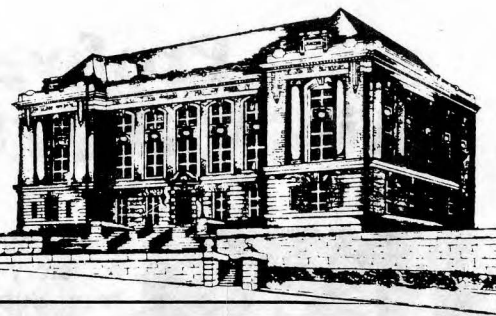


The Missouri Supreme Court Historical Journal

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Chief Justice Higgins To Address Second Annual Meeting

Missouri Supreme Court Chief Justice Andrew J. Higgins will be the principal speaker at a noon luncheon to be held in conjunction with the Second Annual Meeting of the Missouri Supreme Court Historical Society. The meeting will be held on Saturday, May 16, at the Jefferson City Racquet Club.

The theme of Chief Justice Higgins' address will be the Bicentennial of the U.S. Constitution. He will discuss plans which the Missouri Press-Bar Commission, which he serves as Chairman, has for statewide community forums to be held in connection with the observance.

The Supreme Court Historical Society, formed just over a year ago, now boasts of more than 200 members. Membership roles include both non-lawyers and members of the bar. During the past year, a number of members have contributed items of historical significance to the Society for display in its proposed museum in the Supreme Court Building. A cash gift of \$1,000 was also made to the Society by the lawyer sons and grandsons of Rush H. Limbaugh, Sr., a veteran



member of the Missouri Bar, in observance of his 95th birthday.

A principal purpose of the Society is to help preserve the history of the Supreme Court of Missouri and to gather for display to the public artifacts of historical significance to the Court. A major project of the Court now underway is the compiling of a comprehensive history of the Missouri Supreme Court. Research work for this project started last year. Just recently, a contract has been signed for the writing of the history. This publication is expected to be completed in 1990.

Another project now being undertaken by the Society includes restoration work on portraits of former Supreme Court judges which hang in the Supreme Court building. Acquisition of portraits or photographs of more than 60 former judges not now available are also being sought by the Society.

Members of the Society planning to attend the annual meeting are urged to invite other potential members to attend with them. Details concerning the meeting will be sent to all members shortly.

Larson To Restore Nine More Portraits

Another important step in restoration of portraits of former Missouri Supreme Court judges has been taken with the signing of a contract with Columbia artist Sid Larson for work on nine of the most seriously deteriorated portraits now hanging in the Supreme Court building. This contract will bring to ten the number of judicial portraits which will have been restored by Mr. Larson.

Portraits scheduled for restoration under the \$5030 contract include those of Judges John Kennish, Leroy Valiant, Elijah H. Norton, William M. Williams, Henry Lamm, David Wagner, Gavon D. Burgess, Walter W. Graves and Henry W. Bond. The portrait of Judge Theodore Brace was restored by Larson last year, bringing to ten the total of portraits which have undergone restoration.

The contract calls for such restoration work as removing and restretching canvas to the proper tension, devarnishing and revarnishing with appropriate coatings, compensating for paint loss, removing old linings from some canvases and relining others, and repairing and installing new hardware on most of the frames.

The nine portraits selected for restoration at this time were those identified by the artist as being most in need of such preservative work. They ranked highest in priority in the listing of portraits needing restoration which Mr. Larson completed in a survey last year. Work on other portraits in need of restoration will be done according to this priority listing as funds become available to the Society.

Professor Gerald Dunne Will Author Supreme Court History



Gerald Dunne

A contract to write a history of the Missouri Supreme Court has been signed with Professor Gerald T. Dunne, a member of the faculty at the St. Louis University School of Law. The contract with the Missouri Supreme Court Historical Society calls for the history to be completed by December 31, 1990. An Editorial Committee, appointed by the Society, will consult with the author in determining the content of the history.

Professor Dunne is the author of four previously published books. They are: ***Monetary Decisions of***

the Supreme Court (1960), ***Justice Joseph Story and the Rise of the Supreme Court*** (1971), ***Hugo Black and the Judicial Revolution*** (1977) and ***Grenville Clark, Public Citizen*** (1984). He has also written 25 articles which have appeared in numerous publications including the ***Harvard Law Review*** and the ***Yale Law Journal***. He also serves as Editor-In-Chief of the ***Banking Law Journal***, a position he has held since 1974.

The proposed Supreme Court History will cover the years of the Court since Missouri's statehood in 1820 and will also cover its predecessor, the Territorial Court. Much of the information concerning significant cases, court personnel and judges and important developments will come from research done for the Supreme Court Historical Society by graduate student Kristen Morrow. Ms. Morrow has been employed by the Society for the past 2 years in doing historical research on the Court. Recently she has been assisted by another graduate student, Steven Call.

