

**John K. Porter  
Collection, 1851-1882****SC22972**

QUANTITY: 2 boxes (0.75 cu. ft.)  
ACCESS: Open for research  
ACQUISITION: Collation of existing collections held by MSC  
PROCESSED BY: H. E. Weltin, Senior Librarian

**Historical Note:**

John K. Porter (full name: John Kilham Porter) was a prominent trial lawyer and judge. The day after Porter's death, *The New York Times* eulogized him a brief editorial. The excerpt below gives an example of the high regard in which Porter was held:

The death of Judge John K. Porter removes from the bar of New-York almost the last of a famous and remarkable school of lawyers. Unlike many of the more prominent in the profession of to-day, Judge Porter was not a specialist, but a laborious, keen, strongly-equipped man in nearly every branch of the law. He was not less successful before the courts than before a jury; he was a formidable cross-examiner and a trustworthy counselor.

Born January 12, 1819 in Waterford, N.Y., Porter graduated from Union College in 1837. Porter's obituary in *The New York Times* recounted that his father, a physician, had wanted his son to follow in his footsteps. Young Porter was not interested in becoming a doctor, but he made a deal with his father. He would study medicine for six months. If he did not show a talent for it at the end of the trial period, his father would permit him to study law. At the end of the six months his father commented, "John, I don't know what kind of a lawyer you'll make, but you'll make a mighty poor physician, so I guess I'll let you study law."

Porter was involved in politics to some extent, serving as one of the delegates from Saratoga County to the New York State Constitutional Convention of 1846. He also attended the Whigs' National Convention in Baltimore of 1844 and delivered a speech that was very well received, but it was in the legal arena that he made his greatest contributions.

As a lawyer Porter earned a reputation for a keen analytical mind and for the eloquence and force of his arguments in court. The *Albany Law Journal* once said of Porter, "[I]n our opinion, Mr. Porter comes nearer to being a genius than any other man at our bar. If we were called upon to point out his most prominent and potent characteristic, we should say it is his dramatic power." He was appointed a judge of the New York State Court of Appeals in 1865 and held that post until 1868. For much of his career as a lawyer he kept his office in New York City.

Today Porter is best remembered as one of the team of prosecutors in the case of Charles J. Guiteau, the man who assassinated President James Garfield in 1880. Guiteau's pistol shot struck

Garfield non-fatally; the President actually died from infection resulting from numerous doctors fingering the bullet wound with unclean hands.

Guiteau's trial became, unsurprisingly, a national sensation, and Guiteau's erratic behavior in the courtroom drew much comment in the press. To modern readers it seems clear that Guiteau had some form of serious mental illness and was delusional throughout the trial, and probably was so long before he ever conceived of shooting Garfield. Guiteau's attorneys' effort to prove he was not guilty by reason of insanity was the most high-profile use of the insanity defense to that time. In the nineteenth century, however, mental illness was poorly understood. Guiteau's behavior in the courtroom, and before the shooting as attested to by witnesses, confounded common public perceptions of what "insanity" was supposed to look like. The trial exposed serious flaws in the prevailing standard to prove a defendant not guilty by reason of insanity (the M'Naughten Rule), but the issues raised in the course of the trial were not meaningfully addressed and Guiteau was found guilty and sentenced to hang. See Charles E. Rosenberg's *The Trial of the Assassin Guiteau: Psychiatry and Law in the Gilded Age* (Chicago: University of Chicago Press, [1968]) for one treatment of the psychiatric issues surrounding the Guiteau trial.

Porter had earlier figured in another major trial of the nineteenth century, the *Tilton v. Beecher* lawsuit, the notorious scandal of its day. Theodore Tilton accused famed American preacher and orator Reverend Henry Ward Beecher of committing adultery with Tilton's wife, Elizabeth. The scandal of a nationally prominent clergyman of Beecher's stature being accused by one of his parishioners and former close friend of conducting an adulterous affair attracted enormous public attention (one of the articles in Porter's scrapbook calls the trial "unquestionably the greatest lawsuit of the Nineteenth Century"; see page 225 of the scrapbook dedicated to *Tilton v. Beecher*, Box 1, Folder 4). Porter was one of the attorneys on Beecher's team and helped win his acquittal from the jury.

