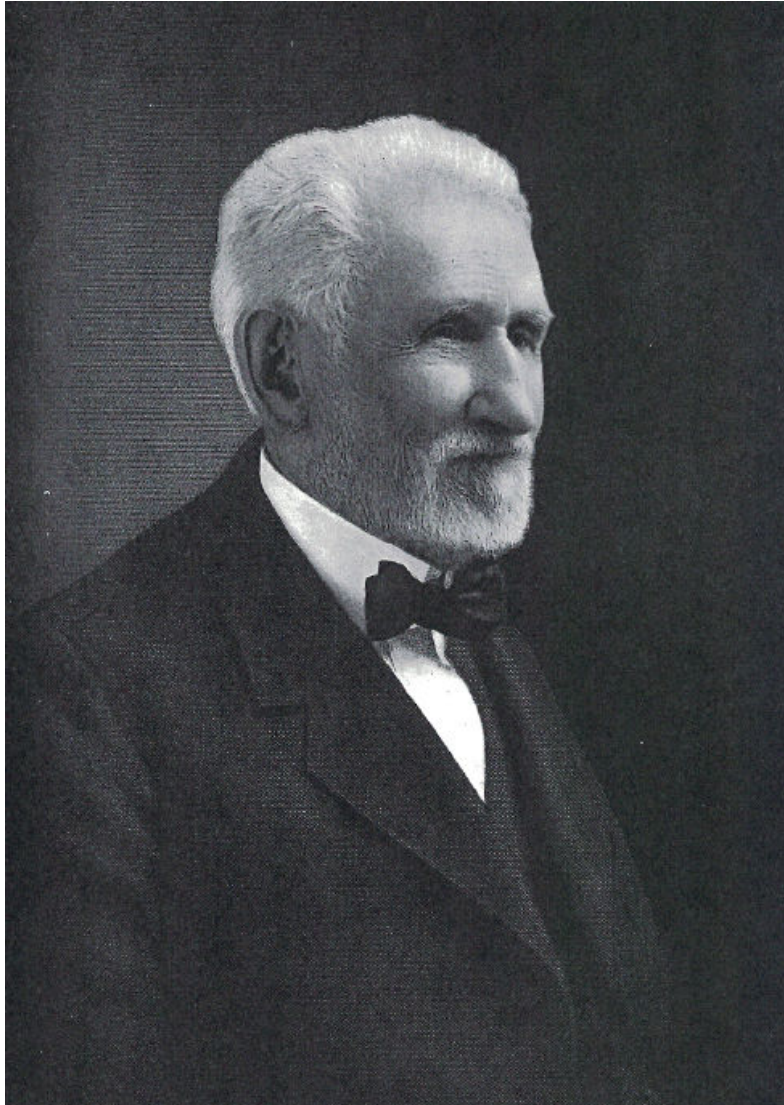


JUDGE LLOYD BARBER

(January 11, 1826 - May 8, 1915)



By

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I. Introduction.

If the public life of Lloyd Barber was diagrammed it would resemble an upward trajectory of success, at the top not a sharp peak but a seven year plateau, followed by a decades-long downward spiral.

The way up: He arrived in Rochester in 1858 and began practicing law. He was an immediate success. Sixty years later, Charles Willson recalled, “Courts listened to him with marked attention, and his clients were inspired with confidence. He became the leader of the Olmsted County bar, and his name was honored at the bank.” On September 12, 1864, he was appointed judge of the Third Minnesota Judicial District, and elected to a full term on November 8, 1864. He was 38 years old.

On the way down: He was denied re-nomination at the Republican Party’s Judicial District Convention on September 27, 1871. His transition to private practice was very difficult. He never regained the clientele he once had and, by economic necessity, turned to farming. He died in 1915.

II. Beginnings.

Lloyd Barber arrived in Rochester, the seat of Olmsted County, in 1858, at age thirty-two. Already a member of the New York bar, he was admitted to Minnesota’s on September 13, 1858.¹ To become a member of the New York bar Barber had to master the “Field Code of Procedure,” an early draft of which was adopted in that state in 1848. The Code displaced the

¹ Roll of Attorneys, Supreme Court, State of Minnesota, 1858-1970, at 6 (Minnesota Digital Library).

various rigid, highly technical common law forms of action with one form, called a civil action. The Second Territorial Legislature adopted a variation of the Field Code for Minnesota in 1851 over much opposition.² Barber had an advantage in court because many lawyers were educated in non-Code states before moving to Minnesota.³

For the first three years in Rochester he was a sole practitioner.⁴ His reputation grew.⁵ In 1861 he became a partner of F. L. McMahon, the firm known as McMahon & Barber, but the next year he returned to working by himself. That year he was elected Olmsted County Attorney.⁶

² Minn. Terr. Rev. Stat. c. 70, at 329 (1851). Further revisions to the Code were made in the 1852 and 1853 legislative sessions, including the fusion of law and equity. See 1853 Laws, c. 1, §1, at 3 (effective March 16, 1853). Minnesota was the sixth jurisdiction to adopt a variation of the Field Code. Charles M. Hepburn, *The Historical Development of Code Pleading in England and America* 98-99 (1897)(republished, Law Book Exchange, 2004).

For a study of the U. S. Supreme Court's derisive dismissal of an appeal from the Minnesota Territorial Supreme Court of a case brought under the Code, see Douglas A. Hedin, "Holcombe vs. McKusick and the U. S. Supreme Court's Reaction to the Codification Movement of the 1850s" (MLHP, 2011).

³ Charles C. Willson, "Lloyd Barber," 1 *Minnesota Historical Bulletin* 260-261 (1916) ("A number of lawyers...were all trained in the old common law practice and held in contempt the new code in which law and equity were merged, but Judge Barber had studied and practiced the Field code in New York where it originated and whence it came through Wisconsin into Minnesota upon the organization of the latter as a territory. His familiarity with this new practice gave him a decided advantage over old practitioners."). This eulogy is reprinted in full in VII, at 41-45. Future page citations to Willson's address are to those in VII of this article (i.e., Charles C. Willson, note 3, at ____).

⁴ Joseph A. Leonard writes that Barber formed a partnership with Peter M. Tolbert, another lawyer from New York, and they "had a large and successful partnership." *History of Olmsted County, Minnesota* 90 (1910). Perhaps, but not for long. Their separate business cards, not firm cards, were published in the *Rochester City News* and other papers in 1859 and later years.

⁵ In early 1861 when he returned from a long trip "east," the *Rochester Republican* called him "one of our most talented lawyers." March 13, 1861, at 3.

⁶ The election results have not been found. He is listed as county attorney in the roster of county officials printed in the *Rochester Republican*, January 14, 1863, at 3. His business card was no longer published in the paper.

Like other lawyers he had a general practice.⁷ Unlike many others, he did not carry on a side business such as land sales or insurance, although he owned several farms in the county.⁸ In politics he was a Republican.

III. Appointment and Election to the District Court.

On July 6, 1864, Governor Stephen Miller appointed Third Judicial District Court Judge Thomas Wilson to be Associate Justice of the Minnesota Supreme Court.⁹ This appointment created a vacancy on the district court that posed a dilemma for the governor. If he appointed a lawyer to the district court, especially one from Winona County, other lawyers from other counties in the district would challenge his appointee at the Republican Party's judicial district convention and perhaps in the general election in November, which would open a schism in the party, permitting a Democrat to slip through.¹⁰ The governor deftly surmounted this quandary by waiting until the

⁷ One of the few accounts of a district court term in these years was published in the *Rochester News*, November 2, 1859, at 3. There were 13 cases on Judge Thomas Wilson's calendar, 2 criminal and 11 civil. Barber was counsel in 6 civil cases, 2 solo and 4 co-counsel, usually with Charles C. Willson. In one unusual case in which Barber and Willson represented the plaintiff in a suit for damages caused by an error in a certificate issued by the county register, the jury returned a verdict for the defendant for 6 cents.

⁸ Franklyn Curtiss-Wedge, editor, 1 *History of Winona County, Minnesota* 288, 290 (1913) ("While living in Rochester he owned two farms, one out six miles the country consisting of 240 acres, and one within a mile of the city limits of Rochester, containing 160 acres."). Posted in the Appendix, at 55-60.

⁹ Thomas Wilson (1827-1910) was elected judge of the Third Judicial District in the state's first election in 1857. After his appointment to the Supreme Court on July 6, 1864, he was elected to a full seven year term that November, but in 1865 he was appointed Chief Justice by Governor Miller. He resigned from the court in July 1869, resumed private practice and later served in the state legislature and one term in congress.

¹⁰ On the importance of political parties' judicial district conventions, see Douglas A. Hedin, "Judicial District Conventions in Minnesota: An Introduction." (MLHP, 2020).

party's judicial district convention selected the candidate and then appointed that man to the bench.¹¹ As a practical matter—though Miller might have disagreed with this characterization—he delegated his constitutional power of appointment to a majority of delegates at the party's judicial convention.

On Wednesday, August 31, 1864, the Republican Party held its Third Judicial District Convention in Winona to endorse a candidate for district court judge. The district was composed of Houston, Fillmore, Winona, Olmsted and Wabashaw Counties and each except Wabashaw sent delegates. Lloyd Barber from Olmsted was nominated as were Christopher Ripley from Fillmore County and Chauncey Waterman from Winona. The initial informal vote was 12 for Barber, 10 for Ripley and 1 for Waterman. In the next ballot, Ripley picked up Waterman's sole vote but still lost to Barber, 12-11.¹² On September 12, Governor Miller appointed Lloyd Barber to the District Court.¹³

¹¹ Governor Horace Austin faced an identical dilemma when Judge Chauncey Waterman died on February 18, 1878, again leaving the Third Judicial District Court vacant. Austin appointed an interim judge, John Van Dyke, who had no career ambitions, leaving it to the party's judicial district convention to select a candidate for the November election. To the astonishment of many, the bar and press of the five counties coalesced behind a single candidate, a Democrat, who was elected in November. See Douglas A. Hedin, "John Van Dyke (1805-1878)" (MLHP, 2013).

¹² *Winona Daily Republican* on September 5, 1864, at 2 (Posted in the Appendix, at 48). A slightly different account of the convention was told by Charles C. Willson in memorial services in Winona County District Court on June 1, 1915. See Charles C. Willson, note 3, at 43.

