

Michigan Lawyers in History

F. O. Clark

By Carrie Sharlow



The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.

Chances are you've heard of the Laughing Whitefish case, Charlotte Kobogum's case against the Jackson Iron Company. You may have read Robert Traver's novel about the same case, appropriately titled *Laughing Whitefish*. But do you know the name of Charlotte's lawyer?

It wasn't William Poe, the main character in Traver's novel. It was F.O. Clark, who was neither young nor shy¹ when he took the case of Charlotte Kobogum and Jeremy Compo.

Just as Charlotte's last name has been recorded as both Kobogum and Kawbawgam,² Clark's first name has been recorded as both Francis³ and Frederick⁴ and, in many places, F.O.⁵ It can be reasonably assumed that Francis, Frederick, and F.O. are one and the same given the identical biographical details published with each name. He's listed as F.O. in *Michigan Reports*.

F.O. was born in 1843 to John Clark and Charlotte Woodruff. John Clark was a tanner and harness maker, a profession taken up by F.O.'s brother, Franklin.⁶ F.O. also worked for his father, but was more interested in intellectual pursuits. After completing his education at the local Pennsylvania schools, he enrolled in Hamilton College in New York, but became ill shortly after.

Michigan benefitted from a number of people who moved to the state in the nineteenth century for health or other reasons. Flavius Littlejohn, who played an important role in abolishing the death penalty in Michigan, moved here for a change of climate to boost his ill health. Thomas Cooley was traveling west, ran out of money, and decided to stay in the Great Lakes State. When "failing health"⁷ caused F.O. Clark to drop out of Hamilton College at age 19, he moved to the Lake Superior area and worked as a civil engineer with the Chicago & Northwestern Railroad, which was building a line across the Upper Peninsula at that time.⁸

After five or so years as a civil engineer, Clark resumed his legal studies and was admitted to the Michigan bar in 1870. By 1873—when the fictional William Poe was setting up his Marquette practice and two years after Charlotte Kobogum had pressed her claim with a different lawyer⁹—Clark was still in Escanaba, having served as the village president before becoming Delta County prosecuting attorney.¹⁰ By the end of that year, he was elected to the Michigan legislature.

In 1876, Clark moved to Marquette and continued his law practice. He had an excellent reputation and was known across the UP as "strong and effective in argument, fluent and forcible as an advocate."¹¹

By the time Jeremy Compo or Charlotte Kobogum or Mr. Everett¹² came to Clark with the Jackson Iron Company case, he had settled into the Marquette establishment. He'd married Ellen Harlow—the daughter of the city's founder and first mayor, Amos Harlow—and had a daughter, Martha. He had served as "school inspector and supervisor of the second ward"¹³ and was looking into higher office.

Charlotte Kobogum was probably a bit older than Clark. Census records for a Charlotte Kawbawgam or Cobangham or Obobgum—a Native American married to Chief Charles Kobogum and living in Marquette—note her birth year as 1811, 1820, or 1824. A recap of the case less than five years after it successfully concluded noted that Charlotte's husband was more than 80 and Charlotte was blind.¹⁴ She certainly wasn't 21, as is the case in *Laughing Whitefish*.

And while the fictional Charlotte's single status is a key part of *Laughing Whitefish*, her real-life marriage might give some indication of how Clark became involved in the case in the first place. Charles Kobogum is recorded as having met Clark's father-in-law, Amos Harlow, and inviting him into his home when Harlow first explored Marquette in the late 1840s.

Charlotte Kobogum's first two cases were not successful, although Michigan Supreme

Court Justice James Campbell disagreed with the majority opinion in the second case and noted that Kobogum had a right to her inheritance through her father, Mahji Gesick. In 1889, a year into Clark's first term as Marquette mayor and four decades after Kobogum's father had helped the Jackson Iron Company exploration, the Michigan Supreme Court ruled as a majority in Charlotte's favor. There's a Michigan Legal Milestone commemorating the case at the Michigan Iron Industry Museum in Negaunee.

F.O. Clark went on to other things. The Kobogum case hadn't been his only case before the Michigan Supreme Court during those years and it wasn't his last. He died in April 1905, approximately a year after Charlotte Kobogum passed away and 60 years before Robert Traver wrote his historical novel. It was noted that Clark "led an honorable life, above reproach in the domestic relation, in citizenship and in public office,"¹⁵ which is as good of an epitaph as one could hope to have. ■



F. O. Clark

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ENDNOTES

1. Wikipedia, *Laughing Whitefish* <https://en.wikipedia.org/wiki/Laughing_Whitefish> (accessed October 18, 2016).
2. Charlotte's last name is spelled "Kobogum" in the Michigan Reports and "Kawbawgam" across the U.P. There's also an 1880 federal census record, which may or may not be Charlotte and her husband Charles, where the last name is spelled "Cobangham."
3. Reed, *Bench and Bar of Michigan: A Volume of History and Biography* (Chicago: The Century Publishing and Engraving Company, 1897), p 455.
4. *Cyclopedia of Michigan: Historical and Biographical, Comprising a Synopsis of General History of the State, and Biographical Sketches of Men Who Have, in Their Various Spheres, Contributed Toward Its Development* (Detroit: Western Publishing and Engraving Co, 1900), p 164. The Journal of the Senate from 1877 lists Clark as Frederick (see *id.* at 1,393), as does *Men of Michigan* (Detroit: Michigan Art Company, 1904).
5. See Sawyer, *A History of the Northern Peninsula of Michigan and Its People* (Chicago, The Lewis Publishing Company, 1911), p 289; *Memorial Record of the Northern Peninsula of Michigan* (Chicago, The Lewis Publishing Company, 1895), p 41.
6. *Memorial Record*, p 41.
7. *Bench and Bar*, p 456.
8. *Id.*
9. See *Compo v Jackson Iron Co*, 50 Mich 578; 16 NW 295, (1883).
10. *Cyclopedia of Michigan*, p 164.
11. *Bench and Bar*, p 456.
12. See *Compo*, 50 Mich 578.
13. *Memorial Record*, p 41.
14. *Michigan and Its Resources* (Lansing: Robert Smith & Co, 1893), p 64.
15. *Bench and Bar of Michigan*, pp 456-457.