



September 27, 2024

Historic Context: 1844 Judge Barry House

217 E. Cedar Ave., St. Charles, IL

William D. Barry was born in 1809 in Oneida County, New York. He began his professional education in 1830 or 1831 to obtain a license to practice medicine in New York which he earned in 1835.¹ The profession appeared not to be of his liking because, by the end of that year, he moved west to Henry County, Ohio to study law. After becoming a lawyer, Barry moved west again to St. Charles, Illinois in March or April of 1840 where he remained for the remainder of his life.²

Barry gained early notoriety in Illinois as a lawyer when he defended Taylor Driscoll in his highly followed murder case around 1842, in which Barry earned Driscoll an acquittal.³ Barry was first elected as a Kane County Judge in 1851, serving until 1857, after which he was elected again in 1869, serving until 1872.⁴ Through at least 1885, Judge Barry had a private law practice in an office behind his home facing Main Street.⁵ In addition to being a well-known lawyer and judge, Judge Barry was also deeply involved in politics. He joined the Republican party in 1856 and strongly supported General John F. Farnsworth's candidacies for the House of Representatives from 1856 through 1870.⁶ In his obituary, the *St. Charles Valley Chronicle* said of Judge Barry that he “was an acknowledged leader in his chosen profession. He was careful not to make mistakes and [was] thorough in all his legal work. From him many younger members of the bar learned lessons which have been, and will continue to be valuable; and those who have had the privilege (sic) of reading law in his office may well be proud of the fact.”⁷

Property records show that Judge Barry purchased lots one and two in block three of St. Charles in 1843 and built his house there in 1844.⁸ The home built on lot one and now addressed at 217 Cedar Ave., St. Charles, was in the Greek-Revival or Federal style, and built of stone. The exterior was covered in stucco probably in the early twentieth century. A photo from the archives of the St. Charles History

¹ S. W. Durant, “Pioneer Notes of St. Charles by S.W. Durant Published in Chronicle in the Year of 1885-6,” *St. Charles Chronicle*, October 14, 1926.

² *St. Charles Biographical Directory and Census Report, 1885* (Chicago: J.F. Wilcox, 1885), 10 Illinois Digital Archives, <https://www.idaillinois.org/digital/collection/stc/id/8481/rec/88>.

³ R.W. Waite Joslyn and Frank W. Joslyn, *History of Kane County, Volume I* (Chicago: Pioneer Pub. Co., 1908), 477, HathiTrust, <https://babel.hathitrust.org/cgi/pt?id=wu.89066109810&seq=483>.

⁴ *Ibid.*, 449.

⁵ *St. Charles Biographical Directory*, 65.

⁶ S. W. Durant, “Pioneer Notes of St. Charles by S.W. Durant Published in Chronicle in the Year of 1885-6,” *St. Charles Chronicle*, October 14, 1926.

⁷ “Their Last Sleep,” *St. Charles Valley Chronicle*, February 5, 1892.

⁸ Kane County Recorder, Document Book 5, page 289 and Document Book A, Page 60, <https://lrs.kanecountyrecorder.net/>.

Museum from around 1890 (attached) shows the impressive stone structure with four chimneys and a decorative fan motif just below the roof pediment.

Judge Barry died in 1892, only a few days after his wife of nearly 50 years. John Linhart, a widower, inherited the house after the Judge's death and transferred it to his daughter, Jennie Linhart in 1894. Linhart sold the house to Charles M. Wheeler in 1898 who sold it to Agnes (Kohlert) and Frederick Rasmussen in 1914. According to research from the St. Charles History Museum, Rasmussen was superintendent of the St. Charles Milk & Sugar Company, located two blocks west of the Judge Barry House. Edith Kohlert, Agnes's sister, inherited the house in 1951. Edith worked for many years as the secretary to several St. Charles mayors including I.G. Langum, according to St. Charles History Museum records. After she passed away in 1973, her nephew Frederick Kohlert inherited the house in 1974 and transferred it the following year to his daughter Gloria (Kohlert) Geske. Gloria (Kohlert) Geske and her husband Ed sold the house to the Baker Memorial United Methodist Church in 1993. Digital copies of the real estate transactions are attached.

