



JUDGE ALFRED W. BENSON.

*State Senator.  
Andrews - 606*

### Death of Judge Benson.

Hon. Alfred W. Benson, a former resident of Sherman, died at the home of his daughter at Topeka, Kansas, January 1, 1916, aged 72 years. The cause of death was paralysis. He was born at Poland in this county, and was educated in the public schools and at Chamberlain Institute at Randolph. He enlisted in the 154th New York Volunteers, rising to the rank of Major. He was shot through the lung at Chancellorsville, but owing to a vigorous constitution survived, though he was never quite so strong again. He studied law in the office of Cook & Lockwood and on being admitted to the bar, formed a partnership with the late Almon A. Van Dusen and located in Sherman about 1867. In 1869 he went to Kansas and returned the next spring and was married to Miss Nettie Towsley, formerly of Vermont, then a resident of Sherman. They went at once to Ottawa, Kansas, where he had located in business and where he lived until his official duties required him to remove to Topeka. They had three daughters, only one of whom, with the widow survive.

He was appointed by Gov. Hoch to fill a vacancy in the U. S. Senate from that state. He served as a member of the Kansas Legislature for one term, but for many years he held a judgeship in the District and Supreme Courts of the State. He was a man of fine ability and social qualities and above all, of irreproachable character.

Since going to Kansas he has been here but twice, once accompanied by his wife and three daughters, and later, in 1907, he with Mrs. Benson came to attend the Falconer Centennial where he delivered the principal address.

*Born  
Chataugua Co., NY -*

# OTTAWA HONORED JUDGE BENSON IN PUBLIC MEMORIAL SERVICES

## ALFRED W. BENSON.

Lest we who of our golden harvests sing,  
 Forget in pride of these fair Kansas fields,  
 How soon the years shall other reapers bring,  
 And we who sing the earth for future yields;  
 And lest we then, as they beneath the sun,  
 Go out in spring to turn that warm earth o'er,  
 Fail of a thought for all our lives have done,  
 To make their labor less and learning more;  
 —Let us a moment pause now by the way,  
 Here where the snow whitens a new made grave,  
 And to this man, whom Kansas ne'er can pay  
 For what to her he ever freely gave,  
 Offer the homage Kansas owes has name,  
 And bestow the honors he would never claim.  
 GEORGE FIELD, Wichita.

The memory of Judge Alfred Washburn Benson of Ottawa who died in Topeka on January 1 will be perpetuated on the records of the district court of Franklin County in which he practiced as a lawyer or over which he presided as judge for nearly half a century. But above all will his memory always remain green and fresh in the minds of many Ottawans who knew him, first as a

good citizen, clean, conscientious, upright, fair and unselfish even to a fault.

Special memorial services were held this morning in the court room of the district court house here. Judge Charles A. Smart, district judge, presided and, after the reading by J. L. Sheldon, an attorney, of resolutions in memoriam drawn by Attorneys W. B. Pleasant, F. M. Harris and Mr. Sheldon there were spoken such words of praise that few men deserve them by their daily acts.

### Men Who Knew Him Best.

A large portrait of Judge Benson hangs in the court room, just opposite the judge's bench, and that countenance looking down upon the busy court scenes adds much to the celerity and justice of the court which were ever practiced by Judge Benson.

Lawyers, veterans of the Civil War and friends of the late soldier-lawyer-district judge-state legislator-United States senator-Supreme Court jurist attended the services. There were men there who fought war's battles in the strife of '61 to '65; men who have labored with Judge Benson in the courts and law offices; men who knew him in church and civic affairs—and all spoke nothing but words of praise.

A degree of sadness and sorrow fell upon the court room as Judge Smart took his place on the bench and lawyers and others filed into the room. Grizzled warriors sat close in that they might hear every word of praise spoken of their comrade in arms.

