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PORTRAIT, GENEALOGICAL  
AND  
BIOGRAPHICAL RECORD  
OF THE  
STATE OF UTAH

*Containing Biographies of Many Well Known Citizens  
of the Past and Present*



NEW YORK  
PUBLISHED BY  
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NATIONAL HISTORICAL RECORD CO., CHICAGO

1902

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*O. W. Powers*

rare impartiality. Spirited and independent, he was not combative in his disposition, but once convinced of the correctness of his position, held to it with all his inflexibility and tenacity of purpose that made his career a success.

Throughout the entire West, both as a leader of the Church and as a man aiding in the development of the country, no one enjoyed a greater esteem and popularity than did he. From his very youth his life was filled with stirring events, commencing as a missionary of the new religion, preaching its doctrines in hostile communities, taking part in the compulsory emigration of the Church from civilization to the wilderness and building up, in the great American Desert, a self-sustaining and prosperous community; building up and perfecting the Church of his choice, and with it the State of which it was the genesis, he died at the ripe old age of eighty-seven, respected by all the people and loved and revered by the people whom he so ably served and led. By his death, Utah suffered a great loss and one that made a wide gap in the leaders of the State. At his funeral not only was the Church and its members represented, but representatives from the entire State, irrespective of religion or belief, attended his funeral, and the services at the Tabernacle were participated in by a gathering that completely filled that commodious structure. The funeral procession from the Tabernacle to the railroad station, was composed of upwards of twenty thousand people, and the streets were lined with citizens who paid the last marks of respect to his wonderful character and clear life. The interment was made at Brigham City, the town with which he had been so intimately associated, both as its founder and builder. In the history of the West, and especially in that of the State of Utah, whether as the leader of the Church or as a leader in the development of the industries and resources of the intermountain region, President Snow's large part rightly entitles him to a high place and to the gratitude, not only to the future members of the Church, but of the citizens of the entire State as well.

**J**UDGE ORLANDO W. POWERS. Undoubtedly one of the ablest and most profound jurists who has ever sat upon the bench or appeared before the bar of Utah during the past half century is to be found in the person of Judge Orlando W. Powers, the subject of this sketch and a member of the law firm of Powers, Straup & Lippman. As an orator, a public speaker or a pleader before the bar, Judge Powers is without a peer in this Western country, and it may be questioned whether his equal in this respect is to be found in the United States. His eloquence is at all times matchless; his wit spontaneous; his vision clear and far-reaching and his diction superb. While the bar of Salt Lake City comprises some of the brightest legal minds to be found in the entire inter-mountain region, Judge Powers easily towers above them all and is the acknowledged leader of the bar in this Western country. He is deeply versed in all the intricacies and questions of law, and it is through this wide knowledge, added to his wonderful personality, holding his listeners spell-bound under the power of his eloquence, that much of his unequalled success as a lawyer has been attained and many noted cases won. All through his professional career Judge Powers has devoted much of his time to politics and been a prominent figure in many notable political gatherings. During his speeches before the political bodies he holds the close attention of his audience from the beginning to the close of his speech, and in his flights of oratory plays upon emotions of his hearers as the master musician plays upon the instrument, causing their wills to bend before the strength and majesty of his will as the reeds bend before the breeze. The heights to which he has attained in public life may best be told in the following epitome of his life:

Judge Powers sprang from a family whose name of Powers, or Power, is from the old Norman name le Poer, and who trace their lineage in England back to the time of William the Conqueror, one of whose officers bore that name at the Battle of Hastings. From that time down the name has held an honorable place in the history of England. A curious incident is