Missing Portraits Sought

The old adage that one picture is worth 10,000 words does not necessarily apply as far as the judiciary is concerned. The recorded decisions and opinions of Missouri Supreme Court judges no doubt provide a more accurate picture of the character, intelligence, ability and philosophy of these jurists than any number of portraits or photographs could do. Never-the-less the Missouri Supreme Court Historical Society would like to eventually see a portrait of each of Missouri's eminent high court jurists hang in the corridors of the Supreme Court Building.

Portraits of less than a third of the judges who have served on the Missouri Supreme Court are now on display in the Court Building. The faces of more than 63 former judges are absent from this gallery of solemn miens. A goal of the Missouri Supreme Court Historical Society is to obtain a portrait or photograph of each of the missing judges, who are now deceased, as well as to obtain portraits of living former Supreme Court justices who have returned to private practice or have been appointed to the federal bench. Among the latter are former justices Joseph Simeone, John Bardgett and George Gunn.

It is hoped that portraits of the living former Supreme Court judges will be obtained in the near future. More difficult will be the task of finding portraits or photographs of those judges who are deceased. Among the latter are the following

judges together with the years when they served: Mathias McGirk (1820-1841), John Rice Jones (1820-1824), Rufus Pettibone (1823-1825), George Tompkins (1824-1825), Robert Wash (1825-1827), Prestly H. McBride (1845-1849), John F. Ryland (1851-1857), Hamilton R. Gamble (1851-1855), William V. N. Bay (1852-1865), Walter Lovelace (1865-1866), Nathaniel Holmes (1865-1868), James Baker (1868-), Warren Currier (1868-1871), Robert D. Ray (1880-1890), Francis M. Black (1884-1895), John Liburn Thomas (1890-1893), Edward A. Lewis (1874-1875), Franklin Ferris (1910-1912), Henry Whitelaw Bond (1912-1922), Charles B. Faris (1912-1922), Charles G. Revelle (1915-1917), John I. Williamson (1919-1921), Conway Elder (1920-1922), Edward Higbee (1920-1922), Robert W. Otto (1925-1927), Ernest S. Gantt (1926-1946), Charles T. Hays (1932-1933), Waltour M. Robinson (1894-1904).

In addition to the above, three judges served short terms of from six weeks to 8 months. They were: Clarence A. Burney, serving six weeks in 1932, Walter D. Coles, serving eight months in 1935, and Ray B. Lucas, serving 3½ months in 1935.

Anyone having information concerning portraits or photographs of any of the above former Supreme Court judges is asked to contact D. A. Divilbiss, Supreme Court Librarian, Supreme Court Bldg., Jefferson City, MO 65101.

William B. Napton: Committed Jurist and Court Critic

by
Kristen Morrow



Kristen Kalen Morrow is an M.A. candidate in History at the University of Missouri-Columbia. She received her B.A. in Political Science with a minor in History at Southwest Missouri State University in 1977. She presently holds an Assistanship at the Missouri Cultural Heritage Center at UMC and is a research assistant to the Missouri Supreme Court Historical Society.

Author's note: This paper is a product of my research as part of a long-term project by the Missouri Supreme Court Historical Society and the Missouri Cultural Heritage Center at the University of Missouri-Columbia to produce a history of the Missouri Supreme Court. I have had the opportunity to delve into the private papers of many judges who sat on the Court. Though all of the judges' papers offer important information, one cache of papers, the William B. Napton Papers located at the Missouri Historical Society, St. Louis, proved particularly inviting because of the number and quality of materials available. Covering a period of forty-three years, from 1839 to 1882, Napton's letters and diary provide interesting glimpses and insights into nineteenth century Court life.

William Barclay Napton, one of the most eminent jurists to occupy a position on the Missouri Supreme Court, spent twenty-five years between 1839 and 1881 on the bench.¹ Considered to be a man of superior intellect and judicial wisdom, Napton's opinions pervaded thirty-six volumes of *Missouri Reports*, a feat unequalled by any of his jurist peers, past or present.²

Considered a member of the "Boonslick Democracy" centered in Howard, Saline, Cooper, Chariton, and Boone counties, Napton manifested characteristics associated with this politically and socially powerful group of elites. Like Napton, members of the Democracy, including Claiborne Fox Jackson, Dr. John Sappington, Meredith M. Marmaduke, and Thomas A. Smith, owned large tracts of land, numerous slaves, and "exerted great social, economic, and political influence."³ Ardent states righters, they supported limited use of the federal Constitution in governing activities in the individual states. Finally, they were Southerners hailing from Virginia, Kentucky, and Tennessee, Napton being the one notable exception.