### Former Partner Spoke.

Mayor Fred M. Harris who was a law partner of Judge Benson for several years was the first speaker after the reading of the memorial resolutions. In part he said:

"My earliest recollections of Judge Benson are of the time when I was a small boy and Judge Benson used to come to the school on commencement day and give out the diplomas. I remember that we little fellows used to pass Judge Benson on the street and, although we all knew him, we sometimes thought that because he did not speak to us, he was not interested in the boys. But boys and their hopes and aspirations were closest to him outside of his own family.

"Judge Benson was a man who practiced law twenty-four hours of the day. He took life's matters to his office with him, he worked over the troubles of others, considered them at his work and his wife has told me that often he arose as early as 3 o'clock in the morning and went to his office to work.

### Keen Interest in Youth.

"When I was in the law school at Lawrence we students saw lots of difference between Judge Benson and the other teachers. There were many good instructors there but they taught only the theory while Judge Benson taught the practical side as well. He worked with us and made us correct our errors in punctuation and spelling and construction of sentences. He told us that if we couldn't put it down on paper correctly, there was no need to study law. He was a past master in pleading. He was the most gen-

sible man I ever knew. I never knew a man who felt more keenly the unkind and uncalled-for things that people sometimes said about him.

"When you go out over this state of Kansas and see the hundreds of men who were in school, you will see the impressions left by Judge Benson. Probably those former students have forgotten the names of half of the other instructors but they all remember this man. There are men who have said that Judge Benson was a cold, unfeeling sort of man, but those who said that did not know the man. The young people of Kansas owe Judge Benson a great debt."

#### Whole District Revered Him.

Local lawyers were not the only ones who praised Judge Benson. There sat one in the court room from another county. He is J. G. Johnson of Garnett, a lawyer who practiced many years with or before Judge Benson.

"I came today to pay my tribute to the memory of Judge Benson" he said in following Mr. Harris. "My association with him was chiefly during his capacity as judge of this district. Anything that may be said or done here today or any record that may be transcribed upon the records of this court would not speak the proper tribute to his memory. He knew or thought he knew his worth to the people and the people knew his worth to them. This city of Ottawa owes him a great debt for his fight for temperance when, during his term as mayor, he made it illegal to traffic in liquor.

"The most enduring monument to this man is his record as a citizen, statesman and jurist—his record and his life among the people."

#### Some Reminiscences.

J. F. Fitz Gerald who has been district court stenographer for many years said of Judge Benson, "He was a man of great ability and high, noble character. I learned one thing from my long associations with him that impressed me most and that was high noble Christian manhood. He was a man of broad charity."

Mr. Fitz Gerald added numerous reminiscences.

S. H. Lucas, a druggist who knew Judge Benson for many years spoke briefly, saying, "He was deep, conscientious and concerned that every man should receive his just dues. If he ever said an unkind word or spoke harshly of anyone, I never knew of it. As the poet has said:

"Speak no ill, the kindly word can never leave a sting behind,

"And O, to breathe each tale we've heard is far below a noble mind."

"Pretty is as pretty does" was the brief way in which J. D. Haigh summed up Judge Benson's career.

#### Judge Smart's Tribute.

In closing the services and ordering that the resolutions be spread upon the journal of court proceedings by John L. High, the district clerk. Judge Smart spoke of Judge Benson. Now Judge Smart is the oldest man in service before the local bar. Only two in Anderson County are older and only one in Douglas County.

"I first met Judge Benson in his little office over a building that stood about where the jail now stands," said Judge Smart and he spoke of associations with the well known

man.

"In associating with a man in offices you quickly find out if he is selfish, avaricious, disagreeable or inclined to shirk," said Judge Smart. "Judge Benson was the most agreeable man with whom I was ever associated. If anyone thinks he was weak, they did not know him. He was strong, he was vigorous and he was fearless. He would go out of his way to assume responsibility to save others from embarrassment. I am greatly indebted to him for the guidance he gave me in those days of inexperience when we all stumble in the practice of law.

