

JUDGE HIAL D. BALDWIN

(July 6, 1827 - October 25, 1906)



By

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1. Introduction

Hial David Baldwin served eight months as Judge of the Ninth Judicial District in Minnesota. His appointment to the bench by Governor Hubbard on April 2, 1882, was greeted with withering criticism by newspapers throughout the district as well as a skeptical bar, which preferred other lawyers for the post. He never had a chance to receive the Republican Party's endorsement for the judgeship at its judicial district convention much less being elected to a full term in November. He left office in January 1883. The story of Hial Baldwin's eight months on the bench follows.

2. The Waseca Years

Hial D. Baldwin settled in Losco village, Waseca County in 1858. He was thirty-one years old. The following year he was admitted to the bar and was elected county attorney.¹ This was the first of many years of public service. He was re-elected twice, serving to January 1, 1864. Meanwhile, in an unusual twist that can be explained only by recognizing that there were few lawyers in the county during the war, he was elected probate judge in 1861, and so he held two elective county offices at the same time.² He ran for probate judge on the Republican Party ticket in 1863 but lost by seven votes.³ In 1865 he was again elected county attorney.⁴ In 1866, as a candidate for the state house of representatives he was defeated by William Brisbane by five votes.⁵ The next year he was elected probate judge of Waseca County.⁶ By 1867 he had

¹ James E. Child, *Child's History of Waseca County, Minnesota* 103 (1905). His yearly pay as county attorney was \$180. *Id.*, at 124. The next year he moved to the village of Wilton and started a weekly newspaper. *Id.* at 169.

² *Id.* at 120. He was re-elected in 1860. *Id.* at 109-110. And again in 1861. *Id.* at 120.

³ *Id.* at 168. The party's slate was published in *The Waseca News*, November 1, 1867, at 1. It is posted in the Appendix, at 52.

⁴ *Id.* at 180.

⁵ James E. Child, note 1, at 183.

⁶ James E. Child, note 1, at 190.

branched into other commercial endeavors, such as Baldwin & Kittredge, a bank and real estate dealership whose business card was published in *The Waseca News*:⁷

| | |
|---|--|
| Baldwin & Kittredge, | |
| Dealers in Exchange and Real Estate, | |
| AT WASECA, MINNESOTA. | |
| Drafts on New York and Chicago, constantly on hand and for sale at lowest rates. | |
| <i>Deposits received and kept subject to check at any time. If left for three months or more, interest will be allowed.</i> | |
| 10,000 acres of choice lands for sale in this and adjoining counties. | |
| College Scrip and Land Warrants procured and located. | |
| Have the <i>only Abstract Books</i> in the county, and will furnish correct abstracts of title for a small fee. | |
| Collections made and taxes paid in this and adjoining counties. | |
| H. D. BALDWIN. | |
| WM. T. KITTRIDGE. | |

In 1868 he moved to Waseca and the next year built the first hotel in East Janesville.⁸ Early the following year Baldwin & Kittredge failed, blighting commerce in southeastern Minnesota. As retold by James E. Childs:⁹

FIRST BANK FAILURE.

In accordance with the fashion at that time Waseca had a bank failure which proved to be a very great damage to the whole community.

It came to the surface January 29, 1869. Like a thunder clap on a clear, January morning, or a conflagration at midnight, or a mighty whirlwind on a cloudless summer day, or a sudden and murderous

⁷ *The Waseca News*, April 17, 1868, at 9.

⁸ James E. Child, note 1, at 806.

⁹ *Id.* at 211-212.

Indian outbreak on a defenseless, frontier town, so came the first bank failure in this county as the report flew from ear to ear that Baldwin & Kittredge had failed. The failure was a bad one. The assets amounted to only \$32,000, while the liabilities footed up to \$31,000. One-half of the assets consisted of real estate, considerable of it village lots, and did not sell for the estimated value when sales were made. It was a terrible blow to our young village, leaving many of our citizens in very bad shape financially. The failure took with it the bank at Blue Earth City, conducted by S. P. Child under the firm name of Baldwin & Child. That failure, in turn, caused financial distress to many people in Faribault county, although every creditor there was finally paid in full, dollar for dollar, while here the assets did not pay over sixty cents on the dollar.

Childs, a lawyer and newspaper publisher who knew Baldwin well, alluded to the root of his failure in a county history he published in 1916:

His life has been a checkered one financially, ranging from extreme poverty to affluence. His liberality and generosity have been proverbial. His love of speculation has been his besetting error. As elsewhere related he was one of the first to open a bank in Waseca and one of the first to fail in business.¹⁰

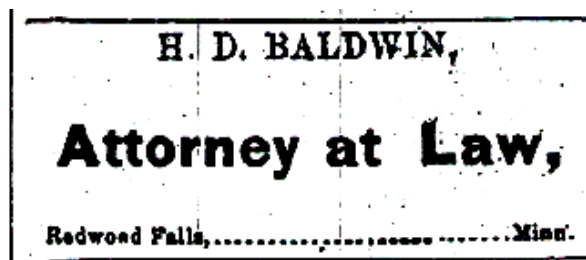
Because of the public's reaction to his bank failure, Baldwin and his family moved (or fled) to Redwood Falls, the seat of Redwood County, in 1871.¹¹ And that is where our story continues and culminates.

¹⁰ *Id.* at 806.

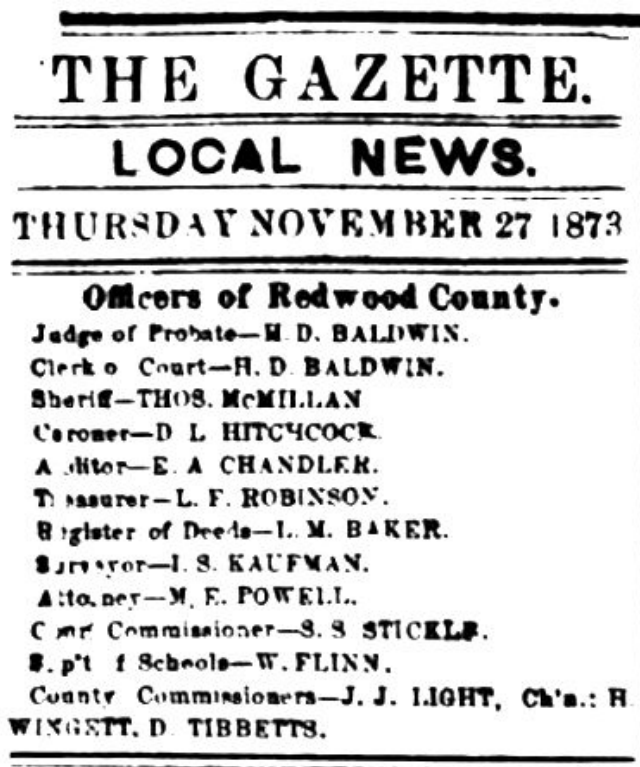
¹¹ Franklyn Curtis-Wedge, editor, 1 *History of Redwood County, Minnesota* 616 (1916) ("Judge H. D. Baldwin, another early and highly esteemed citizen, came here in the year 1871 and established a law office; since locating here he served as judge of probate and district judge; also other offices of trust.").

3. The Redwood Falls Years

He resumed practicing law and placed his business card in the local newspaper:¹²



Once more he threw himself into public life. He was elected probate judge of Redwood County in 1872 and again, improbably, held two positions in county government at the same time, according to the roster of county officers published in the *Redwood Gazette*:¹³



¹² *Redwood Gazette*, November 27, 1873, at 1.

¹³ *Id.* at 4. See also Franklyn Curtis-Wedge, note 11, at 192.

He was re-elected in 1874.¹⁴ In 1877 he ran for county attorney but lost to incumbent M. E. Powell.¹⁵

In 1874 he developed a novel business strategy. He formed five partnerships with lawyers in near-by towns, several of which were in the Ninth Judicial District.¹⁶ In August the *Redwood Gazette* reported the formation of one such firm:

Judge Baldwin was away all last week, on professional business, in Lyon and Yellow Medicine Counties. He formed a partnership, while at Marshall, with Mr. Wakeman. The firm name is Baldwin & Wakeman.¹⁷

The business card of Baldwin & Wakeman was published in *The Prairie Schooner*, at that time the leading newspaper in Lyon County.¹⁸ In October he formed a partnership with Alfred Wallin, then practicing in St. Peter (and a future rival for the district court judgeship). The announcement of the formation of the firm in the *Gazette* reveals Baldwin's marketing sophistication:¹⁹

New Law Firm

We are pleased to learn that Mr. Alfred Wallin has concluded to settle in Redwood Falls, and will arrive with his family in the latter part of this week. Mr. Wallin formerly lived in St. Peter and is well known in this judicial district, and throughout the southern part of the state, as an able lawyer, a genial and very worthy gentlemen. He has formed a partnership,

¹⁴ *Redwood Gazette*, November 12, 1874, at 1 ("H. D. Baldwin, Republican candidate for Judge of Probate, received a majority of 238..."). He was listed on the Republican ticket printed in the newspaper. *E.g.*, *Redwood Gazette*, October 29, 1874, at 1.

¹⁵ *Redwood Gazette*, November 15, 1877, at 4. The *Gazette* had endorsed him. November 1, 1877, at 1.

¹⁶ In 1874 Nicollet, Brown, Redwood, Renville and Chippewa Counties formed the Ninth Judicial District. Stat. c. 39, Title II, §45, at 728 (1873 Supplement).

¹⁷ *Redwood Gazette*, August 20, 1874, at 4.

¹⁸ *The Prairie Schooner* (Marshall, Lyon County), August 13, 1874, at 1.

¹⁹ *Redwood Gazette*, October 1, 1874 at 4.

here, with Judge H. D. Baldwin. And, by the way, it is gratifying to note extensive legal business and Judge Baldwin has succeeded in establishing in nearly every county in the district. He has formed a partnership in each of the counties of Brown, Renville, Yellow Medicine and Lyon.

At the New Ulm the firm Baldwin and Matthews; at Beaver Falls Altman and Miller, and Marshall, Baldwin and Wakeman, at Yellow Medicine, Baldwin and Cook, and the home firm at Redwood Falls, is Baldwin and Wallin. They pay especial attention to collecting and their facilities and arrangements for making collections are unusual and thorough. Besides, Judge Baldwin has a large experience, and has been very successful as an advocate and his practice in every department of legal business is, doubtless, the most extensive of any in this section of the state.

The firm's business card soon appeared in the *Gazette*:²⁰

BALDWIN & WALLIN,
ATTORNEYS AT LAW
 Redwood Falls.....Minn.

Small law firms, history instructs us, have short lives. Not surprisingly Baldwin's did not last very long. By 1878 Alfred Wallin was practicing by himself while Baldwin had taken on J. H. Bowers.²¹ In 1880 and 1881 he was practicing with Frank R. Morrill and Samuel R. Miller as Baldwin, Miller & Morrill.²²

²⁰ *Redwood Gazette*, June 10, 1875, at 1.

²¹ *Redwood Gazette*, June 13, 1878, at 1 (business cards of Baldwin & Bowers and Alfred Wallin). There were four lawyers practicing in Redwood Falls in 1878.

²² The firm's business card was published in the *Gazette*, June 10, 1880, at 1. Alfred Wallin's card was in the same issue.

Baldwin's firm represented parties in two appeals to the state supreme court:

Unable to rid himself of a banking bug, he bought the First National Bank of Redwood Falls in 1880 but still continued practicing law.²³ In early 1882 there were only three lawyers in Redwood Falls.²⁴ Then there were two.

4. District Court Judge

a. Vacancy

On November 8, 1877, E. St. Julian Cox, a Democrat, was elected judge of the Ninth Judicial District, defeating Alfred Wallin, a Republican.²⁵ Soon complaints from the bar and the press rained down on him. They reached in crescendo on March 22, 1882, when he was impeached by the Minnesota Senate and forced from office.²⁶ The office of Judge of the Ninth Judicial District Court was now vacant.

Sherman P. Terryll vs. Samuel E. Bailey, 27 Minn. 304, 7 N.W. 261 (1880). Baldwin, Miller & Morrill represented the appellant, and Alfred Wallin represented the respondent. Appeal from an order of Judge Cox, reversed.

Board of County Commissioners of Redwood County vs. Amasa Power and others, 28 Minn. 45, 8 N.W. 907 (1881). Baldwin, Miller & Morrill represented the appellants, and Alfred Wallin represented the respondent. Appeal from an order of Judge Cox, which was affirmed.

²³ According to a county history published in 1916:

The First National Bank of Redwood Falls had its beginning in 1871, when George W. Braley came to Redwood Falls and started the Redwood County Bank. In 1880 it was bought by Hial D. Baldwin and C. T. Ward. In 1891 the institution became a state bank, but retained the same name. May 28, 1901, it became a national bank, with A. C. Burmeister as president, Hial D. Baldwin as vice president, and Herbert A. Baldwin as cashier.

Franklyn Curtis-Wedge, editor, 1 *History of Redwood County, Minnesota* 571 (1916).

²⁴ The business cards of Baldwin, Wallin and Bowers were published in the *Gazette* on January 19, 1882, at 1. In June, after Baldwin's appointment to the bench, there were only two lawyers: Alfred Wallin and John H. Bowers. *Redwood Gazette*, June 15, 1882, at 1.

²⁵ Alfred Wallin (1836-1923) served as a justice on the North Dakota Supreme Court, 1889-1902. Cox was from Nicollet County. For his bar memorial, see "Judge Eugene St. Julian Cox (1834-1898)(MLHP, 2018).