*Research was completed by **Al Watts**, Community Engagement Director of Preservation Partners of the Fox Valley with assistance from **Steve Gibson**, member of the St. Charles History Museum, and **David Scholes**, Kane County Recorder's Office.*

Judge Barry House, c. 1890. From the archives of the St. Charles History Museum.



ST. CHARLES DIRECTORY.

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Charlotte A., b Oct 19, 1852; d July 12, 1870.
 Elizabeth B., b Jan 3, 1857 in Nashville, Tenn.
 John M., b Dec 13, 1858 in St. Ch. Rep. No Lic. X. Far.
 Rowena L., b Dec 29, 1861 in St. Ch.
 BARBER, Mrs. Mariam C. (Colton), wid of Newman L.
 B.; d Nov 21, 1863; res nw cor E Ind and 2d st. b Apr
 13, 1829 in Rutland Co., Vt. To St. Ch. in July, 1852.
 Mar'd Apr 14, 1853. Cong. Children:—
 Ida May, b Jan 23, 1855, in St. Ch.; d Aug 6, 1875.
 E. Jennie, b July 3, 1858 in St. Ch. Teacher.
 Imogene, b Mar 31, 1859 in St. Ch. Choir Cong. Ch.
 L. Gertrude, b Jan 15, 1863 in St. Ch.; wife of Levi L.
 Morris, Chi.
 BARRY, W. D. Lawyer, ex-Judge Co. Ct., office E Main
 nr 2d st.; res sw cor E Cedar and 3d st. Rep. No Lic.
 X. b Mar 28, 1809 in Oneida Co., N. Y. To St. Ch.
 in Mar, 1840. Mar'd Jan 30, 1845 to
 Isabella (Thom), b Mar 20, 1813 in Aberdeen, Scot. To St.
 Ch. in 1849. Cong. Ch.
 BEECHER, Mrs. Helen L. (Roe). Wid of Rev. John S.
 Beecher; missionary to Burmah, India. b Feb 19, 1820; d
 Oct 22, 1866; res se cor of E 6th and Adams st. b Apr
 15, 1829 in Middletown, Teasdale, Eng. Mar'd Mar 27,
 1856. To St. Ch. in Apr, 1868. Bap. Children:—
 Helen M., b Sep 10, 1858 in Bassein, Burmah, India. Wife
 of Rev. Emil Bary, Kenosha, Wis.
 Flora Eliza, b Feb 27, 1860 in Bassein, India. Bap.
 Mary S., b Dec 6, 1861 in Bassein, India. Bap.
 Florence E., b Mar 26, 1864 in Bassein, India. Bap.
 BELYEA, Wm. T. Ret. far; res se cor W Main and 4th
 st. Ind. No Lic. X. b Apr 13, 1812 in St. Johns, N.
 B. To St. Ch. in 1848. Mar'd Jan 21, 1831 to
 Mary J. (Ingraham), b Feb 20, 1814 in St. Johns, N. B.
 Free Meth. Children:—
 Jerusha A., b May 18, 1832; d Feb 18, 1853. Wife of Isaac
 A. Ostrander.
 Elizabeth, b July 31, 1834. Wife of P. S. Garten, Elgin.
 John Z., b Aug 2, 1837; d Nov 23, 1863.
 Rhoda A., b July 11, 1842. Wife of L. Clark, Alpha, Fay-
 ette Co., Iowa.
 Charles F., b Sep 19, 1844.
 Hanhah M., wife of E. P. Phillips, St. Ch. (see).
 William T., b Dec 12, 1849; res in Leadville, Col.
 Susan, b Jan 9, 1852. Wife of L. Tefft, Elgin.

Edward E. Harvey was an honored pioneer lawyer of Elgin, who volun-
 teered at the breaking out of the war with Mexico and gave his life for the
 country during that struggle.

