



# Court Historical Society NEWSLETTER *Eastern District of Tennessee*



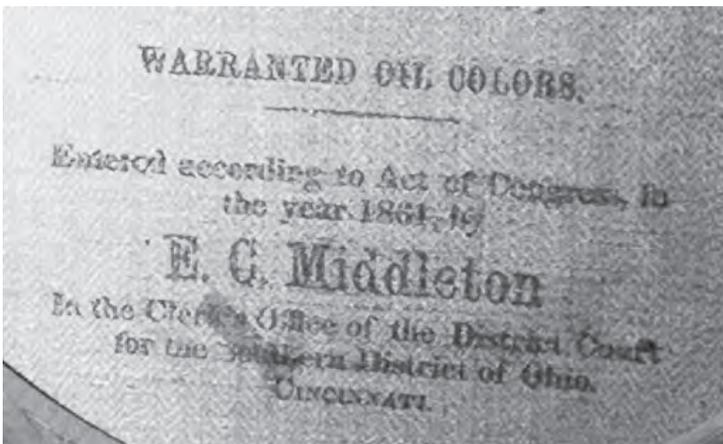
SEPTEMBER 2010



George Washington



Martha Washington



Inscription on backs of photographs

## The Washingtons

Why are we publishing photographs of George and Martha Washington? Because the photographs have a district court connection, mainly the Southern District of Ohio but indirectly the Eastern District of Tennessee.

Though not in color here, the photographs are in rich color. They are chromolithographs owned by Alan Shuptrine of Gold Leaf Designs in Chattanooga, who framed the handsome Chattanooga courtroom mural study we have written about here in recent issues. He noticed that they are inscribed on the back with the following words and, accordingly, contacted us:

WARRANTED OIL COLORS

Entered according to Act of Congress in the year 1861 by E.C. Middleton in the Clerk's Office of the District Court for the Southern District of Ohio, Cincinnati.

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## Oral History Notes

*The Court Historical Society has 54 oral histories that have been conducted over the past 19 years. We thought it would be good to lift some excerpts from a few of them to share with members. We will provide anecdotes from others in future newsletters. In the following, we have paraphrased some of the stories for space reasons. All of those quoted here are deceased.--EDITOR*

Granville Sertel, deputy U.S. Marshal, and Betty Cutchin, secretary to U.S. District Judge Leslie R. Darr, talking about the judge:

Sertel—

We'd have a jury trial and he didn't have any notes. When he would get finished, he would just say, "Now ladies and gentlemen, this is a very simple case." And he would give them examples. It would only take 10 minutes and the jury would go out. There weren't any of those long charges like there are today [1992]. That was just the way he operated, and, of course, he couldn't do that today.

Cutchin—

He didn't write out his jury charges. That was an amazing thing about him. Of course, he had an amazing mind. He would just sit there from the bench and talk. Lots of times he didn't even have notes. If it was a complicated case and he wanted to get everything straight in his mind, he might dictate a charge, but when he went into court, he didn't refer to it. Sort of had it in order because he had dictated it.

*(Editor's Note--Judge Darr served from 1939 to 1961.)*

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Walter Price, Johnson City attorney, on taking the Tennessee Bar Examination in 1936—

I was admitted to the state bar in March but I didn't graduate [from the University of Tennessee Law College] until June. The dean frowned on this practice. But we had had all of the required subjects and had finished the first-semester exams. Ernest Taylor of Morristown was a classmate of mine, and there were two others. We decided we were going to take the bar exam so we could start practicing when we graduated. The dean didn't like it, because he was afraid we were going to spoil the school's reputation for success on the exam.

So we all went down to Nashville on the old Tennessee Central Railroad. Left Knoxville at night and got

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## The Washingtons *continued*

Because of the court angle, Shuptrine thought the Court Historical Society might be interested in purchasing the Washington art pieces, which measure approximately 19 inches by 22 inches. Although we found the proposal of interest, we declined. He acquired them some time ago from the estate of **Dr. L.H. Lassiter**, a well-known Chattanooga ophthalmologist and avid art collector.

Intrigued by the language on the backs of the photographs and because of the Cincinnati reference, we contacted Sixth Circuit Historian **Rita Wallace** to see what she might know about the matter. Here's what she learned from fellow historian **John A. Lupton**, who serves as historian for the Illinois Supreme Court Historical Preservation Commission in Springfield, Illinois.

In antebellum America and into the late 19th century, when someone published a book or copyrighted a work, Lupton said, one way they could protect their work from infringement was to go to the U.S. Circuit Court or District Court in the area in which they lived and register it.

Lupton said **Middleton** lived in Cincinnati, so his home court was the Southern District of Ohio in Cincinnati. Middleton was widely regarded as one of the pioneers of chromolithography, which combined the process of photography with lithography to create color portraits. Middleton's productions of the Washington pieces were done from photographs of paintings by noted artist **Gilbert Stuart** (1755-1828) of the president and his wife. National Gallery of Art records say Stuart created the most lasting images of our first president.

Middleton also did a famous chromolithograph of **Abraham Lincoln** based on an 1864 portrait of Lincoln, Lupton said. Each of the chromolithographs is valued at from \$300 to \$1,500, depending on its condition.

Court historian Wallace said she has received inquiries previously about Middleton's art pieces because of the Cincinnati reference on the back. ■

## Oral History Notes *continued*

into Nashville the next morning just in time to start the exam. We spent two days there and came back and then started watching the Sunday newspapers from then on to see if we passed.

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**U.S. Magistrate Judge Thomas W. (Jack) Overall** and close friend of **U.S. District Judge Charles G. Neese** about Judge Neese—

I thought he was an unusually good judge. He was more dedicated than any of the judges I had seen. He tried to do it right, and he didn't let politics interfere in any decision. He talked to me about all of his decisions, and if he ever made a decision predicated on anything other than the law and the evidence, I don't know about it.

He made the lawyers awfully mad, and he was awfully hard on them. I spoke to him about it on numerous occasions. I would say, "Do you want to make everybody dislike you?" And he was particularly hard on the young lawyers. They were frightened. They didn't want to go in his court. He said he was doing it for them.

*(Editor's Note--Overall served as a part-time magistrate judge from 1970 to 1985, and Judge Neese served from 1961 to 1982.)*

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Former U.S. District Court Clerk **James W. Parrott**, who later served on the Tennessee Court of Appeals, about how he became the clerk and later was succeeded in the clerk's post by his friend **Karl D. Saulpaw Jr.**—

I was just finishing my time on the Chancery Court bench [in 1959] and was setting up a practice in Dandridge by myself. **U.S. Marshal Frank Quarles** came to see me and said **Judge [Robert L.] Taylor** wanted to see me. Said he wanted me to be the clerk. I went to see him, and I went down to see **Judge Darr**, who was the other judge at the time. I took the job, but I told them I would stay only one year.

I ended up staying five years. At about that five-year point, Karl Saulpaw and I were planning to open a law firm. We had lined up a couple of insurance companies as clients. But then I got the opportunity to be appointed to the Appeals Court bench, and I told Judge Taylor I was going to leave. He said OK, but he said, "Jim, you've got to help me find a clerk." I told him, "I've got you one--Karl Saulpaw." Judge asked, "Will he take it?" I said, Yes." We called him down to the courthouse and he took it right away.

*(Editor's Note--Parrott served as clerk from 1959 to 1964, and Saulpaw served from 1964 to 1988. At the time Saulpaw became clerk, he was practicing with the Knoxville firm of Ambrose, Wilson and Saulpaw. The Wilson was William C. Wilson, brother of U.S. District Judge Frank W. Wilson.)* ■

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