

AUSTIN H. YOUNG

(1830 – 1905)

Austin Hill Young served as a judge in Hennepin County for over eighteen years, first on the court of common pleas, then on the district court. He was defeated for reelection in 1890. After leaving the bench, he continued practicing law in Minneapolis.

While sitting on the court of common pleas, Young denied the petition of Martha Angle Dorsett to be admitted to the bar of Minnesota in an order issued on October 4, 1876. His order and accompanying newspaper articles about that case are reproduced in “The *Dorsett Case*,” a separate posting on the MLHP.

Isaac Atwater, who served on the Minnesota Supreme Court between 1858 and 1864, knew and admired Young. In the first volume of his *History of Minneapolis, Minnesota* 432-34 (New York: Munsell & Co., 1893), Atwater paints the following portrait of Young:

A. H. YOUNG. Austin Hill Young was born at Fredonia, Chatauqua County, N. V., December 8th, 1830. His parents were natives of New England, having removed from Rutland County, Vt., to Fredonia. When the subject of this sketch was but six years old, his father died, leaving a widow and five boys, the oldest but sixteen years of age. Believing that the new West would be preferable to the East as a place to rear and educate her boys, Mrs. Young with her family of five boys, removed to Illinois, locating temporarily in Dupage County. Two years later Mrs. Young married, and with her family removed to Cook County, where upon one of the prairie farms of Illinois her boys grew to manhood. Mr. Young speaks of his mother as a woman of great energy, an earnest Christian, and to whose guidance and training in early life he is indebted for the best elements of his character.

Until seventeen years old, Austin attended the district school in the winter, working upon the farm in the summer. Having

mastered the branches taught in the district school he took a course in the Waukegan Academy, at that time one of the best schools of its kind in the West. This, with the experience of six terms of school teaching, comprised his literary education. After leaving the Academy he began the study of law with Ferry & Clark at Waukegan, Ill.

In 1854 he married Miss Martha Martin and removed to Prescott, Wis., where, after a brief mercantile experience, he was elected clerk of the Circuit Court, which office he held for several years. In 1860 he was admitted to the bar, and formed a co-partnership for the practice of his profession with M. H. Fitch, now of Pueblo, Col. Soon after his admission to the bar Mr. Young was elected district attorney for his county, which office he held until the fall of 1863, when he was elected to the State Senate of Wisconsin. Early in 1866 Mr. Young removed to Minneapolis and commenced the practice of his profession in connection with W. D. Webb, under the firm name of Young & Webb. In the spring 1870 Mr. Young and Thomas Lowry entered into partnership as Young & Lowry, which continued until June 1st, 1872, when Mr. Young was appointed Judge of the Court of Common Pleas, a court which had recently been established by the Legislature.

In November, 1872, Judge Young was elected to the same office for a term of five years. In 1877 the District Court and the Court of Common Pleas were by act of the Legislature united, and Judge Young was transferred to the District bench. Judge Young was twice elected to the same position, his last term expiring in 1890.

In April, 1872, Judge Young married Miss Leonore Martin, of Williams-town, Vt., his present wife. He has two children living, Edgar A., who is married and resides in Minneapolis, and Alice M., a young lady who resides with her father.

In politics Judge Young is a Republican, but since going upon the bench has taken no active part in politics. He is a member of Plymouth Church, in which he has been a deacon for many years.

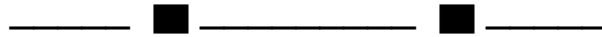
As a lawyer Judge Young had won an enviable reputation at the bar before taking his seat on the bench. He was studious, exhaustive in the examination and preparation of his cases, and forcible in the presentation of them to the court and jury. As a counsellor he was eminently sound and conservative, conscientious, never seeking the encouragement of litigation where it could reasonably be avoided, and sought the true interests of his clients, regardless of his own in a professional point of view. His integrity and honor was unquestioned, and his word in regard to a stipulation in a case was held as binding as though reduced to writing. He never sought to influence a court or jury by statements which he did not believe strictly true, and thus carried a moral weight in the trial of causes, which is often of more importance than the highest legal or forensic ability.

Some of the qualities above mentioned are not less desirable in a judge than in a practicing lawyer. On the bench Judge Young has a record of impartiality, clear apprehension of legal principles, as applicable to the case in hand, and a patient thorough examination of the cases submitted to him, which always carried weight. It has been said that he sometimes reached a decision on a point before the same had been fully discussed. In an experience of over twelve years before him as a practitioner, I think the criticism is not well founded. It is true that when an attorney appeared before him in a case, entirely unprepared, as unfortunately was too frequently the case, he did not propose to waste the valuable time of the court on interminable discussions, on self evident propositions. He did not think courts were established to instruct attorneys in the science or practice of law. And in this, unquestionably, he was right.

