

## CHAPTER XIII

### LAW, MEDICINE AND THE PRESS

Early and Present Lawyers and Physicians. The Court House and Hospitals.  
The Newspapers

The bar of Fall River is unusually strong, better trained for its duties than in many cities, alert, active and generally equipped for any branch of the practice which it may be called on to undertake. The exigencies of life have kept the members down to their profession, and they have clung to their work with remarkable tenacity, seldom branching off to directorships of corporations or the management of trust estates, as in many places. The quick, nervous, plastic nature of the demands upon them has cultivated an unusual readiness, and has developed numerous able trial lawyers. The bar is now represented on the supreme bench by two justices—James M. Morton and Henry K. Braley. Another of its members, James F. Jackson, is chairman of the Board of Railroad Commissioners. L. Elmer Wood is a member of the Bar Examiners. David F. Slade was long a member of the Governor's Council and James M. Swift is District Attorney. It has also furnished seven of the 19 mayors of the city—Josiah C. Blaisdell, Henry K. Braley, Milton Reed, John W. Cummings, James F. Jackson, George Grime and John T. Coughlin, the present head of the municipal government. Fall River has also furnished the clerk of courts for this county for many years in John S. Brayton, Simeon Borden and the latter's son of the same name.

In the period prior to 1877 no sessions of the Superior Court were held here; the city was small, and the membership of the local bar consequently limited, but a number of lawyers of high ability were to be found among the number. One was Eliab Williams, a native of Raynham and a graduate of Brown in the class of 1821. He began practice in Dighton, then removed to Swansea, and in 1833 came to this city to become the partner of Hezekiah Battelle, a connection that continued for 20 years, dur-

ing which the firm became one of the best known in the county and built up a large practice. Mr. Williams was a man of very striking personality, very deliberate in speech and severe in thought, a follower of exactitude, the enemy of all confusion. He was noted for his skill in the drawing of legal papers, in which he seldom used the printed forms. He followed the old practice of being early and late in his office, and prepared his cases with the utmost thoroughness. He was shy, had a high, squeaky voice and was always exceedingly decorous. He was a fine type of the old-fashioned, Puritan gentleman and was of high character and pure life. He died in 1880, at the age of seventy-seven. His home was on North Main street, in the dwelling now the office of Dr. Hyde. His partner, Mr. Battelle, was also a graduate of Brown, in 1816; had studied law in the office of Hercules Cushman, "the leading attorney of Freetown," and after brief periods of practice there and in Swansea, removed to this city in 1827. Like his colleague, Mr. Williams, he was a learned, painstaking lawyer, with a severe, logical cast of mind, and keen intellect. He was attorney for the Watuppa Reservoir Co., a member of the Legislature and actively interested in the settlement of the boundary dispute. He had a tall, sinewy, erect and impressive figure, was one of the founders of the Unitarian Society and spent the last years of his life in translating the New Testament from the Greek. His death occurred in 1872, at the age of 82, at his home on Purchase street, now the parish house of the Church of the Ascension.

James Ford, likewise a graduate of Brown, was a native of Milton and came here in 1819. He was an excellent lawyer, a member of the Legislature, Board of Aldermen and School Committee, special Police Justice for twenty years, the first treasurer of the

Fall River Savings Bank, editor of the *Monitor* for a quarter of a century and one of the charter members of Mount Hope Lodge. He was a public-spirited citizen and lived until July 27, 1873.

Judge Louis Lapham, a Rhode Islander with a natural taste for politics, and an ardent Democrat, came here in 1840. His readiness in debate soon brought him into public affairs. He was a Judge of the police court from 1852 to 1873, when it was abolished.

Charles Holmes, father of the late Hon. Charles J. Holmes, and Frederick A. Boomer were other attorneys of prominence in the earlier days here. The latter was a member of the Legislature and for many years served on the School Committee. He was three times City Solicitor, and died in 1871 at the age of fifty years. In more recent years local attorneys of prominence, now deceased, have included John Jason Archer, a son of Dr. Jason H. Archer, a graduate of Brown in 1866 and a special justice of the district court; Josiah C. Blaisdell, mayor in 1858 and 1859 and justice of the Second District Court from its establishment in 1874 until 1893, an energetic, active man, who was prominent here for a generation; and Marcus G. B. Swift, of the firm of Swift & Grime, a good lawyer and citizen, and one of the board of investment of the Citizens' Savings Bank. There were also the late John S. Brayton, formerly clerk of the Superior and Supreme Judicial Courts of Bristol County, better known as a banker, for a time the partner of Justice Morton, and Simeon Borden, long the honored clerk of the Superior and Supreme Courts.

