the beautiful scenery of the classic Hudson.

Our observant traveler could have had no foreknowledge that he then passed a point on the river's east bank, some sixty miles below Albany, where his own eldest son should eventually create a home for later generations of the family blood. Robert Palmer Huntington, this son, moved with his wife (Alice Ford) and their two sons from Cannelton in the seventies to an estate, "Bois Doré," between Rhinebeck and Staatsburgh, where his widow died in 1920. Robert Palmer Huntington, Jr. (whose son is third of the name), is the owner of "Hopeland," near by, its acres adjoining those of "Ferncliffe," the old John Jacob Astor country place, and the two families were united several years ago through the marriage of Helen Huntington to Vincent Astor.

"I slept as soundly as if I had been at 'Mistletoe Lodge,'"—continues the letter—"and we reached New York just in time to see the spire of Trinity Church catch the first beam of the rising sun." One could wish for details of Judge Huntington's sojourn in the metropolis, but he dismisses it indifferently.

As for New York, let those talk and write about it who understand it. It is decidedly too large a town for my taste. It is filled with all sorts of people and—if the newspapers tell the truth—with all sorts of wickedness.

Embarking for Newport aboard the Sound steamer, Bay State, the Judge allows himself some descriptive passages, a vivid word-picture not unlike what one may behold in traversing the same waters today.

Nothing can be more beautiful than the bay and harbour of New York as seen from the deck of a vessel passing around from North to East River. The points of attraction are innumerable. There, on the opposite side stands Jersey City; there, Hoboken, there is Castle Garden; there Fort Williams; there is Brooklyn; there, a palace; there, a prison; and clustering around this immense city like a line of sentinels extending for miles are vessels of every description and every nationality.

Off in the harbour you will see a hundred others, their white sails

wooing the breeze, some going out, others coming in from the ocean. Half a mile from the Battery, like a huge Leviathan sleeping upon his native element, lies a line-of-battle ship at anchor, eighty black guns peering through the frowning ports. Passing Blackwell's Island, the eye will not fail to linger on palace-like prisons and hospitals. A little farther on we pass Hell Gate, or "Hurl Gate," where the waters foam and seethe like a boiling cauldron, then in a short time we are in Long Island Sound, where we are met by a stiff breeze directly in our teeth.

Newport itself elicits scant comment, beyond remarking that with the exception of the State House, two or three cotton-mills and some half-dozen other edifices, the entire city is built of wood.

I understand they make no brick here and the stone, being difficult to quarry and hard to work, is expensive. The town has a beautiful situation for a summer resort and thousands come from the neighbouring cities for pleasure, relaxation and health.

Particularly amusing from the standpoint of 1927 are the criticisms of bathers and dancers. One must remember that "The Age of Innocence" was in its hey-day seventy-odd years ago, and hence make allowance for Judge Huntington's Early-Victorianism.

Nothing can surpass the sea-bathing here, which young and old enjoy to their hearts' content. The women go in large numbers, accoutered in bathing dresses and always accompanied by gentlemen—husbands, brothers and, I presume, lovers. I can't say much for their costume, generally made of red flannel, with oiled-silk caps, which makes them look like anything but ocean nymphs.

(His Honour the Judge lived two generations too soon to appreciate the frank revelations of an Annette Kellerman "one piece suit.")

From his description of the balls he and Mrs. Huntington attended, one comes to conclude that "cheek to cheek" dancing is not altogether a twentieth century innovation. He calls the "old-fashioned waltz"—of which even Lord Bryon did not approve—"downright prudery" compared with the now-forgotten mazurka and redowa.

In good old colony times such exhibitions would have been considered an absolute abomination. Ten years ago I doubt whether a modest American woman could have been persuaded to witness so disgusting and indelicate a performance, but it must be borne in mind that we are liv-

ing in a progressive (?) age. You have no idea how exciting it is to be a mere spectator (to say nothing of the parties engaged), to see a fashionably dressed young woman, profusely painted, closely pressed to a gentleman's breast, his mustache (for they must have mustaches) resting on her cheek and sometimes on her lips, racing down the ball-room (the lady running backward) closely locked in each other's arms.

Oh, it is great! And then, to hear the whispered comments of those around the room! In whispers, of course, but they are rich, and won't bear repeating exactly. I can't help thinking how mortified I should have been if a lady relative of mine had been engaged in one of these performances and I had overheard the comments of the spectators.

How convincing this contemporary evidence that history repeats itself! We may quote "Autres temps, autres moeurs!" ("Other times, other manners,") to palliate our own modernism, yet shall it be said that Judge Huntington was wholly unjustified in his strictures on fashionable society as he found it?