The Guiteau trial of 1882 was the last significant legal case in which Porter was involved. According to *The New York Times* obituary, Porter's "devotion to this case wore out his energy, and after its conclusion he almost wholly gave up the practice of law." Porter died on April 12, 1892 in Waterford.

### **Scope and Content Note:**

This collection contains two of at least three scrapbooks of newspaper clippings Porter compiled on the Guiteau trial, and correspondence sent to Porter regarding the trial. Another scrapbook covers *Tilton v. Beecher*.

Another scrapbook is devoted to the trial of former Judge William Fullerton, on trial for conspiracy to defraud the government and related allegations including charges of bribery and blackmail. Porter served on the defense for Fullerton.

The scrapbook on the New-York Arcade Railway does not pertain to a trial but to a proposal to construct a "sub-surface railway" in New York City. Porter's firm of Porter, Lowrey, Soren & Stone was counsel to the elevated railways, so he may have had a professional interest in the activity of his clients' competitors, but it is more likely that he took a special interest in the

project as it required ripping up Broadway for an indeterminate number of years from the Battery to the junction of Broadway and Eighth Avenue; Porter's office was located on 78 Broadway.

One scrapbook in this collection does not appear to have a single organizing theme, as do the others, but contains articles that must have been of interest to Porter, documenting political and other events of the day. The bulk of the articles in the scrapbook date from 1855 to 1865; events of the Civil War and its immediate aftermath are covered.

Finally, the collection contains one manuscript copy of Porter's closing speech in the case of *Anderson v. The Gilbert Elevated Railway Company*.

### Processing Note:

This collection brings together Porter's scrapbooks and correspondence into one location. The following items have been transferred to SC22972:

BD22889, Political scrapbook, 1851-1866

QC16516 Item 40, Trial of [Charles Julius] Guiteau for the assassination of President Garfield : scrapbook of newspaper clippings

QC16516 Item 41, Judge Fullerton's trial: Scrapbook of newspaper clippings relating to the trial of William Fullerton for conspiracy to defraud the Government

QC16516 Item 42, Beecher-Tilton case: Scrapbook of newspaper clippings

SC13705, Guiteau trial correspondence, 1881-1882

Accession Number A94077425A, [Newspaper clippings relating to the trial of Charles Guiteau, assassin of President James Garfield]

Accession Number A87804279A, Arcade railroad. Scrapbook of clippings from New York and Albany newspapers, 1869-1870

### Box and Folder/Item List:

Box	Folder or Item	Description
1	1	Rebound scrapbook containing articles pertaining to a broad range of national and state political matters, and other matters of interest to the compiler. Arranged in roughly chronological order covering a period from 1851 to January 1866. <i>The [Albany, N.Y.?] Atlas &amp; Argus</i> appears to have been the primary source for articles, and the scrapbook contains numerous articles on events leading up to, during, and immediately following the Civil War.

Box	Folder or Item	Description
		<p>Some indexing at front.</p> <p>(Formerly cataloged as BD22889)</p>
1	2	<p>Pocket diary utilized as scrapbook containing newspaper clippings pertaining to the New-York Arcade Railway project to construct “a sub-surface railway” in New York City. Arranged in roughly chronological order covering the period from approximately November 1869 to May 1870. Newspaper sources for clippings include <i>The New York Times</i>, <i>The [New York?] Evening Mail</i>, etc.</p> <p>Inscription inside diary: “John K. Porter / 78 Broadway New York / Arcade Railway Co.” Annotations made to first article in scrapbook.</p> <p>(Formerly Accession Number A87804279A)</p>
1	3	<p>Pocket diary utilized as scrapbook containing newspaper clippings pertaining to the Judge William Fullerton trial arranged in chronological order covering the period from March 9, 1870 to March 19, 1870. Newspaper sources for clippings include <i>The New York Times</i>, <i>New-York Daily Tribune</i>, <i>The [New York?] Evening Post</i>, <i>The [New York?] World</i>, <i>The [New York?] Evening Express</i>, etc.</p> <p>Inscription inside diary: “John K. Porter / 78 Broadway.” Some indexing at front of book and a second inscription, “John K. Porter / 78 Broadway / Judge Fullerton’s Trial.” Notation inside diary: “Gift - New York State Bar Association June 1960”</p> <p>(Formerly cataloged as Law Trials: Individual 2603, then as QC16516 Item 41.)</p>
1	4	<p>Pocket diary utilized as scrapbook containing newspaper clippings pertaining to the <i>Tilton v. Beecher</i> trial arranged in chronological order covering the period from Oct. 20, 1874 to July 10, 1875. Newspaper sources for clippings include <i>The Sun</i>, <i>The Evening Mail</i>, <i>The World</i>, <i>The Graphic</i>, <i>Brooklyn Daily Eagle</i>, <i>Troy Daily Press</i>, <i>New-York Daily Tribune</i>, etc.</p> <p>Notation inside diary: “Gift - New York State Bar Association June 1960”</p> <p>(Formerly cataloged as Law Trials: Individual 2604, then as QC16516 Item 42.)</p>
1	5	<p>Handwritten manuscript of the “Argument of John K. Porter, Esq.” in the case of <i>Anderson v. The Gilbert Elevated Railway Company</i>, December 13, 1876,</p>