²⁶ Three volumes of the "Journal of the Senate of Minnesota Sitting as a High Court of Impeachment for the Trial of Hon. E. St. Julien Cox, Judge of the Ninth Judicial District" published in 1882 are posted separately on the MLHP website.

b. Appointment

It was customary for individual citizens to write letters and sign petitions to the governor recommending that he appoint a particular lawyer to the judgeship. Governor Hubbard received four recommendations.²⁷ The first signed by 16 men endorsing Baldwin was dated February 21, 1882, one month before Judge Cox was ousted. The second, dated March 6, 1882, from Judge John H. Brown of the Twelfth Judicial District strongly recommended Alfred Wallin. The third, dated March 24, from a merchant in St. Peter recommended Sumner Ladd. The fourth and by far the longest was a four page petition signed by sixty-five men recommending Benjamin F. Webber.

These were times when a judicial vacancy triggered speculation in local and metropolitan newspapers. A vacancy was viewed as a political contest among lawyer-candidates for the appointment. Their strengths and liabilities were weighed as well as their support from their brethren at the bar. On March 29, for example, the *Pioneer Press* published a column of gossip from St. Peter, Redwood Falls, New Ulm, Lake Benton, Bird Island and Marshall on potential appointees to the Ninth Judicial District Court.²⁸ For sure the governor read this article.

On March 30 nine lawyers claiming to be the Ninth Judicial District Bar Association met in Tracy, a village in Lyon County, for the purpose of making a recommendation to the governor.

²⁷ They are posted in the Appendix, at 53-60. The *St. Paul Dispatch* may have been alluding to these petitions in the following squib:

The friends of Judge Baldwin of Redwood Falls are strongly urging Gov. Hubbard to appoint him to Judge Cox's vacant seat. It is claimed that he unites more the necessary elements of legal learning, judicial temperament, personal character, personal popularity and eligible location, than any other gentleman mentioned. His appointment, if finally decided on by the governor, will undoubtedly be acceptable to the people in the district and the State at large.

St. Paul Dispatch, March 31, 1882 at 1.

²⁸ *St. Paul Pioneer Press*, March 29, 1882, at 5. It is posted in the Appendix at 61-63.

The meeting was “more or less of a farce” and “resulted in a fizzle” according to a derisive article in the *Pioneer Press*.²⁹

On April 4, 1882, Hial D. Baldwin, fifty-four years old and a practicing lawyer for twenty-three years, was appointed District Court Judge by Governor Lucius Hubbard.³⁰

c. Reaction of the Press and the Bar.

The initial reaction in some quarters was to defer to the governor, who had the power of appointment under the state constitution.³¹ The *St. Paul Dispatch* devoted a long column to the appointment, ending with a scoop—Judge Cox’s opinion of his successor:

Gen. Hubbard announced, at 4 o’clock this afternoon, the appointment of Judge H. D. Baldwin of Redwood Falls, to the bench of the Ninth judicial District, vice E. St. Julian Cox, removed by the impeachment court. This appointment, which had been strenuously urged by many of the very best men of the district, including most of the leading attorneys outside of Nicollet county, will undoubtedly be received with high favor by the people, and will almost without question be ratified by the voters at the election next November. One very strong point in his favor is that he took no part whatever in the impeachment proceedings, and is therefore more

²⁹ *St. Paul Pioneer Press*, March 31, 1882, at 2. It is posted in the Appendix at 64-67.

³⁰ *Mankato Free Press*, April 7, 1882, at 2. He took the oath of office in St. Paul on Saturday, April 8, 1882. *New Ulm Weekly Review*, April 12, 1882, at 3. A copy of his appointment is filed at the Historical Society.

³¹ Article 6, Sec. 10, of the 1857 constitution provided: “In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by the appointment by the Governor until a successor is elected and qualified, and such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.”

acceptable to both factions than any of the extreme partisans of either with men. . . .

Besides the unqualified commendations of the bar of the district, of course, Gov. Hubbard has availed himself of the opinions of other eminent attorneys and jurists, familiar with Judge Baldwin's qualifications, and has undoubtedly decided, on the strength of that information, that the appointee combines. . . more of the requisites of legal learning, high character, local availability and personal popularity than any of the other candidates named – otherwise he would not of been appointed.

A few days since a representative of the *Dispatch* asked Judge Cox to give his opinion of Judge Baldwin's qualifications. Disclaiming all idea of attempting to influence the governor's decision, and any imputation of the deserts of other worthy aspirants for the position, Judge Cox said: "From a long acquaintance with Judge Baldwin, both at the bar and while on the bench, and from my observation of the characteristics of his mind, I am convinced that no man in the district has a clearer conception, better reasoning faculties, or a more profound knowledge of legal ethics than the Judge, or would bring more judicial ability to the bench than he. Without wishing to be invidious or committing myself to the application of any, I cheerfully bear testimony to his ability as a lawyer, and his honesty and fidelity as a man and citizen."³²

The *Dispatch's* comment that "One very strong point in his favor is that he took no part whatever in the impeachment proceedings, and is therefore more acceptable to both factions than any of the extreme partisans of either with men," refers to the fact that Sumner Ladd, Alfred Wallin and Benjamin F. Webber

³² *St. Paul Dispatch*, April 4, 1882, at 2.

had testified in the recent impeachment trial.³³ That these three men sought to fill a judicial vacancy they helped create was at the center of the following story by a chortling *St. Paul Globe* reporter. The *Globe's* spotlighting Judge Lochren's influence on the governor is more proof that it had some of the best political reporters of the day.

THE TRIO DISHED.

Baldwin Gets the Judgeship, and the Creators of the Vacancy in Mourning.

The telegraph wires yesterday afternoon bore sorrowful news to Messrs. Ladd, Webber and Wallin, the trio of lawyers in the Ninth judicial district who bore so prominent and officious a part, in the proceedings for the impeachment of Judge Cox, while notoriously and openly candidates for the vacancy should the incumbent be removed. Long before the vacancy was made these three men (the three black crows of the ninth judicial district) had their strikers at work paving the way for the successorship, and ever since the verdict creating the vacancy, was announced, they by delegations, personal letters and omnibus petitions, have pressed their claims upon the attention of Gov. Hubbard.

There were many shameful features connected with the late impeachment trial, but the crowning shame, the appointment of either of the three men named above, has been, thanks to the good judgment and independence of Gov. Hubbard, happily averted.

. . . .

[Baldwin] is of a conservative turn of mind, and is highly respected, wherever known for his strict integrity and personal worth. His recommendations

³³ See Index, 3 *Journal of the Senate of Minnesota Sitting as a High Court of Impeachment in the Trial of E. St. Julian Cox, Judge of the Ninth Judicial District* (1882) (Ladd: Index at xxxv); Wallin (Index at lv), and Webber (Index at lv).

for the position have been few as compared with the number worked up by the trio above named, but they were of the kind that carried weight with them. One of the strongest and most telling was that of Judge Wm. Lochren, of Minneapolis, who held court at two or three points in the district while the impeachment proceedings were pending. It was Mr. Baldwin's fortune to have a very difficult case before Judge Lochren, and his lucid and clear cut unraveling of the knotty points involved, his forcible application of principles of law to the facts, and his exhibition of sound judgment, and rare discretion shown made so strong an impression upon him that he mentioned the circumstance to several lawyers of this city and Minneapolis, through whom his good opinion reached Gov. Hubbard. But undoubtedly the governing consideration in making the appointment was the fact that Mr. Baldwin has been in no way connected with the proceedings which led to the vacancy he has been named to fill, and he can therefore enter the duties of the high office entirely untrammelled and without a shadow of suspicion attaching to his judicial integrity in connection with the post. ³⁴

These sentiments and predictions were not shared by most district newspapers, which attacked the governor for making the appointment supposedly under the influence of "men outside the district" to pay off some sort of political debt. Editorialists gave a cynical almost conspiratorial interpretation of Hubbard's motives and were unable to acknowledge that he just wanted an able lawyer who was a loyal Republican and had not been a witness in the recent impeachment trial—and Hial Baldwin had those qualities. For instance the following editorial in the *St. Peter Tribune* on April 5th has obvious falsehoods while

³⁴ *St. Paul Daily Globe*, April 5, 1882, at 1 (biographical information about Baldwin omitted).

exposing how little the editorial writer understood how a governor reaches a decision on an appointment to a district court:

The report current here for a few days pass that H. D. Baldwin of Redwood Falls would be appointed Judge of this judicial district was confirmed yesterday by telegram. We have no personal acquaintance with the appointee, we understand he is a pleasant old gentleman of about 65 years, was at one time a banker at Waseca, and failing in that kept a hotel in Janesville and later at Redwood Falls. As to his qualifications for judge the numerous expressions we have heard from many persons who know him, not only here but from his own town and other parts of the district, all agree that he is not fit for the position, that he commenced studying law after he was fifty years old, and has had no thorough legal education and but little practice.

The appointment would appear to have been made on political grounds solely, and still what political strength Mr. Baldwin can give Gov. Hubbard is not apparent. Had the Governor selected a first-class attorney from the place, as he could have done from the material in the district, no one would have complained at his choosing a political supporter, but as it is we do not believe the appointment will reflect credit on himself or meet the endorsement of the people of the district. The only satisfaction we have at present is it any sober judge is preferable to a drunken one.³⁵

These views were shared by other editorialists. The *New Ulm Weekly Review* carried excerpts from editorials of eight newspapers in the district on Baldwin's appointment:

³⁵ *St. Peter Tribune*, April 5, 1882, at 2. The last sentence alludes to charges that Judge Cox was inebriated on the bench.

JUDGE H. D. BALDWIN.

His Appointment Not Favorably Received.

What the District Papers Say.

Mr. H. D. Baldwin's appointment as Judge of the Ninth Judicial district is evidently not received with much favor in any part of the district, and of the Republican papers, especially the *Lyon County News* and *Marshall Messenger*, are very severe in condemnation of the appointment.

If Gov. Hubbard sought to make an appointment that would be popular within the district he has made a bad mistake, but it has become apparent that Baldwin's nomination was dictated by men outside the district as a reward for political favors rendered Gov. Hubbard in last fall's campaign, and not with any view as to the wishes of the people within the district. The people will have something to say themselves next fall, and in view of the present sentiment it is not probable that they will choose Mr. Baldwin to administer the judiciary affairs of this district for the next seven years. The following are the sayings of our neighbors:

Tracy Gazette — The Governor has appointed Judge Baldwin, of Redwood Falls, as Cox's successor. There is wailing and chewing of gum in camp Applicant.

Lamberton Commercial — H. D. Baldwin of Redwood Falls has been appointed by Gov. Hubbard to succeed E. St. Julien Cox as Judge of the 9th Judicial district. The appointment will give general satisfaction.

Waseca Herald — Gov. Hubbard has appointed H.

D. Baldwin, of Redwood Falls, to the judgeship of the Ninth judicial district made vacant by the removal of Cox. Mr. Baldwin is a man of excellent habits and good legal ability. He was formerly a resident of this place, and his friends here feel to congratulate him on the appointment.

***Redwood Gazette*—While the successful appointee was not our own first choice, we may heartily congratulate the Judge on his preferment. Nothing is to be said against the personal character or sobriety of the newly appointed judge, and if his administration of justice secures the respect and approval of the people of the district, he will be a hopeful candidate for his own succession.**

***Sleepy Eye Herald (Dem.)* — We are not acquainted with Judge Baldwin and cannot speak positively of his qualifications, but we are impressed in his favor by the fact that his appointment was not secured by the raging appeals that were made by other candidates, also by the fact that those that have been so clamorous in the matter are evidently taken down a peg by the independence of Gov. Hubbard.**

***St. Peter Tribune* — As to his qualifications for judge the numerous expressions we have heard from persons who know him, not only here but from his own town and other parts of the district, all agree that he is not fit for the position, that he commenced studying law after he was fifty years old, and has had no thorough legal education and but little practice.**

The appointment would appear to have been made on political grounds solely, and still what political strength Mr. Baldwin can give Gov. Hubbard is not apparent. Had the Governor selected a first-class attorney for the place, as he could have done' from the material in the district, no one would have complained at his choosing a political supporter, but

as it is we do not believe the appointment will reflect credit on himself or meet the endorsement of the people of the district. The only satisfaction we have at present is that any sober judge is preferable to a drunken one.

Marshall Messenger — Gov. Hubbard has belittled himself and burlesqued the judiciary of this district by the appointment of Mr. Baldwin of Redwood Falls to the place made vacant by the impeachment of Judge Cox. We do not wish to unnecessarily say anything against Mr. Baldwin. Our personal relations with him are and always have been friendly ones. It will be enough to say that he is in every requisite entirely and ridiculously unfit for the place, and Gov. Hubbard knew it as well as our people do. He simply yielded to political pressure obtained for Mr. Baldwin, outside this district, and yielded not with the hope of respectably filling the bench of the Ninth district but with the hope that the influence of these few friends of Baldwin, i.e., [former Governor Cushman K.] Davis, [W. G.] Ward, and one or two others, would help Governor Hubbard to future political elevation. As a protector of the State's welfare and respectability, Governor Hubbard is a snide, and unless we have lamentably misunderstood the expressed sentiment of the district his appointee will be repudiated at the next election. We have repeatedly heard prominent politicians of both parties say they would under no consideration support Baldwin for the position of Judge.