In any ultimate test of character, every man is entitled to be judged by a jury of his peers, so that the truest estimate of Judge Huntington may be formed from an oration delivered by the silver-tongued Daniel W. Voorhees, "the Tall Sycamore of the Wabash," past master of eloquence in his day and generation. Following Judge Huntington's death, a memorial meeting was held May 7, 1863, in the Federal Court building at Indianapolis. From a published report of the proceedings⁸ one learns that Robert C. Gregory filled the chair, with John H. Rea as secretary. The committee named to present resolutions of respect consisted of Thomas A. Hendricks, Joseph E. McDonald, John B. Howland, David McDonald and Daniel W. Voorhees, the last-named of whom prefaced introduction of the formal resolutions by a eulogy which was ordered to be spread upon records of the Federal Court.

No man ever lived for himself alone, nor drew after him into the grave when he died, the results of his life. Brass and marble are enduring monuments and glowing epitaphs transmit from age to age the names and meritorious deeds of those who sleep beneath them, but the perpetual influence of human conduct, never ceasing until Time itself shall cease, survives all that skill and affection can bring to the tomb, to rescue the dead from oblivion. We are living today in the midst of

⁸ Pamphlet, *Proceedings in the United States Court in Memory of the Late Judge Huntington*. Copy in possession of the compiler.

our judgments formed, our hearts touched, softened and elevated, the whole current of our lives controlled and directed by the examples and the influences of those whom we see no more.

the accumulated influences of an endless Past. Our minds are enriched,

These thoughts are irresistibly suggested to my mind by the position in which I stand before this Court today. I rise to announce the death of one whose name and influence will be forever associated with the judicial history of the country. I rise to announce the death of one who contributed largely during his life to give shape and force to surrounding events, and from whose grave there now springs up the enduring and beautiful light of virtuous example. Judge Huntington is dead! It is a fact long known to us all, yet how mournfully the announcement sounds, here in the theatre of his long career of usefulness and of fame.

He is dead, it is true, as it is appointed unto all once to die, but how little of man there is that altogether dies. He still lives. Not only has he put on the robes of infinite existence beyond the thin veil which hides him from our view, but here in this sanctuary of Justice, here in the Forum of his labours he still lives and impresses his mind and character as in the days of his vigorous manhood. He lives in the learning and integrity which he displayed on the Bench. He lives in the decisions of his court, which stand as a monument to his wisdom and justice. He lives in the pleasing recollections which we all cherish of an urbane, kind and courteous gentleman. But he lives in a wider sphere than this. He has given the example of his life to all—to the old for reflection and approval and to the young for study and imitation. It survives and will never perish. It is so much of added treasure to the true wealth of the world.

At a very early age Judge Huntington was left by the death of his father without the advantages of paternal guidance and support. To a most intelligent mother, however, he was greatly indebted during his boyhood for the promotion of those lofty traits of character which so distinguished him in the days of his manhood. To her memory he paid grateful and tender tribute in every stage of his career. In 1822, when sixteen years of age, he came West with his brother, Nathaniel Huntington, older than himself, and settled in the county of Vigo in the then new state of Indiana.

There the unknown boy commenced the journey of life in the midst of the same generous community whose descendants laid him down to his last long sleep, and placed flowers on his honoured grave. For a space of ten years he made his residence in Perry County on the banks of the Ohio; but when the Angel of Death darkened his door and bore away from his hearthstone the light of his home and heart, he came back and sought repose amidst the scenes of his early attachments and early triumphs.

Judge Huntington throughout his life in an eminent degree enjoyed the public confidence. At the very early age of twenty-three he was

elected Prosecuting Attorney of a circuit which at that time embraced an extensive scope of country and a peculiarly distinguished array of legal talent. He was equal to the position, and laid the foundation of that character for clearness and just discrimination which was in after years so conceded to him by the Bar of Indiana. In 1831 he was elected to the Legislature by the people of Vigo County, and was twice re-elected under the most flattering circumstances. But little is preserved of the legislative proceedings of that early period, but enough is known to assure to Judge Huntington a high position. He took rank at once among the gifted and rising young men of the state. As very strong evidence of this fact, when he retired from the Legislature he was elected by that body Presiding Judge of the circuit in which he lived.