The courts for this county were held in Taunton and New Bedford until 1877, when the Legislature authorized adjournments to this city. The first session was held here June 27, 1877, in a large hall which had been fitted up in the new Borden Block, with Hon. P. Emory Aldrich presiding. Appropriate addresses were made by several members of the bar and a response by the presiding judge.

The erection of the present court house was authorized by the Legislature in 1887. A site on Rock street was purchased, but the opposition was so strong that this was abandoned and the present lot on North Main street secured. This had formerly been a part of the homestead farm of Judge Durfee, a prominent citizen and the entertainer of Lafayette on his visit here, as well as the

birthplace of Colonel Joseph Durfee, the builder of the first cotton mill here and the commander of the American forces in the fight with the British here during the Revolution; of Nathan and Thomas Durfee, the first natives of the town to graduate from college, and of Matthew C. Durfee, the cashier of the first bank. It had been, too, the homestead of Micah H. Ruggles and Colonel Richard Borden.

The building was commenced in 1889 and the cornerstone laid on August 8, with appropriate ceremonies. It is of granite, 110 feet in length, 80 feet wide at the ends and 55 in the central part. It contains the court room on the second floor, 48x56, the registry of deeds, law library, apartments for the District Attorney, clerk of courts, etc., and has six cells in the basement.

James Ford, Prelet D. Conant, Hezekiah Battelle, Cyrus Alden and Eliab Williams were trial justices for Fall River, Mass., and Fall River, R. I., respectively, before the establishment of the Police Court in 1852. Louis Lapham was judge of this court from its establishment to its abolishment in 1873, when it was succeeded by the present Second District Court of Bristol, the first presiding Justice of which was Josiah Blaisdell, who held that office from 1874 to 1893, when he was succeeded by John J. McDonough, the present incumbent. Judge McDonough was born in Fall River in 1857, was educated in his father's private school, in the public schools, graduated from Holy Cross College, Worcester, in 1880, from the Boston University School of Law in 1884, and abandoned the practice of the law on his appointment to the bench in 1893. He is a trustee of the public library, as is also Judge Braley, and was a representative to the General Court in 1889 and 1890. Augustus B. Leonard, clerk of the District Court, has finished half a century in that capacity, having succeeded Hon. Joseph E. Dawley in 1856. He is still hale and hearty, closely attentive to duty, and is one of the best known citizens of the city.

The Fall River Bar Association was formed in 1887. James M. Morton was its first president, and John J. McDonough its first secretary. Andrew Jackson Jennings is now its president and Edward A. Thurston is secretary.

The county jail here was built in 1898, under authority of a legislative act of 1897, at a total cost, furnished, of \$150,000, from plans prepared by Nathaniel C. Smith, of

New Bedford. The Grinnell farm, on Bay street, was the site selected, purchased for \$16,000. Beattie & Cornell were the contractors for the construction. At the time of its erection it was needed, but the subsequent growth of the probation system has so reduced the number of prisoners that it has never been opened. It has 126 cells.

The oldest member of the bar now living is Nicholas Hatheway, Sr., a native of Freetown, and a graduate of Brown in 1847. He settled here in 1869, and has been Alderman, member of the Legislature, postmaster and a delegate to the Democratic National Convention. Another of the older men is Benjamin K. Lovatt, a graduate of Bowdoin in the class with Thomas B. Read, a resident of this city for forty years and for many years the senior special Justice of the District Court. A third is Milton Reed, a native of Haverhill, where he was born October 1, 1848, salutatorian of his class at Harvard in 1868, for a time editor of the Evening News, and an attorney since December, 1873. He has been a special justice of the District Court, City Solicitor for seven years, member of the State Senate, Mayor, chairman of the Board of Civil Service Examiners and a Bar Examiner.