¹³ Under the constitution Barber had to run in the general election in November, only a few months away. 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."

There is an interesting aspect of this convention that is not mentioned in historical accounts. That Christopher Ripley, a sole practitioner from Chatfield in Fillmore County, would be nominated and receive so many votes is a sign of how much respect his colleagues at the bar had for him. This would resurface in 1869, when a campaign was waged by the southeastern section of the state to win his endorsement for Chief Justice by the Republican Party's state convention. ¹⁴

In the election on November 8, 1864, Barber received 6,843 votes, Waterman, a Republican nominated against his wishes by the Democrats, received 4,315 votes and Ripley received 78 write-in votes.¹⁵

Reviewing these results, Barber must have foreseen that Waterman would be his most formidable opponent if he sought reelection in 1871.

IV. Barber on the Bench.



The population of the five counties that formed the Third Judicial District was 46,147 in 1860 and 97,785 in 1870.¹⁶ The

¹⁴ See Douglas A. Hedin, "James Gilfillan vs. Christopher G. Ripley: The Contest for the Republican Nomination for Chief Justice of the Minnesota Supreme Court, 1869" (2018).

¹⁵ Journal of the House of Representatives, January 5, 1865, at 17-18.

¹⁶ 1860: Olmsted, 9,524; Winona, 9,208; Houston, 6,645; Fillmore, 13,542; and Wabasha, 7,228.

district bar during Barber's seven year term increased from about 35 to about 55.¹⁷ The legislature set the beginning dates of the spring and fall terms in each county: ¹⁸

In the third judicial district—in the county of Olmsted, on Third district, the fourth Monday in April, and the first Monday in October.

In the county of Winona, on the fourth Monday in March, and the second Monday in September.

In the county of Houston, on the first Tuesday after the second Monday in May, and the first Tuesday after the third Monday in October.

In the county of Fillmore, on the first Tuesday after the third Monday in May, and the first Tuesday after the second Monday in November.

In the county of Wabashaw, on the first Tuesday after the first Monday in June, and the first Tuesday after the fourth Monday in November.

Travel between Rochester, the home of Barber, and the seats of the other four counties in the district was time consuming and difficult. The distance from Rochester to Wabasha is about 45 miles; to Winona 55 miles; to Caledonia, the seat of Houston County, 76 miles; and to Preston, the seat of Fillmore County,

1870: Olmsted, 19,793; Winona, 22,319; Houston, 14,936; Fillmore, 24,887; and Wabasha, 15,850.

¹⁷ Only a very rough estimate of the size of the district bar can be made. In August 1864, there were business cards of 8 lawyers in the *Rochester Post* (Olmsted County); in March 1872 there were 14. In August 1864, the business cards of 3 lawyers were published in the *Chatfield Democrat* (Fillmore County) and in September 1871 there were still only 3. In May 1864, the cards of 3 lawyers were published in the *Wabasha County Herald*; in May 1871, there were cards of 7 local lawyers and 3 from outside the county. In August 1864, 10 cards of lawyers were published in the *Winona Daily Republican* and in February 1871, there were 13. There were, of course, a few lawyers in other towns in the five counties.

¹⁸ Stat., c. 64, §27, at 417-418 (1863).

36 miles. A few of these trips could be made by railroad, others by horse and buggy.¹⁹ He made them twice a year. Years later Barber recalled to a friend what his life on the Third Judicial District Court was like:

[I]n those times there was no court reporter. Court proceeded slowly and the court made certain citations which were used in case of appeal. Hotel accommodations were very poor in the early days; many unique ways being devised for the care of the patrons of the landlord, sometimes as many as twenty sleeping in one room when court was in session.²⁰

It was not until 1874 that a court reporter for this district was authorized by the legislature.²¹ For the most part the local bar handled the cases on the court's calendar. They did not follow Judge Barber around the district—that is, they did not “ride circuit.” Occasionally an important case, usually involving a railroad, would bring in well-known lawyers from St. Paul to handle it. The twenty guests that were squeezed into one hotel room “when court was in session” included lawyers, their clients, witnesses and regular travelers.

Throughout the 19th century civil cases far outnumbered criminal prosecutions in Minnesota's district courts, and Judge Barber's calendar did not depart from this pattern. Many cases

¹⁹ In memorial proceedings to judges of the Sixth Judicial District in 1907, Judge Lorin Cray recalled seeing Judge Lewis Branson in 1860 “ride his little donkey...a hearty little animal” between two towns in the district. See Douglas A. Hedin. “Judge Lewis Cass Branson (1825-1905)” 25 (MLHP, 2015-2020).

Holding two terms a year in each county was so demanding that in 1872 the legislature removed Houston and Fillmore Counties from the Third Judicial District to form the Tenth, with Mower and Freeborn Counties. This left the Third with Olmsted, Winona and Wabasha. 1872 Laws, c. 50, §§20, 25, at 111 (effective March 2, 1872).

²⁰ Franklyn Curtiss-Wedge, note 8, at 289-290; Appendix, at 58.

²¹ In 1874 the 16th Legislature authorized the judge in the Third Judicial District to hire “in his discretion” a “stenographic or short-hand reporter.” 1874 Laws, c. 88, §1, at 231-232 (February 19, 1874).

during his terms were continued on the motion of a party who, it may be assumed, was unprepared. Many others were settled, especially collection cases that clogged the calendar. But there was a surprising variety of other litigation: a personal injury suit against a railroad by a passenger; a "horse doctoring" malpractice case resulting in a verdict of \$175; an endless suit against the U. S. Marshall in Winona County; suits for divorce; petitions for citizenship; an application for admission to the bar, and others.

Newspaper accounts of four of Judge Barber's terms follow. They tell us very little about him, much more about the types of litigation in the district courts in this state in the 1860s.



Winona County, March Term, 1865.

(From the Winona Democrat, April 1)

Circuit Court.—The March term of this court convened at the Court House in this city on Monday last, the 27th. His honor Judge Barber, presiding. The following jury trials have been disposed of during the week, for a report of which we are under obligations to our gentlemanly clerk of court:

Thos. E. Bennett, (assignee of Horton & Bancroft), vs. Joseph Musser & Co. — action on an account. Verdict for plaintiff for \$100.

Andrew Johnson, Caroline his wife, vs. The Winona & St. Peter R. R. Co.. Action for damages sustained by Carolyn Johnson in getting off the cars. Verdict for plaintiff for \$150. Motion for new trial.

Jacob Smith vs. Almond Bird; appeal. Action for damages sustained by nonperformance of contract. Verdict for plaintiff for \$12.

William Duncanson vs. Charles G. Miller; appeal. Action to recover for a quantity of wheat sold and delivered by plaintiff to defendant.—Verdict for plaintiff.

The Grand Jury, after finding three indictments, were discharged on Wednesday.²²



Fillmore County, June Term, 1865.

(From the Chatfield Democrat, June 10, 1865)

Acquitted.—Miss Mary Pettis, tried this week, before the District Court [in Preston, the county seat], on an indictment for burning the grainery of Mr. Peter Johnson, last fall, was acquitted by the jury.—The verdict of the jury was applauded by persons in the Court room and a purse of some \$40 immediately raised by them for the benefit of the accused. In regard to the verdict we shall say nothing but leave it with the men who rendered it. To the young girl we would say, Mary, go thy way in peace and sin no more, vengeance belongs to the Lord.

Richard Jones, Esq., formerly of this village, now of Rochester, conducted the defence in this case.

In the case of State vs. Hart, bastardy, the defendant was also acquitted.



Olmsted County, October Term, 1867.

(From the Rochester Post, October 12, 1867)

District Court —Court has been in session at the Court House all this week. Judge Barber presiding.

²² *Winona Democrat*, April 1, 1865, at 3.

The calendar is a large one including 111 cases There have already been three jury trials and there are about twenty on the calendar for trial. Court will probably remain in session all next week The Grand Jury was discharged Thursday afternoon.

[Court continued]

(From the *Rochester Post*, October 19, 1867)

District Court.

The Court has been in session all this week and adjourns to-day. The week has been occupied chiefly in jury trials. We mention below the most important of them.

When our report of last week closed, the case of J. P. and F. A. Sawyer against Andrew Nelson, was on trial before a jury. P. Tolbert and R. A. Jones for plaintiff, and C. C. Willson for defendant. This was an action for the value of a reaper. The jury found a verdict for the plaintiffs for \$642.

Timothy Redmond against H. Weaver and K. Witherspoon. C. C. Willson for plaintiff, Jones & Butler for defendant. Action for malpractice in horse doctoring. The jury found a verdict of \$175 for plaintiff.

There was (sic) a number of criminal cases disposed of.

The State against Wm. Slater and John O'Neil. O. P. Stearns for prosecution, R. A. Jones for defendants. This was a prosecution for assault upon Sheriff Loomis with intent to commit murder, on July 4th, 1866. The defendants plead guilty of simple assault, and were fined, Slater \$100 and O'Neil \$50.

State against Joseph Hefferman. Stearns for prosecution, Jones for defendant. Defendant plead not guilty and gave bail in \$500 for appearance at next term.

State against Eugene Haft. Stearns for prosecution, C. T. Benedict for defendant. This was a prosecution for poisoning the cattle of Mrs. Ellis, at Haverhill, in this county, in September last. This trial commenced before a jury, but the action was dismissed on notice of defendant's counsel, on the ground that the only evidence against the prisoner consisted of confessions obtained by threats under duress.

State against Charles Wood. Stearns for prosecution, Jones for defendant. Prosecution for forgery of a note for \$65 on John Bush, in Eyota, in this county, last March. Tried before a jury and the prisoner found guilty. He was sentenced to one year's imprisonment in the penitentiary.

G. W. and A. Graves, against N. N. Hammond, J. B. Ott, C. Moses and E. P. Burcher. C. C. Willson for plaintiffs, R. A. Jones for defendants. This action was brought to recover the value of a horse which was claimed to have died from overdriving by the defendants on a fishing excursion. The jury found a verdict of \$314.64 for plaintiffs.

This was the last jury trial, and the jury were discharged at noon on Thursday.

Horace Loomis against the Board of County Commissioners. This was an appeal by the Sheriff from the action of the Board in reducing his charges for extra expenses in taking care of prisoners. The court found a judgment for the plaintiff in the amount claimed, \$118.60.