Lyon County News — As soon as the appointment of Judge Baldwin was made known to the legal and business men of Marshall, surprise, even to consternation, was expressed on all outsides. Had Wallin, Webber, Ladd, Ives or Hanscomb (sic) been appointed, the news would have been received with general satisfaction, and either of the men named

would have found many warm congratulations. But had the most insignificant lawyer in the district been appointed, the surprise and indignation of the people could not have been greater. All prominent citizens resent the appointment of Judge Baldwin as a slight to the district, and the lawyers, almost without exception regard it as an insult to the intelligence and honor of the bar of the 9th district. It is well known that Judge Baldwin had no material support from either the bar, or the people of the district, and that his appointment was made at the dictation of men outside the district, and as a reward for political services rendered in securing to Gov. Hubbard the Gubernatorial nomination last fall. On all sides it is conceded that Judge Baldwin, cannot secure a nomination for the office this fall, and it is doubtful if he can carry into the convention a single delegation, even that of his own town.³⁶

A week later the *Review* reprinted an editorial from *Lake Benton News* under the headline "More of the Same":

The appointment of Baldwin, of Redwood Falls, to succeed Cox, was a great surprise to the people of this section. It seems to us that Gov. Hubbard has made a blunder in this matter. The attorneys and citizens of Lincoln are disappointed over the appointment of Judge Baldwin to the bench. He will have to gain very much in popularity in order to receive the support of Lincoln county. Outside of Redwood Falls there does not seem to be a favorable comment on the appointment, and it does not seem possible for the Governor to have selected a person who would have been received with less favor.³⁷

³⁶ *New Ulm Weekly Review*, April 12, 1882, at 3.

³⁷ Quoted in the *New Ulm Weekly Review*, April 19, 1882, at 3. Two months later, after Baldwin held spring term in Lincoln County. the *Lake Benton News* had a much more

These editorials reflected the opinion of the bar (the influence of local lawyers on the local press on a judicial appointment should never be discounted). In mid-April the *Saint Peter Tribune* published a lengthy article on the appointment that concluded with interviews of lawyers in Lincoln and Lyon Counties who expressed hostile opinions of Baldwin.³⁸ Even W. Wakeman, his former law partner in Marshall, declared that he “had no legal ability.”

During the summer of 1882 district newspapers carried numerous stories on Baldwin and his competitors for the Republican nomination. The *St. Paul Pioneer Press*, watching the growing speculation about the Governor’s motives and dismayed at the falsehoods being repeated in rural newspapers,

favorable impression of him:

The regular term of court for Lincoln County commenced on Tuesday of last week [June 13] and lasted until Friday evening. Judge Baldwin was promptly on hand, as likewise were the attorneys, jurymen and spectators, and all had a desire to see how the new judge would handle the business. Tuesday was passed in disposing of motions, charging the grand jury and getting matters into running shape. Judge Baldwin’s charge to the grand jury was plain and to the point and we believe every jurymen fully understood what was expected of him when he retired from the court room.

On entering the hall one was impressed with the fact that he was before a court. The bench was free from a half drunken judge, whose appearance and almost incoherent expressions made one think more of a bar room than a court of justice. There are no fifteen minute adjournments for drinks, with disgraceful orgies in evening in which judge, attorneys and jurymen took a hand. Owing to the strife which existed over the judgeship there was a great prejudice against Judge Baldwin in this portion of the district, but we must say that the manner in which he conducted business, has, in a great degree done away with that. It looked to us as though the judge was more interested in seeing that justice would be administered to all parties and fine legal technicalities somewhat overlooked.

There was a general expression of satisfaction in regard to the way business was dispatched. We know that Judge Baldwin has made a very good impression upon those who attended during the term, and will have much to do with the prospects of his being his own successor.

Lake Benton News, June 20, 1882, at 1.

³⁸ *St. Peter Tribune*, April 12, 1882, at 2. Excerpts are posted in the Appendix at 67-69.

issued a plea—or warning—that went unheeded:

[I]s not probable, however, that Gov. Hubbard would have appointed Baldwin even to gratify the clamorous demands of W. G. Ward for “recognition” if he had not been satisfied of his fitness for the office, and it is quite possible that the representations which have reached us from so many quarters that he is incompetent for the position may be colored by the views of the friends of rival candidates, or based on erroneous information. The new appointee is entitled to a fair trial, and he will be abundantly able, in the for five months, which must elapse before the Republicans of the district will be called upon to select a candidate to demonstrate to their satisfaction whether the governor’s appointment should be ratified or rejected by the people.³⁹

The *PP*’s plea that Baldwin be judged on how well he conducted himself on the bench was refuted by the *Marshall Messenger* in a front page editorial on May 25, 1882:

Probably nobody doubted that Baldwin could hold court without exhibiting his lack of judicial knowledge if great care were taken. What people objected to was that he got his appointment against the almost unanimous wishes of this district. Those who opposed the appointment did not do it from any personal dislike to Baldwin, or because any other candidates tailed, but because the appointment was forced on them against their express wishes, in payment of political debts to men outside the district, and because Baldwin was not legally qualified for the place. The coming election will show how much public sentiment has changed.

³⁹ *St. Paul Pioneer Press*, April 10, 1882, quoted in the *Saint Peter Tribune*, April 12, 1882, at 2.

To many district lawyers and editorialists Baldwin's appointment was illegitimate. While misstatements about his years at the bar could be corrected it was nearly impossible for his supporters to refute rumors that quickly became unshakable convictions that the governor had been influenced by nefarious "outsiders." This was Baldwin's dilemma as he and his supporters prepared for the Republican Party's judicial district convention in mid-September.

d. The Judicial District Convention.

The following announcement of the Ninth Judicial District Convention was published in most district newspapers in August.⁴⁰

Judicial Convention.

A Republican judicial convention, for the 9th judicial district of Minnesota will be held at Turner Hall, New Ulm, Sept 12, 1882, at 12 o'clock M. to nominate a candidate for judge for said district. The apportionment of delegates as decided by the Republican committee of said district at a meeting in Mankato June 21st was made on a basis of one delegate to each 250 of the combined vote for President Garfield in 1880 and for Gov. Hubbard in 1881. The basis adopted gives the following:

| | | |
|--------------|----|------------|
| Brown county | 10 | delegates. |
| Lyon | 6 | " |
| Lincoln | 5 | " |
| Nicollet | 9 | " |
| Redwood | 7 | " |
| Renville | 9 | " |

By order of committee,
C. F. CASE, Ch'm.

⁴⁰ On the importance of judicial district conventions, see Douglas A. Hedin, "Judicial District Conventions: An Introduction." (MLHP, 2020).

Newspaper reports of the upcoming judicial convention were similar to analysis of a political convention. A piece in the *New Ulm Weekly Review* on September 6 predicted how delegates in each county would vote, dismissing Baldwin's chances:

Mr. Baldwin now holds the position by appointment, which, however, was brought about influences from outside of the district, and against the remonstrances of nine-tenths of the Republicans within the district, and his position will therefor avail him but little in furthering his nomination.⁴¹

To his humiliation, he was not even nominated. According to the *Morris Tribune*: "The name of Judge Baldwin, the present incumbent, was not mentioned in the convention." Benjamin Webber was endorsed on the first formal ballot, easily defeating Sumner Ladd and Alfred Wallin:⁴²

| | |
|-------------------------|-----|
| Benjamin F. Webber..... | 33½ |
| Sumner Ladd..... | 8 |
| Alfred Wallin..... | 1 |

In the general election on November 7, 1882, Webber defeated Independent-Democrat M. G. Hanscome. He took office in January 1883.

e. Baldwin on the Bench.



⁴¹ *New Ulm Weekly Review*, September 6, 1882, at 3.

⁴² The account of the convention reported in the *New Ulm Weekly Review*, September 18, 1882, at 3, is posted in the Appendix at 70-79.

The combined population of Brown, Lincoln, Lyon, Nicollet, Redwood and Renville Counties in 1880 was 49,719.⁴³ The district bar was small, probably about forty lawyers. The legislature set the dates of the terms in each county:⁴⁴

Section 1. That the general terms of the District Court in and for the Ninth (9th) Judicial District shall be held at the times and in the several counties comprising said district annually, as follows, viz:

In the county of Brown on the third (3d) Tuesday in May, and the third (3d) Tuesday in November.

In the county of Lincoln on the second (2d) Tuesday of June in each year.

In the county of Lyon on the third (3d) Tuesday of June and the second (2d) Tuesday in December.

In the county of Nicollet on the first (1st) Tuesday of May and the second (2d) Tuesday in November.

In the county of Redwood on the first (1st) Tuesday of June and the first (1st) Tuesday in December.

In the county of Renville on the fourth (4th) Tuesday of May and the first (1st) Tuesday in December.

Each term began on a Tuesday, making Monday available for travel and trial preparation. Newspaper accounts of five sessions of Baldwin's court follow. Aside from an occasional important case such as that involving taxation of railroads in the December term, Lyon County, the cases tried during these terms are representative of his caseload during his time in office.

⁴³ According to the 1880 census, the population of Brown County was 12,018; Lincoln 2,945; Lyon 6,257; Nicollet 12,333; Redwood 5,375; and Renville 10,791.

⁴⁴ 1881 Laws, c. 87, at 97-98 (effective February 24, 1881), amended by 1881 Laws, c. 89, at 99 (effective March 7, 1881)(changing the date of the December term in Renville County).

Through these accounts a picture of Baldwin as a trial judge emerges — but only slightly. Far more important is what they tell us about the types of cases that came before a rural district court in this state in the early 1880s.

Civil cases far outnumbered criminal cases. At the beginning of the calendar call cases that had been settled before the term were stricken. Others were continued to the next term, presumably on motion of the lawyers, which Baldwin routinely granted. As the term proceeded cases were settled. Jury trials in civil cases were completed in a day, usually in a few hours. Most civil litigation was between individuals; suits between businesses were nonexistent. Other than railroads, corporations were not often on the calendar. A worker was awarded \$294.67 in a personal injury suit against a railroad at the November term, Brown County. In a few years injury suits against the roads would explode (many filed in state court were removed to federal court where the fellow-servant rule blocked them). Divorce cases were rare. In a divorce case in Nicollet County, November term, Baldwin assigned A. A. Stone as referee to take evidence⁴⁵ and set the trial set for the following month in the law offices of Lind & Randall not in open court.

To make ends meet at this time most lawyers had side businesses, frequently offering “Money to Lend.” This is why a lawyers such as M. M. Madigan and W. Wakeman appear as a party in what most likely were collection matters.

The stakes in civil litigation were small. No jury verdict exceeded \$400 in the many civil cases tried during these five terms. The largest, \$387.91, was awarded a landowner in a suit

⁴⁵ The reference was made according to the law on procedures in divorce cases. Stat. c. 62, §14, at 627 (1878) (“Proceedings on failure to answer — reference. If, after service duly made and proved, the defendant does not appear, the court, at a general or special term, or the judge out of term, may proceed to hear and determine the [divorce] action: *provided*, that the court or judge, upon application, may refer said action to a referee to take and report the evidence therein.”).

against a railroad for damage by a fire. In one case Benjamin Webber's client was awarded \$8.00.

Only one appeal was taken from a judgment entered in a case tried before Judge Baldwin in Redwood County: *Geo. Ross and another vs. Henry Evans*, 30 Minn. 206, 14 N.W. 897 (1883). D. M. Thorp represented the appellants, M. M. Madigan, for respondent. Judge Baldwin was affirmed.⁴⁶

i. May Term: New Ulm, Brown County.

The May 1882 term was held in New Ulm, the seat of Brown County. The town had a population of about 2,471 and only four lawyers.⁴⁷ Apparently Baldwin visited the offices of the *New Ulm Weekly Review* when he arrived: "Judge Baldwin, now holding a term of court in this city, made our sanctum a pleasant visit on Monday evening. Whatever his legal abilities, nothing can be said against the Judge's social qualities."⁴⁸ The *Review* chronicled the proceedings:⁴⁹

Court Doings.

The May term of the district court closed last Saturday afternoon [May 20]. Although the session was very short, the long calendar was almost wholly cleared. Judge Baldwin's charge to the grand jury was short and to the point, and the manner he dispatched the business before him won him the good opinion of all parties. There was none of that

⁴⁶ Alfred C. Dolliff, "Courts, Cases and Attorneys of Redwood County" in Franklyn Curtiss-Wedge, editor, 1 *History of Redwood County, Minnesota* 483 (1916). Dolliff's chapter concludes with a chronological list of appeals to the Minnesota Supreme Court from judgments of the Redwood County District Court.

⁴⁷ The business cards of Joseph A. Eckstein, Benjamin F. Webber and the firm of John Lind and Frank Randall were published in the *New Ulm Weekly Review*, May 17, 1882, at 1. Carl A. Hagberg, a clerk evidently reading law at Lind & Randall, was admitted to the bar on November 24, 1882. The population is from the 1880 census.

⁴⁸ *New Ulm Weekly Review*, May 17, 1882, at 3.

⁴⁹ *New Ulm Weekly Review*, May 24, 1882, at 3.

bluster and bravado about the court room so common in the days of Cox, but, on the contrary, the air was pervaded with a stillness that impressed a new-comer on the instant with the importance of the business in hand. It is true the Judge makes haste slowly -- rendering no decision hastily -- but the work was done in such a quiet, unobtrusive manner that when the day is past much has been accomplished. The jury did not have their attention detracted from the testimony by the monkeyism of a drunken judge, the witnesses received courteous attention and everything worked as smoothly as clock-work. It cannot be denied, Judge Baldwin is a vast improvement on Cox.

The Grand Jury.

labored long and diligently, but the court did not derive much business from their deliberations. The only indictment they brought in was against Hudson A. Davis, which charges him with fraudulently weighing a load of wheat. The case, however, did not go to trial as one of the folks most important witnesses for the prosecution skipped the country and could not be found.

The grand jury examined the jail and county buildings and submitted a report that they had found everything in good order. No recommendations were made.

The Court.

disposed of the calendar as follows:

1. Chas. Hughes vs. Geo. McCarthy. Case dismissed.
2. Augusta Hartmann vs. John Lee and Chas. Berg. Jury trial. Verdict, no cause of action.
3. Pfaender Miller vs. German Friton. Jury trial. Verdict, no cause of action.
4. Henry Meyer vs. The New Ulm Sugar M'fg. Co.