related of Richard le Poer, High Sheriff of Gloucestershire in 1187, in that "he was killed while defending the Lord's Day." When King Henry the Second invaded Ireland for conquest in 1171, a chief command was given to Sir Roger le Poer, an English Knight, and large tracts of land bestowed upon him by the crown, in recognition of distinguished services rendered. The British Parliament has had many members from his descendents, and among those whose lineage is traced to the ancient family is Walter Power, of Essex, England, who emigrated to America in 1654, landed at Salem, Massachusetts, and settled at Littleton, Middlesex county, Massachusetts. He was an ancestor of David Powers, born March 4, 1753, who was the great-grandfather of our subject. He was a soldier in the American Revolution and one of the earliest settlers of Croydon, New Hampshire. His son, Captain Peter Powers, was born there February 7, 1787, and married Lois Sanger Cooper. They emigrated to New York State and settled in Cayuga county, afterward removing to Pultneyville, Wayne county, New York. Among their children was Josiah Woodworth Powers, born December 7, 1817, who in 1842 married Julia Wilson Stoddard, who died in January, 1891. Josiah Woodworth Powers died in the year 1900. They were the parents of Judge Orlando W. Powers, the subject of this sketch.

Among the most noted members of this family in America may be mentioned Hiram Powers, sculptor, and Abigail Powers Fillmore, the wife of Millard Fillmore, formerly President of the United States, and of whom it is said that "she presided over the great and constant hospitalities incident to the position of mistress of the White House with a grace and dignity excelled by none of her predecessors since the days of Mrs. Madison." Mrs. Fillmore was a second cousin of Judge Powers.

Orlando W. Powers was born June 16, 1850, at Pultneyville, Wayne county, New York, a little hamlet on the shore of Lake Ontario, sixteen miles north of Palmyra, New York. There his early boyhood was passed, his father being a farmer of moderate circumstances. He received his principal education in the district school, at-

tending school winters and working on the farm during the summer months. He later attended the Sodus Academy for two terms, and also spent two terms in the Marion Collegiate Institute of Wayne county, New York. His parents were not able to give him an elaborate education, although his mother, a naturally ambitious and intellectual woman, closely economized and hoarded her earnings that she might devote them to the education of her three children. At the age of eighteen years our subject was given the choice of attending the law school of Michigan University at Ann Arbor and perfecting himself for the legal profession, or taking a literary course at Cornell University. He at that time had fully determined to become a lawyer, and from a justice of the peace had obtained a copy of the Revised Statutes of New York, which his father was horrified to find him reading one day in the corner of a rail fence, when he was supposed to be hoeing corn. Shortly after this he was called to try his first case, which he won and for which he received five dollars, four of which he invested in "Metcalf on Contracts," which was the nucleus of his law library.

He entered the law school of Michigan University in the fall of 1869, and graduated in the spring of 1871, in the same class with Governor Charles S. Thomas, of Denver, Colorado. He then returned home and worked on the farm for a time and secured other employment in order to obtain the means with which to start into practice. He attained his majority in the fall of 1872 and was nominated on the Democratic ticket for the Legislature, but the district being overwhelmingly Republican, was defeated by Hon. L. T. Yoemans, a brother-in-law of ex-President Grover Cleveland. He moved to Kalamazoo, Michigan, the following spring, reaching there with less than one hundred dollars, never having had any experience in a law office and with no practical experience at the bar. He obtained the position of clerk in the office of May & Buck, the former being a noted orator and at one time Lieutenant-Governor of Michigan. For the first three months he received his board and permis-



sion to sleep in a back room of the office; at the end of that time he was given a salary of ten dollars a month, in addition to his board and lodging, being required, however, to put five hundred dollars worth of law books into the firm, which he procured by borrowing the money from Hon. T. G. Yoemans, the father of his late opponent for the Legislature of New York. The Hon. George M. Buck, the junior member of the firm, was at that time prosecuting attorney for Kalamazoo county, and he delegated to Mr. Powers the trial of many minor criminal cases in Justice courts, which proved of incalculable benefit to him.

His work in the field of politics began in 1874 when he took the stump for the Democratic party of his county, and during the remainder of his residence in Michigan he took an active part in politics, being a member of every Democratic State Convention, and as a member of committees on resolutions assisted in preparing many of the party platforms. He evolved and carried through the plan whereby the Democratic and Greenback parties united, which resulted in the election of many Democratic Congressmen and other officials, and which for many years placed Michigan in the column of doubtful States. During this time he enjoyed a large law practice, but found time to act for many years as County Chairman for the Democrats of Kalamazoo county, and also directed several hard-fought municipal campaigns. In 1875 the law firm of May & Buck dissolved, Governor May moving to Detroit, and Mr. Buck becoming Judge of Probate for Kalamazoo county. Mr. Powers succeeded to the business of the firm, associating with him William H. Daniels, a bright young lawyer. Mr. Powers was elected City Attorney of Kalamazoo in the spring of 1876, and in the fall of that year was nominated for County Prosecuting Attorney, but did not receive the election, although he ran twelve hundred votes ahead of his ticket. That same year he stumped the State in the interest of Samuel J. Tilden for President, and also took part in the campaign in Indiana, speaking in the northern part of that State with Governor Hendricks and Hon. Daniel W. Voorhees. A strong