The court has adjourned to Nov. 7th, when there will be no jury trials, but cases to be tried by the court.



Winona County, March Term, 1868.²³

**March 24, Tuesday.²⁴
First day's proceedings**

The Court met at 9 o'clock, His Honor, Judge Barber in the chair.

Present—E. A. Gerdtzen, Clerk, and J.F. Martin, Sheriff.

The first cause before the Court was that of Plummer & Lamberton vs. Sargeant, Wilson and Windom trial. Trial by jury was waived, thereby placing the case at the foot of the calendar.

The second case called was that of Mary Ann Scullen vs. Henry Scullen, for divorce. Cause continued on application of defendant.

The case of Murphy vs. Purdy was also continued.

Mcbride vs. Stillwagner, judgment by consent for plaintiff for \$50.

Wm. Clark vs. Frederick Sahr; settled.

Curtis Cary vs. Gottfried Schultz; continued.

Bamberger, Wright & Co. vs. B. F. Buckman, continued.

Dedrich Upham vs. Wm. Quambush, judgment for plaintiff for \$50 and costs.

Zenus Thayer vs. M. M. Gage; settled.

Henry St. George and Thos. St. George vs. J.H. Redford; continued.

Lynch R. King vs. Mark Campbell and A. Carrie & Son; continued.

²³ The following are accounts in the *Winona Daily Democrat*, a morning newspaper, of the proceedings in the district court in March, April and May 1868.

²⁴ *Winona Daily Democrat*, Wednesday, March 25, 1868, at 5.

Wm. M. Tanner versus Chas. Eaton; stricken from the calendar.

Wm. Arnold vs. L.R. King—attachment of personal property; judgment by consent; property returned to Plff. with costs of suit.

Timothy Mower, Charles and Richard Whittier vs. Wm. Quambush; case referred to A. Lewis.

Appeal Cases.

Jacob Smith vs. Benj. Millett; continued.

Ed. Watson vs. Geo. W. Kendall & Seth W. Trowbridge; continued.

Samuel L. Musser vs. Gustave Auger—jury trial. Cause not disposed of up to adjournment last night.

March 25, Wednesday.²⁵

The case which occupied the attention of the Court during yesterday was that of Samuel S. Musser against Gustav Anger,—a jury trial—an action for damages on breach of contract. The jury returned a verdict in evening, in favor the plaintiff for eighty-seven dollars.

March 26, Thursday.²⁶

District Court proceedings for yesterday—Chas. Beck made application to be admitted as a citizen of the United States, which application was granted by the Court.

The grand jury presented an indictment against Fred J. Kuni for larceny from the Railroad Company.

²⁵ *Winona Daily Democrat*, Thursday, March 26, 1868, at 6.

²⁶ *Winona Daily Democrat*, Friday, March 27, 1868, at 4.

James Burk was arraigned on indictment found by the Grand Jury for mayhem, and stated that his name was not James Burk but Michael Burk, and the Court ordered that proceedings be had against him on indictment as found.

King Mayo—the Phil. Sheridan negro — was arraigned on indictment for assault with a deadly weapon.

G. R. Tucker, Jr. on application to be admitted to practice as an attorney was examined in open court by C. G. Ripley, C. H. Berry and Benj. Franklin.

Edward V. Bogart vs. J. F. Ostrander et al. This case was tried by the Court and submitted.

The case of Orson E. Davis and Chas. W. Hayden against Charles Eaton, U.S. Marshal, was commenced and jury impaneled. The case will be a most interesting one, as it involves the old “Cole & Hayden” matter and some twenty thousand dollars are pending on the result.

March 27, Friday.²⁷

District Court. Proceedings Yesterday. — The case of Orson E. Davis and Chas. W. Hayden against Chas. Eaton, United States Marshal, resumed yesterday morning, and will continue today. It is a most interesting, complicated and extensive case.

Judge Barber excused all jurors from serving until Monday evening.

On reading and filing the report of the committee appointed to examine G. R. Tucker, Jr., an applicant for admission to the practice of law—showing the said applicant to be of the required age, of good

²⁷ *Winona Daily Democrat*, Saturday, March 28, 1868, at 6.

moral character and sufficiently qualified as to learning and ability —

Ordered, That the said J. R. Tucker, Jr., be admitted to practice in the courts of this State on taking the proper oath. Applicant sworn.²⁸

State of Minnesota against James C. Warrington. Return having been made of this case to this court, and the matter have been before the Grand Jury, and they finding no cause of action —

Ordered that defendant be discharged, and sureties released.

The Grand Jury are still in session, and are stirring up quite a stampede among diverse and sundry individuals who appear to know something about something, and the jury are striving to find out that something.

March 30, Monday.²⁹

District Court Proceedings Yesterday.—The sickness of one of the jurors prevented a full continuance of the trial of Davis and Hayden against

²⁸ his congratulatory editorial appeared in the *Winona Daily Republican*:

Admitted— We are pleased to know that our friend G. R. Tucker, Jr., has been admitted to the bar, and is now a full fledged lawyer. He is said to have passed an excellent examination, and knowing the members of the committee of examination as we do, we feel sure he must have proved well his claims to the honor he sought to have passed through in so successful and credible a manner. Mr. Tucker is a young man full of life and energy, with all of life before him; and we, as well as his many other friends here, bespeak for him a life of usefulness and honor. May your clients be numerous, G. R., and your fees liberal, is the wish of a brother typo, and your hosts of good friends in this community.

Id.

²⁹ *Winona Daily Democrat*, Tuesday, March 3, 1868, at 6.

Eaton, U. S. Marshal, and it was adjourned till this morning.

State of Minnesota against Mrs. Lou. Staples, who was arraigned on an indictment for keeping a house of ill-fame; she pled guilty and paid a fine of \$300.

Some other unimportant matters were disposed of, although the first named suit is the one still occupying the attention of the court most of the time, and will probably not be disposed of for some time yet.

March 31, Tuesday.³⁰

District Court.—The “long suit,” Davis and Hayden against Charles Eaton, still drags its length along, and is likely to continue until to-morrow. But little else was done yesterday, except to examine witnesses, and discuss points of law in this case — in fact nothing of general interest.

April 1, Wednesday.³¹

The District Court is still considering the “lengthened” suit of Davis and Hayden against Chas. Eaton, U. S. Marshal probably will probably be concluded sometime to-day.

April 3, Friday.³²

³⁰ *Winona Daily Democrat*, Wednesday, April 1, 1868, at 6.

³¹ *Winona Daily Democrat*, Thursday, April 2, 1868, at 5.

³² *Winona Daily Democrat*, Saturday, April 4, 1868, at 4.

District Court.—The case of Davis and Hayden against Charles Eaton, U. S. Marshal, was submitted to the jury at 3:00 o'clock P. M. yesterday. This is been a most interesting case, and has absorbed the attention of the Court for eight days. The jury undoubtedly, at its conclusion, drew a long breath of relief.

April 4, Saturday.³³

District Court—The jury in the case of Hayden and Davis against Charles Eaton, United States Marshal, after being locked up for nineteen hours, agreed to disagree, and were at ten o'clock yesterday morning, discharged by Judge Barber. They differed on evidence and stood six for plaintiff and six for defendant.

April 11, Friday.³⁴

District Court—There was a considerable amount of business transacted in court yesterday. The petit jurors were liberated for the term, which to them, no doubt, was the most important transaction of the day.

On application of John Kintzen, to become a citizen of the states, the application was granted.

Lucy A. Moore against George Moore. By the court. Application for divorce. Witnesses sworn, Lucy A. Moore, Susa A. Latham and Edward Latham. Decision reserved.

Seymour, Allen & Morgan against Benjamin Millet. Benjamin Millet sworn for defense. Before

³³ *Winona Daily Democrat*, Sunday, April 5, 1868, at 5.

³⁴ *Winona Daily Democrat*, Saturday, April 12, 1868, at 5.

getting through with this examination the court adjourned over until Monday.

Tuesday, April 14.³⁵

District Court—The proceedings of this court yesterday were as follows.

S. D. Van Gorder against Jacob Melchoir and Leopold Melchoir. An action for assault. By the court. Decision reserved.

P. Bauder & S. D. Van Gorder against Jacob Melchoir. An appeal from Justice's Court. A motion was made by respondent's attorney to dismiss the appeal.

Roger Burton against Duncan Clark. Action for wages. Judgment rendered for plaintiff.

Seymour, Allen & Morgan against Benjamin Millet. Action on promissory notes. The case, commenced on Saturday, was resumed yesterday afternoon

Wednesday, April 15.³⁶

District Court.—Proceedings of this court for yesterday consisted briefly as follows:

Rebecca Dewey against J.S. Leonard. Action to set aside arbitration. Argued.

E. S. Ives against Benjamin Millet. Action on promissory note. The case has not as yet been submitted.

³⁵ *Winona Daily Democrat*, Wednesday, April 15, 1868, at 4.

³⁶ *Winona Daily Democrat*, Wednesday, April 16, 1868, at 4.

Simon Ruble and Henry Ruble against E. C. Stacy. Action on promissory note. Judgment for amount claimed.

Lamuel J. Blackmer against James W Curry. In action on a contract. Judgment for plaintiff for \$100.

John Robson against J. G. Swart. Ordered that this case be tried at Chambers on 13th day of May, 1868.

Ira H. Hammond, respondent vs. Stritch and Avigan, defendants and Michael Ralphe, garnishee, appellant. Continue to next term.

A. Preston, appellant vs. Wm. H. H. Spalding, respondent. Dismissed.

N. A. Scullen against Henry Scullen. Action for divorce.

Cornelius Sullivan against Mary Sullivan. Action for divorce. No appearance for defendant. Decision reserved.

Adeline M. Eastey against Henry Easley. Action for divorce. Decision reserved.

Henry W. Lamberton and Samuel Plummer against Wm. Windom, Thos. Wilson and Benjamin Franklin and John Keys, administrators of the estate of M. Wheeler Sargeant, deceased. Action on promissory note. This action is yet under consideration

Thursday, April 16.³⁷

District Court—The attention of the court was yesterday occupied by the greater part of the day in considering the case of Lamberton and Plummer against Windom, Wilson and Executors of M. Wheeler Sargeant. This is a most complicated case,

³⁷ *Winona Daily Democrat*, Friday, April 17, 1868, at 4.

and brings out the best talent of the eminent legal gentlemen engage therein.