Paul R. Wright, a native of Oneida county, New York, moved to Illi-
 nois in 1837, when eighteen years of age. He taught school five years, and
 during that time studied law. In 1844 he entered the office of E. E. Harvey,
 at Elgin, was admitted to the bar a year later, and opened an office in that
 place. In 1856 he was chosen circuit clerk on the Fremont ticket and removed
 to Geneva. At the expiration of his term he resumed practice, but moved
 in 1862 to a farm in Union county, and thence in 1874 to Jonesboro, where
 he again entered practice.

Charles H. Morgan, the first judge of the Elgin court of common pleas,
 became subsequently a United States judge in one of the territories, and was
 a very able lawyer. His residence was also at Elgin.

Edmund Gifford, one of the early lawyers of Elgin, was well and favor-
 ably known for his legal ability, and became in after years a judge at New
 Orleans, Louisiana.

William D. Barry, who had been admitted to the bar in Henry county,
 Ohio, in 1836, located at St. Charles in the spring of 1840, and is now the
 oldest practicing lawyer in Kane county. Although nearly eighty years of
 age he continues in the field, the weight of years, however, rendering it im-
 possible for him to transact the amount of business he was accustomed to in
 the palmy days of his practice. He was long judge of the Kane county court.
 During the early days of his residence here he conducted many hard criminal
 trials, among them being the defense of Taylor Driscoll, of Ogle county, for
 the alleged murder of one Campbell during the dark days of horse stealing
 and kindred crimes. Driscoll was tried at Woodstock, McHenry county, on
 a change of venue, and through Judge Barry's efforts acquitted.

Joseph W. Churchill, a young resident of Batavia, was one of the first
 lawyers in the county. In 1837 he was chosen to a position on the board of
 county commissioners, and was otherwise prominent.

A good story of practice in the early days was related a number of years
 since by Henry B. Peirce, now deceased. It seems that Churchill's estimate
 of his own ability was very great. A. M. Herrington, whom everybody knew
 most familiarly as "Gus," was then a law student in the office of Ralph
 Haskins, Esq., at Geneva, and had access to the latter's fine library. He had
 picked up many points in law, and was especially familiar with the decisions
 and opinions in "Coleman on Contracts." He had been engaged to try his
 first case before Squire McNair, in Blackberry precinct, one in which suit had
 been brought for breach of contract. He took along his book, but hid it under
 a fence before entering the judicial presence. He had walked from Geneva,
 carrying his brogans over his shoulder until he had nearly reached his desti-
 nation, when he stopped and put them on. The aforesaid Churchill was
 opposed to "Gus" in the case. After the evidence was heard Herrington
 claimed a verdict by virtue of the law, which he quoted after bringing his
 authority into court. Churchill claimed the case for the plaintiff, stating that

Charleston

For Vacation Part Chestnut 11
One - Bated Oct 26 - 1970
See Book 2621 - Page 191
Harris & Mansfield
Recorder K.C.T.

FOR VACATION OF PT OF
WALNUT AVENUE SEE
DOC. 1401157

FOR VACATION OF PT OF
CHESTNUT AVE SEE
DOC. 45386
REC. 4-25-78

In Certified Copy, See Book 19
Date, Page 10

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1159	1160	1161	1162	1163	1164
1165	1166	1167	1168	1169	1170
1171	1172	1173	1174	1175	1176
1177	1178	1179	1180	1181	1182
1183	1184	1185	1186	1187	1188
1189	1190	1191	1192	1193	1194
1195	1196	1197	1198	1199	1200
1201	1202	1203	1204	1205	1206
1207	1208	1209	1210	1211	1212
1213	1214	1215	1216	1217	1218
1219	1220	1221	1222	1223	1224
1225	1226	1227	1228	1229	1230
1231	1232	1233	1234	1235	1236
1237	1238	1239	1240	1241	1242
1243	1244	1245	1246	1247	1248
1249	1250	1251	1252	1253	1254
1255	1256	1257	1258	1259	1260
1261	1262	1263	1264	1265	1266
1267	1268	1269	1270	1271	1272
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1279	1280	1281	1282	1283	1284
1285	1286	1287	1288	1289	1290
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1297	1298	1299	1300	1301	1302
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1333	1334	1335	1336	1337	1338
1339	1340	1341	1342	1343	1344
1345	1346	1347	1348	1349	1350
1351	1352	1353	1354	1355	1356
1357	1358	1359	1360	1361	1362
1363	1364	1365	1366	1367	1368
1369	1370	1371	1372	1373	1374
1375	1376	1377	1378	1379	1380
1381	1382	1383	1384	1385	1386
1387	1388	1389	1390	1391	1392
1393	1394	1395	1396	1397	1398
1399	1400	1401	1402	1403	1404
1405	1406	1407	1408	1409	1410
1411	1412	1413	1414	1415	1416
1417	1418				

