

FERDINAND BARTA

(September 8, 1857 - July 22, 1928)

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1. Introduction

Ferdinand Barta was twenty-six years old when he began practicing law in St. Paul in the spring of 1883. He had read law with a firm in La Crosse, and was a member of the Wisconsin bar. As he built his practice, he also worked tirelessly for the Republican party. He was, in other words, a lawyer who also practiced politics. He was “an able linguist” who spoke “fluently the German, English and Bohemian tongues” — abilities which must have been valuable when he ran for the state legislature in the 1890s in a city enlarged by thousands of European immigrants.



2. Elections

In 1894, he ran to represent the Twentieth-sixth District in the Minnesota House of Representatives. It included the Fourth, Fifth and Sixth Wards, each of which had one representative. The results of the election on November 6, 1894, were:

Fourth Ward:

Henry Johns.....	1,292
Witt K. Cochran.....	958
Daniel Barnard.....	244

Fifth Ward:

Ferdinand Barta.....	1,203
George T. Reddington.....	980
Jas. M. O’Grady.....	393

Sixth Ward:

George B. Tallman.....	923
William R. Hawthorne.....	784
John F. Krieger.....	667
R. R. Richter.....	20 ¹

On November 3, 1896, he was re-elected to the House with 54.5% of the vote. The results were:

Ferdinand Barta (Republican).....	1,419
J. W. Douglas (Democrat).....	1,185 ²

¹ 1895 Blue Book, at 475, 594-95.

² 1897 Blue Book, at 495. His official biographical sketch provided:

FERDINAND BARTA (Republican) was born in Vernon county, Wisconsin, in 1857. He received a common and high School education at La Crosse, Wis.; studied law and was admitted to practice at La Crosse in 1882. The following

Two years later, he ran for the Senate in District 35, which covered Wards Five and Six. Though supported by the *Pioneer Press*, he was lambasted two days before the election by the *St. Paul Globe* for being a petty tax delinquent.³ On November 8, 1898, he narrowly lost to his Democratic rival, John Ives, a lawyer:

Ferdinand Barta (Republican).....1,947
John H. Ives (Democrat).....2,027⁴

While he did not seek elective office again, he remained active in the Republican party for the rest of his life. Indeed, when he died in 1928, he was identified by his profession and party affiliation.

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year, in May, he moved to this state, where he has practiced his profession ever since. He was a member last session, and is married.

Id., at 621.

³ The *Globe* editorialized:

John H. Ives for Senator

In recent editorials the Pioneer Press has instituted comparisons between the Democratic and Republican candidates for the legislature, and has demonstrated, to its own satisfaction at least, that the Republican candidates are immeasurably superior to their opponents. About some of these candidates the Pioneer Press must have been talking without any sort of examination into their fitness for office. Take, for instance, Mr. Ferdinand Barta, who is running for the senate in the Fifth and Sixth wards. Mr. Barta does not own a foot of real estate in this city and he is paying no sort of taxes in this municipality. The county records show that in 1891, 1892, 1895 and 1897 Mr. Barta failed to pay personal property taxes in amounts aggregating \$34. The records also show that four separate executions were made against him and returned unsatisfied. Mr. Barta, therefore, pays no taxes whatever, and the other people of the Fifth and Sixth wards have to pay more because of his shirking of the plain duty of every good citizen. Do the Voters of the Fifth ward want such a man in the legislature when they can vote for such a straightforward, honorable and brilliant candidate as John H. Ives? Mr. Ives made a superb record in the legislature and was foremost in the great fight for the retention of the state capitol when Mr. Eustis was trying to have it removed to Loring park, Minneapolis. Between the two candidates for the senate from the Fifth and Sixth wards there is indeed no comparison. John H. Ives stands the intellectual and moral giant alongside the pigmy tax dodger, Ferdinand Barta.

St. Paul Globe, November 6, 1898, at 12.

⁴ 1899 Blue Book, at 513.