Friday, April 17.³⁸

District Court—The case of Lamberton & Plummer against Windom, Wilson and Executors of the estate of M. Wheeler Sergeant, still occupies attention of the court, and will probably not be completed until sometime to-day.

Saturday, April 18.³⁹

District Court—The testimony in the case of Lamberton & Plummer vs. Windom, Wilson and M. Wheeler Sergeant, closed with the morning session. By consent the arguments in the case are to be submitted orally or in writing, prior to July.

Seymour, Allen & Morgan vs. Benj. Millett. Action on a promissory note. The case was resumed in the afternoon and a member (sic) of disposition read. Decision reserved.

In the case of State of Minnesota against Lewis Potter, for assault on C. C. Bartlett, fine of two hundred dollars was imposed and paid.

In the case of State of Minnesota against Mich'l Burke, convicted of mayhem, biting off the ear of Malcom Clark, the Judge remarked that as he was a young man, and that the court could not impose a fine with imprisonment in the county jail until paid, the sentence would be deferred at his own request

³⁸ *Winona Daily Democrat*, Saturday, April 18, 1868, at 4.

³⁹ *Winona Daily Democrat*, Sunday, April 9, 1868, at 4.

until thirteenth day of May, until which time the court adjourned.

Wednesday, May 13.⁴⁰

District Court.—Hon. Lloyd Barber, Judge, E. A. Gerdtzen, Clerk.

Michael Burke, the young man who was convicted the last term of Court here of mayhem was arraigned yesterday before the court, when a flat fine of \$200 was imposed, which was paid for him by his father, who arrived here on Tuesday evening, to effect the release of his wayward son. It is to be hoped that Burke will do as promised when convicted, “that if the court would deal leniently with him he would reform and try in future to become a good and useful boy.”

The other business before the court yesterday was actions as follows:

Helen M. Harmon against Jas. H. Harris, Lewis Worthington against F. W. H. Rogers, and John Robson against J. G. Swart.

Thursday, May 15.⁴¹

District Court—This court adjourned *sine die* yesterday after transacting some considerable business, but nothing of special interest to the general reader transpired.



⁴⁰ *Winona Daily Democrat*, Thursday, May 14, 1868, at 5.

⁴¹ *Winona Daily Democrat*, Friday, May 15, 1868, at 5.

IV. The Third Judicial District Convention and Election in 1871.

This announcement of the Third Judicial District Convention was published in district newspapers on August 1, 1871, and many weeks thereafter.

THIRD DISTRICT JUDICIAL CONVENTION.

The Republican County Conventions, soon to assemble in pursuance of a call issued by the State Central Committee, for the purpose of electing Delegates to a State Convention to be held on the 20th day of September next, are also requested to choose Delegates to attend a District Judicial Convention, which Convention will be held in the city of Winona, on WEDNESDAY, the 27th day of September next, at 2 o'clock p. m., for the purpose of putting in nomination one candidate for the office of Judge of the Third Judicial District. The several Counties composing the District will have the same representation as is allowed in the call of the State Central Committee, viz:

Fillmore	8	Wabasha.....	5
Houston.....	6	Winona.....	7
Olmsted.....	7		

E. A. GERDTZEN, Chairman.
O. P. STEARNS,
J. N. MURDOCK,
N. P. COLBURN,
N. E. DORIVAL,

Committee, Third Judicial District.

Winona, August 1, 1871.

Even before this announcement, there was rampant speculation in the district press about candidates for the judgeship.⁴²

⁴² E.g., *Winona Daily Republican*, April 10, 1871, at 2 ("The *St. Paul Press* and *Rochester Post* both speak of ex-Chief Justice Wilson as a possible candidate, and the latter paper does so in very flattering terms of that gentleman. C. N. Waterman, Esq., of this city, has also been suggested on the Republican side, while the *Blue Earth City Post* intimates that William Mitchell, Esq., will be the Democratic nominee. Whether Judge Barber will be a candidate for reelection we do not know, but it is presumable that he will be.").

Barber's record was not mentioned in this gossip. It was as if a ghost had occupied the office for the past seven years, and left no tracks. From the *Winona Daily Republican*, July 31, 1871:

THE JUDGESHIP

A meeting of the Republican District Committee for the Third Judicial District is to be held in this city on Tuesday, the first of August, to make arrangements for a convention to nominate a candidate for Judge.

The *Preston Republican* announces that Hon. N. P. Colburn of Fillmore county declines to be a candidate for Governor but his friends in that county insist on supporting him for Judge of this District. The *Republican* goes on to say:

"We are glad to know that he will accept the judicial nomination of this district, should he be the choice of the convention. Winona and Olmsted counties have controlled the office since the organization of the State, and now, without disparagement to candidates from those counties, we think Fillmore county may very properly put in her claims with hopes of success. Mr. Colburn has good qualifications for the responsible position, and would fill it with credit to himself and the district."

Upon which the *Rochester Post* thus comments:

"Mr. Colburn has just the same right to run for Judge as anybody else, but if his greatest qualification for the office is that given by the *Republican*, the place of his residence, he ought not to be nominated. There can be no sillier reason urged for a nomination to the Judgeship than that which claims it for any particular locality. In selecting a candidate for that office, of all others, there ought to be no test but the old Jeffersonian one: "Is he honest, is he

capable;" and any convention that nominates a candidate for any other reason than that he is the best man they can find for the position will betray a grave public trust. If, when the convention is held, Mr. Colburn proves to be the best qualified candidate before it, he ought to be nominated; but if Olmsted, Winona, or any other county presents a candidate who is thought to be better fitted for the place, that candidate should be chosen."

The *St. Charles Herald*, in an article on the District Judgeship, after mentioning Mr. Waterman and Judge Barber as the prominent candidates, figures as follows:

"This Judicial District is composed of five counties, and the nominating convention will number thirty three delegates, apportioned as follows: Winona, 7; Houston, 5; Wabashaw, 6; Olmsted, 7; Fillmore, 8. The strength of the two candidates will be about as follows: For Waterman—Winona, 7; Wabashaw, 6; Houston, 5; total, 18. For Barber—Olmsted, 7, and Fillmore 8; total, 15."

The *Herald* then goes on to say that "a strong effort will be made to secure a division in the Houston delegation, and possibly it may be evenly divided as to render the vote in Convention "a tie," and, to meet such an emergency, the *Herald* presents the name of Edwin Hill, Esq., a well-known lawyer of that place, as a compromise candidate.

The *Wabashaw Herald* favors the nomination of C. N. Waterman, of Winona, as the Republican candidate for Judge of this District. It says:

"Mr. Waterman is well known all over the District, as a courteous, affable gentleman, an upright man, and a sound, reliable counselor. He is a

moderate Republican but no politician, and would wear the ermine gracefully, ably and worthily.”⁴³

There is not one sentence here on how Barber had discharged his duties, not a word of criticism—not a single compliment either—and it reflected a widely-held assumption that he would not be re-nominated. What must have galled him even more was a long article headlined “Judge Barber’s Successor” in the *Winona Daily Republican*, July 24, 1871, which was reprinted on the first page of his home-town newspaper *The Rochester Post* on August 5th.⁴⁴ It stated that a district committee would soon meet to plan the convention “to nominate a candidate to succeed Judge Barber, whose term of office has nearly expired.” As the day of the convention neared, his fate, it seemed, was sealed. From the *Rochester Post*, September 23rd:

The only candidates have been the present incumbent, Judge Barber of this city, and Hon. C. N. Waterman of Winona. Hon. N. P. Colburn of Preston has also been a candidate, but probably more with the idea of advertising him than with any expectation that the ermine would fall on his shoulders.

There are thirty-three votes in the convention. Of these, the delegations from Winona county, seven votes; from Wabasha, five votes; and from Houston county, six votes; are all instructed to vote for Waterman. This will give him eighteen out of thirty-three votes on the first ballot, a clear majority of five. So Waterman's nomination seems to be already assured.

⁴³ *Winona Daily Republican*, July 31, 1871, at 2.

⁴⁴ *Winona Daily Republican*, July 24, 1871, at 2; reprinted in *The Rochester Post* on August 5, 1871, at 1. The complete article is posted in the Appendix, at 49-51.

The delegation from this county, seven in number, though not instructed, are for Barber, and those of Fillmore county, eight in number, for Colburn.⁴⁵

The outcome of the convention on September 27th was reported in the *Rochester Post*:

HON. C. N. WATERMAN of Winona, was nominated as the Republican candidate for Judge of this District at Winona on Wednesday. Only an informal ballot was taken and it stood, C. N. Waterman, of Winona, 18, N. P. Colburn, of Fillmore, 8, Lloyd Barber, of Olmsted, 7. On motion of M. Start Esq., of this city, Mr. Waterman was declared the nominee of the Convention by acclamation.

Mr. Waterman is in every way qualified for the office, and his election is so certain that it is doubtful whether the Democrats will make any nomination.⁴⁶

At the election on November 7, 1871, Chauncey N. Waterman was unopposed. He received 9,833 votes.⁴⁷

Three weeks later Fillmore County lawyers hosted a dinner in honor of Barber.⁴⁸ Complimentary resolutions were passed and presented to him. One referred to "the prompt, impartial and never varying courteous manner with which, he has discharged the delicate and important duties pertaining to his high office." Another that he earned the sobriquet "the incorruptible

⁴⁵ *Rochester Post*, September 23, 1871, at 2.

⁴⁶ *Rochester Post*, September 30, 1871, at 2.

⁴⁷ *Journal of the House of Representatives*, January 3, 1872, at 16. The microfilm results are misleading. Compare SAM 1, at Images 76-82, Minn. Hist. Society.

⁴⁸ A report of this dinner in the *Winona Daily Republican*, November 29, 1871, at 2, is posted in the Appendix, at .

judge”—an odd tribute as there were no stories about bribery or corruption of state judges at this time (or later either).

In January 1872, after serving seven years and four months on the district court, Lloyd Barber returned to private practice. He was forty-six years old.