friendship grew up between Mr. Powers and Governor Hendricks, and thereafter he was a staunch supporter of the great Indiana statesman.

From 1878 to 1880 he was actively engaged in the practice of his profession, being connected with some of the largest cases of that section of the State. In 1880 he was urged to allow his name to be used as a candidate for Congressman from the old fourth district of Michigan, which had almost uniformly been represented by a Republican. He absolutely refused to have his name used and also refused to attend the convention. However, his name was put up against that of Doctor Foster Pratt, of Kalamazoo and on the first ballot he received fifty-seven votes against Doctor Pratt's three. He protested vigorously against running, but was finally overpowered by the arguments of his friends and finally accepted the nomination, being defeated at the polls by Hon. Julius Caesar Burrows, afterward elected Senator from Michigan. However, the result of the campaign left a bitterness of feeling existing between the older element of the party, which had desired the nomination of Doctor Pratt, which feeling continued and was a factor in the bitter fight afterwards waged against Mr. Powers' confirmation as Associate Justice of Utah, when his name was pending before the United States Senate.

In 1882 he wrote a law book upon Chancery Practice and Pleading, adapted to the Courts of Michigan. The volume consists of eight hundred and forty-nine pages and three hundred and five practical forms. It met with a large sale and is today a recognized authority upon the subject of which it treats. In 1884, at the request of the Richmond Backus Company, publishers of law books, of Detroit, Michigan, he wrote a work of four hundred and thirty-six pages, entitled "Powers' Practice," treating of the subject of practice in the Supreme Court of the State of Michigan. This also met with a good reception from bench and bar.

In the same year, 1884, he was elected as a delegate at large to represent the State at the Democratic National Convention at Chicago, and while his candidacy for the place was op-

posed by the element which had become dissatisfied with his nomination for Congress, he received more than a two-thirds majority. The Michigan delegation that year took a prominent part in the convention; it was divided as to its Presidential choice, part favoring Grover Cleveland and part, under the leadership of Mr. Powers desiring the nomination of Thomas A. Hendricks. The New York delegation was bound by the unit rule to vote as a body for Mr. Cleveland, although there was a strong minority led by Hon. John Kelly, of Tammany Hall who was opposed to him. An effort was made to abrogate the unit rule and Mr. Powers took the floor and spoke upon that side of the question. He was the member from Michigan upon the important committee of Permanent Organization and Order of Business. Prior to the ballot for the Presidential nomination, Mr. Powers with several members of the Michigan delegation, had been active in working up a sentiment in favor of the nomination of Mr. Hendricks, who was present as a delegate from Indiana, and chairman of that delegation. The Michigan delegation, however, decided to cast their vote upon the first ballot for Mr. Cleveland, agreeing that if there were an opportunity to nominate Mr. Hendricks, the Cleveland men in return for the united support of the Hendricks men on the first ballot, would cast their votes for the latter. The first ballot was taken in the evening, and while Mr. Cleveland was strongly in the lead, he did not have the necessary two-thirds vote. Immediately after the adjournment of the convention a private meeting was held in a room at the Palmer House, at which the more prominent leaders of the opposition to Mr. Cleveland were present; among them being Samuel J. Randall, Benjamin F. Butler, John Kelly, Daniel W. Voorhees, Thomas A. Hendricks, Allen G. Thurman, Senator Bayard, General Mansur, Mr. Powers, and others. It was the sentiment of this meeting that if Mr. Cleveland was to be defeated the opposition would have to center upon Governor Hendricks as its candidate, and upon this being known, Mr. Hendricks left the meeting. General Butler proposed that upon the first ballot of the following morning the

