

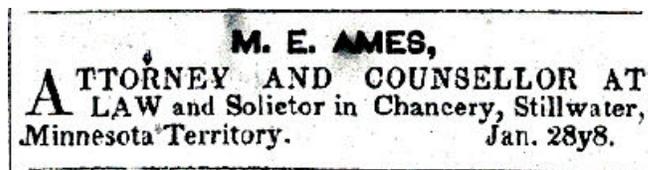
Michael E. Ames

(1822-1862)



Michael E. Ames was a shrewd trial lawyer, an occasional public servant and an unforgettable eccentric. He arrived in Minnesota Territory in 1849, at age twenty-seven. A year later he was elected as a Democrat to the House of Representatives, representing Washington County; in January 1851, when the Second Territorial Legislature met, he was elected Speaker.¹ He served only one term. Later in the decade he was appointed Reporter of the Supreme Court and elected a delegate to the Constitutional Convention.

Unlike other lawyers who had side business endeavors, he lived by the law. His business cards tell the mercurial lives of territorial law firms. From the *Minnesota Democrat*, October 14, 1851:



He formed a short-lived partnership with Rensselaer R. Nelson, a future justice on the Territorial Supreme Court and federal District Court Judge. From the *Minnesota Pioneer*, May 12, 1852:

¹ Return I. Holcombe, ed., 2 *Minnesota in Three Centuries* 450-451(1908)(“On the second day of the session, seven ballots having been taken, Michael E. Ames was elected Speaker. The presiding officer was a native of Vermont, born in 1822 and received an ordinary common school education. He commenced the practice of his profession in Wisconsin. In 1849, he came to Stillwater and four years later to St. Paul. He was a man of fine legal attainment, of a cool disposition and often irritated his professional brethren who opposed him. His voice resembled a woman’s, but he was always gentlemanly, social and kind, and was known as the “Chesterfield” of the Minnesota Bar.” He died in the vigor of manhood at St. Paul in 1861.”).

M. E. AMES,

R. R. NELSON.

AMES & NELSON,

ATTORNEYS AND COUNSELLORS AT
LAW, and Solicitors in Chancery, St. Paul,
Minnesota, will attend with promptness and fidel-
ity, to all law business entrusted to their care in
Minnesota and the adjoining counties of Wiscon-
sin. Particular attention will be given to the col-
lection of debts, and location of land warrants.

Sept. 16, 1851.

41-1y.

From the *Minnesota Democrat*, May 19, 1852:

M. E. AMES,

ATTORNEY AND COUNSELLOR AT
LAW and Solicitor in Chancery, Stillwater,
Minnesota Territory. Jan. 28y8.

From the *St. Anthony Express*, October 1, 1852:

M. E. AMES.

Attorney and Counsellor at Law, *Stillwater, Min-
nesota Territory.*

Several years earlier he moved from Stillwater to St. Paul and formed a firm with Isaac Van Etten. From the *Saint Peter Courier*, June 7, 1855:

AMES & VAN ETTEN,

*Attorneys and Counsellors at Law and Solicitors
in Chancery.*

Office corner of Third and Minnesota streets.
. Paul. Jan 4-1f

Their business card was changed by the newspaper it appeared in. From the *Saint Peter Courier*, June 4, 1856:

AMES & VAN ETTEN,
 Attorneys and Counsellors at Law and Solicitors in Chancery. Office corner of Third and Minnesota streets.
 St. Paul, Nov. 6, 1855—Itf.

From the *Daily Minnesotian*, June 28, 1856:

V. E. AMES. ISAAC VAN ETTEN
AMES & VAN ETTEN,
Attorneys and Counsellors at Law, and Solicitors in Chancery.
 Office corner Third and Minnesota streets, St. Paul, M. T

Harvey Officer later became a member. From the *Daily Minnesotian*, September 4, 1857:

M. E. AMES. ISAAC VAN ETTEN. HARVEY OFFICER.
AMES, VAN ETTEN, & OFFICER,
 ATTORNEYS AND COUNSELLORS AT LAW, AND SOLICITORS IN CHANCERY. Office, corner of Third and Minnesota Streets, St. Paul.