V. After the Court.

Lloyd Barber's long after life could have formed the plot for an absorbing short story by...whom?...Edith Wharton, who skillfully dissected the once prominent now in reduced circumstances, the versatile Mark Twain, possibly Louis Auchincloss, who understood lawyers very well. Actually in a eulogy after Barber's death Charles Willson gave a good summary of the next forty years of his friend's life:

Soon afterwards Judge Barber removed from Rochester to Winona and opened a law office for general practice. But business did not come to him in satisfactory volume. A jurist retired from the bench rarely returns to the conflict and struggles of the bar with that confident air and with that aggressive, partisan vigor usually exhibited by the practitioner and so satisfying to the militant and often revengeful feeling of his client. In his years of service on the bench he acquires a calm, meditative, and judicial attitude. He does not fight his adversary with that desperate valor of the soldier who has burned his ships behind him, and he usually fails as a general practitioner. He must secure permanent employment as general counsel for some railroad or other large

corporation, or be driven out of remunerative practice by younger and more aggressive members of the profession. He learns too late the wisdom of the maxim that a lawyer should first acquire fortune by industry, inheritance, or marriage before accepting judicial honors.

Willson then added this poignant comment:

He retained his residence and law office in Winona, but in later years the office was nearly always locked, and in 1908 he closed it and returned the key to his lessor.⁴⁹

⁴⁹ Charles C. Willson, note 3, at .

Isaac Atwater made a similar observation in an article on territorial court judges published in 1887:

Nor does the position of territorial judge conduce to success in the practice of law when the incumbent retires. The cases coming before the court are largely of minor importance, and the inducements for close study are proportionally diminished. But in addition to this, it may well be questioned whether the judicial habit of mind, long indulged in, is most conducive to successful practice at the bar. At least, such is my conclusion, from somewhat numerous instances which have fallen under my observation. There are exceptions, of course — perhaps one of the most notable in our state, that of Judge Cooper, one of the first territorial judges, and who enjoyed quite a large practice after leaving the bench. But the brilliant professional young men, who always flock to the territories to make their fortune or build a reputation, have largely preëmpted the ground. For a man to leave the bench and take his place at the bar, is almost like commencing life anew. He is then probaboly at middle life — perhaps has had but little if any practice before, and it is rare that a man commences practice at that age and becomes a distinguished practitioner. To this must be added, that the salary of a judge in those days, \$2,500 per annum (if we recollect rightly), was barely sufficient to support a family. With every change of administration, the judge was liable to lose his position.

Isaac Atwater, "Territorial Bench of Minnesota: Pt. I," *7 Magazine of Western History* 207, 208 (1887).

When Barber moved to Winona in 1874, he opened a new office and searched for new clients, especially difficult at age forty-eight. He was little active in the affairs of his new community.⁵⁰ He never sought employment by the roads and, more telling, never formed a partnership with a younger lawyer, an association that might have brought him financial rewards. Except briefly after arriving in Rochester in 1858 he always practiced by himself. He became a farmer, another solitary occupation. He was a loner. One wonders whether some of the reasons he never attained success at the bar after leaving the bench may also explain why he was not re-nominated for a second term in 1871.



VI. Obituary and Bar Memorials.

The Judge died on May 8, 1915, at age eighty-nine. The *Winona Independent* published his obituary the next day, borrowing extensively from a sketch published in the *History of Winona County, Minnesota* in 1913.⁵¹

Pioneer Judge is Called

⁵⁰ He helped for the county bar association and in 1881, with the endorsement of the Republican Party, ran for Probate Judge of Winona County but lost “by a large majority” to seven term incumbent Jacob Story. *Winona Daily Republican*, November 9, 1881, at 2.

⁵¹ *Winona Independent*, Sunday, May 9, 1915, at 6 (photograph omitted); the weekly *Rochester Post and Record* published his obituary on its front page, quoting extensively from the *Winona Independent*. May 14, 1915, at 1 (“Judge Barber is Summoned”).

**Lloyd Barber, Venerable Jurist,
Summoned at His Home After
Stroke of Paralysis on Satur-
day Night**

**As School Teacher, He
Studies Law in East**

**One of Minnesota's Earliest Fig-
ures Overtaken By Death—
Second Attorney Appointed
to District Bench.**

Judge Lloyd Barber, eighty-nine years old, one of the most picturesque and best known jurists in the northwest, died Saturday night at 10:25 o'clock at his home, 373 West Sanborn street. Death came after a stroke of paralysis, suffered a few days ago.⁵² He was the second judge of District court in this jurisdiction.

Mr. Barber was born in Bath, N. Y., January 11, 1826. His parents left the scene of his birth when he was ten years of age and took up their residence in Orange township, New York, where he lived until he was twenty years old. At that time, like many eastern young men, he started for the land of promise in 1846 and visited Galena, Ill. This city did not appeal to him and he returned to Elgin, in the same state, but was taken ill and returned to his New York home, where he remained until 1852.

⁵² This refers to a stroke Barber suffered on May 6. *Winona Republican-Herald*, May 6, 1915, at 8.

In that year he again sought the west and located in St. Paul but the Country held only cold comfort for him. Again the call of home overcame him and he returned east. He remained there six years this time and studied the law while engaged in the teaching of school during the winters. He took his law books to his room at night and the little oil lamp burned far into the morning as he read the works of Blackstone. He entered a law office in Bath soon after this. In 1858 he came west for the third time. He had friends in La Crosse and in Rochester and located in the latter city.

He remained in Rochester until 1874 practicing his profession, was appointed to the district bench while there by Governor Miller to succeed Judge Wilson who went to the state Supreme bench. The district at that time comprised the Counties of Wabasha, Winona Houston, Fillmore and Olmsted. Mr. Barber had been appointed to the office of county attorney previous to selection as a jurist and was prominent in legal circles of Rochester then a village of some 200 inhabitants. He had a varied legal career and tried almost every known kind of a case before thousands of jurors. He had been successful and since his admission to the bar in the Empire state in 1857 he had "lived in the law."

Here in 1874.

In 1874 he came to Winona. He opened an office here which he maintained for more than thirty-four years for the most part in the Morgan block.

The aged Jurist was married twice, his first entry into matrimony being in 1862 when he took Miss Mary J. DeBow of Almond N. Y., as his bride. The union terminated by the death of the young wife some five years after their marriage. A few years later he married his second and surviving wife, Miss Lucy Storrs in Long Meadow, Mass. There were three children born to them but all are deceased, all three passing away in their infancy.

No arrangements for the services have been made.



Memorials

Three memorials to the judge follow. The first was part of joint memorial services by the Winona County Bar Association on June 1, 1915, for Judges Arthur H. Snow, who died on May 15, 1915, and Judge Barber. The second was Charles C. Willson's eulogy of Judge Barber, delivered during the joint memorial services but not published in the *Republican-Herald's* account of those services; it was printed in the first volume of the *Minnesota History Bulletin* in 1916. The third memorial was presented at the annual meeting of the Minnesota Bar Association in 1915 by the Committee on Legal Biography.



Winona County Bar Association Memorial
From the *Winona Republican-Herald*,
June 1, 1915.

A MEMORIAL SERVICE HELD

**Bar of County Gathers
This Afternoon to Honor
Memories of Judge Snow and Judge Barber.**

ADOPT FORMAL MEMORIALS

**As Reported by Special Committee—
These Spread on Minutes of Court—
Appreciative Words are Spoken by Many Present —
Judge Granger Presides.**

The memorial services for the late Judges Lloyd Barber and Arthur H. Snow were held this afternoon in the court room at the court house. Judge George W. Granger presided.

Nearly all the members of the Winona County bar, members of the families of the deceased jurists, and numerous friends were present. The memorials, prepared by the committee appointed by the bar association, which committee consisted of Herbert M. Bierce, chairman, Robert B. Looby and J. M. George, were presented by the chairman, who spoke briefly in presenting them.

Following the reading of the memorials Charles C. Willson of Rochester, the oldest living member of the bar of the District, who had a personal acquaintance with Judge Barber and practiced before him, spoke of his life and ability. Other members of the local bar spoke in eulogy of Judge Snow and were followed by request by Rev. T. S. Devitt.

Judge Granger responded. The memorials were spread upon the records of the court and copies will be furnished members of the families of the two

jurists. The memorials adopted will be published in full in tomorrow evening's *Republican-Herald*.



**Winona County Bar Association Memorial (cont.)
From the evening *Winona Republican-Herald*,
June 2, 1915.**

**MEMORIES OF TWO GOOD JUDGES ARE
HONORED BY LOCAL BAR**

**Memorial Services for the Late Judge Arthur H. Snow
and the Late Judge Lloyd Barber at the
Court House Are Largely Attended and
Their Life Work Fittingly Eulogized
In Memorials Adopted—
Many Appreciative Addresses
Are Made.**

The memorial services held under the auspices of the Winona County Bar Association in memory of the late Judge Lloyd Barber and Arthur H. Snow, were largely attended by the members of the bar of the county and families and friends of the deceased jurists and other citizens.

The memorials were presented by the committee who had prepared them and were ordered spread upon the records by Judge George W. Granger and certified copies sent to the members of the families of the two jurists. In presenting them Herbert M. Bierce, chairman of the committee, spoke briefly concerning his relations with both men and then introduced Charles C. Willson of Rochester.

Judge Barber Eulogized.

Mr. Willson is the nesor of the bar of the three counties, having practiced law in this district before all the judges who have presided herein. He spoke as a personal and life-long friend of Judge Barber, whom he first met in Rochester in 1858. He spoke highly of Judge Barbers's legal attainment as a rugged practitioner of the earlier days and detailed the facts connected with the convention held in Winona to nominate a candidate on the Republican ticket for District Judge to succeed Judge Wilson, who had been named a member of the Supreme Court. "Winona county' he stated, "wished the judgeship, but then had a candidate for the United States Senate, the member of Congress and a member of the Supreme Court, so that the judgeship was assigned to Olmstead county." Judge Barber was nominated and defeated the late C. N. Waterman, who was nominated by the Democrats, but who, in turn, defeated Judge Barber seven years later when his term expired. On retiring from the bench Judge Barber moved to Winona and opened a law office. "His life was pure, his purpose noble, his conduct worthy of admiration" said Mr. Willson, in closing. Rev. W. C. Rice, also an early friend of Judge Barber's was in attendance.

. . . .

The committee in charge consisted of Herbert M. Bierce, Robert E. Lobby and J. M. George.