Jury trial. Verdict for plaintiff and damages assessed at \$60.44

5. State of Minn. vs. Jacob Dhein. Settled.

7. M. E. Fuller and John A. Johnson, as partners as Fuller Johnson, vs. Fred Wagner. Jury trial. Verdict for plaintiff \$166.00.

9. Frank Burginger vs. Geo. W. Kramer and Catherine Waldher. Argument submitted and taken under advisement.

10. C. H. McCormick, et al. vs. J. J. Kelly. Settled.

12. Joseph T. Siebert vs. Geo. Wooldrick. Judgment of court below affirmed.

14. Thos. Allison vs. A. Schwaagler. Settled.

16. In the matter of the estate of Geo. Guetlich, deceased. Settled.

18. Paul Polaski vs. Village of Sleepy Eye Lake. Argued and submitted. Case taken under advisement.

19. John Gents and Maria Gentz vs. Wm. Gentz. Settled.

20. Fritz Gentz vs. Wm. Gentz. Settled.

22. D, M. Osborne Co. vs. J. J. Kelly. Jury trial. Verdict for plaintiff, \$200.

24. Casemier Herman and Ath. Henle vs. Elizabeth Henle et al. Motion for final decree granted.

26. In the matter of the assignment of T. H. Mitchell. Motion to discharge assignee granted.

27. Chas. B. Blake vs. Victor Colley, Winona St. Peter rail-road, garnishee. Settled.

28. Chas. S. Peterson vs. Wm. Lee, Winona St. Peter rail-road, garnishee. Settled.

29. St. Paul Harvester Works vs. A. G. Anderson. Stricken from the calendar.

30. Philander Lee vs. Chas. Beltz. Judgment of court below reversed.

Cases Nos. 5, 8, 11, 13, 15, 17, 21, 23, and 25 were continued until the November term.

Criminal Calendar.

1. The State of Minnesota vs. John Poar. Defendant not appearing, bond forfeited.

2. The State of Minnesota vs. Lewis Larson. Assault. Jury trial. Defendant declared not guilty.

4. The State of Minnesota vs. Julius Buchardt. Incest. Defendant discharged and his bail exonerated.

Case No. 3, being the State of Minnesota vs. Hudson A. Davis, was continued until the November term.



ii. June Term: Marshall, Lyon County.

The business cards of four lawyers and a two-member firm were published in the *Marshall Messenger* and the *Lyon County News* in June 1882.⁵⁰ Those lawyers appeared in many cases called during the June term of the District Court held in Marshall, a town of 961 residents according to the 1880 census, from Tuesday June 20 through Saturday, June 29. The proceedings were chronicled in the *Messenger*:⁵¹

District Court

Present: The Hon. H. D. Baldwin, presiding; Chas. E. Patterson, clerk; J. A. Hunter, sheriff.

Visiting attorneys: William Gale, Winona; John Lind, F. S. Brown, C. A. Main, Tracy; S. McPhail, Alta Vista; C. W. Andrews, Tyler; J. M. Thompson, Sleepy Eye; G. T. Christianson, Renville Station.

1st day, June 20, 1882.

⁵⁰ M. B. Drew, M. E. Mathews, E. B. Jewett, D. F. Weymouth and the firm of Forbes & Steward. See *Marshall Messenger*, June 22, 1882, at 1; *Lyon County News*, June 23, 1882, at 1.

⁵¹ *Marshall Messenger*, June 29, 1882, at 4.

Court called to order at 10:30 a. m. and the preliminary call of the calendar was had, at which call the following cases were continued to December term:

H. J. Tripp et al, vs. West Depere Agricultural Works.

S. L. Sheldon vs. M. E. Mathews.

John Albrecht vs. Emerson Waterman.

John O. Evens vs. George D. Green.

L. L. Lambom et al vs. John A. Stensrod.

Emerson Waterman vs. John A. Hunter.

In the case of A. J. Hodges vs. H.W. Ruliffson, the defendant's attorney, Mr. Drew, withdrew his answer and judgement was ordered for plaintiff.

In the case of L. A. Emery vs. Ella Laythe et al, Charles E. Patterson was appointed sole referee to take and report testimony to the court.

The grand jury were then called and the court in a brief but pointed address charged them as to their duties.

At the close of Judge Baldwin's charge to the grand jury Hon. E. B. Jewett in a few remarks reported to the court the death of Mr. L. D. Lewis, an old and worthy citizen of Lyon County and for many terms an officer of this court, and moved that an adjournment be had until 3 o'clock p. m., to allow parties to attend the obsequies. Motion granted and court adjourned.

The afternoon session was passed in hearing ex parte motions, all of which were taken under advisement, and court adjourned at 6 p. m.

Wednesday morning, June 21.

Court convened at 9 a. m., and the case of C. Aultman & Co. vs. Charles Kennedy called for trial, Forbes & Seward appearing for plaintiff and M. E. Mathews and D. F. Weymouth for defendant. Jury

sworn. Defendant allowed to amend answer on terms, and case continued.

The case of J. B. Drew vs. J. M. Vaughn, was called, D. F. Weymouth and J. B. Drew appearing for plaintiff, and Forbes & Seward for defendant. Cause submitted to a jury which the same evening returned a verdict for plaintiff.

Thursday morning, June 22.

The case of James Johnson vs. The W. & St. R. R. Co. was called and jury sworn, Forbes & Seward appearing for plaintiff, and Wilson & Gale for defendant. This case occupied the whole of Thursday and the forenoon of Friday, when after a hard struggle it was given to the jury, who returned a verdict for the plaintiff for \$294.67.

Friday afternoon was spent in trying the case of M. L. Ives vs. Bennett & Hunt, Forbes & Seward appearing for the plaintiff, and M. E. Mathews and E. B. Jewett for the defendants. The jury were out all Friday night and Saturday morning, reported that they were unable to agree, when they were discharged and case continued.

Saturday was spent in examining the witnesses in the case of C. W. Chambers vs. W. M. Todd and John Berry, Forbes & Seward and D. F. Weymouth appearing for plaintiff, and M. E. Mathews, John Lind and E. B. Jewett for the defendants. Verdict, no cause for action.

The following cases have been adjusted this week:

A. C. Forbes vs. H. W. Ruliffson, verdict no cause for action.

T. B. Sheldon vs. W. L. Watson, verdict for plaintiff for \$299 70.

G. A. Jacobson et al vs. K. E. Kjorness, verdict for plaintiff for \$134.25.

C. Aultman & Co. vs. Jas. Abbott, defendant defaults and verdict ordered for plaintiff for \$183.81.

Seymour Sabin & Co. vs. Botal Knudson, continued by consent of parties.

W. H. Mathews vs. John A. Hunter, by consent of parties judgement is ordered for plaintiff for possession of property, and for \$12.00 costs.

John C. Oswald vs. John Louis et al, motion for judgement on proceedings by defendant allowed, by consent stay of 60 days ordered.

A. J. Hodges vs. H. W. Ruliffson, answer withdrawn, and by consent judgement ordered for plaintiff for \$242.80.

J. B. Bradford vs. Chas. O. Bedbury, waived and to be tried by court.

Fannie H. Sweet vs. John A. Hunter, by consent case continued.

Mary A. O'Conner vs. School District No. 13, Lyon Co., by order of court action dismissed without prejudice.

Frank D. Wasson vs. John Hanlon, continued by consent.

Chris Peterson vs. W. Wakeman et al. action dismissed and judgement ordered for defendants for costs.

Gilbert Gilbertson vs. G. L. Richardson et al, continued by consent.

W. C. Robinson vs. John A. Hunter, continued by consent of parties.

Martin Finnegan vs. W. K. Coats et al, on trial.

The following have taken out naturalization papers: Evan D. Evans, Thomas Bell, Geo. Lowe, Jau Glashen, John McLennan, Thos. McKinley, Julia A. McNiven, Bred Bredeson, Sever L. Tnglated, Gunder Gunderson, Halvor Johnson, Christopher Christenson, Gregor Slenson, Nils Halverson. Ole Ledell, Charles

Overland, Thor Rye, Olof L. Orson, Ole L. Orson, Ole O. Kiltlesun Thomas Oleson, Knud Kjornesss, Hans J. Gunderson, John Oleson Boe, Ole C. Brenner, Jr.

iii. November Term: St. Peter, Nicollet County.

After the November election, Baldwin held the Fall term in St. Peter, the seat of Nicollet County. The *Saint Peter Tribune* carried accounts of the proceedings in two issues:

District Court.

Court commenced in this city on Tuesday [November 14]. Judge Baldwin on the Bench. Clerk of Court Benj. Rogers, Sheriff Moll.

The judge delivered his instruction to the Grand Jury and they immediately proceeded to business.

The following cases were called and on motion continued until next term of court. Andrew Carlson vs. Charlotta Johnson. Ladd & Stone for plfff. M. G. Hanscome for def't. Patrick Martin vs. Town of Lake Prairie. G. S. Ives for plaintiff, Ladd & Stone for defendant. Susana Sons vs. C. R. Davis, Ladd & Stone for plfff. C. R. Davis defendant. W. W. Stout vs. W. P. McMasters. C. R. Davis for plaintiff and G. S. Ives for defendant.

There are but few cases on the docket and it is not probable that court will be in session longer than this week.

The Grand Jury found an indictment against H. Lempke for an attempted outrage. The case will probably be tried this term.⁵²

[Newspaper account continues in next issue]

⁵² *Saint Peter Tribune*, November 15, 1882, at 3.

Court Proceedings.

The following cases were called in the District Court last week, and dispose of as follows:

Peter M. Fritchhoff vs. Gustave Anderson was given to the jury and the verdict was in favor of plaintiff. **G. S. Ives** for plaintiff, **Lind & Randall** for defendant. Fritchhoff sold Anderson a horse, and the horse died a few days after Anderson purchased him. Anderson refused to pay the price of \$90, hence the suit.

The case of **And. Carlson vs. Mrs. Charlotta Johnson** was referred. Carlson claims to have sold Mrs. Johnson an organ, and Mrs. Johnson claims that she did not purchase the organ.

Fritz Hermanditz vs. Frederick Struss for damages in a case of assault and battery, continued. **Lind & Randall** for plaintiff, **G. S. Ives** for defendant.

Ellen O. Strand vs. Ole O. Strand, wherein Mrs. Strand sues for divorce. **A. A. Stone** was appointed referee to take testimony. The case will be tried on December 6th, at the office of **Ladd & Stone**. **Hanscome & Davis** for plfff. and **G. S. Ives** for defendant.

The case of **State vs. Jas. Donaho** was continued until the next term of court by consent of attorneys. **C. R. Davis** for State and **Mr. Brown** of Mankato for defendant.

In the case of **State of Minnesota vs. Henry Lempke**, charged with attempted to commit an outrage, the jury brought in a verdict of guilty on Friday evening, and on Saturday morning Judge **Baldwin** sentenced Lempke to two and a half years in the penitentiary. Sheriff **Moll** took the prisoner to Stillwater on Monday. The Lempke case finished up the term, and court adjourned at 10 a.m. on Saturday.⁵³

⁵³ *Saint Peter Tribune*, November 22, 1882, at 3.

iv. November Term: New Ulm, Brown County.

The Fall term of the District Court in Brown County was held in New Ulm and reported in the *New Ulm Weekly Review*:

District Court.

The November term of the District Court, convened in this city Tuesday, Nov. 21st, continued until Saturday, Nov. 25th. The grand jury, Isaac Johnson, foreman, concluded its labors of Thursday. Only one indictment was found. The court disposed of the calendar as follows:

Civil Calendar.

No. 1--M. E. Fuller and John A. Johnson, as partners as Fuller, John & Co., vs. Shubal Bobannan. Lind & Randall for plffs, J. M. Thompson for deft. Settled. Plaintiff to have judgment for the amount claimed in the complaint.

No. 2--Hattie S. Davis vs. Philip Knees and George L. Schultz intervenor. W. P. Warner for plff, B. F. Webber for deft. Referred to John Lind and by consent of parties to hear, try and determine and report judgment.

No. 3--Anton Hochbaus vs. Isidor Lugar. Fr. Baasen for plff, M. F. Propping for deft. Settled. Each party to pay his own costs.

No. 4--D. M. Haggard vs. D. H. Semans. J. M. Thompson for plff, Geo. W. Sommerville for deft. Submitted on briefs and taken under advisement.

No. 5--C. M. Henderson et al. vs. Wm. Gieske et al. B. F. Webber, J. Newhart and S. L. Pierce for plffs, Gordon E. Cole and Rogers & Rogers for defts. Stricken from calendar.

No. 6--M. Mullen vs. L. D. Rice. B. F. Webber for plff. J. M. Thompson for deft. Jury trial. Judgment for plaintiff for \$8.00.

No. 7--Joseph Stueber vs. Joseph Stuetz. Settled.

No.8--John Nelson vs. David Hennessy. Settled.

No. 9--Martin Ingerl vs. Geo. W. Kramer and Frank Burginger, as partners as Geo. W. Kramer & Co. Settled.

No. 10--Henry Hartman, Jr., vs. Frank Burginger. Jury trial. Verdict for deft, no cause of action.

No. 11--Dennis Dinneen vs. Michael Dineen and Patrick Fitzgerald. Tried by court and taken under advisement.

No. 12--A. Killan vs. C. F. Presscott. Continued by consent.

No. 13--St. Paul Harvesting Works vs. A. G. Anderson. Jury trial. Verdict for plaintiff for \$85.52.

No. 14--Geo. Raverty vs. Town of Home. Appeal case. Continued.

No. 15--E. N. Heinen vs. Wm. Radke. Judgment of the court below reversed.

No. 16--Bernard Bloemke vs. John Mischo. Case argued and submitted to the court.

No, 17--McCormick Harvesting Machine Co. vs. Wm. Giesecke. Submitted on briefs.

Criminal Calendar.