forces should be held in line for the same candidates for whom they had voted on the first ballot in opposition to Mr. Cleveland, and that upon the next ballot they should all concentrate upon Mr. Hendricks. While this plan was being discussed John Kelly, of New York, called attention to Mr. Powers being the original Hendricks man in the convention, and invited him to give his opinion of the plan. Mr. Powers favored springing the name of Mr. Hendricks upon the next ballot, calling attention to the fact that upon the first ballot there had been one vote cast for him, which had brought forth much applause, and there was danger of a stampede in attempting to hold the lines as they had been on the previous ballot. As the time for nominating candidates had closed, General Butler desired to know how Mr. Powers would place the name of Mr. Hendricks before the convention. "I would arise to a question of privilege," said Mr. Powers, "and upon the chair requesting that the question be stated I would say that I arose to the question of the highest privilege, that of placing in nomination the next President of the United States, Thomas A. Hendricks." However, it was determined to hold the opposition in line as it had been the night before, without any change on the next ballot. General Butler agreed to see the delegate from Illinois and have him refrain from voting for Mr. Hendricks. It was also arranged that just prior to the opening of the third ballot Mr. Powers should present the name of Mr. Hendricks, as he had suggested, and that Alabama would lead off with her vote for Hendricks, which would be the signal for all the opposition to concentrate upon his name. When the second ballot was taken everything proceeded as intended, there being no change in the vote until the State of Illinois was reached, when the same man who had voted for Hendricks the night before again cast a ballot in his favor. The announcement was made by General John C. Black, Chairman for Illinois, in these words, "Illinois cast one vote for Thomas A. Hendricks." Thereupon started what is known in political history as the "Hendricks stampede," being the most remarkable demonstration that has ever taken place in any political convention.

For forty-five minutes the building rang with shouts, cheers and cries for Hendricks, in the midst of which Mr. Hendricks escaped from the building. During the entire time of the demonstration Gen. Black remained upon his feet, awaiting an opportunity to state the balance of the vote from Illinois. The State of Pennsylvania withdrew from the convention for consultation in the midst of the tumult, and other States followed suit but the States that had already voted could not, under the rule, change their votes in favor of Mr. Hendricks, and it was perceived by his friends that the Butler plan was doomed to failure. As the demonstration ceased, General Black completed his sentence by saying, "and thirty-eight votes for Grover Cleveland." Indiana cast her vote for Hendricks, as did a part of Michigan, but before the call of the States was completed, it was seen that Mr. Cleveland would be the nominee, and changes were made in his favor, giving him more than the necessary two-thirds vote. Mr. Powers dined that day with Governor Hendricks, and calling the attention of Mr. Hendricks to his sorrow that the fight had resulted as it had, the Governor replied that from the noise and the demonstration he believed that if the galleries could have voted he would have been the Democratic nominee. Mr. Hendricks then departed for Indiana, and that afternoon when the convention assembled to nominate a Vice-President, Daniel Manning, of New York, urged Mr. Powers to place Governor Hendricks in nomination, which he declined to do, insisting that he should have had the first place. Hendricks, however, was nominated and became Vice-President of the United States under Mr. Cleveland's administration.

In the spring of 1885 the Democrats again carried Kalamazoo, and Mr. Powers was again elected City Attorney. A contest arose over the appointment of Post Master for the city, the candidates being Doctor Pratt on the one side and the editor of the Democratic paper on the other. Hon. Don M. Dickinson, of Detroit, was just coming into prominence in national politics, and Mr. Powers went to Washington in the interests of his friend, the editor, and procured the services of Mr. Dickinson. A day or two after

his return to Kalamazoo he received a dispatch from Mr. Dickinson which read: "Will you accept position of Associate Justice of Utah? Answer quick." Mr Powers had no thought of any such appointment, but upon receipt of the telegram immediately went to the telegraph office and wrote the reply, "Yes." That was in April and in due time the appointment was made. In May of that year Mr. Powers came to Utah, took the oath of office and entered upon his duties as Associate Justice of Utah and Judge of the First Judicial District, with headquarters at Ogden. His experience on the bench was not of the most pleasant nature; the laws against unlawful co-habitation and bigamy were then being enforced with great vigor, and before he had time to become acquainted with the people or become familiar with his new position, cases involving the violation of this law were brought on for trial in his court, and at the June term of the Supreme Court that year there came up for review the cases of Angus M. Cannon and A. Milton Musser, convicted of unlawful co-habitation, which were affirmed, Mr. Powers, however, dissenting from the opinion of the court.