••••

[The Memorials to Judges Snow and Barber, adopted by the bar, were published in the newspaper. Barber's follows]

MEMORIAL FOR LLOYD BARBER

The late Judge Lloyd Barber may very properly be numbered among the pioneer lawyers and jurists of this state. He ascended the bench of the Third Judicial District, then comprising five counties, in September 1864, having been appointed to succeed the late Judge Thomas Wilson who ha[d] been elevated to the Supreme Court. Thus Judge Barber was the second Judge to preside in this district. Of the many district judges who have served throughout the State since 1850 only eight of them ascended the bench prior to the time when Judge Barber did. His service continued until January, 1872, when he retired and resumed the practice of the law. His service as judge was rendered at a time when a strong constitution, a determined will and a very ready knowledge of law of procedure were required. Judge Barber brought these attributes to the bench. Court conveniences in those days were few, there were no reporters and libraries were limited in extent, court trials proceeded slowly, the judge must necessarily assist in making a record for future reference as the basis for an appeal if desired and his decisions were later quoted as authority. To few men is allotted the opportunity to aid in building a State as was allotted to Judge Barber in helping build a judicial procedure and in dispensing justice between man and man in the more rugged days of the State. His career as a Judge brought him into almost every conceivable angle of court procedure and he presided over a variance of cases which involved the most important matters as well as some which were trivial. Appeals from his decisions as decided by the Supreme Court, are reported in the volumes of the Minnesota Reports commencing with volume ten.

Lloyd Barber was born in Bass, New York, January 11, 1826, and died in Winona, Minnesota, May 8, 1915, being eighty-nine years and three months old at the time. His youth was spent in the vicinity of his birth. After two trips to the then West, and returning twice to his home, during which time he taught school and studied law, he came West for the third time in 1858, and located at Rochester, Minnesota. He had been admitted to practice the year previous. In 1862 Judge Barber was elected County attorney of Olmsted County and in 1864 was appointed to the district bench. In 1874 he moved to Winona and there continued his practice of law, maintaining an office for more than 34 years. He retired from practice about a decade ago enjoying the fruits of a well-spent life and earning the rent which his services to state and clients entitled him to.

In addition to his practice, Judge Barber took an active interest in agriculture and owned a very large farm in Winona County and for a time he engaged in stock raising. Judge Barber first married Mary J. DeBow of Almond, N. Y., in 1862. After her death he married Lucy Storrs, of Long Meadow, Mass., who survives him.

To practically all of the living members of the bar of the district Judge Barber is known as a practicing attorney for he survived nearly all of those who knew him as a jurist. To many of us he was one of the past generation for we knew him only in his retirement. But to all to whom he was known, he was readily recognized as one had been earnest and sincere in his service to the people and to his clients, who had expressed a keen interest in his profession, who loved his home and his fellows and who was ever willing to be of aid to those who might ask it and to impart information of past events of which he had

knowledge. His call to a higher reward came as the fruition of a life well spent and well lived. A lingering illness troubled him and his death came quickly after a stroke.

When the January, 1915, General term of the District Court convened in Winona, it was the anniversary of the birth of Judge Barber.⁵³ He was in attendance and was greeted by Judge Snow and the members of the bar and he responded happily. Judge Snow extended to him the congratulations of the day and wished him continuing years of life provided he could be free from undue pain. It was but an indication of what to Judge Snow was experiencing but also showed the good health Judge Barber was enjoying. His sunset was a bright and golden one.



⁵³ As reported in the *Republican-Herald*:

JUDGE BARBER IS HONORED

**Congratulated on Eighty-ninth Birth Anniversary at
Opening of January Court Term.**

FIFTY-FIFTH TERM FOR SNOW

The January general term of the District court to Winona opened at 11 o'clock this morning with Hon. Arthur B. Snow presiding for the fifty-fifth time at a general term of court in Winona. . . .

Judge Barber Honored.

The presence at the opening of court of Judge Lloyd Barber, the day being his eighty-ninth birth anniversary, was recognized by a motion made by Judge S. H. Somsen, seconded by B. A. Man and unanimously adopted, that the court congratulated Judge Barber on his anniversary. The Judge was district judge for seven years ending in 1871, at a time when the district included Wabasha, Winona, Fillmore and Olmsted counties.

Winona Republican Herald, January 11, 1915, at 10.

Charles C. Willson's eulogy of Judge Barber was delivered during the memorial services of the Winona County Bar Association but was not published in the *Republican-Herald* on June 2, 1915. It was, however, printed in the first volume of the *Minnesota History Bulletin* in 1916.⁵⁴ Here it is.

LLOYD BARBER⁵⁵

May it please the court to listen to a few words from me in appreciation of our departed jurist, the Honorable Lloyd Barber.

I saw him for the first time in June, 1858, at Rochester, Minnesota, where he had just opened a

⁵⁴ Charles C. Willson, note 3. Footnote 55 is in Willson's original address.

⁵⁵ Memorial address delivered June 1, 1915, in the district court at Winona, Minnesota.

Lloyd Barber was born in Bath, Steuben County, New York, January 11, 1826. He visited Minnesota for the first time in 1852, spending some time in St. Paul; but as a favorable business opportunity did not present itself, he returned to New York, where he remained for the succeeding six years devoting himself to the study of law. He was admitted to the bar in 1857. The following year found him again in the West and he at length began the practice of his profession in Rochester, Minnesota. In 1862 he was elected county attorney of Olmsted County. In 1874 he removed to Winona and opened a law office which he maintained for nearly thirty-four years. In his earlier years Judge Barber was one of the most prominent men of the bar in the Northwest, and his decisions as judge were widely quoted. He was one of the incorporators of the Winona Bar Association, January 2, 1889, being named as vice-president. From the time of his coming to Minnesota Judge Barber was actively interested in agriculture. On his removal to Winona, he disposed of his two farms near Rochester, and in 1880 purchased a large tract fourteen hundred acres in Richmond township, Winona County, which he eventually developed into a stock farm. Mr. Barber was married in 1862 to Mary J. De Bow of Almond, New York, who died January, 1867. In the following year (February, 1868) he married Lucy Storrs of Long Meadow, Massachusetts. His death occurred at Winona, May 8 1915. Franklyn Curtiss-Wedge, *History of Winona, County*, 1: 273, 288 (Chicago, 1913); *Winona Independent*, May 9, 1915. —Ed.

law office. He was then about thirty years of age, a man in vigorous health and in high expectation of a useful and distinguished professional career. The country round about the town of Rochester was then being settled and preempted. Its limpid streams, its fertile soil, and its healthful skies beckoned the industrious to borders, there to acquire competence and content. A number [261] of lawyers, among others Stiles P. Jones, Colonel James George, Judge Elza A. McMahon, and John W. Remine, had already preceded him. They were all trained in the old common law practice and held in contempt the new code in which law and equity were merged, but Judge Barber had studied and practiced the Field code in New York where it originated and whence it came through Wisconsin into Minnesota upon the organization of the latter as a territory. His familiarity with this new practice gave him a decided advantage over old practitioners. He was also a man who spent all his spare time in study and, as a result, he was able to speak with precision and authority upon doubtful questions. Courts listened to him with marked attention, and his clients were inspired with confidence. He became the leader of the Olmsted County bar, and his name was honored at the bank.

On July 6, 1864, Thomas Wilson of Winona, first judge of third judicial district, was appointed by Governor Stephen Miller as a justice of the supreme court. A Republican judicial convention for the third district was then called by D. Sinclair, chairman, for September 7, 1864, at Winona, to nominate a candidate for judge at the approaching November election. Delegates were apportioned as follows: to Winona and Olmsted counties eight each, to Wabasha and Houston five each, to Fillmore nine. The convention met and nominated Judge Barber; there-

upon Governor Miller appointed him on September 12 to serve out the unexpired three and a half months of Judge Wilson's term.

There was much talk at the time of giving the nomination to Chauncey N. Waterman of Winona, inasmuch as he was considered equally well qualified and as Winona could be more conveniently reached by the lawyers of the district. But Winona already had Daniel S. Norton as a candidate for United States senator, William Windom as representative in Congress, and Thomas Wilson as a justice of the supreme court, and these sagacious statesmen deemed it unwise to take everything in sight for Winona. The Democrats of the district, however, nominated Waterman, although he was a Republican, but at the election in November Barber received the greater number of votes, and served his term of seven years with credit to himself and with satisfaction to the district.

The next convention for the third judicial district was held September 27, 1871, at Winona. Norton had been, in the meantime, elected United States senator and had served from March 4, 1865, until his death July 13, 1870; Wilson had resigned the office of chief justice July 14, 1869; and Windom had been chosen United States senator for the six-year term beginning March 4, 1871. Wabasha, Winona, and Houston counties now for the sake of convenience preferred Waterman for judge and he was nominated by the vote of these three counties. He was elected without opposition, and on January 1, 1872, Judge Barber's judicial career came to an end.

Soon afterwards Judge Barber removed from Rochester to Winona and opened a law office for general practice. But business did not come to him in satisfactory volume. A jurist retired from the bench

rarely returns to the conflict and struggles of the bar with that confident air and with that aggressive, partisan vigor usually exhibited by the practitioner and so satisfying to the militant and often revengeful feeling of his client. In his years of service on the bench he acquires a calm, meditative, and judicial attitude. He does not fight his adversary with that desperate valor of the soldier who has burned his ships behind him, and he usually fails as a general practitioner. He must secure permanent employment as general counsel for some railroad or other large corporation, or be driven out of remunerative practice by younger and more aggressive members of the profession. He learns too late the wisdom of the maxim that a lawyer should first acquire fortune by industry, inheritance, or marriage before accepting judicial honors.

Judge Barber was born and grew to manhood on a farm in Steuben County, New York, in the midst of a lofty and broken country, whose waters in part flow southward to Delaware Bay and in part northward to Lake Ontario and the Gulf of St. Lawrence. The hills lift their heads up to the higher currents of the sky, and the decaying mold, which trickles down their abruptly sloping sides, fertilizes the green valleys in between. Fortune was to the boy a stern and rugged nurse. Clad in homespun, he toiled early and late, in heat and cold. But dwellers amid such broken and lofty scenes acquire a love of home, a patriotic devotion to their firesides and green fields unknown to those who inhabit the dull, unchanging plains. Barber felt that love of his rugged home in all its magnetic force. He left Steuben the third time before he grew content to live elsewhere.