He was respected for his knowledge of the law. With John B. Brisbin and Harvey Officer, he was appointed Reporter of the decisions of the Territorial Supreme Court in 1856.² He was

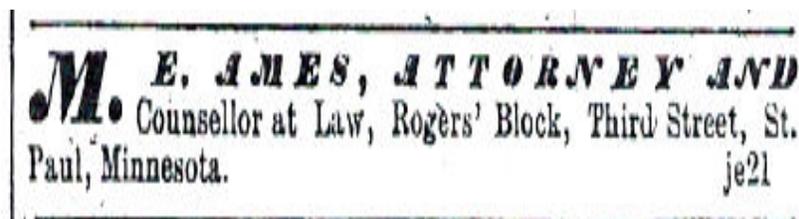
² Harvey Officer, "History of the Supreme Court of the Territory of Minnesota" in *1 Reports of Cases argued and Determined in the Supreme court of the Territory of Minnesota* viii (1858)(MLHP, 2017) ("Michael E. Ames, Esq. was appointed Reporter by Governor Gorman, on the 20th of March, 1856. Mr. Ames commenced the publication of the present volume of Reports, by virtue of the Act approved February 28, 1856, and for the purpose of uniformity republished Hollinshead's and Atwater's Reports, Mr. Brisbin at the same time superintending the publication of cases reported by him. Mr. Ames also reported a portion of the cases decided, at the January Term, 1856; and resigned the office in October 1857.").

elected a Democratic delegate from Ramsey County to the Constitutional Convention in 1857.³

After statehood, he formed a firm with past and future supreme court justices. Moses Sherburne, who served on the Territorial Supreme Court from 1853 to 1857, associated with Ames; they later employed Greenleaf Clark, who would serve on the state Supreme Court in 1881-1882. In a profile of Clark published in 1900, the history of this short-lived firm was recounted:

In the fall of 1858 [Clark] came to St. Paul, Minnesota, where he has since resided, and engaged as a clerk in the law office of Michael E. Ames. After a brief term of service in that capacity he entered into partnership with Mr. Ames and ex-Judge Moses Sherburne, under the style of Ames, Sherburne & Clark. The firm was dissolved in 1860...⁴

By mid-1860, Ames was back practicing by himself. From the *Saint Paul Daily Times*, June 1860:



He died on Saturday, January 4, 1862, at age forty. His obituary appeared on the front pages of local newspapers the next morning. From the *Pioneer and Democrat*:

Death of Michael E. Ames, Esq.— We regret to announce the death of Michael E. Ames, Esq., which occurred at the residence of Mrs. Corbett, (the old Central House)

³ J. Fletcher Williams, *A History of the City of Saint Paul to 1875* 375 (Minn. Hist. Society, 1983) (published first in 1876 under the title, *A History of the City of Saint Paul, and the County of Ramsey, Minnesota*).

⁴ Charles E. Flandrau, *Encyclopedia of Biography of Minnesota* 142, 143 (1900).

yesterday morning at about 4 o'clock, of congestion of the lungs.

Mr. Ames was a native of Massachusetts and came to the Territory of Minnesota in September, 1849, and locating in Stillwater, he formed a law partnership with Hon. M. S. Wilkinson. In October, 1851 he was elected to the Territorial House of Representatives, and at the session of 1851, he was chosen as Speaker. He removed to St. Paul during the summer of that year and following his profession with marked success, and without any other interruption than his membership of the State Constitutional Convention of 1857. Mr. Ames, previous to his last illness, had made preparations to emigrate to California, and would have departed in a few weeks.

His professional character will doubtless be suitably noticed by his brethren of the bar, of which he was a prominent member, and we can only say that he was generally recognized as one of the best jury lawyers of the State.