In the fall there came on for trial before him the celebrated mining case of the Eureka Hill Mining Company against the Bullion-Beck and Champion Mining company, the trial of which consumed seventy-five days, and involved new and intricate questions of mining law. It was during the trial of this case that opposition began to the confirmation of Mr. Powers as Judge, by the Senate, and at the conclusion of the case, those who were disappointed with his decision gave aid and encouragement to the dissatisfied members of his party who were opposing him in the East, while the political enemies of Mr. Dickinson joined in fighting Mr. Powers, hoping thereby to destroy the influence of Mr. Dickinson with the President. The contest continued from October until April of the succeeding year, with great vigor and bitterness. Mr. Powers remained in Utah, daily attending to his duties upon the bench, but in his efforts to cope with his enemies, he exhausted his finances and in April, 1886, telegraphed the President requesting him



either to withdraw his name from the consideration of the Senate, or accept his resignation as Judge. The President chose to pursue the former course, instructing Mr. Powers to continue in the performance of his duties until his successor was appointed. The name of Hon. Henry P. Henderson, of Mason, Michigan, was submitted to Mr. Powers in June, with the query as to whether his appointment would be perfectly satisfactory to Mr. Powers, who replied in the affirmative. Judge Henderson was appointed and Mr. Powers was relieved of his duties as Judge on August 16th, and returned to Michigan, where he became editor of the *Grand Rapids Daily Democrat*, returning to Utah in September, 1887, and has since engaged in the practice of his profession in Salt Lake City.

Judge Powers was married on October 26, 1887, to Anna Whipple, daughter of George Whipple, an old resident and merchant of Burlington, Iowa. Two children were born of this marriage—Don Whipple, died in 1889, and Roger Woodworth is now eleven years of age. From 1888 to 1892 Judge Powers filled the position of Chairman of the Liberal State Committees, and conducted some of the most vigorously contested campaigns ever conducted in Utah. It was during this period that the famous "Registration train" was run by the Liberal party in the campaign of 1890. The laws in Utah were such that a man could register by taking the required oath before a notary public in any section of the country, and sending that vote to the registration officer, whose duty it was to put the voter upon the list. The Rio Grande Western was at that time broad-gauging its track and employed several hundred men. As the need of completing the improvements speedily was urgent and the company fearful that they would not return to work if allowed to come to Salt Lake City, felt unwilling to allow them to do so. Mr. Powers consulted leading attorneys who assured him that it would be proper for a registration officer to register any bona fide voters, residents of Salt Lake City, who were working for the railroad company, wherever they might be found within the State, and it was his purpose to advertise that this would be done, in

order to allow both sides an opportunity to register. However, during his absence on law business in Provo, a special train was hired and started from Salt Lake City at midnight, in a clandestine manner, to register voters, the train containing registration officers. Mr. Powers became very indignant upon learning what had been done, and when the registration officers returned to Salt Lake, told them that if they placed upon the registration list any names secured in this manner, he would challenge them at the proper time and, as a result, none were placed upon the list. This episode created much adverse comment, and Judge Powers, as Chairman of the Committee, was held responsible, which responsibility he accepted. Upon the other hand, the managers of the People's Party had secured Inspector Bonfield, of Chicago, to come secretly to Salt Lake City, with a number of assistants and detectives, to aid in the campaign. Mr. Powers caused the Bonfield matter to be exposed just prior to the election, which also caused intense excitement. The Liberal ticket won by a majority of eight hundred and forty.