The firm of Jennings, Morton & Brayton has had an interesting history. It dates from 1864, when John S. Brayton and James M. Morton formed a partnership as Brayton & Morton. Mr. Brayton retired after a few years, leaving Mr. Morton alone until June, 1876, when Andrew J. Jennings became his partner, under the firm name of Morton & Jennings. Mr. Morton retired in September, 1890, on his appointment to the Supreme Bench, and Mr. Jennings practiced alone for a time. John S. Brayton, Jr., son of the former member of the firm, was admitted and was associated with Mr. Jennings for a year or two as Jennings & Brayton. His retirement again left Mr. Jennings alone. James M. Morton, Jr., son of another former member of the firm, became a partner in 1894, and the firm name was Jennings & Morton until 1902, when Israel Brayton was admitted and the present name of Jennings, Morton & Brayton was taken.

Other prominent law offices here are those of Jackson, Slade & Borden, John W. Cummings, Swift, Grime & Kerns, H. A. Dubuque, John T. Coughlin, Milton and Waldo Reed, Baker & Thurston, Ryan & Nickerson, Lincoln & Hood, James F. Norris, Milton Druce,

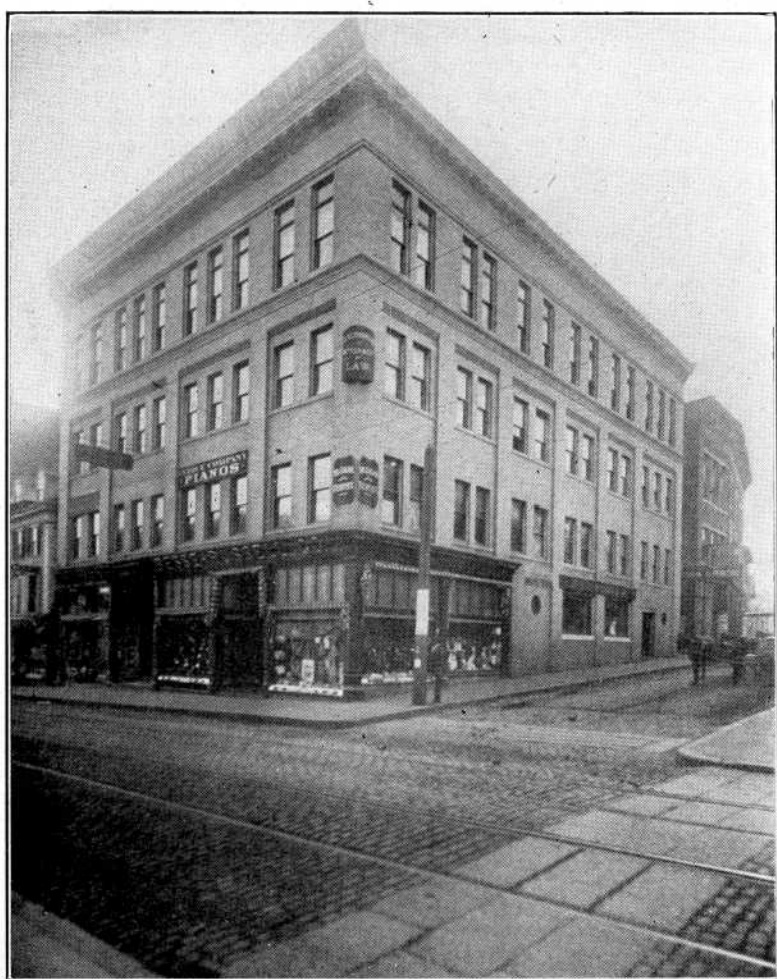
John Healy, Joseph Menard, David R. Radovsky and David Silverstein.

The senior of the two Fall River members of the Supreme Court is James Madison Morton, who was born September 5, 1837, the son of James M. and Sarah (Tobey) Morton, both natives of East Freetown. He was educated at the Fall River High School, Brown University and the Harvard Law School, and began practice here in the office of Judge Louis Lapham. In 1864 he formed a partnership with Hon. John S. Brayton and continued in practice till his appointment to the Supreme Bench. He was City Solicitor, 1864-67.