1--State of Minnesota vs. Hudson A. Davis. Dismissed.

2--State of Minnesota vs. Cyrus Jennings. Assault. Appeal dismissed.

3--State of Minnesota vs. J. Raschka. Appeal dismissed.

4--State of Minnesota vs. Ed. Sommers. Jury Trial. Deft. not guilty

The calendar was more effectually cleared than has been the case for a number of years.⁵⁴

⁵⁴ *New Ulm Weekly Review*, November 29, 1882, at 3.

v. December Term: Marshall, Lyon County.

The December term of the Lyon District Court was held in Marshall. John Hunter, a party in several civil cases, was the County Sheriff. The *Lyon County News* carried accounts in two successive issues:

DISTRICT COURT.

Work Begun.—Bible and Cultom Indicted for Assault.

Judge Baldwin opened his court Tuesday afternoon [December 12], and made an impressive charge to the grand jury, dwelling at length upon the character of crime comprised in obtaining goods and merchandise with intent to convert the same to the receiver's personal benefit, in a dishonest manner. Mr. M. Sullivan was appointed foreman of the grand jury, and the jury listened to evidence and dispatched business in an energetic manner, for which Lyon county has of late become noted.

Tom Bible Indicted.

Wednesday forenoon the grand jury returned an indictment against Thomas Bible for assault upon Frank Bryant, with a dangerous weapon, with intent to do bodily injury. Bible made oath that he had no means for procuring counsel, and the court appointed M. H. Mathews, Esq., to conduct the defense.

Swend Cultom Indicted

The grand jury also returned two indictments against Swend Cultom, of Minnesota, for assault with a dangerous weapon, in one case upon Martin Bredeson, the other upon the latter's brother, Brede Bredeson. Cultom has secured Lawyer Lind, of Tracy, to defend him. Both the above parties have four days,

after pleading, to prepare for trial, and the cases will probably be called the first of next week.

Indicted for Incest

Ole Peterson, of Minneota, was indicted for the crime of incest, the evidence before the grand jury showing he was the father of a child by his own daughter. It is also claimed that Peterson fraudulently obtained a deed of eighty acres of land from his father-in-law.

Indicted for Larceny

The grand jury made an indictment against John Smith, a trampish sort of a fellow, at Tracy, for the larceny of a double barrelled shot gun from H. E. Morey, of that place.

The Court at Work

The first civil case was begun Wednesday forenoon, being the suit of John P. Boulton, against the Winona & St. Peter railroad company, for compensation for damages received by fire alleged to have been set by sparks from a locomotive. N.S. Stiles appeared for the prosecution, and William Gale, of Wilson & Gale, of Winona, for the defense.

Thursday morning the jury brought in a verdict for the plaintiff, with compensation fixed at \$387.91.

Thursday morning a jury was called in the case of Seymour, Sabin & Co., against Botal Knudson, on a promissory note, and the case went to trial with Forbes & Seward for plaintiffs, and E. B. Jewett for defendant.⁵⁵

[Newspaper account continues in next issue]

⁵⁵ Lyon County News, December 15, 1882, at 4.

THE DISTRICT COURT.

**Judge Baldwin Pushes Business.
Bible and Cultom are Lucky.
Taxing Railroad Land.
Courtesies of Judge and Jury.**

Judge Baldwin this week closes one off the pleasantest terms of court yet held in Lyon county. Owing to the excessively large calendar it was impossible to close up the business, as the judge would like to have done, and as he has succeeded in doing in other counties, and the holidays render it impracticable to longer continue the session.

Judge Webber, of New Ulm will enter upon his duties in January, and will probably fully appreciate Judge Baldwin's efforts to clear the calendars before him.

In dismissing the Grand Jury, Judge Baldwin, besides the usual courteous words to these gentlemen, took occasion to speak highly complimentary words for his successor. He reminded the gentlemen that Judge Webber would hold the next term of court, that he merited and would doubtless receive the same courteous consideration bestowed upon himself; he was a gentleman of ability, integrity, and possessed the peculiar qualifications for a Judge.

The following cases were disposed of:

Criminal.

Swend Cultom, of Minneota, guilty of simple assault, and fined \$100, or six months in Hennepin county jail.

Thomas Bible, of Marshall, guilty of simple assault, \$100, or six months in Hennepin county jail.

John Smith, larceny of gun at Tracy, six months at Stillwater.

Swend Peterson, violating liquor license, \$50 fine.

Gulick Strand, violating liquor law, \$50 fine.

Ole Peterson, incest, jury disagreed, and county attorney entered a *nolle prosequi*.

Albert Groff, *nolle prosequi* entered.

Civil.

W. & St. P.R. R. Co. vs. Charles Grover, ejectment, by stipulation to be tried in court chambers.

W. & St. P. R. R. Co. vs. H. N. Randall, ejectment, to be tried by court in chambers.

Fannie H. Sweet vs. John A. Hunter, damages, verdict for plaintiff, \$150. Motion made to set aside verdict and for a new trial.

Herman Setzepfand vs. Fred Weikle contract, continued.

M. Mathews vs. John A. Hunter, money tor had and received, to be tried by court.

John P. Boulton vs. W. & St. P. R. R. Co., prairie fire, verdict for plaintiff, \$384.91. Motion to set aside verdict and for new a trial, under advisement.⁵⁶

H. J. Tripp vs. West DePere Works, false representations, continued.

S. L. Sheldon, vs. M. E. Mathews, conversion, continued.

John O. Evans, vs. George D. Green, damages, referred to C. E. Patterson to take testimony and report to court.

Henry L. Moss vs. Village of Marshall, damages, continued.

Seymour, Sabin & Co. vs. Botal Knudson, promissory note, verdict for plaintiff, \$343.89, sixty days stay.

Frank D. Wasson vs. John Hunter, damages, now on trial.

⁵⁶ The verdict was reported as \$387.91 in the December 15th issue of the News.

TAXING RAILROAD LANDS.

One of the most important cases before this term of court was the question as to whether railroad lands are taxable for their full value, or only taxable to the extent of the interests of the purchaser. A.C. Forbes, county attorney, argued for taxation on the part of Lyon county, and Wm. Gale, Esq., argued in the interests of the railroad company, which are to have the smallest possible amount of taxation follow the partial payment for land bought from the company, by purchasers. The matter was brought before Judge Baldwin that the point in question, and around which the only difficulty lies, will be passed upon, and whichever way he decides the question will be brought before the Supreme court for final decision. The points to be considered by the court are as follows:

1st.—Are the contracts which the railroad give to parties who have purchased their lands, contracts of sale, within the meaning of the provisions of special laws of 1865?

2d.—Must the interests of the purchaser, be taxed under railroad contracts, or can the tax be levied upon the entire piece or parcel of land so held under said contracts?

The question is one of vital interest to every tax payer of our own and other counties similarly situated with regard to land sold by the railroad company, and the final issue will be watched with great interest, and with much speculation, as it is one on which the ablest lawyers of the state have different in opinion.

**Grand Jury Resolutions.
District Court, Lyon Co. Minn.**

To John A. Hunter, Sheriff.

Dear Sir:— We, the Grand Jury of Lyon Co., in and for the December, A. D. 1882, general term of the District Court, desire to bear testimony to the thorough and efficient, yet kind and courteous manner in which, during the entire term of your office, you have discharged the onerous duties devolving upon you.

As you retire to private life you have satisfaction of knowing that every public trust has been kept sacred and inviolate.

Dated at the Grand Jury Rooms this 15th day of Dec. A. D. 1882.

**M. Sullivan,
Foreman of Grand Jury.
Dis. Court Lyon Co., Minn.**

To Hon. H. D. Baldwin, Judge.

Sir.—We, the Grand Jury of Lyon Co. of present term unanimously desire to express to you our appreciation for the efficient and able manner in which you have performed the duties of your high office, not only during the present session of court, but in fact throughout the whole term of your office. We believe that you have been careful of the public interests in every respect; that you have maintained the pure dignity and purity of that office, and leave it unstained by you, and that the people of this county have no reason to and do not regret your appointment as Judge of the 9th Judicial district.

Unanimously adopted December 15th.

M. Sullivan, Foreman.

**Geo. Little, Clerk.
District Court, Lyon Co. Minn.**

Hon. H. D. Baldwin, Presiding.

We, the regular members of the panel of the Grand Jury of Lyon Co. in and for the December A D. 1882 general term of the District Court, having completed labors, unanimously extend our thanks to the County Attorney of Lyon Co. for the hearty assistance and co-operation he has rendered us, and we unite in requesting the board of County Commissioners of said county, to fix the salary of the County Attorney at five hundred dollars per annum.

Done at the Grand Jury rooms this 15th day of Dec. A. D. 1882.

**M. Sullivan,
Foreman of Grand Jury.**

District Court, Lyon Co. Minn.

We, the members of the Grand Jury do hereby unanimously unite in expressing the opinions that O. C. Gregg for many years past the auditor of Lyon county, has ever been a prompt, faithful and diligent officer, careful of the interests of the county.

**By Order of Grand Jury.
M. Sullivan. Foreman.⁵⁷**

5. After the Bench.

In January 1883, he returned to private practice, once again forming and dissolving partnerships. In 1884 he was associated with Clarence T. Ward; several years later E. C. Patterson joined him to form Baldwin & Patterson; and around 1900 the firm of Baldwin & Howard was in business. At times he practiced by himself. He or his firm represented parties in seven appeals to the Supreme Court from 1886 to 1902.⁵⁸ His client prevailed in four.

⁵⁷ *Lyon County News (Marshall)*, December 22, 1882, at 3.

⁵⁸ Dolliff, note 46, at 482-488.

C. Aultman & Co. vs. Knud Olson, 34 Minn. 450, 25 N.W., 451 (1886). P. A. Foster and M. M. Madigan for appellant, Baldwin & Ward and J. M. Thompson for respondent. Appealed from Webber. Order affirmed.

E. G. Comstock vs. Niels C. Frederickson, 51 Minn. 350, 53 N.W. 713 (1892). Munn, Boyesen & Thygeson and John Gillman for appellant, H. D. Baldwin and M. M. Madigan for respondent. Appealed from Webber. Order reversed.

Joseph Schweinfurter vs. Herman G. Schmahl, 69 Minn. 418, 72 N.W. 702 (1897). W. J. McLeod for appellant, Baldwin & Patterson for respondent. Appealed from Webber. Judgment affirmed.

William P. Abbott vs. Ole O. Moldested and another, 74 Minn. 293, 77 N.W. 227 (1898). Baldwin & Patterson (Palmer & Beck of counsel) for appellant, A. C. Dolliff for respondents. Appealed from Webber. The judgment of the trial court was reversed, and it was directed to enter judgment on the findings of fact in favor of plaintiffs for the relief demanded in complaint.

F. W. Orth vs. C. A. Pease, 81 Minn. 374, 84 N.W. 122 (1900). John H. Bowers and W. A. McDowell for appellant, Baldwin & Howard and Albert Hauser for respondent. Appealed from Webber. Order affirmed.

Herman G. Schmahl and another vs. Walter A. Thompson and another, 82 Minn. 78, 84 N.W. 659 (1900). Stuart & Glover and Joseph Chadderdon for appellants, John H. Bowers, Baldwin & Howard and W. M. Milchrist for respondents. Appealed from Webber. Order reversed.

G. E. Holden vs. Orlando B. Turrell and others, 86 Minn. 214, 90 N.W. 395 (1902). Bowers & Howard and H. D. Baldwin for appellant, J. A. Sawyer for respondent. Appealed from Webber. Order affirmed.

In the 1890s he had the satisfaction of returning to the bench. He served as Judge of the Municipal Court of Redwood Falls from 1891 to 1895 and, again, from 1896 to 1899.⁵⁹

6. Obituary and Memorial.

Hial D. Baldwin died on October 25, 1906, at age seventy-nine. The *Minneapolis Journal* reported the story:

JUDGE H. D. BALDWIN DEAD

Well Known Old Resident of the State
a Victim of Pneumonia.

Special to *The Journal*.

Redwood Falls, Minn., Oct. 26. Judge H. D. Baldwin, a resident of this city for thirty-five years, died here last evening, aged 79. He was born at Ira, N. YL, in 1827, coming to Waseca county in 1853, and to Redwood Falls in 1871. In April, 1882 he was appointed judge of this judicial district, which office he held until the election of Judge B. Webber. Death resulted from an attack of pneumonia. H. S. Baldwin of Minneapolis and H. A. Baldwin of the First National bank of this city, are the surviving sons and Mrs. Clarence T. Ward and Mrs. Charles Luescher, the daughters.⁶⁰

From *The Redwood Falls Gazette*:

HONORED PIONEER AT REST.

⁵⁹ Dolliff, note 51, at 481.

⁶⁰ *Minneapolis Journal*. October 26, 1906, at 2.

Judge H. D. Baldwin Closes a Chapter in an Eventful life.

"There is no death." sings the poet. And so perhaps it would be proper to say that Hial D. Baldwin, at the ripe age of 79, last Thursday evening stepped across the border line dividing this from a better country. He was conscious and cheerful up to within a few hours before his departure. In his declining years, tho cumbered with the infirmities of age and afflicted with a hacking cough, it was his good fortune to maintain a sunny disposition and a kindly outlook on human life, and he "crossed the bar" with serene faith and confidence unchanged.

Hial D. Baldwin was born at Ira, N. Y., and lived the life of a farmer boy in childhood, leaving the farm to read law in early manhood. In 1852 he was united in marriage to Miss Angelina O. Marvin at Lysander, N.Y. and a year later brought his bride to Waseca county, where they lived thru the exciting times of the Indian massacre and civil war: In 1871 the family removed to Redwood Falls where he took a leading part as lawyer and citizen. He was repeatedly elected probate judge, and in 1882 was appointed district judge, remaining in office until the election of Judge Webber.