#### Over-Work Was Fatal.

"He couldn't avoid working. Chief Justice Johnston told me recently that he believed, if Judge Benson had quit work and gone to bed two weeks earlier than he did, he would be alive today."

Judge Benson enforced prohibition law in Ottawa thirty years ago when it took daring to do it, Judge Smart pointed out. Fees were not what Judge Benson sought in trying cases. When offered an opportunity to collect \$10,000 for services in the famous De Boissere case involving some \$200,000, Judge Smart said, he received only "a mere pittance, believing that for him to receive such a sum would hinder the proper settlement of the affairs."

#### And Voters Turned Him Down.

"He was surely a great man, splendid in example, vigorous in his work, strong in everything he did and above all a most kindly man," said Judge Smart. "The people of Kansas never made a greater mistake than they did in November, 1914, when they voted that Judge Benson with nearly a half-century of experience behind him should go down in defeat because he refused to advertise himself as one would advertise an auction sale on the fence posts, but preferred to stand on his record."

#### The resolutions are:

May it Please the Court:

Judge Alfred W. Benson who was the senior in years and in order of service of the attorneys of Franklin County, Kansas, died in Topeka, Kansas on January 1st, 1916.

He was born at Jamestown, Chautauqua County, New York on July 15th, 1843. He received his early education at the schools and academies at Jamestown and Randolph, New York. He taught school for about a year and at the age of nineteen enlisted as a private in Company H, One hundred and Fifty-fourth regiment, New York Volunteer Infantry, and served with this company until the close of the civil war. He was severely wounded in the battle of Chancellorsville and was left on the field for dead. He was taken prisoner by the Confederate army but was later exchanged and rejoined his regiment. He was commissioned as Captain and Major. He was with Sherman in his march to the sea and took part in the Grand Review of May, 1865. He was present at the National encampment and participated in the parade, commemorative of the Grand Review fifty years later.

At the close of the war he took up the study of law and was admitted to practice in Sherman, New York, in 1867, where he remained until 1869 when he came to Ottawa, Kansas, which was his home until the time of his death.

After he had been in Ottawa a short time he formed a partnership with H. P. Welsh and later with W. L. Parkinson, both of whom were well known members of this bar and both of whom are deceased. He was later associated in business as senior partner with C. A. Smart and F. M. Harris. He was City Clerk, City Attorney, Mayor, County Attorney, Senator. He was elected to the Senate upon the prohibition issue and took an active part in drafting

the Kansas Prohibition Law. He was Judge of the fourth judicial district for twelve years, and retired in 1896 to again take up the practice of law.

In 1904 he was elected to the Kansas House of Representatives and was chairman of the Judiciary Committee in the session of 1905. He was appointed to fill the vacancy in the United States Senate, caused by the resignation of J. R. Burton, in June of that year, and in August, 1907 he was appointed by Governor Hoch as Justice of the Supreme Court in which position he served continuously until January, 1915.

During the greater part of his term as District Judge and for some years following, he has served as lecturer upon Code Pleading and Real Property in the Law School of the State University and there are today among the practicing lawyers of this State, a very large number of Judge Benson's pupils.

Though busy with his many duties, he found time to take a leading part in every movement that promised to make better the town in which he lived. He was active in civic and church work. He was a member of the Congregational church of this city and for thirty-five years taught a class in the Sunday school of that church.

At the close of his judicial term he accepted a position with the Washburn Law School and took up again a work which had been of the greatest interest to him, namely, the teaching of the highest and best ideals of his profession to the young men of his State, and in this work he was engaged at the time of his death.