Hon. Henry King Braley, also of the Supreme Court, was born in Rochester, Mass., March 17, 1850, the son of Samuel T. and Mary A. Braley. He attended Rochester and Pierce Academies, taught school for several years and studied law with Hon. Hosea Kingman, of Bridgewater, being admitted to the bar in 1873. He began practice in this city in December of that year, first with Nicholas Hatheway, as Hatheway & Braley, and later with M. G. B. Swift, as Braley & Swift. He was City Solicitor in 1874, Mayor in 1882 and 1883, and was appointed to the Superior Court in 1891. He was elevated to the Supreme Bench in 1902. He received the honorary degree of A. M. from Dartmouth College the same year.

The physicians of Fall River are energetic, skilful and ambitious, and include surgeons and specialists of marked ability. They are of a wide variety of nationalities and number about 130, six of whom, as appears by the last directory, are women. Nearly all are of the allopathic school. Dr. Jerome Dwelly is easily the dean of the active profession here, with Dr. Seabury W. Bowen probably next in order. Dr. Robert T. Davis, though he began practice a little in advance of Dr. Dwelly, has not practised to any extent since his election to Congress.

The medical profession of to-day has had worthy predecessors. Of these one of the most prominent was Dr. Foster Hooper, born in Walpole, N. H., in 1805. He came here in 1826, and was active in his profession and in public affairs for nearly half a century. He had a large practice and was a skilful practitioner, having confidence in himself and the confidence of his patients as well. He was a ready talker, a good debater and a progressive public man. He was a member of the School Committee, Representative,



Hudner Building



Senator, County Treasurer, member of the Constitutional Convention of 1853, chief engineer of the fire department and, at his death, the collector of internal revenue. His home was on North Main street on a site now occupied by a department store.

Another prominent physician was Dr. Thomas Wilbur, an older man than Dr. Hooper, a native of Hopkinton, R. I., and a member of an old family there. He was for a time principal of the Friends school in Providence, and later practiced in Swansea before removing to Fall River. He, too, had a large practice here, and was a good physician and skilful surgeon. He was a member of the prudential committee of his school district and took a lively interest in whatever pertained to the progress of the town. His office was at the southeast corner of South Main and Borden streets. He was active in the Friends denomination, and his father gave his name to one branch of that society still known as the Wilburites, when a division occurred. He was a brother of Dr. Amos Wilbur, who practiced here for a few years.

Dr. James M. Aldrich, father of Dr. N. B. Aldrich, was also a leading physician here. He was active in temperance and abolitionist movements, long a member of the School Committee, and prominent in the Unitarian Church. He was a natural philanthropist, and was for many years president of the Children's Home. His office was at the corner of North Main and Franklin streets.

Dr. Ebenezer T. Learned, also the father of a practicing physician here, was very popular and had a large practice. He was a kind-hearted, vigorous man and a hard worker. Dr. Jason H. Archer practiced here for many years, was active in public affairs and first president of Massasoit Bank. He removed to his native town of Wrentham in 1852. Dr. Phineas W. Leland practiced here a few years, but was more prominent in public affairs. He was for many years collector of the port, was State Senator, active in educational affairs and in the Athenaeum, and was editor of the Fall River Patriot.

The hospitals are the new and commodious Ste. Anne's, opened this year, of which a notice appears elsewhere; the Union Hospital and the City Hospital, as well as two private hospitals—those of Drs. N. B. Aldrich and Philemon E. Truesdale.

The Union Hospital was chartered October 1, 1900, and was the result of the consolidation of the Fall River and Emergency Hospi-

tals. It is situated on Prospect street, in the old Valentine House, which was formerly the home of the Fall River Hospital, and which, by the building of additions, now has 62 beds. A new building has been decided upon and, it is expected, will soon be begun.

The Fall River hospital, one of the predecessors of the Union, was founded September 17, 1885, by a number of prominent citizens, and incorporated October 10, with John D. Flint, president; Frank S. Stevens, vice-president, and Hugo A. Dubuque, clerk. The Valentine estate was purchased in March, 1887, a woman's board established early the following year, and the first patient received May 9, 1888. Miss A. E. Andrews was the first matron, followed by Misses E. F. Cox and M. M. Brownrigg. The west wing was built in 1891 and a maternity ward added in 1897. A school for nurses was established in connection with the hospital in 1888.