Anticipating the division upon political lines, Judge Powers organized the Tuscarora Society, a Democratic organization, which grew to a membership of eleven hundred, and became a strong political factor. At the National Convention in Chicago, in 1892, this society ran a special train, containing a drum corps and about sixty members of the organization, to Chicago; where they became the feature of the convention. Judge Powers, with Fred J. Kiesel, attended the convention as delegates from Utah, representing the Gentile wing of the Democratic party. Their right to sit as delegates was contested by Judge Henderson and Hon. John T. Caine, representatives of the newly-formed democratic party of Utah; the latter being seated.

In 1892 Judge Powers was elected a member of the Legislature of Utah, and served during the session of 1893. In 1895 he was unanimously elected Chairman of the Democratic State Central Committee, and waged a vigorous campaign, being re-elected to the same office in 1896, the State that year giving a very heavy democratic majority. At the request of the National Com-



mittee, he stumped the States of Illinois, Iowa, Nebraska and Wyoming in 1896, part of the time speaking with Mr. Bryan from the latter's special train. He was Chairman of the Utah delegation to the Convention held in Chicago that year. He submitted the plan for the organization of silver delegates, which was later adopted in the convention and which proved so effective, surprising the gold delegates by its completeness. He also placed in nomination the name of Hon. John W. Daniel, of Virginia, for Vice-President, making a speech that was highly complimented.

In December of that year he resigned as Chairman of the Democratic State Committee and announced himself as a candidate for the United States Senate, withdrawing, however, in favor of Hon. Moses Thatcher, before the balloting commenced, the conditions at that time impressing Judge Powers that it was his duty to do so. Nevertheless, during the whole fight, he was voted for by Senator Mattie Hughes Cannon. In 1898 he again became a candidate for United States Senator, and was one of the leading candidates during the whole session, which resulted in no election of a Senator from Utah.

On August 26, 1899, an attempt was made by an ex-convict, commonly called John Y. Smith, to take the life of Judge Powers by an infernal machine loaded with giant powder and fulminating caps. The contrivance was ingeniously constructed, but by one of those fortunate mental warnings, which baffle description, but which are sometimes experienced, Judge Powers did not open the box, but turned it over to the police who discovered its dangerous character. The Governor of Utah offered a reward of five hundred dollars for the arrest and conviction of the perpetrator, and he was secured while endeavoring to escape. His trial was had in December, 1899, and he was convicted of assault with intent to murder. The day after his conviction he ended his life by taking morphine with suicidal intent. After his conviction he confessed his connection with the effort to take Judge Power's life, but alleged that he had an associate. He also stated that his true name was Louis James, and that he was a cousin of the notorious Jesse James. After his death he was identified by one

who knew him in childhood as being what he claimed to be, Louis James.

It is safe to say that during the long period of time in which Judge Powers has practiced his profession, and among the large and noted cases, both civil and criminal, which he has conducted, not only in Utah but in the State of Michigan, that he has met with more uniform success than any other attorney, either East or West; in fact, it is very seldom that he ever loses a big case. His long and most honorable career in Utah has brought him prominently before the people and won him a large circle of friends and admirers. Personally, he is one of the most genial, pleasant gentlemen one would wish to meet, and is in large demand where there is any occasion for speech-making.



**D**ANIEL H. WELLS, Deceased. In taking a retrospective view of Utah during the past half-century, and of the men who have been closely identified with it through its period of direst trouble and hardship, the name of Daniel H. Wells stands out in bold relief, and while he has passed from earth's scenes, his influence still lives and will continue to live for generations yet to come.

Daniel Hanmer Wells was born at Trenton, Oneida County, New York, October 27, 1814, and was the only son of Daniel and Catherine (Chapin) Wells. Our subject's mother was Mr. Well's second wife, by whom he also had one daughter, Catherine Chapin Wells. Mr. Wells had five daughters by his first wife, all of whom are now dead. He was born at Weathersfield, Connecticut, and was descended through Joshua; Joseph, Robert and John from Thomas Wells, the first American progenitor, who settled at Hartford in 1660, and became the fourth governor of Connecticut, and was several times elected alternately to the office of Governor and Lieutenant-Governor of that colony.

Catherine Chapin was the daughter of David Chapin, a Revolutionary soldier, and connected with one of the oldest and most distinguished New England families. He served under the