Box	Folder or Item	Description
		<p>heard by Judge Johnson in New York. 88 pages.</p> <p>(Formerly cataloged as 13705 (3), then as SC13705 Folder 3)</p>
2	1	<p>Office accounts book utilized as scrapbook containing newspaper clippings pertaining to the trial of Charles J. Guiteau for the assassination of President James Garfield. Arranged in roughly chronological order covering the period from October 23, 1881 to December 1, 1881. Newspaper sources for clippings include <i>The Sun</i>, <i>The New-York Times</i>, <i>Evening Wisconsin</i>, <i>New-York Daily Tribune</i>, <i>The Star</i>, <i>The Graphic</i>, <i>The Evening Mail</i>, <i>The Evening Post</i>, <i>Commercial Advertiser</i>, <i>New York Herald</i>, <i>New York World</i>, <i>The Baltimore Gazette</i>, etc.</p> <p>Some indexing at front. Label on the front cover titles this volume 'Book "B",' and a second label in the upper right hand corner reads "John K. Porter / Williard's Hotel / Washington D.C." Inscription opposite the inside cover reads "John K. Porter." Notation two pages in: "Gift - New York State Bar Assoc. / June 1960." Apart from the cover, this scrapbook is in every respect identical to Item 2 and precedes it. Inscription on last page reads 'See Book "C".'</p> <p>(Formerly cataloged as Law Trials: Individual 2602, then as QC16516 Item 40.)</p>
2	2	<p>Office accounts book utilized as scrapbook containing newspaper clippings pertaining to the trial of Charles J. Guiteau for the assassination of President James Garfield. Arranged in roughly chronological order covering the period from December 3, 1881 to January 24, 1882. Most of these articles do not have any attached banner information to definitively identify their source, but appear to have come largely from the same newspapers as did the articles in Book "B."</p> <p>Original cover has been removed and replaced with library binding. Apart from the cover, this scrapbook is in every respect identical to Item 1 and continues it. It is almost certainly the Book "C" referred to in the note on the last page of Item 1.</p> <p>(Formerly cataloged as Trial No. 1185, then Accession Number A94077425A)</p>
2	3	<p>Correspondence to Porter regarding the Guiteau trial, ca. October to December 1881 (not all letters are dated or complete). Includes telegrams sent between Porter and other members of the prosecution team, and correspondence from H. H. Alexander, the court stenographer.</p>

Box	Folder or Item	Description
		(Formerly cataloged as 13705 (1) and (2), then as SC13705 Folders 1 and 2)
2	4	<p>Correspondence to Porter regarding the Guiteau trial, ca. January 1882 (not all letters are dated or complete). Includes requests from autograph seekers, letters or comments the authors were asking Porter to deliver to Guiteau, a check made out to Guiteau for "Sufficient amt. to reach an old fashion Presbyterian Hell," and a letter urging that Guiteau be hung illustrated with two hand-drawn cartoons depicting a stick figure hung on a gallows.</p> <p>(Formerly cataloged as 13705 (1) and (2), then as SC13705 Folders 1 and 2)</p>
2	5	<p>Correspondence to Porter regarding the Guiteau trial, ca. February to September 1882 (not all letters are dated or complete). Includes a message relayed from Mr. Scofield, counsel for Guiteau, on Dept. of Justice stationery, telegram to prosecutor Corkhill from Porter, and requests for copies of Porter's closing speech.</p> <p>(Formerly cataloged as 13705 (1) and (2), then as SC13705 Folders 1 and 2)</p>

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