The Emergency, the other institution in the forming of the Union Hospital, was established in December, 1895, in a dwelling opposite the Central Church on Rock street, as an outgrowth of the Home Training School for Nurses, which had been started in 1894, largely through the efforts of Dr. John H. Gifford. It did an excellent work during the five years of its existence, largely in the treatment of "out-patients."

The Fall River Medical Society was formed November 20, 1889, with Dwight E. Cone the first president and A. C. Peckham secretary and treasurer. The early meetings were held at the homes of the members, until 1893, when rooms were secured in the Fall River National Bank Building, from which it removed in 1897 to the A. J. Borden Building.



Evening News Building

The city has four daily newspapers—the News, Globe, Herald and L'Independant, all evening papers, and all active and progressive, with a large circulation in the city and adjoining towns, exerting a strong influence for the good of the city and its inhabitants. The oldest of these is the News, which was started as a weekly on April 3, 1845, by Thomas Almy and John C. Milne, and began the publication of a daily edition in connection with the weekly in 1859, following the purchase of the Daily Beacon, a newspaper which had been started by Noel A. Tripp as successor to the Evening Star, published by B. W. Pearce, in 1857. The Evening News was the first daily published here to survive, and has been enlarged from time to time to meet a growing business. The News was originally Democratic, but became Republican in 1853, and has since advocated the principles of that party, though criticising without hesitation whenever it believed the party leaders were wrong. It took a strong stand for freedom during the anti-slavery agitation and for the Union during the Civil War, and has always worked for the right as it saw it in all moral questions of the day. It has steadily advocated the temperance cause and has always refused to accept advertising offered by the liquor interests, though at a considerable pecuniary loss. Its office was first at 5 Bedford street, and subsequently at the northeast corner of Main and Market streets, from which it removed to the News Building, on Pleasant street, in the early seventies. John C. Milne, one of the founders of the paper, is still a member of the firm and still active in the editorial work, and his son, Joseph D. Milne, is managing editor. Thomas Almy, Mr. Milne's first partner, died in May, 1882. Franklin L. Almy, the business manager, has been connected with the paper since its establishment, and has been a member of the firm since 1864. Mr. Frank S. Almy, son of Mr. Almy, has charge of the advertising and circulation departments. The present firm name, Almy & Milne, has been unchanged since 1845, except for the period between the admission of Franklin L. and the death of Thomas Almy, when it was Almy, Milne & Co.