When his law business failed to be remunerative, he sold his level prairie farm six miles northeast of

Rochester and purchased some acres along the lofty bluffs eleven miles southeast of Winona. There among the towering hills he felt again that unspeakable satisfaction of his boyhood days, when in the old red schoolhouse he recited Sir Walter Scott's tale of that McGregor who would give his highland roof to the flames and his flesh to the eagles before he'd bow the head or bend the knee to the lowland lords of the plain below. He retained his residence and law office in Winona, but in later years the office was nearly always locked, and in 1908 he closed it and returned the key to his lessor.

His life was pure, his purpose noble, his conduct worthy of admiration. The Olmsted County bar in a body followed his remains to their last resting place in Oakwood Cemetery in Rochester, indulging a reasonable expectation that he, once their temporal judge, would find favor with the Judge Eternal.

CHARLES C. WILLSON

Rochester, Minnesota.

••••

At the annual meeting of the Minnesota Bar Association in 1915, the following memorial to Barber was given by the Committee on Legal Biography:

LLOYD BARBER

The late Judge Lloyd Barber may very properly be numbered among the pioneer lawyers and jurists of this state. He ascended the bench of the Third Judicial District in September, 1864, having been appointed to succeed the late Judge Thomas Wilson, who had been elevated to the Supreme Court. He was

the second judge to preside in that District. Of the many District Judges who have served throughout the state since 1850, only eight ascended the bench prior to the time Judge Barber did. His service continued until January, 1872, when he retired and resumed the practice of the law. He served as District Judge in the days when court conveniences were few, when there were no reporters and when libraries were limited in extent. Court trial proceeded slowly, the trial judge must necessarily assist in making the proper record for an appeal and he required a ready knowledge of law and procedure to properly conduct the court proceedings. Thus to Judge Barber was afforded an opportunity to aid in building a state, as his contribution was through his judicial service.

Judge Barber was born in Bath, New York, January 11th, 1826, and died in Winona, Minnesota, May 8th, 1915, being then 89 years of age. He located permanently in the West in 1858, was elected county attorney of Olmsted County in 1862, and ascended the bench in 1864. He moved to Winona in 1874, where he continued in the practice of law and the management of a very large stock farm. He retired from active work about a decade ago, enjoying the fruits of a well spent life and earning the rest which his services to the state and his clients entitled him. Judge Barber was twice married, and is survived by his widow, Lucy (Storrs) Barber, formerly of Long Meadow, Mass. ⁵⁶



⁵⁶ *Proceedings, Minnesota State Bar Association* 204 (1915).

VIII. Conclusion.

For reasons clouded by history most of the bar of the counties of the Third Judicial District believed that they could find a better judge than Lloyd Barber in 1871. The forum for his deposition was the Republican Party's Third Judicial District Convention. It was not unusual for an incumbent judge to be challenged and toppled at such a gathering. There were a few exceptional district court judges whose re-nomination was never questioned; all others knew they faced a greater risk of defeat at a judicial convention than in the general election. There was an odd insecurity in incumbency on the district courts of this state in the 19th century—as Lloyd Barber came to know.



Appendix

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The Third Judicial District Convention of the Republican Party

From Winona Daily Republican on September 5, 1864, at 2.

Third Judicial District Convention.

In pursuance of a call by the Union District Committee, this Convention met at the Court House in this city on Wednesday morning at 10½ o'clock. Upon being called to order Judge ABNER LEWIS of Winona was appointed temporary chairman, and E. McMURTRIE of Fillmore chosen Secretary.

After the appointment of the usual committees the Convention adjourned until 2 o'clock p. m.

On re-assembling in the afternoon the following delegates were found to be present and entitled to seats:

Fillmore County—N. P. Colburn, Luke Miller, W. P. Belding, M. McLarty, J. Day, H. A. Billings, A. H. Butler, E. McMurtrie.

Olmsted County—J. V. Daniels, G. W. Baker, L. B. Bliss, A. Harkin, H. Loomis, M. W. Clay, Chas. Morrill.

Houston County—D. Cameron, G. F. Potter, — Prentiss, — Craig.

Winona County—Abner Lewis, William Mitchell, E. A. Gerdtzen, S. H. Brown.

The county of Wabashaw was without a representation, owing no doubt to the delay in the arrival of its delegates. Only one half of the delegates from Winona county were in attendance. After some preliminary proceedings and considerable discussion upon receiving substitute delegates from the county of Wabashaw the Convention proceeded to the nomination of a candidate for Judge of the Third Judicial District. On the 1st, an informal ballot, the result was as follows:

L. BARBER, of Olmsted.....	12
C. G. RIPLEY, of Fillmore.....	10
C. N. WATERMAN, of Winona.....	1

The first formal ballot resulted as follows:

L. BARBER.....	12
C. G. RIPLEY.....	11

Whereupon L. BARBER, of Olmsted county, was declared the nominee of the Convention.

The chairman was instructed to make the appointment of a District Committee, when the Convention adjourned.

“Judge Barber's Successor.”

*From the Winona Daily Republican, July 24, 1871, at 2;
reprinted in The Rochester Post, August 5, 1871, at 1.*

Judge Barber's Successor.

It is understood that there will shortly be a meeting of the Republican Committee of the Third Judicial District probably on the 1st here of August in this city, to consult with reference to the time and place for holding a convention to nominate a candidate to succeed Judge Barber, whose term of office has nearly expired. Whilst a call may and doubtless will be issued by the committee at their approaching meeting, it is not probable that they will deem it advisable to have the nominating Convention held until late in September or early in October at least until after the Republican State Convention shall have been held. The Judicial canvass is not a partisan one in the common acceptation of the term, and it is neither necessary, therefore, nor expedient to furnish the opportunity for entering upon a protracted or heated campaign between the friends and adherents of whosoever may be the nominees of the two political parties respectively.

That these nominees will each be more or less identified with the organization which honors him with its confidence, and attached to its distinctive principles, there can be no doubt, for no man, possessing common intelligence and a human interest in the affairs of the State and country, can do less than sympathize with one or the other of the two great parties now contending for political supremacy in the land. But because this is true, it does not follow that the contest between the judicial representatives

of the two parties should partake of the spirit of acrimonious antagonism which too often characterizes the strife for purely political positions Nor will this spirit manifest itself in an offensive degree if the men chosen to represent the Republicans on the one hand and the Democrats on the other shall be such as, if elected, would do honor to the responsible office under notice.

Such men, even though possessing strong political convictions, would never permit the partisan to usurp the place or exercise the functions of the judge.

It is too early yet to point, with any degree of certainty, to the probable nominee of either party in this Judicial district. Some weeks ago, the question was broached by a few of our exchanges, but with no other result than to express the individual preferences of those editors who ventured to offer an opinion.

Judge Barber, it was generally understood, would be a candidate for renomination. A strong preference was indicated by some in behalf of Judge Wilson, whose former career on the bench in this district, as well as, subsequently, on the Supreme bench, was highly creditable to him. But Judge Wilson, we are assured, is not in the field and will not be.

The name of C. N. Waterman, Esq., of this city, was also prominently brought forward, and most favorably received by all who know anything of his solid legal acquirements and his exalted worth of private character. Now that the subject is about to come up for consideration in a more tangible and practical form, we deem it not out of place to say, what has hitherto been unknown, that C. J. Waterman, at the solicitation of his friends, has given

permission to make use of his name as a candidate for the Judicial nomination, and that in accordance therewith it will be presented to the Convention, when that body shall assemble, for such action as may then be regarded advisable. It is unnecessary to add here what is so well known not only to the legal fraternity but to the intelligent people of the district generally, that in all the qualifications essential to a Judge Mr. Waterman has no superior in the district and perhaps in the State.

In addition to the clearest perceptive faculties, he possesses a mind well stored with legal knowledge, and, what is more strongly requisite than even this, that unswerving sense of justice and of right without which both learning and ability are, in the judicial office, inefficient and powerless. With a candidate so well qualified and so favorably known as Mr. Waterman, the Republican party of this judicial district could enter upon the contest assured of triumph, while to the people of the district, regardless of political distinctions his nomination would be the strongest possible guarantee that with him neither guile nor injustice would seek concealment under the ermine.⁵⁷

⁵⁷ On the next page of this issue the *Post* editorialized:

We publish on our first page, a well-written article on the Judicial election, from the *Winona Republican*. It will be seen that it announces authoritatively the candidacy of Hon. C. N. Waterman, a gentleman who is fully deserving, both in point of intellect and character, of the commendations there given him.

Rochester Post, August 5, 1871, at 2.

The Fillmore County Bar's dinner honoring Judge Barber.

From the Winona Daily Republican, November 29, 1871.

Complement to Judge

On Wednesday of last week the members the Fillmore County Bar gave a complimentary Supper at Preston, to Judge Barber, who is about to retire from the Bench of the Third Judicial District. At the conclusion of the meal, Col. N. P. Colburn arose, and on behalf of his brethren of the Bar, addressed Judge Barber in a highly complimentary speech, expressive of the confidence and esteem in which His Honor was held by them, and their warm appreciation of his official character and services. In conclusion, Mr. Colburn read and presented to the Judge a copy of the following resolutions, which had been signed by every member of the Bar present:

***Whereas,* In view of the approaching retirement of the Hon. Lloyd Barber from the Bench as District Judge for, the Third District of Minnesota, we, the Bar Association of Fillmore County, in said district, desirous of attesting his worth and our esteem and confidence in him, do**

***Resolved,* That the prompt, impartial and never varying courteous manner with which, he has discharged the delicate and important duties pertaining to his high office, during the seven years he has administered the same, has won for him our highest**

regard and esteem, and we heartily regret the severing of our present relations with him;

Resolved, That during all the time he has served in discharge of his high trust, we are proud to attest that he has not been assailed by that breath of suspicion, or a word of calumny; that he lays down the ermine untarnished and spotless as when, invited by his fellow citizens, he assumed it, and is eminently entitled to that most distinguished and imperishable title, "the incorruptible judge."

Resolved, That should Judge Barber, through his just appreciation and the love he has for our noble profession again become a worker among us, we shall with pleasure and pride, welcome him to our ranks, grateful for the honor he will thus confer upon us, and for the advantages resulting to the bar through his learning, worth and ripe experience.

Resolved, That a copy of these Resolutions be given to Judge Barber, and also a copy, furnished for publication.