His funeral services will take place at the Cathedral this afternoon at 2 o'clock.⁵

From the *Saint Paul Daily Press*:

Death of Michael E. Ames Esq.— This distinguished member of the St. Paul bar died yesterday morning at 5 o'clock. His disease was originally pneumonia, which finally ended in congestion of the lungs.

⁵ *Pioneer and Democrat*, January 5, 1862, at 1. Other writers give erroneous dates for his death. See Hiram F. Stevens, I *History of the Bench and Bar of Minnesota* 242 (Legal Publishing and Engraving Co., 1904) ("Michael E. Ames, a somewhat noted criminal lawyer, located in Stillwater in 1851; remaining, however, but a few years. He removed to St. Paul, where he succeeded in building up a large practice. He died in 1860.") and Warren Upham & Rose Barteau Dunlap, *Minnesota Biographies, 1655-1912* 12 (Minn. Hist. Soc., 1912) (listing death in 1861).

Mr. Ames acted in a prominent part in the history of Minnesota during his residence within her borders. He came hither from Michigan in the fall of 1849, and settled at Stillwater, where he formed a law partnership with Hon. M. S. Wilkinson, now of the United States Senate. At the election of 1850, Mr. Ames was elected to the Territorial House of Representatives, and took a seat at the opening of the next session on the first of January, 1851. He was chosen Speaker, and presided during the session with great parliamentary ability and impartiality. The same year he removed to St. Paul, and has been engaged in the practice of law in our city ever since. In 1857 he was elected a member of the Constitutional convention and took a prominent part in forming the organic law of our State.

Mr. Ames was a marked and successful man in his profession, and in his private life generous and social to a fault. As an advocate he had scarcely a superior in the State.⁶

Michael E. Ames practiced law in Minnesota only about a dozen years yet he was recalled by writers decades after his death. They have given us a few colorful anecdotes and warm recollections. Still, this is more than we have of thousands of other lawyers who practiced in the state in the nineteenth and twentieth centuries. Though a few are the subject of bar memorials, most have been forgotten, leaving barely a trace. Not so Michael E. Ames.

⁶ *Saint Paul Daily Press*, January 5, 1862, at 1. The following is the notice to the Bar Association printed in the newspapers.

Ramsey County Bar.— Members of the Ramsey County Bar are requested to meet at the office of Brisbin and Warner, in Rogers' block at 1:00 P.M. of this day, to attend an a body the funeral of M. E Ames, Esq., at the Cathedral, at 2 o'clock P.M.

J. B. BRISBIN,
President Ramsey County Bar Association

Memorials by the Bar Association have not been located.

APPENDIX

Three recollections of Michael E. Ames follow.



1. John Brisbin's Recollections.

John B. Brisbin's "recollections" of Ames appeared in the *St. Paul Daily Globe* on January 27, 1895, thirty-three years after his death:

Recollections of Michael E. Ames,
the Brilliant St. Paul Lawyer
of Early Days.

The original bar of the territory of Minnesota was composed of many conspicuous and unique characters. Among the most interesting of them were Michael E. Ames, William Hollingshead, Edmund Rice and Morton S. Wilkinson. All of these men would have been important figures at any time and in any department of life. The most unique of the group was Michael Ames, a man of most remarkable natural gifts, industry and ambition, and possessed of eccentricities which have stamped his individuality upon the minds of the older members of the bar more vividly than that of any other lawyer of his time.

The first occasion on which I saw Mr. Ames in court was at Stillwater shortly after my arrival in the territory – November, 1853. William H. Welch, the chief justice, presided at the time, and among the then lawyers of Washington county were Gold T. Curtis, L. E. Townshend, Theodore E. Parker and Mr. Ames, who had formerly been a lawyer in large practice at Stillwater.