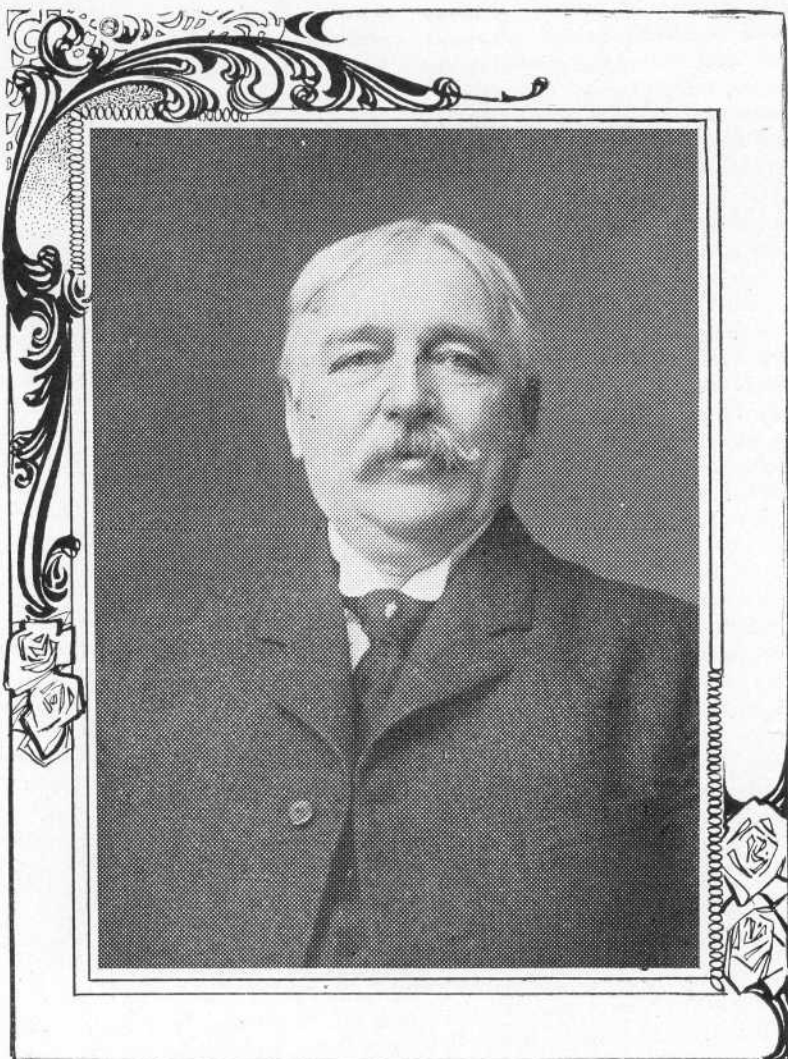
The Fall River Daily Globe was started in 1885 as a Democratic paper and has since remained a strong advocate of the principles of that party. It is owned by the Fall River Daily Globe Publishing Co., which now has a capital of \$80,000, with Michael Sweeney president, Quinlan Leary treasurer, and

Michael Sweeney, Quinlan Leary, Robert O'Hearn, Thomas Ludden, William A. Leary, Dr. John W. Coughlin and C. S. Greene directors. It was published in Court Square until April, 1906, when it removed to a handsome new five-story building which it had erected for its use on North Main street. The first editor was Allen P. Kelly, and the first business manager, David F. Lingane. Mr. Kelly was succeeded by Mr. Lingane, and Charles R. Cummings became business manager. Mr. Lingane was editor for several years, and was succeeded in 1889 by George H. Brennan, who was followed by William F. Kennedy, the present managing editor, in 1891. Business managers since Mr. Cummings have been George R. H. Buffinton, W. H. Hanscom, C. F. Kelly and James F. Driscoll, the present manager, who has contributed largely in building up the business of this popular newspaper.

The Border City Herald Publishing Company was organized in 1872. Up to that time there had been no newspaper published in this city devoted to Democratic principles. Foremost in the movement to establish such a paper was the late Judge Louis Lapham. Associated with him were Nicholas T. Geagan, Southard H. Miller, Jeremiah R. Leary, John Southworth, John Campbell and other Democrats, who organized a stock company with a capital of \$6,000, and began the publication of the Border City Herald, an evening paper, of which the early announcement said: "In politics, while not neutral, the Herald will be thoroughly independent, and contain very full accounts of local affairs. It is devoted to the manufacturing and other business interests of Fall River, and seeks, in a firm, honorable way, to foster all enterprises which promise to add to the prosperity of the citizens."

Quarters were secured in the Nichols Building, on Pocasset street, near the site of the annex to the Boys' Club. Louis Lapham was the first editor, and Walter Scott manager. Mr. Scott later became editor and served for several years. Other editors of the paper while it was an exponent of Democratic principles have been William Hovey, Frederick R. Burton, William B. Wright, Joseph E. Chamberlain, Ernest King, George Salisbury and Michael Reagan.

During their service the office was moved to Court Square, and at the close of 1889 the paper took possession of the building now owned and occupied by it at 231 to 233 Pocasset street.



William F. Kennedy, Editor of the Fall River Daily Globe



In 1876 the name of the corporation was changed to the Fall River Daily Herald Publishing Company. About the year 1888 the control of the paper passed into the hands of a syndicate, of which Dr. John W. Coughlin was the leader. Nicholas T. Geagan had been treasurer and manager, and he was succeeded by James E. O'Connor. Associated with them were John Cuttle, John Stanton, Michael Mooney, James Lawlor, Dr. J. B. Chagnon and James H. Hoar.

