

THE OBITUARY RECORD.

John W. Cary.

John W. Cary, General Counsel of the Chicago, Milwaukee and St. Paul Railway Company, died yesterday morning at the Victoria Hotel, in Chicago. He had been ill several weeks.

Mr. Cary was born in Vermont Feb. 11, 1817. When he was fourteen years old his family moved to New-York. In 1842 he was graduated from Union College, and was admitted to the bar two years later. He practiced law till 1850, when he moved to Racine, Wis. There he entered upon a large practice and remained there until 1859, when he went to Milwaukee to take charge of the legal business of the Chicago, Milwaukee and St. Paul Railway Company. He lived in Milwaukee until 1890, when the general offices of the company were moved to Chicago. Since then his home had been at Hinsdale, near Chicago. Mr. Cary was a member of the Senate of Wisconsin in 1853 and 1854, and again in 1872. It was at that session of the Legislature that he caused to be enacted a law for the government and operation of the railroads of Wisconsin. This law has passed into history as one of the most important laws ever enacted in the State, and is still in force.

Mr. Cary was one of the last of the early officials of the St. Paul Company, surviving Alexander Mitchell, S. S. Merrill, Julius Wadsworth, John C. Gault, A. V. H. Carpenter, H. C. Atkins, Daniel Olin, and all of his old-time associates. His wife and seven children survive him. For thirty-six years Mr. Cary was the chief legal adviser of the railroad company whose lines he had seen grow into one of the great transportation systems of the country. From 1859 until 1887 he was the General Solicitor of the company, at which time the Directors created the office of General Counsel, and he was then chosen to that position, which he continued to fill up to the time of his death. He was not only the legal adviser of that company, conducting all its litigation, but during all that time he was the chief counselor and adviser of the general policy of the company.

He stood high in the legal profession and was regarded by all as one of the best-equipped railway lawyers in the country. Some of the cases in which he appeared as counsel before the Supreme Court of the United States in which he was successful rank among the most notable cases in that court. He argued before that court what is known as the "milk-rate case," which was the case of the State of Minnesota against the Chicago, Milwaukee and St. Paul Railway Company, decided in April, 1890. The success of Mr. Cary in this case is all the more notable from the fact that fifteen years previous he had appeared for the St. Paul Company in what were known as the "Granger" cases, in which that court declined to adopt the rule which it afterward established in the "milk rate" cases. Of the members of that court at the time the "Granger" cases were argued, only one remains—Justice Field—and of the leading counsel who appeared in those cases all have passed away except William M. Evarts.

OBITUARY NOTES.

—John Birch, formerly a dry goods merchant of Jersey City, died suddenly at his home, 902 Bergen Avenue, yesterday, from heart disease. He was seventy years old. Mr. Birch was in business at 62 Montgomery Street when the war broke out. In 1862 he closed out his business and sold all his property except his home and the building which he occupied. He filled the latter with bleached and unbleached cotton goods. These he held until the war was ended, and the profit he realized made him rich.

—Capt. E. J. Kindler of the Eleventh Separate Company, National Guard of the State of New-York, died at his residence, in Mount Vernon, yesterday. He was taken down with pneumonia on Tuesday. He was forty years old, a prominent Mason, and for over twenty years identified with military companies.

—Samuel D. Haines, a well-known lawyer of Jersey City, died yesterday at his home, 630 Montgomery Street, from typhoid fever. He was sixty-one years old. He was admitted to the bar in 1864. He was also a member of the New-York bar.