The evening before the term began a fire occurred in Stillwater which consumed Mr. Ames' house and office. Now this was before the advent of fire engines and paid fire departments, and fires were extinguished with water dipped from Lake St. Croix and carried by the willing hands of volunteers. The first case on the calendar was one in which Dr. C. Carli was a party in interest, having as his attorney Mr. Ames, with Mr. Curtis opposed. By reason of the fire no doubt it was that, when court opened in the morning, it found Mr. Ames disabled, while his opponent, Mr. Curtis, was firm on his feet. I, being a newcomer, and not acquainted with the customs of the country, by a fortunate accident, was also firm on my feet. Dr. Carli, inspired, came as a dernier resort, and employed me to take charge of his case, requesting me to endeavor to string it out at least during one day. In the meantime, by the moderate use of champagne, he hoped to recuperate his counsel sufficiently to enable the latter to sum up the case for the jury. This was done, and, to illustrate the industry of Mr. Ames, the whole of that night, and until breakfast time the next morning, was spent by him in reading and re-reading the testimony already given.

At the opening of the court he was in complete possession of the case as it appeared in the evidence. Nothing in those days was a secret in Stillwater during a session of court, and the members of the jury were fully, aware of the cause of Mr. Ames' disability. In opening, the case to the jury he stated that since they had last met he had been very near, the portals of death, has if it been visited by Providence with a dangerous attack of heart disease from which his recovery had been long regarded as very doubtful; "but, thanks to an All-Wise Ruler," he added, "I am still in the land of the living, and the place of hope. This, gentlemen, is not the first attack of the same kind that

has brought my life in danger, and I am admonished that it may not be the last!" He then proceeded to make the argument in the case in a masterly manner, and with consequent success.

During the same term, but here in St. Paul, Mr. Ames argued a motion for a new trial on the ground of newly, discovered evidence. Such motions never prevail unless the moving party makes it appear that due diligence has been used; that the new testimony sought is not impeaching, and not cumulative, and can be probably procured if the new trial is granted, and that it will probably affect the result. These details were covered by the affidavit, which was presented, and Mr. Ames then recapitulated the contents to the court by way of argument, stating that the witness had once lived, at St. Croix Falls, had afterwards moved to Stillwater, from thence to St. Louis, from St. Louis to California; "and," he continued, carried away by his argument, "from California he removed to that country from whose bourne no traveler e'er returns." The judge interrupted: "Mr. Ames, how would you get your witness if he has gone so far off as that?" Unabashed, Ames at once replied: "That is our business, your honor; the manifold resources of clairvoyance have never yet been tested."

At another time Brisbin & Bigelow had a suit against the late Gen. Sibley and Henry G. and Alexis Bailey, then of Hastings, for fees to cover services for which they had charged \$1,250, \$350 having been paid. Mr. Ames had a suit, on the same calendar, for legal services also of \$500 against one R. B. Johnson. Mr. Ames and I changed around so that Mr. Ames agreed to try the suit of Brisbin & Bigelow, and I agreed to try the other suit. The case was called, and Mr. Ames not being present, he was sent for while the jury was being impaneled. He shortly arrived, and evidently after a dinner of unusual potency.

I stated to him that the case was called, the jury impaneled, and everyone was waiting for him.

As he laid off his outer wrappings he remarked that he intended to amend the complaint and ask for \$5,000. To this I objected, claiming that the fee charges were ample, and would even look large to a layman. Ames replied, "I don't allow myself to be dictated to by a client." The amendment was offered and allowed. I was the first witness. Asked to testify what the services were worth, I replied, "From \$1,000 to \$1,500." "What do I hear?" exclaimed Ames. I repeated the answer, and Ames cried out, "Stand aside, sir; I'll, prove my case by more reliable testimony!" I stepped aside. Other attorneys, among whom were William Hollingshead, James Gilfillan, the late chief justice, and James Smith Jr., testified that the services were worth as high as \$5,000, and the plaintiffs were awarded a verdict, of \$2,500, \$1,000 more than originally claimed, which amount was paid to me by Gen. Sibley.