In 1893 the control of the paper passed into the hands of men who changed its policy to independent Republican. The president of the new corporation was John D. Munroe, and the treasurer and manager was George R. H. Buffinton. Thatcher T. Thurston was editor. The Herald continues as an independent Republican newspaper, the officers of which are as follows: President, James Marshall; treasurer and manager, John D. Munroe; directors, James Marshall, John D. Munroe, J. Thayer Lincoln, Edward B. Jennings and William B. Edgar. The editor is Clarence E. Bury.

"L'Independant" is an eight-page daily sheet published in the French language. It was founded on the 27th day of March, 1885, as a weekly newspaper, by A. Houde & Co. In 1889 it was purchased by O. Thibault, and four years later, October 13, 1893, it began its daily edition with Remi Tremblay, now of Ottawa (Ontario) as editor in chief. Its present editor in chief, who has been acting in that capacity for nearly twelve years, i. e., since September 6th, 1894, is G. de Tonancour. Among its contributors are men of international fame, such as Louis Herbet, State Councillor of France; Louis Frechette, poet laureate of Canada; Benjamin Sulte, the noted Canadian historian, and Leon Gerin, of Ottawa, Canada, a prominent writer on social questions.

This newspaper is, and has been for the last four years, the property of "L'Independant" Publishing Company, of which O. Thibault is the treasurer and manager. It is a fearless Republican organ, whose influence, politically and educationally, is widely felt among the people of French extraction in Massachusetts and the surrounding States. "L'Independant" stands for all that is good, pure and sound in our institutions, and its Americanism has never been questioned.

The Fall River Monitor.\*—The country had reached its semi-centennial before any news-

paper was published here, and not until 23 years after the settlement of the town did any one have the courage to venture out upon the sea of journalism. The first number of the Monitor was issued January 6, 1826, by Nathan Hall. The town was then under the corporate name of Troy, although the name of Fall River, by which it was first called and to which it was changed back in 1834, still existed as the name of the village, the place of publication of the paper, which was on Bedford street, near Main. The size of the paper was 19x 24 inches, four pages and four columns to a page. The population of the town was then 3,000.

July 1, 1829, Benjamin Earl, who had previously served an apprenticeship on the paper, bought out the establishment and assumed publication of the Monitor July 1, 1829. Subsequently J. S. Hammond became associated with Mr. Earl in its publication. March, 1838, Earl & Hammond sold out their interest in the paper to N. A. Tripp and Alfred Pearce. This partnership continued but three months, when Henry Pratt assumed the obligations which Mr. Pearce had thrown off, and for many years the publishers were Messrs. Tripp & Pratt. In 1850 Mr. Tripp ceased to be a member of the firm, and Mr. Pratt continued the publication of the paper. In December, 1868, Mr. William S. Robertson assumed the publication of the Monitor, on the retirement of Mr. Pratt, and continued its publication until January 25, 1897, when the paper was suspended, but the office continued for job printing. The Monitor was always published weekly, but also issued a daily edition for about two years while under Mr. Robertson's management. In its earlier days the Monitor was the political organ of the Whigs, but after the formation of the Republican party, in 1854, it ever espoused their principles.

Among those who at various times were editorially connected with the Monitor were Joseph Hathaway, Esq., Charles F. Townsend, Matthew C. Durfee, James Ford, Esq., Hon. William P. Sheffield, Hon. Joseph E. Dawley and William S. Robertson.

Publications here which have lived but a brief period are numerous. The Moral Envoy was a weekly, an anti-Masonic organ, published about a year, in 1830, by George W. Allen. Noel A. Tripp started the Village Recorder, first a fortnightly and then a weekly, in 1831, but it had only a short

\*Contributed by William S. Robertson.



existence, and was merged in the Monitor. The Patriot, a Democratic weekly, was started by William Canfield in 1836, and lived about four years. In 1841 it was succeeded by the Archetype, published by Thomas Almy and Louis Lapham for one year. Then came the Gazette, owned by Abraham Bowen and Stephen Hart, also short-lived; the Argus, published by Thomas Almy and Jonathan Slade, till 1843; the Flint and Steel, edited by Dr. P. W. Leland; the Mechanic, started by Thomas Almy in 1844 and discontinued a year later; the Wampanoag, a semi-monthly, started in 1842 and abandoned in a year; the All Sorts, published "semi-occasionally" by Abraham Bowen from 1841 to 1860; the Daily Evening Star, started by B. W. Pearce in 1857, changed soon after to the Daily Beacon, and merged in the Evening News in 1859; the People's Press, started by Noel Tripp and B. W. Pearce in 1857 and merged in the Monitor in 1864.