All of the surviving members of the family—H. S. and H. A. Baldwin, Mrs. Anna Ward and Mrs. C. A. Luscher—were present at the funeral last Sunday. The services were held from the Church of the Holy Communion, of which the judge had long been a faithful member. Rev. Alex. Coffin of Pine Island conducted an impressive service. Messrs. D. W. Banker, Buxton, Lines, Thos. March, Robinson and

Thomas, all of them old residents, were the pall bearers,

The late Mrs. Baldwin was spared to her husband for 51 years, dying three years ago last September.⁶¹

The following year a memorial was presented at the annual convention of the Minnesota State Bar Association:

Judge Hial D. Baldwin, one of the pioneer lawyers of western Minnesota, died at his home in Redwood Falls, Minn., October 10th, 1906.

He was born in Cayuga County, N. Y., July 6th, 1827. His early life was that of the usual ambitious farmer's boy of the Empire State. He was educated in the common schools and also received a partial course at Fulton Academy.

After leaving the academy he taught school for four years, during which time he also read law. Was married in 1852 and came to Wisconsin in 1855, remaining in that state three years teaching, when he again moved, this time to Wilton, Waseca County. He served as probate judge and county attorney in that county, moving to the frontier village of Redwood Falls in 1871, where he afterwards resided.

⁶¹ *The Redwood Falls Gazette*, October 31, 1906, at 1 (photograph omitted).
The *New Ulm Review* carried this notice:

The venerable Judge Baldwin of Redwood Falls is dead, having passed away Friday under an attack of pneumonia. He was 79 years of age and a man who possessed many excellent qualities and enduring friends. He was known to many people in this city and throughout the county.

New Ulm Review, October 31, 1906, at 5.

He has been probate judge, county attorney, municipal judge and has held numerous other village and town offices. For many years he was a prominent member of the bar, practicing extensively in and about his home county.

In 1882 he was appointed to succeed the noted E. St. Julian Cox as Judge of the Ninth Judicial District, serving about a year. The judge was a loyal Republican and having been defeated by the late Judge Webber for nomination in 1882 he refused the proffered support of many friends who sought to induce him to run as an independent, and resumed his law practice. While his service in that office was short he gave general satisfaction.

As a lawyer Judge Baldwin excelled in the trial of cases. He was an eloquent speaker and a strong cross examiner. As a citizen he was popular and useful. He was a strong supporter and communicant of the Episcopal church, of which he was a member and an officer from the time of its organization almost to the time of his death. ⁶²

⁶² "Report of the Committee on Legal Biography" in *Proceedings, Minnesota State Bar Association 88-9 (1907)*.

7. Conclusion.

It was not often in the nineteenth century that the bar of a judicial district supported by newspapers rebelled against a governor's judicial appointment, but the threat was always there. At times governors defused that threat by appointing a caretaker to fill a vacant judgeship, leaving the decision to the bar at the party's judicial district convention. For instance, after Judge Chauncey Waterman died on February 18, 1873, and the bar and press in the Third Judicial District began bickering over his successor, Governor Horace Austin appointed John Van Dyke to occupy the post until the party's judicial district convention could endorse a candidate. A surprise consensus candidate emerged.⁶³ When Franklin Waite resigned to run for congress on October 1, 1874, Governor Cushman K. Davis appointed Major Austin Wollfolk to the district court knowing that his health prohibited him from seeking a full term. Daniel Dickinson was endorsed by one vote at the party's Sixth Judicial District Convention in October and elected in November 1874.⁶⁴

In contrast, vacancies on the Supreme Court could not be filled by caretakers. Party rebellions occasionally erupted when an appointee did not meet the expectations of party regulars or a faction of the party. For example, James Gilfillan, who had been appointed Chief Justice on July 14, 1869, by Governor William R. Marshall, was deposed at the Republican Party state convention on September 9, and replaced by Christopher G. Ripley, an unknown lawyer from southern Minnesota.⁶⁵ In April 1874, Governor Davis appointed George B. Young to the Court but the party, encouraged by the party press, revolted at the state con-

⁶³ Douglas A. Hedin, "Judge John Van Dyke (1805-1878)" (MLHP, 2013).

⁶⁴ Douglas A. Hedin, "Judge Austin C. Woolfolk (1836-1880)" (MLHP, 2016). For a newspaper account of the Sixth Judicial District Convention on October 13, 1874, see Douglas A. Hedin, note 39, Appendix, at 40-43.

⁶⁵ Douglas A. Hedin, "James Gilfillan vs. Christopher G. Ripley: The Contest for the Republican Nomination for Chief Justice of the Minnesota Supreme Court, 1869)" (MLHP, 2018).

vention in September and endorsed Francis R. E. Cornell, who was elected in November.⁶⁶

An interim appointment to replace Judge Cox in the Ninth Judicial District was not an option for Lucius Hubbard. According to the metropolitan dailies, he did not view the vacant judgeship as an opportunity for political patronage. He surely was aware from newspaper reports that the district bar and press preferred one of their favorite sons, Benjamin F. Webber, Sumner Ladd or Alfred E. Wallin. He saw that Baldwin had qualities, critical to him, that these men lacked. He may also have agreed with the *Pioneer Press* that much of the criticism of Baldwin was disingenuous as it was “colored by the views of the friends of rival candidates.” But he may have misjudged that the passage of time and a stellar performance by Baldwin on the bench would overcome opposition from the district bar and the press. They did not.

In any attempt to topple an incumbent district court judge in the nineteenth and early twentieth centuries—the “party period” in the history of Minnesota’s judicial elections—the Republican Party’s judicial district convention is the most important event. It was at the Party’s Ninth Judicial District Convention on September 12, 1882, that the bar and the press acting in unison exerted their influence and overcame a presumption that Judge Hial D. Baldwin, the incumbent chosen by Governor Hubbard, should continue in office.

⁶⁶ Douglas A. Hedin, “George B. Young vs. Francis R. E. Cornell: The Contest for the Republican Nomination for Associate Justice of the Minnesota Supreme Court, 1874” (MLHP, 2019).

Appendix

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1. Republican Party Tickets listing Baldwin as a Candidate for Office

Waseca News,
November 1, 1867

REPUBLICAN STATE TICKET.

FOR GOVERNOR,
WILLIAM R. MARSHALL.

FOR LIEUTENANT GOVERNOR,
THOMAS H. ARMSTRONG.

FOR SECRETARY OF STATE,
HENRY C. ROGERS.

FOR STATE TREASURER,
EMIL MUNCH.

FOR ATTORNEY GENERAL,
F. R. E. CORNELL.

Republican County Ticket.

Representative.
JAMES E. CHILD.

Register of Deeds.
H. A. MOSHER.

Treasurer.
GEO. R. BUCKMAN.

Sheriff.
WHITNEY L. WHEELER.

Judge of Probate.
H. D. BALDWIN.

County Attorney.
WM. T. KITTRIDGE.

Court Commissioner.
H. D. BALDWIN.

Clerk of the Court.
S. J. WILLS.

Coroner.
DR. M. S. GOVE.

Surveyor.
U. E. CRANE.

County Commissioner 3d District.
R. F. STEVENS.

Application of State railroad bond sinking fund for the extinguishment of the Minnesota State Railroad Bonds, "B.U."

Redwood Gazette
October 29, 1874

THE GAZETTE.

Wm. B. HERRIOTT.
Editor and Publisher.

REPUBLICAN TICKET.

FOR CHIEF JUSTICE SUPREME COURT.
S. J. R. McMILLAN.

FOR ASSOCIATE JUSTICE SUPREME COURT.
F. R. E. CORNELL.

FOR MEMBER OF CONGRESS 2d DISTRICT.
H. B. STRAIT.

For State Senate 37th District:
JOHN W. BLAKE.

For Representative.
H. S. BERG.

—COUNTY TICKET.—

For Judge of Probate:
H. D. BALDWIN.

For Commissioner, 3d District.
A. M. COOK

2. Petitions to Gov. Hubbard re Appointment.
Petition recommending Hial D. Baldwin.

Petition for the app.
of the Hon. H. D. Baldwin
to Judge of the 9th
Judicial District

Filed Feb 21-1882

To His Excellency
Gov. S. F. Hubbard

Sir:
In view of the possibility of your
soon being called upon to appoint
a District Judge in and for the 9th
Judicial District no other names
are hereto appended. Residents of said
District and of Kansas Station take
this method of indicating their prefer-
ence for the appointment of the Hon
H. D. Baldwin of Redwood Falls

Very Respectfully
B. F. Heins
J. J. Brooks
J. J. Jessup
W. D. Spaulding
J. H. Thompson
C. J. Gaffin
A. E. Kinnel
John Kitzel
J. W. K. Raabe
T. R. R. R. R.
H. R. R. R.
W. R. R. R.
S. R. R. R.
O. C. R. R.

Recommendation of Alfred Wallin (2 pages)

Willmar March 6th 1882.

Hon. James F. Hubbard Governor of Minnesota.

Governor: Upon the supposition that there may occur a vacancy in the judgeship in the 9th judicial district as a result of the impeachment proceedings now pending against Judge Cox I have been frequently requested by the friends of Alfred Wallin Esq. to address you upon the subject of his qualifications to fill the office in case of such vacancy. This I have promised to do; and now, these requests and the promise, form the only apology which I am able to offer for troubling you at this time.

I have been acquainted with Mr. Wallin about fifteen years. Have seen ~~both~~ in and out of court, and from this acquaintance have formed the opinion that he is a gentleman of a high sense of honor and of a corresponding grade of personal integrity.

I know him to be well learned in the law, and to be possessed of a very fine legal mind.

If placed in the position, I believe he would

Page 2.

Make one of the very best judges
in the State.

Hoping that you will regard my apology
as sufficient for thus troubling you,

I am, Governor

Very Respectfully
Your Obedt Servt

John H. Brown
Judge 12th district

Recommendation of Sumner Ladd

OFFICE OF
RANDALL & NOBLE,
DEALERS IN
GROCERIES, CROCKERY AND GRAIN.

St. Peter, Minn. March 24 1882

His Excellency
 Gov L Hubbard

Dear Sir

The result of the late
 impeachment trial makes it possible
 for the 9th Judicial District to have an
 honest, capable, discriminating and
 impartial Judge. I believe such an
 one would be found in our Esteemed Citizen
 Sumner Ladd. In common with a
 large portion of our citizens I trust Your
 Excellency will deem it for the best
 interests of all concerned to appoint
 Mr Ladd to this position

Very Respectfully Your Obedt Servant
 B H Randall

Petition Recommending Benjamin F. Webber (4 pages)

To His Excellency, the Gov. S.
 J. Hubbard, Governor of the State
 of Minnesota:

As there is a vacancy now existing in the office of Judge of the Ninth Judicial District the reason of the impeachment and conviction of C. St. Julien (a former judge of said District) your petitioners would respectfully ask the appointment of B. F. Webber, Esq., of New Ulm, Brown County, to fill the vacancy, he being a man well qualified for the office, an able lawyer of good moral character, and one who will give general satisfaction to the people of the Ninth Judicial District, and your petitioners will ever pray.

James.

J. Newhart, attorney
 Francis Ferguson
 Jos. A. Eckstein City Atty New Ulm
 J. L. Randall
 H. B. Conkare Co auditor
 R. Fischer City Justice
 A. F. Walton Reg. of Deeds
 F. Schubert Co Treas

A. Blanchard Clerk of Dist Court
 Edward Casey Sheriff of Brown Co.
 Ernst Brandt Judge of Probate
 B. D. Stangberg court commissioner
 (4) Notable Chairmen:

| | |
|---------------|---|
| Ole Stone | } County Commissioners of Brown County |
| Andersson | |
| John Foster | |
| Henry Romberg | |

| | |
|---|--------------------------------------|
| Fr. Farster, City Treasurer Fr. Grogg, City Marshal John W. [unclear] Mayor Henry Keller R. Pfeiffer J. Hemminger Fr. [unclear] O. G. Pahl | } Officers of the City of New Ulm |
|---|--------------------------------------|

L. B. [unclear] Ed. [unclear]
 G. G. Koch
 C. A. [unclear] - Brown Bank
 Geol. Heeschele, Merch
 Wm. J. Beinhorn
 And. Kriesling, Merch
 J. H. Widdendorf, Ass't C.M.
 Fr. [unclear]
 M. Weller, Pres't City and Nat Bank
 Charles E. Brandt
 James M. Kiltrick

Page 3.

Dr. C. Westlake.
for A Marden
Dr Charles Barry.

O. M. Olsen.
George Jacobs. Merchant.
Friedrich Rindmann
and Axel Rindmann Merchants.

J. Scherer Lumber dealer
G. Schmidt Muller } Empire Mill
E. M. Schmidt Muller }
Wm Koch }

W. A. Steinar ADAPT
H. Klatsch Merchant

J. Schmidt Baggage master
Jonas Landenschlager Coroner of Brown Co.
A. W. Bingham. Grain & Lumber
M. A. Bingham do

Henry Hoffmann
David Ostling Farmer
Wanda Beach } Eagle Mill
George Dehne }

Wm. J. Miller
G. M. Press. do
Tony Olesen, teacher in public schools.
J. H. Kofkoff Merchant

Page 4.

Johny. F. Neumann Merchant
Ed. J. Collins, teacher in public schools.
Dr. Perry Pres. Board of Education
Charles Sommer Merchant



3. Article on “Judge Cox’s Successor” in the *St. Paul Pioneer Press*, March 29.

It can be assumed that Governor Hubbard read the following column of gossip about his appointment that was published in the *Pioneer Press* on Wednesday, March 29. He was well aware that the district bar and press, claiming to speak for the public, favored Lawyers Webber, Ladd or Wallin for the court. He must have noticed that Hiam Baldwin is mentioned in passing only once in this article. Yet he was not swayed. Four days later he appointed Baldwin to the bench.