The case of Ames vs. Johnson, Brisbin & Bigelow for plaintiff, and the late James Gilfillan for defendant, came up later. The attorneys and clients all went into the office, of Brisbin & Bigelow, waiting for the case to be brought up on the calendar. The defendant proposed to Ames to settle by giving him a pair of horses and buggy in satisfaction of his claim. These "waits between the acts," in those days, had a tendency to promote a certain jocularly among the different parties present. This feeling had, indeed, been produced, and Mr. Gilfillan and I knew, besides, the pair of horses and the buggy that were to be offered in payment of the \$500. It was agreed that Mr. Johnson, the defendant, should bring up the horses for Mr. Ames to look at. Afraid that Ames would be dissatisfied with the tender, one of the counsel stood by the window awaiting the approach of Johnson with the horses and

buggy; and, when they were seen coming, he informed Ames, without letting him look out of the window.

Ames put on his overcoat, and went forth to view the horses. They were simply two minute, speckled Indian ponies, and the buggy was scarcely able to hold itself together. Stepping back from the curbstone, he exclaimed: "Sheep, sir, sheep! Damn it, sir, you can't fool me!" Johnson replied: "They're better than they look. Get in, Mr. Ames, and try them." Said Ames: "I shouldn't feel safe in that buggy" without my counsel," and so I was compelled to make one of the three. We started out under whip. The ground was as hard as a rock, it being late in November. We drove up Third street opposite to where Mr. Schiller kept a restaurant, with an annex, and there the buggy collapsed, Johnson, Ames and I coming down gracefully upon the seat, which was all that was left coherent. After a potential lunch, Ames gave Johnson a receipt, and so ended the two law suits.

These anecdotes, although true and similar to numerous others, should not derogate from the gravity and dignity which were conspicuously Mr. Ames' characteristics. He was the most dangerous practitioner at the bar of his time, and, although sometimes unscrupulous in aiming at the success that he accomplished, he was, in his social and professional relations, the very soul of honor.⁷



⁷ *St. Paul Daily Globe*, January 27, 1895, at 4. The article is headlined "Judge John B. Brisbin."

2. Thomas Newson's Stories.

Thomas M. Newson, a newspaperman, who enjoyed repeating anecdotes about the subjects of his *Pen Pictures*, published in 1886, devoted two pages to this epitome of self-control:

MICHAEL E. AMES — PECULARITIES

Mr. Ames was the Chesterfield of the Minnesota bar, for that matter one might say he was the Chesterfield of the whole Northwest. He was born in Vermont about 1822, received an ordinary common school education, was induced to commence the study of law by a suit he had over some tin boxes, removed in early life to Wisconsin and practiced his profession there, then drifted in 1849 to Stillwater, where, I think, he was for a time in business with Judge Nelson; came to St. Paul in 1853, and the firm finally became Ames, Van Etten & Officer. He was a delegate to the Constitutional Convention in 1857.

Mr. Ames was a man of fine legal attainments and was unquestionably the coolest and most polite lawyer at the bar. He was tall, well-dressed, having all the appearance of a gentleman, and his irresistibly pleasant manners won him friends. He had his faults, as all men of his genial nature have, but he was nevertheless an able advocate, and cool enough in a lawsuit to freeze out even a Minnesota cold winter. Nervous and fidgety lawyers used to get out of all manner of patience with Ames because he was always so self-possessed.

“THAT D — REFRIGERATOR” — “HE SAID NOTHING”

Once Gov. Gorman had a case with him, and he became so indignant at his smiling and collected manner, that he burst out with the exclamation— “Look at that d—d

refrigerator!” At the same time scowling at him in a most terrific manner as only Gorman could scowl. Ames meekly replied— “My friend seems to be a little disturbed,” and that made Gorman madder than before.

A suit had been instituted against Curran of the old World’s Fair store, in which Vetal Guerin was somewhat mixed up. Brisbin was on one side of the case and Ames on the other.

“Well, what did Vetal Guerin say?” asked Ames of the witness.

“I object,” said Brisbin. “Well, all right; we’ll argue this point,” said Ames, and so the two lawyers went at it, and continued their arguments from ten in the morning until two in the afternoon, when Judge Palmer decided that the question was admissible, and “Bris” subsided.

