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HISTORY  
OF THE  
BENCH AND BAR  
OF  
CALIFORNIA

BEING

*Biographies of many Remarkable Men, a Store of Humorous  
and Pathetic Recollections, Accounts of Important  
Legislation and Extraordinary Cases,*

COMPREHENDING

THE JUDICIAL HISTORY OF THE STATE

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## CYRUS F. McNUTT.

When Judge McNutt came to California and settled at Los Angeles, in December, 1896, he was a lawyer of ripe mind, and large experience. He was born on a farm in Indiana, July 29, 1837. At the age of nineteen, he entered Franklin College with the intention of pursuing its full course of studies, but before the end of his third term the death of his father compelled him to return home and conduct the farm. He left the farm in 1859, and spent the following winter as a student in the law department of the Northwestern Christian University. In the summer of 1860 he was admitted to the bar at Franklin, Indiana, and began practice there in partnership with ex-Judge David D. Banta, who afterwards became dean of the faculty of law in the Indiana State University. After some months he formed a partnership with ex-Attorney General Thomas W. Woolen, of Franklin. In May, 1862, he removed to Martinsville, Indiana, and practiced in partnership



Cyrus F. M. Nutt.



with Alfred Ennis Esq., now prominent at the bar of Chicago. He had great success at that place.

In 1872 Judge McNutt ran for congress in the Indianapolis district, on the Democratic ticket, and was defeated by General John Coburn, who was then representing the district. He made a joint canvass with General Coburn, and showed himself an orator of high powers as well as a skilled debater. In June, 1874, the trustees of the state university elected him a professor of law. It took him by surprise, but he accepted, and entered on his duties on the following October. After two years and three months' service he resigned. In October, 1877, he removed to Terre Haute, where he resided until he left Indiana for California. There he acquired a large practice. Besides, he became the legal adviser and attorney of the board of county commissioners, which had in hand the building of a new courthouse and other public works, and served in that capacity for eight years.

In 1890 our subject was elected Judge of the Superior Court of the county, of which Terre Haute is the county seat, and served the term of four years. He declined a re-nomination.

In 1895 appeared the large work, by Charles W. Taylor, entitled, "Biographical Sketches and Review of the Bench and Bar of Indiana." It contains an elaborate notice of Judge McNutt, as lawyer, judge, literary writer, and lecturer. The article is decidedly interesting, and written with much grace of style. It is by Judge John C. Robinson, of the Indiana bar, a man of fine critical powers and general ability. He lived at Spencer, and in the sixties was prosecuting attorney for the judicial district composed of Green, Clay, Owen and Putnam counties. In the seventies he was Judge of the Circuit Court of that district. From his entertaining notice of Judge McNutt we extract the following:

"Judge McNutt has always possessed and merited the confidence of the bar and the public in his character as a wise and learned counselor. His grasp of legal propositions is quick and strong, and his vision is true and far-reaching. Had he remained always in his office as a legal adviser, he would have won a high reputation in his profession, but his more attractive attributes as an advocate and trial lawyer, have served to make him even more conspicuous as a barrister than as counselor. He has had employment in a large proportion of all the great cases, civil and criminal, that have come to trial in the western portion of Indiana during the last thirty years, generally as the leader on one side or the other, and has met all the great lawyers and advocates who have been called to that field. His chief characteristics as a trial lawyer, are alertness and boldness, amounting almost to seeming recklessness, and which would be so, indeed, could the adversary find time to cease defense long enough to strike back (this, however, is not permitted him, and the end generally demonstrates that dash and courage were the wisest caution).

"Judge McNutt brought to the bench such qualifications as insured an able and just administration of its duties, a quick conscience, courage, adequate learning and experience, practical business capacity, untiring industry, and a thorough comprehension of the fact that the real object of judicial investigation is to administer justice. His administration was in all respects efficient and successful, and especially satisfactory to lawyers and litigants.

"For several years Judge McNutt has indulged his taste for literature, not only in the close study of its best models, but, to some extent, as a contributor to its stores. He has written a considerable number of short stories, published by a syndicate of newspapers of wide circulation. He has also written several more pretentious works of fiction, some of which are not yet published. \* \* \*

"He has also given a great deal of study and labor in preparing for the work of the platform, and has met with most flattering success in that field. \* \* \* One of his lectures, "The Trial of Jesus," is entitled to be considered as something more than material for an evening's entertainment. It is a masterful piece of literary excellence, and embodying, as it does, years of investigation, is a most valuable contribution to the study of the great theme."

Judge McNutt is himself the author of several biographical notices in the work from which we have quoted. The sketches of ex-Secretary of the Navy Richard W. Thompson, Judge B. E. Rhoads, and Judge David N. Taylor, are from his pen.

Since Judge McNutt located at Los Angeles he has maintained the same high standing at the bar, and enjoyed the same general esteem which were his in Indiana. In November, 1897, he formed a law partnership with Colonel Geo. H. Smith and Mr. J. E. Hannon, which still continues, under the firm name of McNutt & Hannon, Colonel Smith having been appointed a commissioner of the Supreme Court of California. The firm of McNutt & Hannon is one of the strongest in the State, and, although it was only recently formed, is fully occupied with business of first importance. Judge McNutt is an unassuming man, but his arguments in court during his comparatively brief residence in California, presented in his quiet, yet earnest and engaging way, have been the subject of comment by our best legal minds, and the profession, at least in the southern part of the State, looks upon him as one of its very ablest exponents.

Judge McNutt has two sons, who are leading members of the Indiana bar, comprising the firm of McNutt & McNutt, which has been established at Terre Haute for a good many years now; and a daughter, Miss B. E. McNutt, who resides with her parents in Los Angeles.

#### ALBERT A. MOORE.

Albert A. Moore was born on the 23d day of November, 1842, at Waterloo, Monroe county, Illinois. His father was William