Unlike his Boonslick contemporaries, Napton was born in Princeton, New Jersey, on March 23,

1808. After graduating from Princeton College in 1826, he was employed as a tutor for the children of General William Fitzhugh Gordon in Charlottesville, Virginia. Napton's experiences in the Gordon household and in Charlottesville society combined with his law studies at the University of Virginia profoundly influenced his thinking. Daily, he was surrounded by "men of force, of education, of intellect of a high order, all of which was presented under the inviting facade of impeccable social grace."⁴ Admiring greatly the Virginia gentry and their economic, social, and political philosophies, Napton adopted with enthusiasm "the strict construction, states rights attitude" of his Southern mentors.⁵ Hence, when Napton arrived in Missouri in 1832 and settled at Elk Hill, his Saline County farm, he fit comfortably into Boonslick society and politics.

Napton's career in Missouri politics began soon after his arrival. He practiced law briefly in Howard County prior to editing the Fayette **Boonslick Gazette**, a position secured for him by Governor John Miller. In 1834 Napton was elected Secretary of the Missouri Senate and in 1836 Governor Lilburn Boggs appointed him Attorney General. In 1839, at the age of thirty-one, Napton ascended to the bench of the Missouri Supreme Court, where he achieved his greatest fame.⁶

Napton's allegiance to the state's highest bench proved undeniable. It consumed the rest of his political and professional careers. Whether on or off the bench, he became the Court's consummate critic, not in a derogatory way, but in a manner that suggested his abiding concern for maintaining the quality of Missouri's most important judicial institution. Napton wanted and expected the Missouri Supreme Court to be superior in every respect, and his extended experience either on it or in front of it convinced him the Court had not yet reached its potential. Therefore, he regularly criticized the office and institution he profoundly respected.

Napton's concerns about and insights into the Missouri Supreme Court are best represented in his diary and in his letters to his wife, Melinda. Melinda, the daughter of Thomas L. Williams (Chancellor of east Tennessee and a Tennessee Supreme Court judge), met Napton while visiting her aunt, the wife of General Thomas A. Smith, proprietor of 'The Experiment,' a famous Saline County farm. Melinda, because of her background, upbringing, and intellect, embodied all of the characteristics Napton undoubtedly admired in a woman, and they married on March 27, 1838, while Napton still served as Attorney General. Ultimately, she bore him nine sons and one

daughter before her death in 1862.⁷

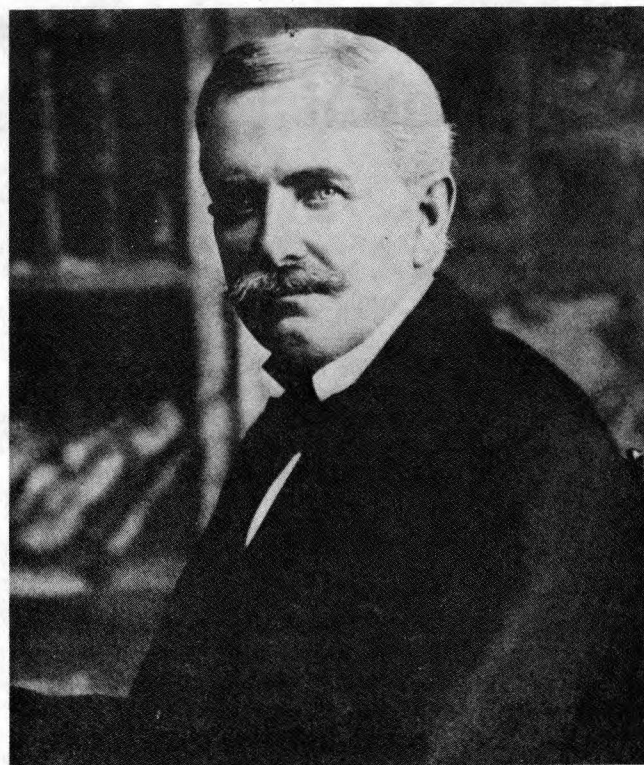
Napton's employment, first as Attorney General and later as judge, frequently kept him away from Elk Hill. Consequently, a regular correspondence developed between Melinda and himself during his absences. In his letters to his wife, Napton often mentioned the Court's state of affairs. Either as a matter of professional confidentiality or because he assumed she simply would not be interested, he rarely discussed cases or impending decisions. Instead, he preferred to inform her about more mundane matters. Napton regularly complained to Melinda about the long hours and low pay judges received. He considered his \$1500 annually salary paltry, particularly for the extended hours he spent hearing cases and writing opinions. While immersed in his judicial duties in February 1846, Napton lamented to his wife:

During the week we have been engaged, either in hearing or deciding causes, and I have very little opportunity of writing except on Sunday. It is a hour life — that of Judge of our Sup. Ct. — and I should be glad if my circumstances would permit to quit it. Nothing but the necessity of providing for a family would induce me to continue in the performance of such laborious duties. Nor have the convention raised the salaries — but they have left it to the legislature.⁸

Napton's lament was partially justified. He and the other two judges, William Scott and John Ryland, were confronted with deciding eighty cases in Jefferson City and forty cases in St. Louis before the third Monday in March. Yet, with somewhat uncharacteristic optimism, Napton predicted that the new state constitution would pass and "the legislature will increase the salaries of all the Judges."⁹ To his dismay neither the constitution passed nor were salaries raised.