JUDGE COX’S SUCCESSOR.

Personal Preferences of Citizens at Various Points in the Ninth Judicial District.

Special Telegram to the Pioneer Press.

St. Peter, March 28.—The judgeship question has caused considerable discussion, the two principal candidates in this town being Hon. S. Ladd and G.S. Ives. The citizens, it was supposed, were pretty evenly divided between the two gentlemen named, but the petitions recently circulated show that Mr. Ladd has the most of the leading Republicans. It is generally admitted that either of the gentlemen would ably and honorably fill the position.

Redwood Falls

Special Telegram to the Pioneer Press.

Redwood Falls, March 28.—The friends of Alfred Wallin, who earnestly supported him a few years ago when he received the nomination for judge in a convention in which Sumner Ladd and Judge Hanscomb (sic) of St. Peter were the contestants for the honor, say that no other lawyer in the district is

better qualified than he to fill the same position now, and are making a strong effort to have him appointed. The friends of H.D. Baldwin of this place will ask for his appointment.

New Ulm.

Special Telegram to the Pioneer Press.

New Ulm, March 28.—There is but one sentiment in New Ulm and Brown County for the successor to Judge Cox. Republicans and Democrats alike are enthusiastic for B. F. Webber, the present county attorney, and his appointment by Gov. Hubbard at this time would be very popular throughout the whole Ninth judicial district.

Lake Benton.

Special Telegram to the Pioneer Press.

Lake Benton, March 28.—Of the eight members of the Lincoln County bar five are for G. S. Ives of St. Peter, two for M. E. Matthews of Marshall and one for Webber of New Ulm. The county commissioners in session here decide for Ives. Alfred Wallin of Redwood Falls has many friends in this county, and probably is the voice of the people. The bar of the district meet at Tracy tomorrow.

Bird Island.

Special Telegram to the Pioneer Press.

Bird Island, March 28.—There is no general expression of preference here as to the successor of Judge Cox, but among the few Alfred Wallin a Redwood Falls is highly spoken of, and his selection would give satisfaction.

Marshall.

Special Telegram to the Pioneer Press.

Marshall, March 28.—The sentiment of Lyon county regarding ex-Judge Cox's successor is divided between Wallin of Redwood Falls, Webber of New Ulm and Ladd of St. Peter. The greatest objection to Ladd is the distance from Marshall to his home — over 100 miles. Webber is thirty-five miles nearer, and Wallin is forty miles away. The most prominent politicians of Marshall favor Wallin, and he is backed by the endorsement of his superior legal abilities from lawyers outside the district, like Wilson of Winona and several of Mankato. The majority of the Lyon County bar are probably favorable to Webber, and John Lind of Tracy is working hard for Webber's appointment. There is a strong feeling against Wallin, which has continued since his Republican nomination against Cox, who, as a Democrat in a strong Republican district, beat Wallin, the latter not even caring his own county. Many say they want a man appointed who can secure a nomination and election. The greatest objection to his appointment lies in the question of his ability to retain the office by popular suffrage. Webber is a claimant of good ability and has warm friends, and the same may be said of Ladd; but it is thought here that the contest is narrowed to Wallin and Webber. A so-called meeting of the Lyon county lawyers is called at Tracy for to-morrow, but some lawyers will not attend and do not recognize the authority by which it is called. The call is made by D. F. Weymouth as president and A. C. Forbes the secretary, but Mr. Forbes repudiates the claim of an organization and will not participate in the meeting.⁶⁷

⁶⁷ *St. Paul Pioneer Press*, March 29, 1882, at 5.

5. The Tracy Bar Meeting.

A meeting of lawyers of the six counties of the Ninth Judicial District was called for March 30, 1882, in Tracy, the seat of County. Few showed up. It was reported in the *St. Paul Pioneer Press* the next day:

THE TRACY BAR MEETING

Proceedings of the Assemblage Whose Purpose was to Recommend a Successor to Judge Cox, Being More or Less of a Farce.

Special Telegram to the Pioneer Press.

Tracy, March 30 – The attendance at the Ninth district bar meeting was slim, and much dissention existed. As a Republican, G. S. Ives of St. Peter was the first choice for judge to succeed Cox, and as a Democrat, M. E. Mathews of Marshall was the first choice.

A More Elaborate Version.

Special to the Pioneer Press.

St. Peter, March 30 – Parties who at this so-called bar meeting at Tracy have arrived here, and I learned from them the true inwardness of the farce enacted there. It appears that no Bar association had existed until this meeting. The following persons met about 3 p. m., and participated in the organization: Chas. Butts, C. W. Steets, W. Cass, C.W. Andrews, all of Lincoln county; D. F. Weymouth, M. B. Drew, Chas. Main, John Lind and M. E. Mathews, Lyon county; M.G. Hanscome, C. R, Davis, and G.S. Ives, Nicolet county. The meeting then adjourned until 7 p. m. At the evening meeting the following resolution was introduced by M. B. Drew and second by C.R. Davis:

Resolved that as there so few members of the bar present at this meeting, we do not deem it expedient to make any recommendation of the governor for the appointment of a judge.

The vote was four for and four against, but the president, Mr. Weymouth, voted against it, and it was lost. The nine persons who voted on the above were all that were present. A motion was then made by Chas. Butts to recommend someone to the governor for appointment as judge, whereupon all except Messrs. Butts, Drew, Steets, Main and Weymouth withdrew from any further participation. Those remaining then proceeded to ballot for a candidate and G. S. Ives of St. Peter received the vote of those present for first choice as Republican. After about an hour's delay M. E. Mathews was endorsed by the same parties as first choice, Democratic. There were no attorneys present from Brown, Redwood or Renville counties, and none from Nicollet county participated in the recommendation. It is unnecessary to add that the Pioneer Press diagnosed this case correctly in advance, in part at least.

A Version From Marshall.

Special Telegram to the Pioneer Press.

Marshall, March 30 – The alleged Ninth district bar association at Tracy on Wednesday resulted in a fizzle. The meeting was doubtless called honestly and with good intent, but its result cannot largely affect Gov. Hubbard's choice of Cox's successor. The Wallin, Webber and Ladd supporters generally remained away, and after the result became apparent a good many present seemed to lose interest in the matter. Hanscombe (sic) and G.S. Ives of St. Peter, it is alleged, upon learning that they stood no show, denounced the affair as irregular and on the ground

that as so few lawyers were present it would be impossible to obtain an expression of the bar; and when it came a vote there were but five who could be induced to express a choice; the remainder who took any part at all not seeming to think they had any interest in the matter sufficient to want to support any one in particular. After G. S. Ives of St. Peter had been unanimously chosen, it occurred to them that perhaps Gov. Hubbard would want to make a selection from the Democratic ranks, whereupon Mr. Mathews of this place was deemed to be the leading Democratic lawyer of the district. It is generally thought by some the matter was quite well understood. Though, perhaps, there is no serious objection to the appointment of either Mathews or Ives, it is still generally thought in this locality that no one could be sure of the support of this part of the district for the nomination or election, but some one more centrally located; Webber or Wallin being a choice.

A Webber Petition

Special Telegram to the Pioneer Press.

New Ulm, March 30. – A very large and enthusiastic meeting of the citizens of New Ulm was held at Turner Hall this evening, at which the following resolution was unanimously adapted:

Whereas, There exists a vacancy in the office of the judge of the Ninth judicial district; therefore be it

Resolved, That we, the legal voters of New Ulm, irrespective of party affiliations, do hereby respectfully petition his excellency, Gov. Gov. Lucius F Hubbard, to appoint to the said position our fellow townsmen, B. F. Webber, knowing him to be

thoroughly qualified to perform the duties of the office.⁶⁸

5. Interviews of Lawyers from Lyon and Lincoln Counties in the *Lyon County News*.

In its April 12, 1882, issue the *Saint Peter Tribune* reprinted lengthy articles from the *Marshall Messenger*, the *St. Paul Pioneer Press* and the *Lyon County News* about the governor's appointment. The story in the *News* concluded with candid comments by lawyers from Lyon and Lincoln Counties.

JUDGE BALDWIN

Comments of the Press and the Bar on the Appointment.

The *News* has interviewed the lawyers of that section, from which we give the following brief extracts from their opinions, prefaced with the editorial remark that "All prominent citizens resent the appointment of Judge Baldwin as a slight to the district, and the lawyers almost without exception regard it as an insult to the intelligence and honor of the bar of the ninth district."

County attorney Forbes, of Lyon County, said he considered the appointment an outrage on the district, and the greatest mistake Gov. Hubbard could have made, viewed in a political light. He regarded Baldwin as a man of very slight legal ability, and knew that he had had but a meagre experience in

⁶⁸ *St. Paul Pioneer Press*, March 31, 1882, at 2.

practice. He did not take up to profession till after forty years of age, and prepared himself through the office of Probate Judge. He was sorry for the appointment, because of the want of ability, and because of the absolute certainty of his brief tenure in office, knowing the people would not ratify the governor's choice, at the polls this fall.

V. B. Seward, Esq., thinks the appointment was an insult to the intelligence of the district, but says he don't care a continental if they get a judge that will not have to be impeached.

W. Wakeman, Esq., regards Baldwin as a good, clever man, but possessing no legal ability. He thought that the governor could hardly have done worse in the whole district.

E. B. Jewett, Esq., was much disappointed in the selection of a Judge. He considered that Judge Baldwin possessed less legal ability than any lawyer in the district who has been mentioned as a candidate for the position. The appointee never was interested in the profession till he was in the vicinity of forty years old, and was admitted to the bar without the usual course of study or reading. He considered the poorest lawyers in Lincoln county his peer. His record as a lawyer was not *brilliant*. He never practiced till he came to Redwood Falls from Waseca, where he was engaged in banking, and made a failure. He certainly could not hold the judgeship only until January next.

M. B. Drew, Esq., was very much dissatisfied with the appointment, saying Baldwin was the last man in the district he should have thought would be selected. He does not think Baldwin can be nominated, and even if nominated, thinks any of the abler lawyers can defeat him running on an independent ticket. For a man of high moral standing, Mr. Drew uses some pretty emphatic language regarding the appointment, but he is not afraid to express the honest convictions.

John Lind, Esq., of Tracy, said he was greatly surprised to think that a man should be appointed who is not wanted by the members of the bar, nor the people.

Freeman S. Brown, Esq., of Tracy, when interviewed, simply remarked, "I have nothing to say!"

Col. McPhail, County attorney of Lincoln, regarded the appointment as an unfortunate one. In his characteristic manner, he said, "I always feel as though I wish to practice before a Judge who knows a *little* more than I do. Everybody is greatly surprised at the appointment, but I guess the man most surprised is Judge Baldwin himself! Keeping a hotel don't qualify man for Judge, and many a man can keep a hotel, but few can keep a good one. I have nothing personally against Judge Baldwin, but Lincoln County will not support them in the election."

The lawyers of Lake Benton were all disappointed in the appointment but all accept the situation with good grace, although greatly surprised at the choice, as a younger man was looked for.

Judge Weymouth and Lawyer Mathews were out of town. Weymouth wanted Ives and Mathews is, to put it will mildly, no admirer of Baldwin's ability.⁶⁹

⁶⁹ *Saint Peter Tribune*, April 12, 1882, at 2. (emphasis in original). These interviews concluded a long article in which the *Tribune* reprinted lengthy excerpts from editorials in the *Marshall Messenger*, *Pioneer Press* and *Lyon County News*.

6. The Ninth Judicial District Convention, September 12, 1882.⁷⁰

There following announcement of the Republican Judicial Convention in the *New Ulm Weekly Review*:⁷¹

Judicial Convention.

A Republican judicial convention, for the 9th judicial district of Minnesota will be held at Turner Hall, New Ulm, Sept 12, 1882, at 12 o'clock M. to nominate a candidate for judge for said district. The apportionment of delegates as decided by the Republican committee of said district at a meeting in Mankato June 21st was made on a basis of one delegate to each 250 of the combined vote for President Garfield in 1880 and for Gov. Hubbard in 1881. The basis adopted gives the following:

| | | |
|--------------|----|------------|
| Brown county | 10 | delegates. |
| Lyon | 6 | " |
| Lincoln | 5 | " |
| Nicollet | 9 | " |
| Redwood | 7 | " |
| Renville | 9 | " |

By order of committee,
C. F. CASE, Ch'm.

Newspaper reports of the upcoming judicial convention were similar to analysis of tactics in a political convention, as shown by this piece in the *New Ulm Weekly Review*:

⁷⁰ This article is also posted in the Appendix to Douglas A. Hedin, "Judicial District Conventions in Minnesota: An Introduction" 49-59 (MLHP, 2020).

⁷¹ *New Ulm Weekly Review*, July 5, 1882, at 4 (enlarged). It was printed in other district papers. E.g., *Lake Benton News*, July 11, 1882, front page.

The Judicial Outlook.

The Republican judicial convention for the Ninth district will be held in this city next Tuesday. As a nomination at the hands of this convention is equivalent to an election, considerable interest is centered in the outcome.

There are five candidates in the field, viz: B. F. Webber, of New Ulm; H. D. Baldwin, of Redwood Falls; Sumner Ladd; M. G. Hanscome and G. S. Ives, of St. Peter. Mr. Baldwin now holds the position by appointment, which, however, was brought about influences from outside of the district, and against the remonstrances of nine-tenths of the Republicans within the district, and his position will therefor avail him but little in furthering his nomination.

The district is composed of the counties of Brown, Nicollet, Lyon, Lincoln, Renville and Redwood. The first two and the last have already elected their delegates, as follows:

BROWN: A. Blanchard, S. Peterson, J. M. Thompson, J. C. Rudolph, Jos. Bobleter, Ole Jærgenson, Geo. Heart, John Neuman, G. W. Harrington and Geo. W. Sommerville.—10 votes. Instructed for Webber.