“Well,” asked Ames in a drawling tone, “what-did-the-witness-say ?”

“Vetal Guerin, you mean ?”

“Yes.”

“Oh, he didn’t say anything.” Brisbin roared, the court smiled, and Ames remarked, politely bowing—“A very obliging witness,” and went on with the case as though nothing had happened.

A PLEASANT LITTLE EPISODE – BRISBIN VS AMES – PERSONAL.

Ames had in hand a case of a citizen of one of the adjoining towns, when all of a sudden his client withdrew the suit and put it into the hands of another law firm. When the man came upon the witness stand

to testify, Ames inquired of him what a certain neighbor had said to him (the witness) about the matter under dispute, which question he declined to answer, and on being forced to do so by the order of the Judge, he said:

“Well, he told me to have nothing to do with that d-rascal of a fellow, Ames, and that’s why I took my case out of his hands.” After the uproar in court attending this incident had partially subsided, Ames turned to the Judge and in his most polite and insinuating and persuasive manner, remarked – “May it please your honor, a very pleasant little episode!”

Mr. Brisbin had sued a client for services rendered, and as he was a witness he employed Ames to conduct the case; amount at issue \$300. When the suit came to trial Ames was on hand and opened the matter thus—“Mr. Brisbin will please take the stand,” and then addressing the Judge—“May it please your honor, I shall move to amend this complaint by substituting \$1,000 instead of \$300.”

“But,” said Brisbin, “I can’t swear to that, Mr. Ames.” Ames looked at him for a moment scornfully, and then in the blandest manner remarked—“Mr. Brisbin will please step aside; I never allow a witness to interfere in my cases.” “Bris” began to expostulate, but it was no use; Ames’ dignity had been offended, and he refused to go on with the case.

Mr. Ames had a peculiar voice resembling somewhat a woman’s. He was always gentlemanly, always social, always kind, never held any political office, and died in the vigor of manhood. He fell down stairs in coming out of his office in the old brick building which stood on the corner of Third and Minnesota streets, and soon after

joined “the innumerable throng” which had gone before.

“Life’s fitful fever o’re, he sleeps well.”⁸



3. Frank Moore’s Recollections

In 1908, Frank Moore, another newspaperman, published his reminiscences, one of which involved Ames.

Among the many brilliant members of the legal fraternity in St. Paul in early days no one possessed a more enviable reputation than the Hon. Michael E. Ames. He was the very personification of punctiliousness and always displayed sublime imperturbability in exigencies of great moment. One dreary winter night his sleeping apartment in uptown was discovered to be on fire, and in a short time the fire ladders appeared in front of his quarters and commenced operations. As soon as Mr. Ames discovered the nature of the disturbance he arose from his bed, opened the window, and with outstretched arms and in a supplicating manner, as if addressing a jury in an important case, exclaimed: “Gentlemen, if you will be kind enough to desist from operations until I arrange

⁸ Thomas McLean Newson, *Pen Pictures of St. Paul, Minnesota, and Biographical Sketches of Old Settlers: From the Earliest Settlement of the City, Up to and Including the Year, 1857* 412-4 (St. Paul: 1886)(republished by Bibliobazaar in 2010).

It may be noted that Newson’s version of the story about the suit over Brisbin’s fee differs from Brisbin’s in the *St. Paul Daily Globe*.

It should also be noted that Newson’s claim that Ames died in a fall is surely inaccurate. Contemporary newspapers reported that pneumonia was the cause.

my toilet, I will be down.” The learned counsel escaped with his toilet properly adjusted, but his apartments were soon incinerated.⁹ ■



Posted MLHP: November 11, 2010;
revised July 15, 2012; substantially revised and
Brisbin’s recollections added July 15, 2018.

⁹ Frank Moore, *Reminiscences of Pioneer Days in St. Paul* 44 (Daily Pioneer Press, 1908)(the book is subtitled “A Collection of Articles Written for and Published in the Daily Pioneer Press.”).