Napton echoed similar sentiments regarding the judges' minimal living expenses when holding court in St. Louis. "[Judges] Ryland and Birch are getting very sick of St. Louis — especially at \$12 a week," he commented to Melinda in November 1849.¹⁰ In another letter, two years later, he proclaimed that he would rather "stay home on \$200 a year, than lead the life I now do, on \$1500."¹¹ Yet, Napton clearly preferred the bench to the bar. In March 1859, after ritually complaining about the judges' "hard life," he admitted in a letter to Melinda that his "salary [was] better than a country lawyer's practice taking a series of years together."¹² Later in the year, he again complained about receiving a minimal salary and little credit for nearly twenty years "in a laborious office," yet resignation was out of the question because of his "dislike to change."¹³ In reality, Napton coveted his office and was perfectly willing to tolerate its inconveniences.

Napton's complaints to his wife about the rigors of Court life frequently reflected a deeper concern. He feared the Court did not command the respect it deserved because low salaries discouraged Missouri's top legal talent from



William Barclay Napton

seeking judgeships. His concern prompted him, during his second term in 1857, to write State Senator Claiborne Fox Jackson about the problem, particularly since judges' salaries remained unchanged since Napton first occupied the bench in 1839. Napton believed that Jackson, a personal friend and political compatriot, might wield some influence among his fellow legislators on Napton's behalf. He argued that judges' salaries were directly related to the quality of people occupying the bench and stated forthrightly that the general public had no interest in the Missouri Supreme Court primarily because of its preponderant concern with "the mercantile and landed interests."¹⁴ Court elitism aside, Napton also noted that Court decisions regularly involved the general public despite their apathy toward it. Arguing that even an apathetic public deserved a quality court, he queried:

Is it safe to risk such questions to any fifteen schilling lawyer whom accident or locality or the indifference of the public may put on this station? . . . It is upon principles of public expediency therefore, that I feel warranted in urging that these offices be put in a condition to attract abilities and ambition which now turn from them with disgust and are now allured into the more agreeable and less laborious paths of politics . . .¹⁵

Napton's letter to Jackson may have reflected, in part, the concern he felt over the abandonment of the Court by two of its finest members, Hamilton Gamble and Abiel Leonard. In an 1858 letter to Melinda, he recounted a conversation he had with Leonard regarding Leonard's two-year stint on the bench. He wrote, "Judge Leonard is

practicing law here (St. Louis) and tells me he is much better pleased with the labor and profits than he was with his judgeship."¹⁶ Years later Napton privately accused Leonard, Gamble, and John C. Richardson of occupying the bench merely for the prestige attached to the office and with little regard for its labors and meager compensation. Bitterly, Napton contended that all they accomplished before resigning their judgeships was to achieve the honor associated with attaining the highest position possible in the state's legal profession.¹⁷ Napton detested the practice of using the Court for personal political gain, particularly by men such as Gamble, Leonard, and Richardson who were highly regarded for their legal and judicial acumen. Napton undoubtedly felt that brief tenures, especially by talented men, served only to lower the Court's esteem in both the eyes of the legal profession and the general public. For Napton it boiled down simply to a matter of principle.

Napton's first term on the Court, from 1839 to 1851, was disrupted briefly when the judges were turned out of office in 1849 by a constitutional amendment. He and Judge Ryland were immediately reappointed. James Birch, a Thomas Hart Benton foe, replaced William Scott.¹⁸ In 1851, when judgeships became elective, Napton noted in a letter to Melinda that "[c]andidates for our Court are as thick as blackberries."¹⁹ He then speculated that he had enough support from the bar to retain his seat on the bench, though in another letter he stated that he cared not whether he was "elected or defeated."²⁰ Ambivalence aside, Napton was clearly disappointed when he was defeated and blamed his misfortune on the "Benton vote" cast against him.²¹