But, if sometimes he might err from the course above stated, on the other hand he possessed a quality, which is of the highest importance in a *nisi prius* judge, that of giving the party deeming himself aggrieved the fullest benefit of his exceptions in the settlement of a case. He never sought to evade the effect of his rulings by any after concealment or modification of the facts under which they were made. The importance of this is evident to the experienced lawyer. The omission of a sentence,

the change of a few words in the settlement of a case, may deprive a party of all benefit of an appeal. Every judge is liable to err, but the exercise of his judicial power in such a manner as practically to prevent the correction of errors is to the last degree most reprehensible. Judge Young has never been subject to such charge. His conscientiousness, native sense of justice and equity and fair play, aside from the question of professional ethics, would revolt against any misuse of his power in this direction.

Judge Young has resumed the practice of his profession in Minneapolis, in partnership with Frank M. Nye, the firm name being Young & Nye. Having served on the bench for more than eighteen consecutive years, it is almost like commencing practice anew, but he is yet hardly past the prime of life, and may reasonably anticipate many years of active and useful professional life in the future.



Young died at the age of 74 on Monday, February 13, 1905, in Minneapolis. The following obituaries appeared in the leading city newspapers the next day.

THE MINNEAPOLIS JOURNAL

TUESDAY EVENING, FEBRUARY 14, 1905

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JUDGE A. H. YOUNG DIES

THE PIONEER JURIST PASSES
AWAY AFTER SEVERAL WEEKS'
ILLNESS.



JUDGE AUSTIN H. YOUNG,
A Pioneer Minneapolis Jurist Who Died
Last Night at His Home.

The death of Judge Austin H. Young occurred last night at 10:50 at his home 1919 Clinton avenue. He had been ill for about a month. His wife and two children, Edgar A. and Alice M. Young, both of Minneapolis, survive him.

Judge Young was born in Fredonia, N. Y., Dec. 8, 1830. His mother, who was left a widow when this son was seven years of age, moved west, believing it to be a good place to bring up her five sons. Judge Young grew up on a farm in Cook county, Illinois, and was educated at Waukegan academy, then one of the best schools of its kind in the west. After six terms his school teaching he began the study of law in 1853, in the office of Ferry & Clark in Waukegan, The next year he moved to Prescott, Wis., and engaged for a time in mercantile business,

There he held various offices, clerk of the Circuit court, district attorney and state senator.

Coming to Minneapolis in 1866, Judge Young entered into partnership with W. D. Webb. In 1870 he formed a partnership with Thomas Lowry which continued until 1872, when Judge Young was appointed judge of the court of common pleas. When this court was united with that of the district court in 1877, Judge Young was continued in office and held a district judgeship until 1890, when he resumed the practice of law in partnership with Frank M. Nye.

Judge Young was a republican, but on account act of his long occupancy on the bench was not active in politics. He was a prominent member and officer of Plymouth church.

MINNEAPOLIS TRIBUNE

Tuesday, February 14, 1905

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JUDGE YOUNG IS DEAD

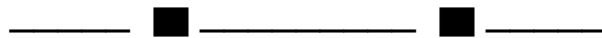
PIONEER JURIST PASSES AWAY
AFTER MONTH'S ILLNESS.

Was Law Partner of Thomas Lowry,
And First Judge of Former Court
Of Common Pleas—on Bench
About Twenty Years.

Judge Austin H. Young, one of the pioneer judges of Hennepin county, passed away at his home, 1919 Clinton avenue, at 10:50 last evening after an illness of about one month. He was 74 years of age and has been a resident of Minneapolis since 1866.

In 1870 Judge Young formed a partnership with Thomas Lowry and one year later was elected city attorney. In 1872 an act was passed establishing a court of common pleas in Hennepin county. Judge Young was appointed to the position. From that time he served 20 years on the bench, first in the court of common pleas and later in the district court after it had been increased to two judges. Later he was in partnership with Frank N. Nye and Judge Daniel Fish. Later he practiced alone in with offices in the New York Life building. He was one of the lecturers of the university law school.