In witness whereof the said party of the first part hereunto set their hands and seals
the day and year first above written *Ervin & Graves* *Seal*
Noted and delivered in presence of *Alvan McKee* *Notary Public*
State of Illinois LaSalle County & J. Allan McKee Clerk of the County Commencement
Court in and for the said County in the State aforesaid do hereby certify that *Ervin & Graves*
and *Abraham* his wife personally known to me as the same persons whose names
are subscribed to the within and of foregoing appeared before me this day in person
and acknowledged that they signed sealed and delivered the same instrument of writing
as their free and voluntary act for the uses and purposes therein set forth, and the same
Abraham wife of the said *Ervin & Graves* having been by me examined separately and
apart and out of the hearing of her husband and the contents and meaning of the said
instrument of writing having by me been made known and fully explained to her
she acknowledged that she had fully and voluntarily executed the same and subscribed
her name to the same and contents therein mentioned without compulsion of her
husband and that she does not wish to retract the same Given under my hand
and seal of said Court at my office in *LaSalle* in the County aforesaid this
15th day of June A.D. 1844 *Alvan McKee*
This July 5th 1844 at 2 o'clock *Alvan McKee* *Notary Public*

Seal

Witness
to
1844 Barry

This indenture made this 14th day of December in the year of our Lord one
thousand eight hundred and forty three Between *John* *Barry* and *Gracie*
his wife of *LaSalle County* and *State of Illinois* of the first part and *William H*
Barry of *LaSalle County* and *State of Illinois* of the second part Witnesseth that
the said parties of the first part for and in consideration of the sum of one hundred
Dollars in hand paid by the said party of the second part (the receipt whereof
is hereby acknowledged) have granted bargained sold remised released aliened
and confirmed and by these presents do grant bargain sell remise release alien
and confirm unto the said party of the second part and to his heirs and assigns
forever all the following described lot piece or parcel of land to wit situate lying
and being in the County of *LaSalle* and State of *Illinois* and described on the
recorded Town Plat of the Town of *St Charles* County and State aforesaid as
Lot No one (1) two (2) in Block No three (3) in the said Town of *St Charles* on
the east side of *Lot* *Three* Together with all and singular the hereditaments
and appurtenances therunto belonging or in anywise appertaining and
the reversion and reversions remainders and remainders unto issue and
profits thereof and all the estate right title interest claim or demand
whosoever of the said parties of the first part either in law or equity of in
and to the above bargained premises with the hereditaments and appurtenances
To have and to hold the said premises, above bargained and described
with the appurtenances unto the said party of the second part his heirs and
assigns forever And the said parties of the first part for themselves their heirs
executors and administrators do covenant grant bargain and agree to
and with the said party of the second part his heirs and assigns that
at the time of the hereafter said delivery of these presents they are well
seized of the premises above conveyed as of a good sure perfect absolute and
independent estate of inheritance in the land in fee simple and have good
right full power and lawful authority to grant bargain sell and convey
the same in law and form aforesaid And that the same are free