Napton's unpopularity among the Missouri senator's supporters related specifically to Napton's authorship of the Jackson Resolutions in 1849. The influx in the 1840s of new Missourians opposed to slavery threatened the concept of sanctity of property cherished so dearly by the politically dominant Boonslick Democracy.²² Members of the Democracy, strongly influenced by the states rights philosophy espoused by John C. Calhoun, realized they needed something tangible to stem the growing opposition to their cause. State Senator Claiborne Jackson requested Napton to construct a set of resolutions to be passed by the legislature endorsing a states rights philosophy that essentially supported the continuation of slavery. Penned by Jackson on a Saturday night in January, the Jackson Resolutions were heartily endorsed by the Missouri legislature.²³ Senator Benton, unsympathetic to the Boonslick Democracy's philosophy, particularly regarding slavery, refused to support the Resolutions and with vehemence campaigned against them. In doing so he virtually destroyed his senatorial career.²⁴ Benton's supporters, weakened but still a legitimate force in Missouri politics, retaliated in 1851 by denying Napton a seat on the bench.²⁵

Napton waited six years to return to the Court after his initial defeat. During the interim between terms, he campaigned actively for Calhoun's states rights doctrine and publicly supported the extension of slavery in newly acquired United States territories at a pro-slavery convention held at Lexington in July 1855.²⁶ In 1857 he and John C. Richardson replaced Abiel Leonard and John Ryland on the bench. Napton remained there until 1861 when the Court, in unison, refused to take an oath of loyalty to the Union. Their offices were then filled with men more sympathetic to the Union cause.²⁷ Nearly twelve years passed before Napton served an unprecedented third term on the Court.

From 1861 to 1873 Napton maintained a private law practice in St. Louis.²⁸ On December 31, 1862, Melinda died at Elk Hill, an estate ravaged by war and neglect. Napton, who craved both his wife's companionship and her correspondence, was deeply affected by her death. His diary entries throughout the sixties, seventies, and early eighties reflected an intense loneliness, even bitterness because of her absence. Only Napton's work prevented him from becoming morose.²⁹

When the Radical Republican fervor dissipated in the early seventies, Napton accepted a position on the Court in 1873. A vacancy had been created when Judge Ephraim B. Ewing died suddenly. Reflecting on his appointment several years later, Napton wrote in his diary that all of his appointments to the bench were not sought or desired but were instead surprises. He claimed that his acceptance of a third term was "against my own inclination and interests," but that Governor [Silas] Woodson and the bar insisted he fill Ewing's vacant chair.³⁰ Again Napton shrouded his true devotion to the bench in ambivalence.

Napton's desire to remain a member of the Court was strongly evident in the 1870s. Though he feigned ambivalence, he voiced extreme concern when in early 1874 he became the target of disgruntled Grangers for writing a majority opinion upholding the payment of railroad debts in Clark County. Napton privately admitted that in some cases farmers were probably defrauded by railroad agents,³¹ yet in his own defense he stated:

I am charged with belonging to bondholders and railroads and monopolists generally — and yet my life has been mainly spent on the other side On the bench I could only follow decisions by the Supreme Court of the United States and of this state, in the Clark county cases I am opposed to such subscription, but when they are made and bonds issued, I don't see the morality of trying to get out of an honest debt, and I shall favor no such attempts.³²

For Napton the issue was a matter of principle even if it made him politically vulnerable. Summing up his feeling regarding some of the public's unflattering perceptions of him he wrote:

. . . if the people of Missouri want a Judge

to decide against his own convictions of the law, and in accordance with the popular sentiment, they will certainly find it to their advantage to look up some other man. I will not suit them.³³

Actually Napton felt deep concern over the possibility of losing his place on the bench, and his diary clearly reflected his anxiety. He recognized there existed "a great hostility" to his candidacy in counties burdened by bond indebtedness. Throughout the spring of 1874 he speculated on his chances of remaining on the bench in light of the railroad debt controversy, intense competition for judgeships, and his rather advanced age (sixty-six). Napton's fears were allayed when he was elected to serve a six-year term on the Court.³⁴

During his final years on the bench, Napton continued to express personal concerns about the Court's operation. He privately chided Judge Henry Vories for remaining in office when he was incapacitated by a chronic illness. Napton adamantly believed that Vories's disability further hindered an already over-burdened Court.³⁵ He contended that the Court could expedite justice if it was permanently located in Jefferson City in private accommodations that included a "library, court room, and consultation room."³⁶ Napton also thought the Court would function more efficiently if its jurisdiction was limited "to an amount not less than \$500" and if it was given greater autonomy by limiting legislative controls.³⁷ To Napton's pleasure, the Judicial Article of the 1875 Constitution instituted changes that streamlined the Court's docket and terminated the Court's circuit by locating it permanently in Jefferson City.³⁸

Napton further disliked the idea of establishing Court commissioners to assist the judges with their caseload. Contradicting an earlier stance, he stated that the addition of two judges to the Court provided a more plausible remedy to the problem. Again Napton based his argument on quality. "The sort of lawyers that could be persuaded to take such temporary places at low salaries," he wrote, "would hardly relieve the Court much."³⁹

