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David Darwin Hughes

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he was soon ordered to Louisiana where he was assigned to the staff of Lieut. General Buckner with whom he continued until the war ended. He then began the practice of his profession in New Orleans but in 1868 he moved to Baltimore where he soon attained an enviable position at the bar. He was a man of great personal attractions of high professional and literary attainments of indomitable courage and perseverance, and commanded and deserved the entire confidence of a large and rapidly increasing circle of clients and friends. He never held any political office, but took an active interest and part in every measure for the good of the city and state where he had made his home.

M I C H I G A N

DAVID DARWIN HUGHES

David Darwin Hughes was born in Camillus, N. Y., February 1, 1823, and died at Grand Rapids, Michigan, July 12, 1883. He was of Welsh descent, the American ancestor having settled at East Haven, Conn., in 1748. His father, Henry Hughes, removed with his family to Eaton County, Mich., in 1840, of which county he was made deputy clerk in 1842. He entered regularly upon the study of the law in 1844; was admitted to the bar in 1846, became law partner of Isaac I. Gary, at Marshall, Mich., in 1851, and on Mr. Gary's death in 1854 associated Mr. Justin D. Wolley with him, and their co-partnership continued until 1871. By this time Mr. Hughes had become the leader of the bar in Western Michigan, and was esteemed one of the ablest and most successful advocates in the Northwest. The Grand Rapids and Indiana Railroad Company invited him to become its general

counsel and he removed to Grand Rapids for the purpose taking with him Thomas J. O'Brien as partner. Soon afterwards Mitchell J. Smiley was received into the partnership, and the firm of Hughes, O'Brien & Smiley transacted a large and very successful business until 1882 when Mr. O'Brien retired and two sons of Mr. Hughes—D. Darwin, Jr. and Walter—were admitted to a share in the business. By this time premonitions of what proved a mortal disease of the heart had been observed and the best medical aid was resorted to but without avail. Mr. Hughes leaves a widow and five children, having lost two children in infancy.

The official offices held by Mr. Hughes were U. S. Commissioner for a short time, Prosecuting Attorney for four years in his early practice and Mayor of the city of Marshall for one term. He was in politics a Democrat and his party, then in a hopeless minority, several times made use of his name as a candidate for important offices, voting for him twice for Congress and twice for Justice of the Supreme Court; but he was very little of a partisan and seemed to have little or no desire for official honors. He was tendered the command of a regiment during the Civil War but declined it though he gave active support to the government at all times.

The true field for the intellectual activity of Mr. Hughes was no doubt the bar. He had great logical powers, quick perceptions and a fine command of language; he was agreeable in person and address; he had a keen sense of right and wrong, and that candor and frankness that always challenged and secured the confidence of the court and the respect of opponents. His addresses were characterized by simplicity and earnestness and were equally powerful, whether directed to the facts of his case or to the law.

Some few of the cases with which he was connected may be mentioned, because they had in his own state unusual

importance. One of these was *The People vs The Township Board of Salem*, reported in 20 Mich. 452. The case involved the constitutional power of the municipalities of the state to loan their credit to railroads. The township, under legislative permission, had voted railroad aid, and the township board refused to obey the vote and issue bonds. Mr. Hughes applied to the Supreme Court for a mandamus, and argued the application with great power, but was unsuccessful. The court held the legislation unwarranted, and the business of voting aid to railroads came to an end. It may be mentioned, however, that bonds which had been previously issued and sold were recognized and enforced, and with this outcome Mr. Hughes was content. Another notable case was *Stuart vs Kalamazoo*, reported in 30 Mich. 69. The case involved the power of the municipalities to provide for giving classical education in the public schools of the state, which are supported by taxation. Mr. Hughes appeared for the schools, and the favorable judgment secured has been a landmark in the educational history of the state since its rendition. Another case worthy of mention was *Newcomer vs Van Dusen*, reported in 40 Mich. 90. The leading question in the case was whether the superintendent of a state asylum for the insane was liable for false imprisonment for the reception and detention, in good faith and by mere error in judgment, of a person committed to him by relatives as insane, but who proved not to be so. In this case, unfortunately, the court was unable to agree upon a conclusion. Mr. Hughes defended the superintendent with great fidelity and earnestness, believing that without a favorable result it was impossible to give either him or the asylum due protection.

Mr. Hughes was familiar with the natural history of the Northwest, and at one time wrote and published valuable papers on ornithology.