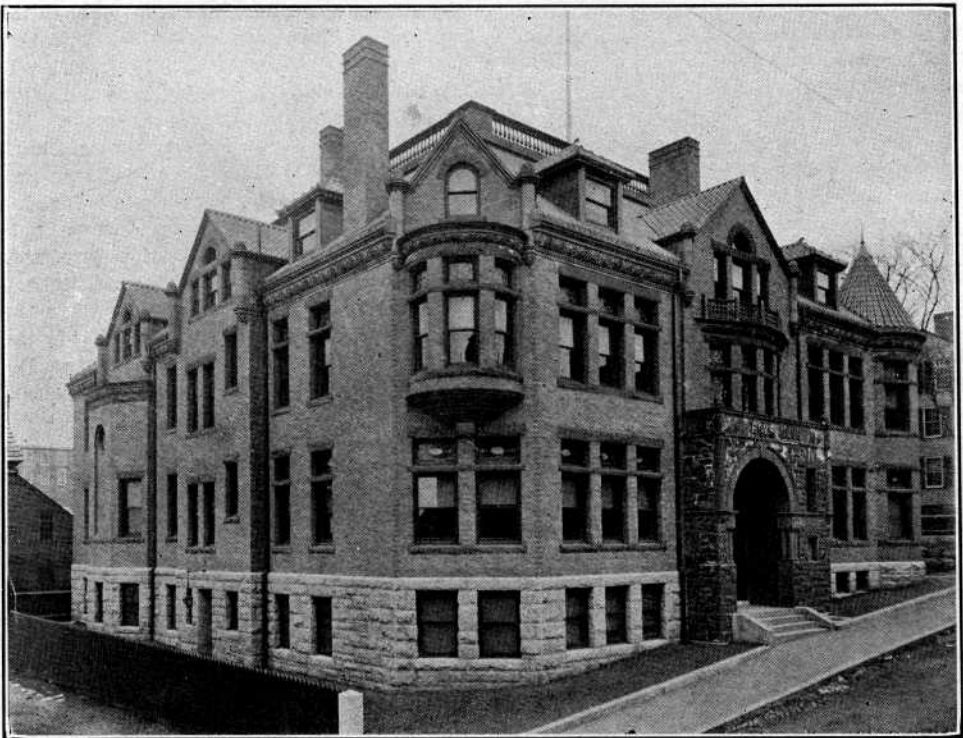
In later years there have been the Record, started in 1878 by W. O. Milne & Co.; the Sun, in 1880, by a stock company, with Ernest King, editor; the Tribune, a Republican morning paper, and the Journal and

Democrat, published by Henry Seavey. None lived through its second year. A similar fate attended the Massachusetts Musical Journal, the Key Note, the Advance, the Labor Journal and the Saturday Morning Bulletin. L'Echo du Canada, the first paper published here in French, lived about two years from its founding in 1873.

Samuel E. Fiske began in 1885 and only recently discontinued the publication of ten newspapers with essentially the same news, known as the Fall River Advertiser, the Somerset Times, the Swansea Record, the Freetown Journal, the Westport News, the Dighton Rock, the Rehoboth Sentinel, the Berkley Gleaner, the Norton Bulletin and the Raynham Enterprise.

In 1888 Franklin B. Christmas and James F. Dillon began the publication of the Catholic Advocate, a weekly, which was by them sold in 1890 to an association which continued its publication under the editorship of John J. McDonough until 1893, when it passed into the hands of James F. Lawler, who still prints it.

The Weekly Journal was published for a while in 1890 by Charles J. Leary, but it is now out of existence.



Boys' Club House, Presented to the Boys of Fall River by M. C. D. Porden, Esq.