Napton also defended the Court when the need arose. When a hostile press accused the Court of being dilatory in handling its cases, he argued that the entire appellate system was at fault, not merely the Supreme Court.⁴⁰ More judges and additional courts, such as the St. Louis Court of Appeals, only provided slight relief from the Supreme Court's tedious caseload. In the late spring of 1877, when the press was particularly critical of the Court's performance, Napton wondered why "this agitation was not got up during the session of the Legislature, when there might have been a remedy provided."⁴¹ Though the press at times sharply criticized the Court and its members, Napton perceived it to be largely uninterested in Court elections. Again picking up on his favorite theme, that of maintaining a quality bench, Napton wrote forebodingly:

The judgeships are deemed so unimportant, that nothing is said of them in newspaper returns. This is a popular error — for a Judge of the Supreme Court has vastly more power than a Governor, and an unfortunate election would do vastly more harm.⁴²

Ironically, Napton faced the commissioner issue directly when he was defeated for the judgeship by Robert Ray in 1880. Napton blamed his defeat on his age (seventy-two), arguing that Missourians "adhere to the old notion that after 65 a man is unfit to be judge."⁴³ Though a commissioner system had yet to be formally established, Napton was asked to head "a commission of three lawyers, to examine and decide such cases as the Court may hand over to them."⁴⁴ He declined, noting that he was "unwilling to serve the State longer," thus terminating a judicial career marked by occasional brilliance, unequalled longevity, and unswerving commitment.⁴⁵ His final defeat by Ray, after serving twenty-five intermittent years on the Court, was described in *Missouri Reports* as that final act that "cast him forth unheeded to die of old age and neglect."⁴⁶ With his illustrious, sometimes controversial career behind him, his wife twenty years dead, and his ten children widely dispersed, Napton, the Court devotee, died a lonely, melancholy man at Elk Hill on January 8, 1883.⁴⁷

NOTES

¹Hugh Williamson, "William B. Napton: Man of Two Worlds," *Journal of the Missouri Bar* 16 (May 1960): 208. Williamson received much of his information on Napton from *Missouri Reports*, vol. 76, 1883, cited in footnote two.

²*Reports of Cases Argued and Determined in the Supreme Court of the State of Missouri*, vol. 76 (St. Louis: Gilbert Book Co., 1883), p. v.

³Robert E. Chalhope, "Eugene Genovese, the Missouri Elite, and Civil War Historiography," *Missouri Historical Society Bulletin* 26 (July 1970): 274.

⁴Williamson, p. 209.

⁵*Ibid.*

⁶*Ibid.*

⁷*Ibid.*, pp. 209-210.

⁸Napton Letters to his wife, Melinda. 1 February 1846, William B. Napton Papers, Missouri Historical Society, St. Louis, Mo.

⁹*Ibid.*

¹⁰*Ibid.*, 11 November 1849.

¹¹*Ibid.*, 6 April 1851.

¹²Williamson, p. 211 and Napton Letters, 28 March 1859.

¹³Napton Letters, 9 November 1859.

¹⁴Letters from William B. Napton to Claiborne F. Jackson, 3 October 1857, William B. Napton Letter, Joint Collection, University of Missouri, Western Historical Manuscripts Collection and the State Historical Society of Missouri Manuscripts, Columbia, Mo.

¹⁵*Ibid.*

¹⁶Napton Letters, 7 November 1858.

¹⁷Napton Diary, 19 January 1872, William B. Napton Papers, Missouri Historical Society, St. Louis, Mo.

¹⁸L.C. Krauthoff, "The Supreme Court of Missouri," *The Green Bag*, April 1891, p. 158. See also Napton Letters, 21 January 1849.

¹⁹Napton Letters, 23 March 1851.

²⁰*Ibid.*, 6 April, 1851.

²¹Napton Diary, August 1851.

²²See Chalhope, pp. 275-277.

²³Perry McCandless, *A History of Missouri, Volume 2: 1820-1860* (Columbia: University of Missouri Press, 1972), p. 247; Williamson, p. 211; and Napton Diary, 11 January 1882.

²⁴See McCandless, pp. 247-253.

²⁵Napton Diary, August 1851.

²⁶Shalhope, pp. 276-277 and Williamson, pp. 211-212.

²⁷Krauthoff, p. 158.

²⁸Williamson, p. 211

²⁹*Missouri Reports*, p. x. Nearly a year after Melinda's death, Napton returned to Elk Hill only to find it "rundown and lonely." In a diary entry dated 21 March 1882 Napton, reflecting on his wife's premature death, wrote: "When I think what a happy old age I would have enjoyed if she had been spared, I can only wonder and submit to the decrees of Providence."

³⁰Napton Diary, 24 February 1876.

³¹*Ibid.*, 10 January 1874 and 6 February 1874.

³²*Ibid.*, 25 October 1874.

³³*Ibid.*, 6 February 1874.