60
6
Wm. A. Barry
Wm. R. Grant
This Indenture made this seventh day of August in the year
of our Lord one thousand eight hundred and forty four between
William A. Barry of the County of Kane and State of Illinois of the
one part & William R. Grant of Quinn County & State of New York
of the other part. Witnesseth that the said William A. Barry for and
in consideration of the sum of three hundred dollars & so on to him in
hand paid by the said William R. Grant the receipt whereof is
hereby acknowledged, hath granted bargain sold alien and confirm
with the said William R. Grant and to his heirs and assigns forever
All that tract or parcel of land situate in the County of Kane
in the State of Illinois to wit in lots No one and two in Block No
three as recorded on the Town plat of St Charles on the east side
of Fox River and also the south east quarter of No thirty four in
Township No Forty two North of six Range six East of the third
Principal Meridian containing one hundred and sixty
acres. To have and to hold the premises aforesaid with all
the privileges and appurtenances thereto belonging or in
anywise appurtenant unto him the said William R. Grant
and his heirs and assigns forever provided always that these
premises are upon this express stipulation that the said William
A. Barry his heirs executors administrators shall pay or cause
to be paid to the said William R. Grant his heirs
executors administrators or assigns the sum of three hundred
dollars & so on by the seventh day of August in the Year of our
Lord one thousand eight hundred and forty six together with the
interest that may accrue thereon in Warsaw particularly specified
in a certain note or obligation bearing even date herewith executed
by the said W. A. Barry to William R. Grant then and from thence
these presents and every thing herein contained shall cease and
be void any thing herein contained to the contrary notwithstanding.
In Witness whereof the said William A. Barry has hereunto set his
hand and seal the day and year first above written

State of Illinois
Kane County, I, Eliza Freeman a Justice of the Peace in
and for said County in the State aforesaid do hereby certify that
William A. Barry personally known to me as the same person whose
name is subscribed to the within mortgage and appears before me
this day in person and acknowledged that he signed seal
and delivered the said instrument of writing as his free and
voluntary act for the uses and purposes therein set forth. Given
under my hand and seal of my office in St Charles in the
County aforesaid this 8th day of August A.D. 1844

Eliza Freeman
August 9th A.D. 1844 at 9. am Justice of the Peace
Geo. H. Foster Recorder

This Indenture Witnesseth, That the Grantor,

John P. Lenhart (a widower)
of the *city of St Charles* in the County of *Kane* and State of *Illinois*
for and in consideration of the sum of *one dollar and other good considerations* DOLLARS
in hand paid, CONVEYS and WARRANTS to

Jimmie Lenhart (the Daughter of John P. Lenhart)
of the *city of St Charles* County of *Kane* and State of *Illinois*
the following described Real Estate, to-wit:

*Lots Three (3), Four (4) and Five (5) in Block Eleven (11) of Minard Tison and
County Addition to St Charles.
Also Lots One (1), Two (2) and three (3) in Block three (3) of the original Town of
St Charles the last described lots being the same property willed to Grantor by
H. D. Berry.*

situated in the *city of St Charles* in the County of *Kane* in the State of Illinois, hereby releasing and
waiving all rights under and by virtue of the Homestead Exemption Laws of this State.

Dated this *24th* day of *December* A. D., 189*4*.

Signed, Sealed and Delivered in Presence of

Witness

T. E. Ryan

Wm M. Bradford M. D.

John P. Lenhart



STATE OF ILLINOIS,
County of *Kane*

I, *T. E. Ryan* Notary Public

in and for said County, in the State aforesaid, DO HEREBY CERTIFY, that

John P. Lenhart (a widower)

personally known to me to be the same person whose name *is* subscribed to the foregoing instrument, appeared before
me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as *his* free and voluntary
act, for the uses and purposes therein set forth, including the release and waiver of the right of Homestead.

Given under my hand and notarial seal, this *24th* day of *December* A. D., 189*4*.

T. E. Ryan

Notary Public

No. *15672* Filed for Record this *7th* day of *Jan.* A. D., 1895, at *2:15* o'clock *P.* M.

Joseph Ingham

RECORDED
M. L. N.