NICOLLET: Jacob Stelzer, Christ. Evanson, J. C. Donahauer, Hugo L. Stark, C. R. Davis, Hans C. Hanson, Nels P. Chilgren, W M. Couplin and Christ. Stolz .— 9 votes. Uninstructed, but supposed to favor Ladd.

REDWOOD: J. S. Letford, H. M. Eggleston, James McMillan, M. E. Powell, T. Tibbetts, O. H. Dornberg and John Honor.—7 votes, instructed for Baldwin but contested by W. H. Ackerman, Paul Timms, Swan Peterson, C. L. Byram, John Whittel, Thos. Sloan and L. S. Crandall. The latter are uninstructed, but supposed to be friendly to Webber.

Renville county, with 9 votes, elects delegates tomorrow. Lyon, with 6 votes, and Lincoln, with 5, elect next Saturday.

In Lyon county, Webber has carried the primaries in Marshall by a vote of 40 to 10, and he will carry Tracy and the country towns in the same proportion. He has also carried Lake Benton, and we have assurances that Lincoln county will send a solid Webber delegation, which, with the 10 votes of Brown (conceding Redwood to Baldwin), will give him 21 votes, being only three votes less than a majority. Renville county is conceded to no man. Mr. Webber has carried the primaries in Bird Island and several other towns, and he has good prospects of carrying the county. We make the prediction that Mr. Webber will receive more than enough votes from Renville county to give him the nomination on the first formal ballot.⁷²

At the convention a delegation from Redwood County favoring Baldwin led by John S. G. Honnor walked out in a dispute with a competing slate from that county. It is likely that Honnor saw that Baldwin's candidacy was doomed. The following account of the convention from the *New Ulm Weekly Review* is of interest because it quotes John Lind's nominating speech and Benjamin F. Webber's acceptance speech in which he declares that, while he is honored by the Republican Party's nomination, he will serve as a nonpartisan judge.

JUDICIAL CONVENTION.

**B. F. Webber Esq., of New Ulm,
Nominated for Judge on
The First Ballot.**

⁷² *New Ulm Weekly Review*, September 6, 1882, at 3.

The Republicans of the Ninth judicial district, composed of the counties of Brown, Nicollet, Lyon, Lincoln, Renville and Redwood, met in delegate convention at Turner Hall, New Ulm, on Tuesday, September 12th, 1882, at 12 o'clock m., for the purpose of placing in nomination a candidate for Judge to be voted for in the general election in November.

In the absence of C. F. Case, the chairman of the district committee and all the members, the convention was called to order by Jos. Bobleter, of Brown. The temporary organization was effected by the election of T. F. Demming, of Renville, as chairman, and C. M. Morse, of Lincoln, as secretary.

On motion, the chair appointed the following committee on credentials: Geo. Bradley, of Lincoln, Hans C. Hanson, of Nicollet. S. Gerald, of Renville, Geo. Carlow, of Lyon, Jos. Bobleter, of Brown.

The committee on credentials reported the following delegates entitled to seats to the convention:

BROWN.—A. Blanchard, S. D. Peterson, J. M. Thompson, J. C. Rudolph, Jos. Bobleter, Ole Jorgenson, Geo. Heart, John Neuman, G. W. Harrington and Geo. W. Sommerville — 10 votes.

NICOLLET — Jacob Stelzer, Christ. Evanson, J. C. Donahauer, Hugo L. Stark, C. R. Davis, Hans C. Hanson, Nels P. Chilgren, Wm. L. Couplin and Christ. Stolz — 9 votes.

LINCOLN — G. H. Bradley, Knute Rierson, C. M. Morse, Al. Woodford and Col. McPhail — 5 votes.

RENVILLE — T. F. Demming, F. L. Puffer, Iver S. Gerald, G. D. Stoddard, Gunerius Peterson, Ole N. Stone, O. S. Reishues, S. Hanna, D. D. Williams— 9 votes.

LYON — John Lind, Geo. Carlow, Geo. M. Robinson, A. C. Forbes, J. C. Cutler, Geo. E. Johnson — 6 votes.

Two sets of credentials were presented to the committee from the county of Redwood. One delegation, being composed of J. S. G. Honnor, James McMillan, M. E. Powell, T. Tibbetts, J. S. Letford, H. M. Egleston and O. L. Dornberg.

The other was composed of J. L. Byram, L. S. Crandall, Paul Timm, John Whittel, Swen Peterson, Thos. Sloan, and G. W. Braley.

After hearing representatives of both delegations the committee concluded that neither delegation was entitled to a full representation and, they therefore recommend that each delegation be admitted to the convention with 3½ votes each.

The report was signed by all the members of the committee.

Considerable discussion ensued over the adoption of the report of the committee. Mr. Honnor argued that his delegation was entitled to a full representation or none at all. Mr. Thorp, of Walnut Grove, was, on motion, allowed 20 minutes to present the side of the contesting delegation.

On motion, the report of the committee on credentials was adopted by a rising vote. Upon the announcement of the result of the vote on the adoption of the report, Mr. Honnor announced to the convention that the delegation headed by him would withdraw from the convention, and he thereupon walked out, followed by his colleagues. Recess for five minutes.

On motion, the temporary organization was declared the permanent organization of the convention.

Mr. Donahauer, in behalf of the Nicollet county delegates, entered a protest against the action of the convention in adopting the report of the committee on credentials.

Mr. Blanchard asked whether the protest was entered with a view of having a pretext to bolt the nominee of the convention. Mr. Donahauer assured Mr. Blanchard that it was not, but only as a matter of precedent.

It was then moved to proceed to the nomination of a Judge.

Hon. John Lind then nominated B. F. Webber, of New Ulm, as follows:

“Gentlemen of the convention: It is with mingled feelings of embarrassment and pleasure that I rise before you, embarrassment, because I feel that there are many members of the profession here, as well as gentlemen that do not follow the study of law who are older, better fit, and more competent to do justice to the time and right of demands of this body, as well as to the character and ability of the gentleman whose name I will place before you. I also assure you that I take pleasure in embracing this opportunity to realize a wish and a hope that I have cherished for years. I assume that it is the greatest reward for his labor and the highest gratification of the ambition of a true lawyer to receive the judicial ermine at the hands of his brethren and a public confident of his ability and integrity.

“When as a mere boy, as still I am, I settled in this town and commenced the practice of law, there was one attorney there before me, who, though old enough to be my father, was young enough to be my friend and adviser. Ready to encourage me in my efforts, free to advise and assist, though our interests were conflicting and opposed from the first, I learned to love and esteem him as a true brother in the profession, and when in later years we met in frequent contents in yonder building I learned to respect him as well for his ability.

“Of his private character and standing, the unanimous voice of this city and of the county of Brown is a sufficient guarantee and as I stand here to-day in my old home amid friends and old associations, I assure you, gentlemen, I am pleased to say, that as the unanimous choice of my old home as well as my new, for the important and honorable position of Judge of the District Court, I place before you the name of B. F. Webber, of this city, and in so doing I feel assured that we are putting up a man who is not only the choice of this convention but of the people of this District. In his nomination and consequent election the people will secure a judge whose ability is second to that of no attorney in the district and whose character as a man and a citizen stands forth unblemished and respected by all classes.

“His highest and only ambition has been and is to excel in his profession, and though he is not a man of brilliant speech, his sound judgment and understanding of law as well as his earnestness of manner and careful preparation of his cases has made him a powerful opponent before a judge or jury. Although he has arrived at an age when the fullness of ability and intellectual power is fully developed in most men, I am confident, that with his well known habits of industry and unceasing application, he can never fail to progress and keep pace with the most ambitious in his profession. Of him it will never be said that he is a rusty judge.

“In politics his convictions of equality before the law, of all classes irrespective of race, color, or nationality led him to become a Republican in early life and he has ever remained loyal as you would expect from a man of his earnestness of manner, clear judgment and firmness of character. A farmer's son, he procured scholarly education and has risen to the position he now occupies on his own exertions.

His interests and sympathies therefore naturally affiliate with the class among whom the lot of his early years was cast."

Mr. Rudolph seconded the nomination of Mr. Webber In a few well timed remarks, repeatedly bringing down the convention by his witty remarks.

On motion, the convention proceeded to a ballot for Judge, Mr. J. Thompson and Geo. H. Bradley acting as tellers.

The vote resulted as follows:

| | |
|-------------------|-----|
| B. F. Webber..... | 33½ |
| Sumner Ladd..... | 8 |
| Alf. Wallin..... | 1 |

On motion of A. E. Woodford the nomination of Mr. Webber was made unanimous.

On motion, the chair appointed a committee of two to wait on Mr. Webber and inform him of his nomination and request his presence at the convention.

On motion, the following district committee was appointed, each delegation naming one man:

- A. Blanchard, of Brown, chairman.
- G. Peterson, of Renville.
- J. Stelzer, of Nicollet.
- A. E. Woodford, of Lincoln.
- F. S. Brown, of Lyon.
- G. W. Braley, of Redwood.

Mr. Webber was introduced to the convention by Mr. Sommerville as the next Judge of the Ninth Judicial district. His entry into the hall was greeted with hearty applause. Mr. Webber then accepted the nomination as follows:

“Mr. President and gentlemen of the convention: — I am informed by your committee that I have been selected by this convention as a candidate for the office of District Judge.

“While this nomination comes from you as Republicans, and while I am proud to be counted as a member of that party, which, although not free from errors and mistakes, has left the impress of its grand mission for the elevation of mankind and the advancement of human freedom and intelligence stamped upon the proudest pages of American history. The office to which you have nominated me is one whose duties are wholly independent of party politics, and I am proud to be able to count among my warmest supporters men whose political sentiments are wholly different from my own. Any judicial officer who would allow political considerations to have the slightest weight in the performance of his official duties, would be wholly unworthy of the trust. Every man, without regard to his political opinions, is entitled to the same protection and owes the same obedience to the law of the land. Let me assure you, gentlemen, that although I am the candidate of a party, if elected, I shall not be the officer of a party but it will be my constant aim to give every man his exact and equal rights according to law.

“The duties of the office to which you have nominated me, the construction of the law and its application to particular cases, are among the most important and difficult in the administration of government, and, if I were compelled to rely upon my own unaided wisdom and judgment, I should shrink from assuming so grave responsibilities. But fortunately the wisdom and judgment of the great jurists of ancient and modern times are accessible in the books, and it will be my highest ambition and pride, if elected, to discover their foot prints and follow in

them. Relying upon these, upon my own industry and upon the aid and co-operation of the able bar of the Ninth judicial district, I hope to be reasonably successful in the performance of my official duties.

“With sorrow that my success in securing the nomination must be the defeat of others whom I am proud to call my friends, with gratitude to the members of the convention and the people of the district which I have no words to express, I accept the nomination and, if elected, I pledge you seven years of unceasing toil, in an honest endeavor to do my duty.”

The convention thereupon adjourned sine die.⁷³

In the election on November 7, 1882, Webber defeated former Sixth Judicial District Judge Melville G. Hanscome, the Democratic candidate.

⁷³ *New Ulm Weekly Review*, September 18, 1882, at 3.

7. Profiles of Hial D. Baldwin in County Histories published in 1882 and 1916.

In the year of his appointment, the following profile appeared in the chapter on Redwood County in Edward D. Neill's *History of the Minnesota Valley*:

Judge H. D. Baldwin was born July 1827, in Ira, New York. He began the study of law with G. W. Miller, but in 1858 removed to Minnesota and continued his study at Wilton, Waseca county; in the spring of the following year he was admitted to practice. For several years he filled the office of county attorney and judge of probate. Since the spring of 1871 he has been in practice at Redwood Falls. He was appointed judge of probate by the governor and has since been twice elected. In April, 1882, he was appointed judge of the ninth judicial district by Governor Hubbard. Angelina O. Marvin became his wife June 30, 1852, at Lysander, New York. They are the parents of six children. ⁷⁴

**From Franklyn Curtiss-Wedge, ed.,
2 *History of Redwood County, Minnesota* (1916)**

Hial D. Baldwin, banker, jurist and attorney, was born in Auburn, Cayuga county, New York, July 6, 1827, son of Horace and Ann Baldwin, both of English descent. He was educated in his native state, and in due time was admitted to the bar.

He was at Stoughton, Wis., from 1857 to 1860, and then for several years practiced law in Waseca

⁷⁴ Edward D. Neill, *History of the Minnesota Valley* 768 (1882).

county, this state, in the meantime becoming interested in the hotel, mercantile and the banking business. In 1871 he came to Redwood Falls, and here opened a law office. His worth was at once recognized, and at various times he served in such positions as clerk of court, judge of probate, and county attorney. He was also judge of the Municipal court, and served as one of Redwood Falls' most honored majors. By appointment he occupied the bench of the Ninth Judicial District, and made a most admirable judge. Aside from his legal practice, during which he handled much important litigation, Mr. Baldwin was much interested in banking. He became interested in the old Redwood County Bank, was one of the factors in making it a state bank, and later in making it a national bank, and served as one of the officers of the institution for many years, the present name of the institution being the First National Bank of Redwood Falls. Judge Baldwin was married in 1852 to Angeline O. Marvin, of Lysander, Onondaga county, New York, the daughter of Stephen Marvin.⁷⁵

⁷⁵ Franklyn Curtis-Wedge, ed., *2 History of Redwood County, Minnesota* 716 (1916).

Credit

The photograph of Judge Baldwin on the first page is from *Men of Minnesota* (1902).

Related Articles

This article on Judge Hial D. Baldwin is one more in a series of studies of district court judges in the nineteenth and early twentieth centuries posted on the Minnesota Legal History Project website.