³⁴*Ibid.*, 11 November 1874 and Krauthoff, p. 160.

³⁵Napton Diary, April 1876.

³⁶*Ibid.*, 16 March 1875.

³⁷*Ibid.*

³⁸Laurance Hyde, *Historical Review of the Judicial System of Missouri* (Kansas City: Vernon Law Book Co., 1952), p. 14.

³⁹Napton Diary, 16 April 1877.

⁴⁰*Ibid.*, March 1880.

⁴¹*Ibid.*, 19 June 1877.

⁴²*Ibid.*, 9 November 1874.

⁴³*Ibid.*, 12 April 1880.

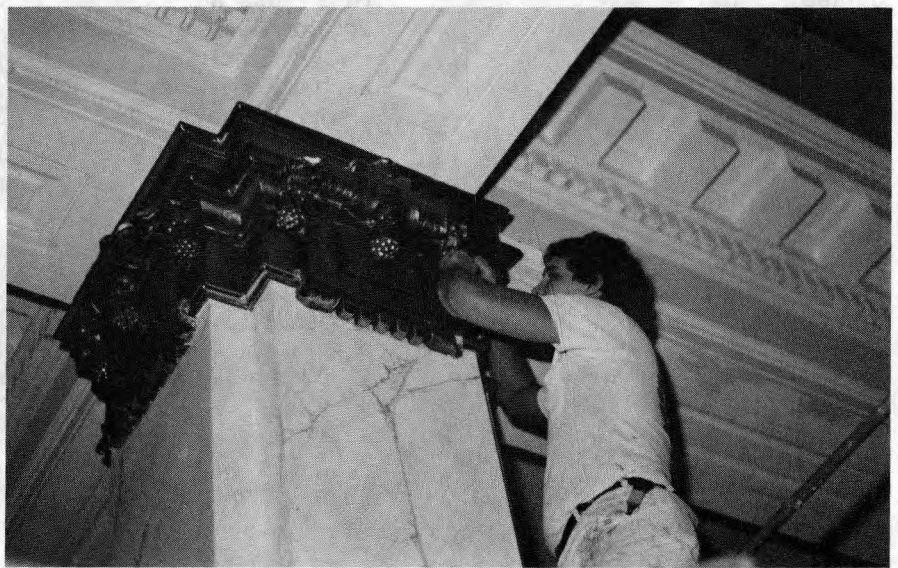
⁴⁴*Ibid.*, 2 December 1880.

⁴⁵*Ibid.*

⁴⁶*Missouri Reports*, p. xi.

⁴⁷*Ibid.*, i and xi.

Major Restoration Work On Supreme Court Building



Spring cleaning came early to the Missouri Supreme Court Building this year as the Division of Design and Construction undertook two major restoration projects on the historic building. In the interior, Artisan Decorators, Inc., of St. Louis, completed restoration of the marble-like columns and baseboards in the lobby, the second and third floor corridors and the library. They also cleaned and refurbished the grand stairway. Outside, construction workers removed, stabilized and replaced the massive granite wall on the east side of the grounds.

Although the process of reproducing the ersatz marble with which the columns and baseboards are finished has long been lost, the skilled workmen of Artisan Decorators were able to remove the yellow stains which had developed over the years and to restore the bright, original finish. In the process, the workers, wearing rubber gloves, applied a variety of chemicals to the surface until the deep, original marble-like finish was restored. Cracks that had developed were filled with a matching compound, then sanded by hand to restore the glossy surface.

Steel bars were inserted in some of the columns

to provide stability before a final seal coat was applied. Finally, each capital was highlighted with gold leaf or gold paint. After five months work, the effect has been to give the columns and baseboards a beautiful, soft, satiny finish and to produce a much brighter and lighter entrance to the Supreme Court Building.

This beautification and restoration work was capped off with the cleaning and refinishing of the lobby's grand staircase. The real marble steps were all cleaned, waxed and buffed to a gleaming shine, enhancing the natural beauty of this dominating feature of the lobby.

On the grounds, the Division of Design and Construction contracted for the removal, stabilizing and replacement of the massive granite wall along the east side of the grounds. This wall, which had been leaning precariously for years, was removed stone by stone, with each stone carefully marked as to its exact location in the wall. Earth behind the wall was then removed, solid concrete base poured and the stones replaced in their original positions. This work has much improved the view of this side of the Supreme Court Building's grounds