Judge Young was born in Fredonia, Chautauqua county, N. Y., Dec. 8, 1830. He attended school in his native town and later at Waukegen, Ill., where he completed his academic course and where he studied law in the office of Ferry & Clark. He later removed to Prescott, Wis., where he held office, first as clerk of the circuit court and later as district attorney and state senator in the Wisconsin legislature. He was admitted to practice in the supreme court of the state of Wisconsin in 1862.



The following memorial to Young was prepared by the Legal Biography Committee of the Minnesota State Bar Association, and published in *Proceedings, Minnesota State Bar Association, 1905 69-70* (np. 1905):

AUSTIN HILL YOUNG

Judge Young was born at Fredonia, New York, December 8, 1830, but removed in early childhood to Cook County, Illinois, where he was reared by a widowed mother upon a farm. With such education only as could be gained from the rural schools, supplemented by a brief course in an academy at Waukegan and

some years of teaching, he came, at the age of thirty, to the Bar of Wisconsin. Meanwhile he had engaged in mercantile pursuits at Prescott, and there served as clerk of the circuit court. Soon after his admission, he was elected district attorney for his county and later a member of the Wisconsin senate, which office he surrendered to become a resident of Minneapolis in 1866. There, for about six years, he practiced his profession, first in partnership with W. D. Webb and later with Thomas Lowry, serving a part of this period as city attorney.

So completely did he win the confidence and respect of the community that upon the establishment of the court of common pleas in 1872, he was appointed (and subsequently elected), to the judgeship with almost unanimous approval. Upon the merging of the common pleas with the district court in 1877, he was continued upon the Bench and, by successive re-elections served for nearly eighteen years. Defeated in 1890 by unfortunate political complications, he uncomplainingly resumed the practice of law, the fine serenity of his nature unruffled by the seeming injustice which withdrew him, at an advanced age, but in the prime of his faculties, from duties to which he became attached, and for which he was admirably fitted.

Despite the changed conditions and the rivalry of younger and less modest practitioners, the fourteen remaining years of his life were full of useful activity. His ample knowledge of the law, his high professional skill, his unerring sense of justice, and above all his unspotted character brought him a valuable clientage, whose interests he served with unfailing 'diligence. Almost to the last, he was busy with his cases, an adviser to be implicitly trusted and an advocate whom the ablest antagonists did not venture to meet without full preparation.

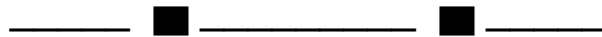
In the judicial office, Judge Young was firm, alert, dignified and impartial. His mental processes were rapid—too swift sometimes for the comfort of those who mistake the forum ordained for the settlement of disputes for a place in which to continue the quarrel. He was faithful to the public as well as to the law. He delighted in the prompt dispatch of business, and was sometimes impatient when the sifting processes of trial

seemed to lag unduly. Young men, who did not yet know the genuine kindness of his nature, and lazy, or contentious men, who wasted the time and money of the people, were at times displeased; but with closer acquaintance and better knowledge, all were willing to join in the tender encomium of the poet:

“And e’en his failings leaned to Virtue’s side.”

In private life, our revered friend was indeed faultless. If he ever wronged any man, that man was himself; for he did often forego his own rights, in the fear that an undue share of some burden might fall upon another. In all else he was wholly fearless, in moral courage, heroic. He never varied his course in the slightest to gain approval or applause from any outward source. Though his standard of duty was of the highest, he was never censorious; he was full of charity toward weaknesses from which he himself was free. In this, as in other things, he not only professed Christianity, but walked humbly in the Christian way. Throughout all the mutations of a toilsome life, in success as well as in defeat, in rejoicing no less than in sorrow, he bore himself manfully; and yet with such refinement and so modestly that his great attainments in the law, and his eminence as a judge, are partly forgotten in our gentler memories of his worth as citizen, neighbor, and friend.

It is thus that he would wish to be remembered, and in this that his example will prove most beneficent while memory endures.



The following sketch of Young appeared in Warren Upham and Rose Barteau Dunlap’s *Minnesota Biographies, 1655-1912* 887 (St. Paul: Minnesota Historical Society, 1912):

YOUNG, AUSTIN HILL, judge, b. in Fredonia, N. Y., Dec. 8, 1830; d. in Minneapolis, Minn., Feb. 13, 1905. He was admitted to the bar at Prescott, Wis., in 1860; removed to Minneapolis in

1866; was elected city attorney in 1871, and the next year was appointed judge of court of common pleas; was a judge of the Fourth judicial district, 1877-91.



Posted MLHP: December 2008.
Revised: January 2009 and February 2010.