6047 585
585
This Indenture Witnesseth, That the Grantor, Fernie Bernhart (Single)

of the City of St Charles in the County of St Charles and State of Illinois
for and in consideration of the sum of Eight Hundred (800) DOLLARS
in hand paid, CONVEY and WARRANT to
Charles M. Wheeler.

of the City of St Charles County of St Charles and State of Illinois
the following described Real Estate, to-wit:

lots numbers one (1) two (2) & three (3) of Block number three (3)
of the Original Town (now City) of St Charles, St Charles Co. Ill. aforesaid
on the East Side of St. River.

situated in the City of St Charles in the County of St Charles in the State of Illinois, hereby releasing and
waiving all rights under and by virtue of Homestead Exemption Law of this State.

Dated this 3 day of June A. D. 1898.

Signed, Sealed and Delivered in Presence of

Witness

N. R. Thomas.

Fernie Bernhart

SEAL

SEAL

SEAL

SEAL

STATE OF ILLINOIS,

County of St Charles

Notary Public

H. B. Rodenhaver

Fernie Bernhart

Personally known to me to be the same person whose name —

subscribed to the foregoing instrument, appeared before

me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as Free (free and voluntary

act, for the uses and purposes therein set forth, including the release and waiver of the right of Homestead.

Given under my hand and official seal, this 3 day of June A. D. 1898.

H. B. Rodenhaver

Notary Public

that his term of office commenced on the

27th day of June A. D. 1897 & will expire on the 27th day of

June A. D. 1899 and that all official acts as such are entitled to full

faith & credit. Witness my hand & seal at St Charles Pa. this 27 day

of June 1898. Fernie Bernhart, Clerk of Orphans Court.

No. 34327 Filed for Record this 9 day of June A. D. 1898, at 9 o'clock A. M.

Frank G. George

RECORDED

This Indenture Witnesseth, That the Grantor-, Charles M. Wheeler and Lexie Wheeler, his wife,

of the City of Santa Paula in the County of Ventura and State of California
for and in consideration of ~~the sum of~~ Twenty One Hundred
in hand paid, CONVEY and WARRANT to

Frederick Rasmussen and Agnes M. Rasmussen, his wife,

of the City of St. Charles County of Kane and State of Illinois, as joint tenants, but
not as tenants in common
The following described Real Estate, to wit:

Lots one (1) and two (2) Block three (3) Original Town, new City of St. Charles, Illinois.

situated in the County of Kane in the State of Illinois, hereby releasing and waiving all rights
under and by virtue of the Homestead Exemption Laws of the State of Illinois. To have and to hold the above
premises with the appurtenances thereto unto the said grantees, and to the survivor of them and to
the heirs and assigns of such survivor forever, in joint tenancy, but not in tenancy in common. Gran-
tees assume and agree to pay taxes for the year 1914, payable in 1915 and all unpaid installments of
special assessments on said premises.

Dated this 18th day of May A. D. 1914.

Signed, Sealed and Delivered in the Presence of

Charles M. Wheeler
Lexie Wheeler



STATE OF ~~Illinois~~ }
County of Ventura } ss I, Arthur E. Blanchard a Notary Public residing in
said County, in the State aforesaid, DO HEREBY CERTIFY, That
Arthur E. Blanchard,
Notary Public
Ventura Co. Cal. Charles M. Wheeler and Lexie Wheeler, his wife, who are,

personally known to me to be the same persons whose name is are subscribed to the
foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and
delivered said instrument as their free and voluntary act, for the uses and purposes
therein set forth, including the release and waiver of the right of Homestead.

Given under my hand and Notarial Seal, this 25th day of May A. D. 1914.

Arthur E. Blanchard,
Notary Public.

My commission expires Mar. 26, 1918.

No. 139919 Filed for record this 2nd day of June A. D. 1914 at 1 o'clock P. M.
Frank E. George Recorder

S&B

entered into before ad. 10/19 on high 14646, needed in Doc 573536 (they
Oct 1933, p. 593) changed in filed particular: that the term
be extend from Oct 1, 51 for a period of 90 days from date of death
of J. W. Parsonette. That the lessee has exercised its option to
purchase ad. 10/19 (For further particular, see Record).