Missouri Supreme Court Historical Society

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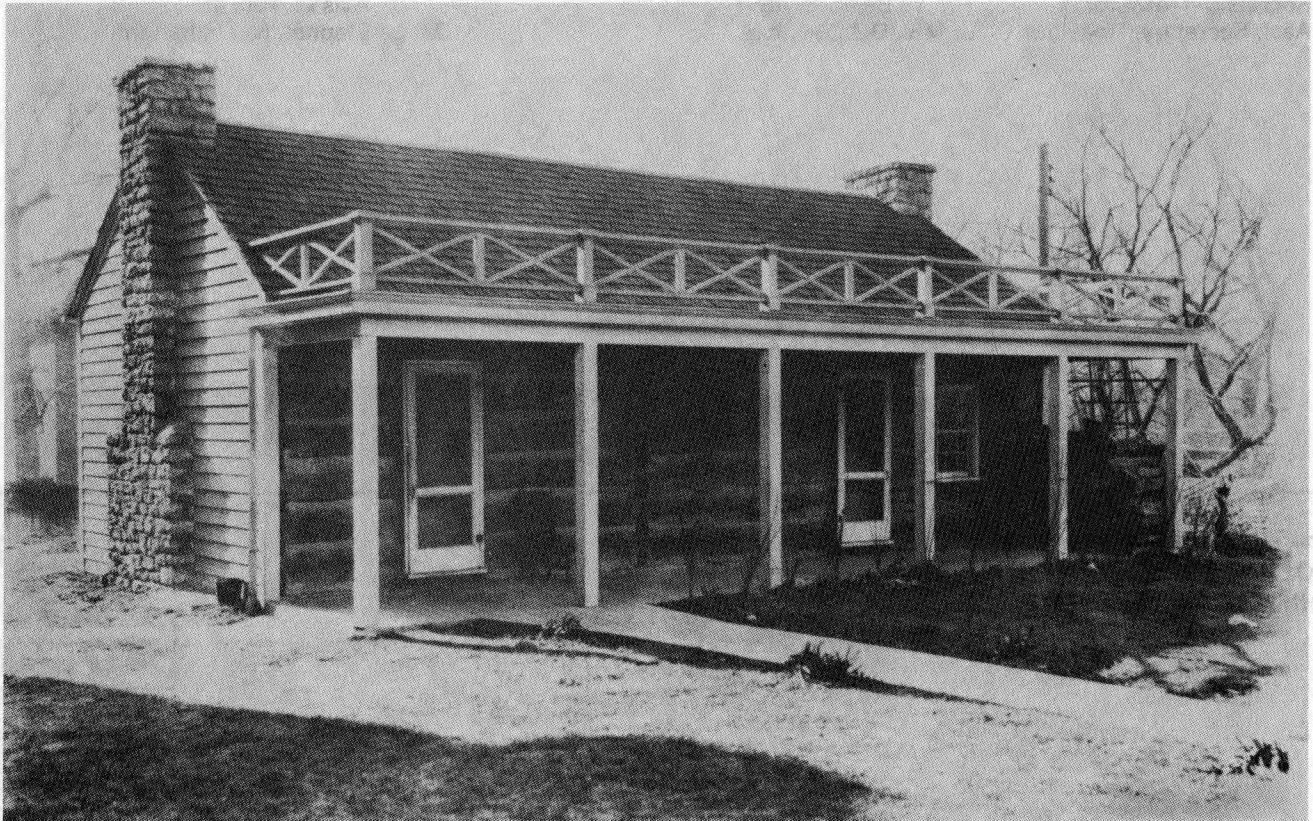
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Sixteenth Circuit Publishes History



The First Jackson County Courthouse In Independence. On February 16, 1825, the Missouri State Legislature authorized the "County of Jackson". Two years later the first courthouse, a two room log house, was built in Independence by Daniel P. Lewis for \$150.00.

The Circuit Court of Jackson County has recently published a ***History of The Sixteenth Judicial Circuit***. Compiling of material for the history was begun during the term of Presiding Judge Forest M. Hanna and completed under the direction of Presiding Judge William F. Maurer. Graduate and law students did the research work and drafted the preliminary edition which was then condensed and edited by Professor William H. Taft, a retired faculty member of the University of Missouri School of Journalism.

The 74 page publication covers the history of the circuit from its creation as the First Circuit, encompassing roughly half of the state of Missouri, in 1826, to the present time when its jurisdiction is confined to the boundaries of Jackson County. In addition to being Missouri's

First Circuit, the area encompassed by the present Sixteenth Judicial Circuit has been variously known as a part of the Fifth Circuit, 1831, the Sixth Circuit, 1841, and the Twenty-fourth Circuit, 1871. It was renamed the Sixteenth Circuit in 1892.

In addition to describing historical events of the circuit, the publication contains brief biographical sketches of each of the judges who have served on the circuit's bench. It also contains photographs of each of the buildings which have served as the circuit's 'courthouse', including the log building which was the first courthouse and which is still standing, although on a different site.

Additional information concerning the history may be obtained from Jaci L. Morgan, Legal Counsel, Circuit Court of Jackson County, 415 East 12th Street, Kansas City, MO 64106

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