In the long years of his service Judge Benson added much to the jurisprudence of the state and to the formulation of Procedure; he was a great student and a great teacher, benefiting all around him, a man of the highest integrity and of an ingenious mind; he brought the highest and best to every service that he undertook; he was a good listener and deferentially considered the opinions of others; he was a learned and just judge and left upon the records of his state ineffaceable evidence of his usefulness to humanity, and while he was endowed by nature with a high character and an instinctive love of justice and equity, yet one of his great traits and one of the causes of his great success was his assiduous application; he appeared to never cease work throughout long days and often well into the night, and his life is another example of the thought of the poet's statement that,

"The heights by great men reached  
and kept,  
Were not attained by sudden  
flight,  
But they while their companions  
slept,

Were toiling upward in the night."

Judge Benson was a kindly man and his memory will be cherished because of his true kindly manner, yet he was a man of strong conviction and firm in conversation and action. Judge Benson was a patriot, a brave soldier, a Christian gentleman, and it seems providential, when shot through the body in line of battle and for the time regarded as lost, that he should be preserved for such a long and useful career in civic service.

Such a life as Judge Benson led speaks vastly more than mere words and its influence will go on when eulogies have long been forgotten.

Whereas the bar of Kansas has been richly honored in this worthy life and sustains a loss both personal and deep in the death of this good, great man, therefore,

Be it resolved by the bar of Franklin, County, Kansas, that its tribute of respect and admiration be now here paid to the memory of Judge Alfred W. Benson, lawyer, statesman, and Christian jurist.

Respectfully submitted at the January, 1916, term of this Court on this 12th day of February, 1916.

W. B. PLEASANT,

F. M. HARRIS,

J. L. L. SHELDEN,

Committee.

#### CAPT. EDMUND BOLTWOOD DEAD.

Ottawa, Kas., Man Was Veteran of Two Wars.

OTTAWA, KAS., July 11.—Capt. Edmund Boltwood, 81 years old, veteran of two wars and descendant of fighters who served in the Revolutionary, French and Indian and other conflicts, died here today after an illness of several weeks. He was captain of Company K, 20th Kansas, serving in the Spanish-American war with General Funston. Company K was formed of Franklin County men.

When Captain and Mrs. Boltwood celebrated their golden wedding anniversary, November 14, 1916, the little town of Amherst, Mass., of which Mrs. Boltwood was a native daughter, recalled the day, back in 1866, when a dashing young lieutenant, just back from the war, came and claimed one of its favorite young women.

Six of the bridegroom's ancestors had fallen in defending the settlers against the Indians and in the bloody Deerfield Massacre in 1675, and another had won honors in the Revolutionary War, so it was not considered surprising that the young lieutenant had emerged from the conflict with the South with high military honors.

A few years later the Boltwoods moved to Ottawa. With the rank of captain, the Civil War veteran, although 60 years old, took Company K of the 20th Kansas to the Philippines and served through many of the fiercest engagements in the islands. He had helped organize the Kansas national guard and was recognized as one of the ablest military men in the state. Previously he had commanded a company of militia in quelling the railroad strike trouble at Parsons.

#### HALF-CENTURY IN BUSINESS.

M. R. Harris, lumber dealer, Fourth and Walnut, dates his induction into his present business from early in 1878. He has occupied the same location ever since. Prior to that, Mr. Harris had been active in the business and public life of Ottawa. He arrived in Ottawa in 1865. His services have since been variously employed. As a banker, in which business he was engaged at various times, he ante-dates any other Ottawan, having commenced in 1867, with P. P. Elder & Co., who had installed the first bank in the county. It was located on the site of the Walker Clothing store, Main and Second. Associated with Mr. Elder was the late John Walruff at that time county treasurer. But there was a call for Mr. Harris into public service and in 1874 he was elected county treasurer. At the conclusion of his term he entered the employ of the First National bank, as assistant cashier, and served until 1878, when, as stated he engaged in the lumber business. In 1895 Mr. Harris was again summoned to serve the public, being elected a county commissioner. In the meantime he has not escaped other public service. Several times he served as city treasurer and was also a member of the city council. He was a member of the first school board, when it was organized in 1867, and was again on the board in 1904.