The period of his service as circuit judge was always a pleasant one for him to recall. He loved to summon up its buried treasures of friendship, association, wit, learning and genius. The incidents of the court room, the intellectual struggles of the forum, the triumphs and defeats, the streams of classic eloquence shaking the rude Temple of Justice, unhappily lost to all save tradition; the merry meeting of hopeful and joyous spirits at the village tavern; the ambrosial nights where Curran and his contemporaries would have found congenial conversation, where the Attic taste of Erskine and Sheridan would have lingered with delight over disquisitions into history, poetry, the philosophy of life; all these were recalled by Judge Huntington with beaming eye and a voice musical with affectionate memory.

He continued to act as Circuit Judge until April, 1841, when the Administration then in power called him to fill the position of Commissioner of the General Land Office. This post he held but a short time, however. During the year 1842 the death of Judge Jesse L. Holman left vacant the office of Judge of the Federal District Court of Indiana and President Tyler tendered the position to Judge Huntington, who wisely accepted it.

Here commenced his long, faithful and brilliant career as a judicial officer. In this capacity he was principally known for more than twenty years by the people of Indiana. In this capacity his mind matured, his judgment ripened, and in the conscientious and acceptable discharge of his duties he reached the full measure of his ambition—tasted the full fruition of all his hopes. He was but thirty-five years of age when he put on the ermine of this Court and though he fell at the high noon of mental vigour and experience, yet he had worn it during an ordinary lifetime of activity and labour. It was upon his shoulders when the insatiate archer struck him down and it will descend to each successor, identified with his name, his character and his influence.

Perhaps not in the United States can there be found so long a line of decisions, with so few of them disturbed by a higher court, as is presented here in this theatre of Judge Huntington's labours. His fame as a ripe, learned and profound jurist rests upon no slight or accidental

basis. Every legal question that ever came for solution into a court of justice was presented to the analysis of his mind. Every variety of interest was pressed upon his judgment. A Bar second to none in the United States crossed their blades in many a fierce encounter in his presence. Above him was that august tribunal of ultimate resort, the Supreme Court of the United States, to revise and correct its errors. It was a matter of honest and commendable pride with him that, under these circumstances, he could look back upon a record of decisions almost untouched by the revision of a superior court. Estimating the professional career of Judge Huntington in this light, he will forever stand in the history of Indiana and in the history of the Federal Judiciary as one of their brightest legal ornaments.

Judge Huntington was in the highest and purest sense a patriot. The love of country was to him an absorbing passion. He omitted no occasion in court or elsewhere to inspire his countrymen with a devotion to the government of our fathers. The Constitution was with him a sacred instrument not to be broken. It was in his eyes the supreme law. There was none higher. He often from the bench proclaimed his belief that our only safety as a people, our only hope for unity, peace and liberty consisted in a faithful observance of the Constitution and the laws. And he died as he had lived, announcing his belief in the sufficiency of the Constitution for all times and for all purposes, and his hope and conviction that its benignant supremacy would once more be established over a united and fraternal people.

May it please The Court: There is much in the life, the character and death of Judge Huntington to give useful reflection. His example will not be lost. It is part of the history of the state, and will be cherished by all who believe that a well-spent life is a portion of the public honour. His death in the prime of his manhood is full, too, of matter for solemn and profitable thought. Death has been busy, very busy, with this Court within a few short years. This court room is draped in mourning to my eyes.

You and I, Mr. Clerk of the Court, alone remain of a once genial and happy circle. Others have taken their places, and the succession is clothed with dignity, ability and honour; but who can fail in the presence of these visitations of death to pause and pay the tribute of a tear to the memory and virtues of those who were here but yesterday? We should be admonished, too, of the fleeting and evanescent nature of life. Our stay is but for an hour, and then comes the great change. How poor and painful the strife, the bitterness and the passions of the day seem when we bring them close to the tomb! And we walk by its open mouth at every step of our existence.

Leaves have their time to fall
 And flowers to wither at the north wind's breath,
 And stars to set—but all,
 Thou hast all seasons for thine own, O Death.

My duty is accomplished. I have announced to this Court the death of its late presiding officer and have dwelt feebly and imperfectly on the leading elements of his character, and some of the more prominent incidents of his life. Much more I might say. The social circle, the domestic fireside, the altar of private friendship, all render to his memory the dearest, the tenderest tributes of love that were ever laid as ever-green garlands on the grave of the beloved dead. But I will not draw aside the veil that makes that portion of life so sacred. It belongs to the cherished few to whom his heart was opened with all its wealth and affection.

Just and learned Judge, enlightened patriot, devoted Christian, kind friend, courteous gentleman, Farewell! Sacred be thy memory, and peaceful and sweet be thy slumbers!