Judge Barber arose and made a brief but graceful response, expressing the sincere gratification which he felt on retiring from an office which he had held for seven years, in reflecting that his intercourse with the members of the Bar of the Third Judicial District had always been so cordial and pleasant, and heartily thanking them for their expressions of confidence and good will.

Judge Wilson, of Winona, being called upon responded briefly, cheerfully endorsing all that had been said and done in honor of the chief guest of the

evening who, he said, had honorably maintained the dignity and purity of the judicial ermine, and was entitled to a front seat in the ranks of the profession.

Hon. J. Q. Farmer was next called for and made a pleasant speech in a similar vein.

Mr. J. R. Jones, of Chatfield, was the next speaker. He said he had never believed in an elective judiciary; but in the election of Judge Barber he recognized an instance in which it had been a splendid success. The speaker said he had come to Fillmore county when the red man was in possession of its prairies, and he related some amusing reminiscences of judicial and legislative matters in early times.

Messrs. J. E. Atwater, H. B. Wells, Rev. D. H. Kiehl and Rev. M. D. Terwilligar also called out and made appropriate remarks, a report of which our limited space forbids.

After a short time spent in conversation the party broke up, and each one present departed with the feeling that the time had been pleasantly and profitably occupied. The *Preston Republican* speaks of the occasion as one of the happiest gatherings that has ever been enjoyed in that place.

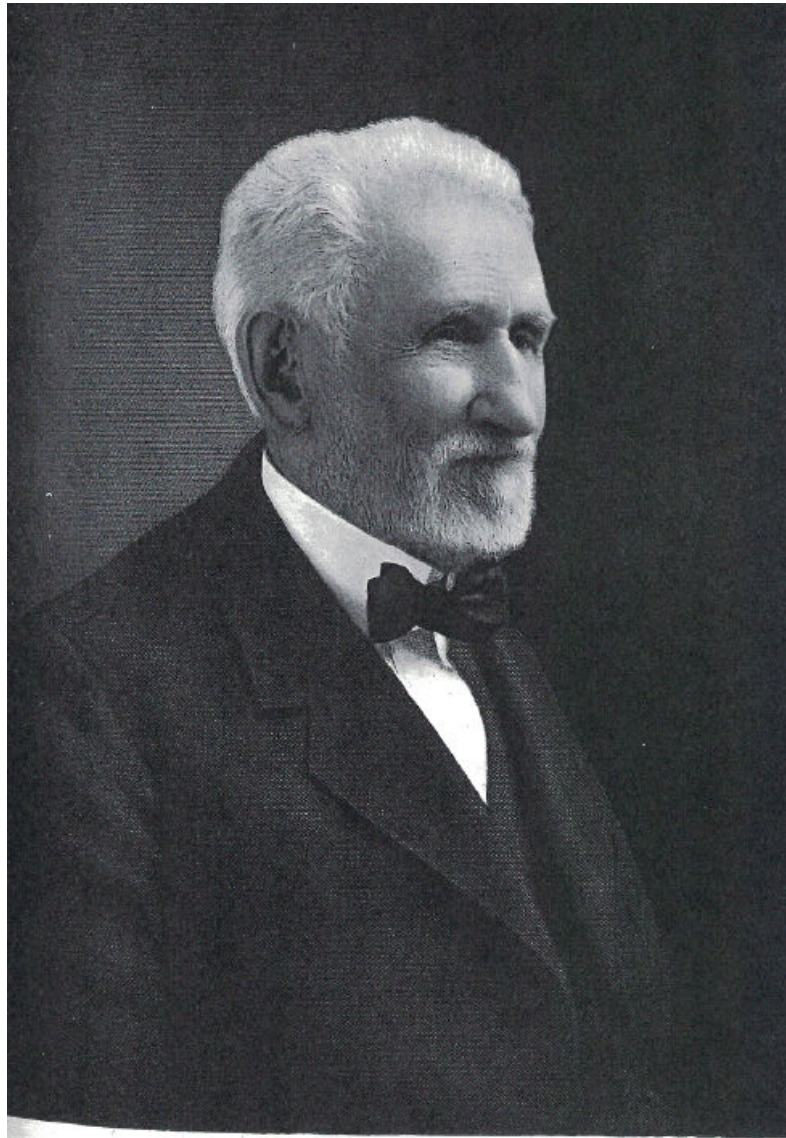
“Lloyd Barber”

**From Franklyn Curtiss-Wedge, ed.,
I *History of Winona County, Minnesota* 288-290 (1913).**

Lloyd Barber, jurist, was born in Bath, Steuben county, N. Y., January 11, 1826. His father, Nehemiah, a native of New York, was in early life a talented school teacher and afterward became a noted physician. His mother, Calista Seamans, was a native of Providence, R. I. Lloyd Barber lived his boyhood days for a time in the village of his birth, but when he was ten years old his parents took up their residence in Orange township, in the same county, where he lived until he was twenty years old.

In 1846 he started for the west. After a visit at Galena, Ill., which place did not especially appeal to him, he went to Elgin, in the same state, for a while. There he was taken ill, after which he returned to New York state, where he remained until 1852. In that year he again sought the west, and visited in St. Paul, he found that many settlers had staked out claims, but that it was impossible to actually purchase land there, for while the Indian treaties had been signed they had not yet been proclaimed, and Minnesota, west of the Mississippi was not opened to settlement. That city then had a population of 1,500 people. [289] Not just satisfied with the opportunities presented, Mr. Barber again returned to the East. This time he remained at home six years, taught school and studied law. He took his law books to his rooms at night, and the little oil lamp burned far into the

hours of the morning as he read Blackstone. In 1857 he was admitted to the bar, and practiced in Bath, N. Y.



Respy Yours
Lloyd Barber

In 1858 he came west for the third time. He had school acquaintances in La Crosse, Wis., and Rochester, Minn., and after due deliberation he decided to locate in the latter place, then a village of some 300 inhabitants. He was appointed county attorney of Olmsted county in 1862, and became prominent in the legal circles of Rochester. September 12, 1864, he was appointed judge of the Third Minnesota Judicial District, to succeed Judge Thomas Wilson, who had been appointed to the state supreme bench. In the fall he was elected. Judge Barber was the second man to act as judge of this district. The district at the time of Judge Barber's appointment consisted of Wabasha, Winona, Houston, Fillmore and Olmsted counties. Judge Barber retired from the bench December 31, 1871, after seven years and four months continuous service.

In 1874 he came to Winona, which was then one [of] the most prosperous cities along the river, having a population of nearly 10,000. He opened an office here, which he maintained for more than thirty-four years, mostly in the Morgan Block. He has resided in his present home at 415 Washington street, opposite the state normal school, for nearly thirty years.

Of Judge Barber it has been said: A jurist of the old school, an attorney made out of the whole cloth, who received his training through long hours of diligent and lonely study after his days in the schoolroom as school-master, is Judge Lloyd Barber, retired, who has been a conspicuous and picturesque figure, dominating as the presiding officer over a

leading branch of the judiciary of the state of Minnesota. At one time he was one of the most prominent men of the bar in the Northwest, and his decisions were widely quoted and served as references for a large number of young attorneys. His career in the legal profession, especially as the judge of the district court, has brought him into almost every conceivable angle of court procedure and he has presided over a variance of cases which have involved the most important cases, calling for the law's maximum penalties as well as the most trivial matters.

In describing the early days of Minnesota legal procedure the venerable jurist recalls that in those times there was no court reporter. Court proceeded slowly and the court made certain citations which were used in case of appeal. Hotel accommodations were very poor in the early days, many unique ways being devised for the care of the patrons of the landlord, sometimes as many as twenty sleeping in one room when court was in session.

Since Judge Barber first came to Minnesota, he has taken a great interest and active part in agriculture. While living in Rochester he owned two farms, one out six miles the country consisting of 240 acres, and one within a mile of the city limits of Rochester, containing 160 acres. After disposing of his farms in Olmsted county, he purchased, in 1880, a large tract of 1,400 acres in Richmond township, Winona county. This eventually emerged into a stock farm. Judge Barber erected on this tract two comfort-

able and roomy barns, an excellent farm residence, and many outbuildings. Aside from this, he equipped it in every way possible for the conduct of successful stock raising. At one time he had over 1,100 sheep and a herd of 160 cattle. From his sixty-five milch cows he furnished butter for fifty of the leading families in Winona. The farm is fenced and excellently adapted to its purpose. One of its notable improvements is a sheep shed 300 feet long. He rents the farm for cash, for while his interest is still in the place, his four score and seven years prevent his active participation in its management.

Although Judge Barber has been residing in Winona slightly less than forty years, he has been in touch with the Gate City for more than half a century, making many regular trips here while he was in Rochester. Transportation was an item of some speculation in the early days, and he recalls some interesting trips made before the advent of the railroads. In fact, he has a wide fund of information relating to the early times, and possibly no man in Winona has so rich a store of pioneer experiences.

Mr. Barber was first married in 1862 to Mary J. DeBow, of Almond, N.Y., and by this marriage was born one daughter, Grace, who died in Winona, September, 1881, aged 18 years. Mrs. Mary J. (DeBow) Barber died in January, 1867, and on February 6, 1868, Mr. Barber married Lucy Storrs, of Long Meadow, Mass. They had three children, all of whom died in infancy. Mrs. Lucy (Storrs) Barber was born at Amherst, Mass., April 29, 1829. She was a daughter of Eleazar William and Lucy (Colton) Storrs, natives of Long Meadow, Mass. For many years her

father was a prominent merchant. Mrs. Barber graduated from the Andover Academy, of Andover, Mass., after which she taught school many years. She first taught in the academy from which she graduated, later in the female academy at Buffalo, N. Y., and still later in a private school at Long Meadow, Mass. Two adopted children, Rose W. and Harry Storrs Barber, entered the Barber home in 1882 at the ages of eight and six years, respectively. They are both married. ⁵⁸ ■



This study of Lloyd Barber is part of a series of biographical portraits of district court judges who served in Minnesota in the nineteenth and early twentieth centuries. Others can be found in the “District Court Judges” category in the Archives of this website.



⁵⁸ “Lloyd Barber” in Franklyn Curtiss-Wedge, ed., *History of Winona County, Minnesota* 288-290 (1913). The photograph on the first page of this article is from this book.