

JUDGE MALLORY DEAD.

Long Illness of Veteran Jurist
Terminates Fatally Friday
Morning.

Milwaukee, Wis., November 3, 1899.—James Augustus Mallory, for twenty-nine years judge of the municipal court of Milwaukee county, passed quietly away at his home, 429 Jackson street, at ten minutes past 11 o'clock this forenoon. At his bedside were his children, Rollin B. Mallory, Misses Jennie and Lillian Mallory, his two sisters, Misses Emma and Louise Mallory, and his nephew, George W. Knapp of Chicago.

Judge Mallory had been in poor health since last March. One afternoon he stumbled and fell in his room at his home and the injury proved more serious than a painful bruise which was the only result manifest at the time. From the very hour of his fall Judge Mallory was no longer himself. The shock had been a severe one and to a man of his advanced years it was apparently a lasting one. His health gradually failed and during the summer he frequently complained of an indisposition, though he continued daily at his desk in his home, busying himself in further prosecuting his studies in the law. He was also a close student of political economy and delved much in literary work. As the summer passed he became less strong and gradually he relinquished his personal charge of his real estate affairs and then, too, he did not spend so much time at his desk. A few weeks ago his family noticed that he was far from well. A bad cold gradually made inroads and he took to his bed. At times it seemed as if he would rally and only Wednesday it was believed that he would be able to be about again shortly. But yesterday morning early a change for the worse set in and toward evening his condition was very low. It remained thus during the night and this morning it was plainly evident that the end was near. Miss Mallory stated that she believed her father would hardly survive the forenoon.

James Mallory was born on the Hud-

James Mallory was born on the Hudson, in Washington county, New York, on September 28, 1827. When he was 6 years of age his parents moved to Erie county, New York, and here he obtained his early education. He attended Aurora academy, and later went to Buffalo, where he entered upon the study of law, and after graduating he spent some time studying law in the office of Horatio Seymour, a nephew of Gov. Seymour. Judge Mallory was admitted to the bar at Buffalo and started in to practice law there until 1851, when he came to Milwaukee, his father, Stirling Mallory, having preceded him there one year. Upon his arrival in this city Mr. Mallory at once became eminent and in the year 1854 he was elected district attorney of Milwaukee county and re-elected without opposition in 1856 and in 1858. In March, 1861, Gov. Alexander Randall appointed him to fill the unexpired term of judge of the municipal court; the following month he was elected to the position and was re-elected continuously from that time until 1889, when Judge Waller defeated him, Mr. Mallory retiring at the end of his term, January 1, 1890.

Since retiring from public life the deceased had devoted all of his time to his personal real estate holdings and to the pursuit of legal studies. He took a deep interest in political history and economics and was an active member of the Jefferson club. Though a Democrat he was never an active partisan in local politics. Mr. Mallory's father died in this city about a year after the family came here. His mother died in 1875.

In 1878 Judge Mallory ran for governor. There were four candidates and William E. Smith was elected by the narrow majority of 5000 over Mr. Mallory, who refrained from an active campaign owing to his position on the bench.

In the year 1854 Mr. Mallory was mar-

In the year 1854 Mr. Mallory was married to Miss Mary J. Bates of Springdale, Conn. She died in 1861, and he never remarried. Judge Mallory attended services at St. Paul's.

During Mr. Mallory's long career on the bench of the municipal court many episodes occurred that have gone to make an important portion of the history of Milwaukee. The ablest attorneys of the Milwaukee bar practiced in his court and without exception held him in the very highest respect. His rulings were always just and the law was applied without fear or favor, yet it was always certain that the judge would be as humane as justice would permit of whenever the unfortunate stood before him. In the trial of felons he was very prompt and methodical in the conduct of every case. It seemed as if there was no possibility for him to err. In charging a jury he was terse and yet so explicit that the cases in which the Supreme court overruled him were exceedingly few. Volumes might be written of the many happenings during his long career on the criminal bench. District Attorney Brazeo, who practiced many years in his court, remembers well the fine traits of the judge and this morning, in speaking of his illness, remarked feelingly that an abler criminal jurist would be found nowhere. In the trial of murder cases the Judge in particular displayed a fine knowledge of the law of evidence and his rulings were always clear and so well defined as to carry conviction.

Judge Mallory was of the old school; he had little in common with present-day methods and shrank from contact with modern development. He loved the privacy of his own home and in his courtroom and in his chambers maintained a dignity that always elicited respectful attention. During his term of office on the municipal bench he sentenced on an average five persons a day, for during all those years the police and municipal courts were combined. And yet it seemed as the years went on that Judge Mallory's popularity increased apace and his re-election came to be looked forward to each term as a certainty so long as he expressed a willingness to serve. Between 2000 and 3000 offenders were punished by him yearly, and the majority of them liked him just the same, for they felt that he was fair and impartial and that they had been given merited reproof.

The Weekly Wisconsin

Milwaukee, WI

Saturday, November 11, 1899

Page 8, Column 3