3. An Act of Courage

The immediate cause of a murder or attempted murder may be love or jealousy, anger or revenge or, in an office in St. Paul on Wednesday, November 15, 1899, a \$5 lawyer's fee. The *St. Paul Globe* reported how that afternoon Attorney Barta courageously prevented Justice of the Peace Joseph Smith from being killed by a disgruntled litigant:

MURDERED AN OLD MAN

FRED F. GUION KILLS JAMES MILLER IN JUSTICE SMITH'S COURT

DOUBLE MURDER ATTEMPTED

The Life of Justice Smith Saved by
Attorney Ferdinand Barta, Who
Struggled With the Murderer—
The Victim an Inoffensive Veteran
of the Civil War—Friends of the
Murderer Claim He Is Insane.

Without apparent cause, Fred F. Guion, living at 258 East Water street, killed James Miller, of 166 East Fairfield avenue, in cold blood yesterday afternoon, blowing out his victim's brains with a shotgun, and in murderous rage also tried to kill Justice of the Peace Joseph Smith. That Guion did not kill Justice Smith was undoubtedly due to the interference of Attorney Ferdinand Barta, who grappled with the murderer as he leveled the gun for a second shot, after he had killed Miller, at Justice Smith and turned the weapon aside as it was discharged, sending the load of shot into the ceiling of the room, instead of into Justice Smith's body.

The tragedy took place at the office of Justice Smith, 89 South Robert street, shortly before 3 o'clock. Guion had half an hour before threatened to kill Justice Smith, and it is believed that was his object when he returned to the office with the shotgun. He had no quarrel with Miller, it is said, and deliberately murdered the old man without cause. The grievance which Guion cherished against Justice Smith grew out of a lawsuit in which the murderer was interested that was tried in the justice court some years ago and appealed to the district court. Justice Smith claims he had never wronged Guion in the least, and declares the grievance held by him was merely imaginative on Guion's part. The excuse offered by Guion's relatives for his action is that he was not in his right mind.

As nearly as can be learned the difference between Justice Smith and Guion arose last Saturday, when Guion visited the justice in connection with the old lawsuit. Guion desired to have the suit reopened and consulted Justice Smith, so the latter says, concerning the best course to pursue. It is said that Attorney J. V. I. Dodd had Guion's case in charge when it was in the district court, and Justice Smith says Guion asked him to confer with Mr. Dodd about reopening the matter. Justice Smith says he did this, and when Guion called upon him at about 2:30 o'clock yesterday afternoon he informed him that Attorney Dodd had said he was willing to take charge of the case again, but that a \$5 fee would be necessary. Guion was not pleased with this arrangement, Justice Smith says, objecting to the payment of the fee, and angrily declared he would not pay the money. Justice Smith says he was acting wholly as Guion's friend in the matter having consulted Attorney Dodd gratuitously, at Guion's request, and that there was no reason why Guion should have been angry at him. He says he apprised Guion of the legal aspect of the case and informed him that the fee was necessary which fact he says aroused Guion to a state of excitement in which he says Guion abused him and threatened to kill him. Then Guion left the office.

When Guion first visited the office of Justice Smith, James Miller, the murdered man, and J. P. Maynard were present. Miller and Guion were well acquainted, both having lived on the West side for years. Miller listened to the argument between Justice Smith and Guion, it is said without entering into the discussion. As Guion left the office, it is alleged he addressed Miller, calling upon him to remember what Justice Smith had said about the lawsuit. After Guion departed Justice Smith, Miller and Maynard indulged in some discussion of the case and Guion's actions, joking about his alleged threats to kill Justice Smith, and it was not believed Guion meant what he said

Shortly after Guion left the office Attorney Ferdinand Barta called to secure Justice Smith's signature to a legal paper. Justice Smith signed the document, and the four occupants of the room sat about talking together. Half an hour after Guion angrily left the office he reappeared in the doorway, armed with a shotgun. Those within saw him turn toward the doorway from the street and feared danger, but before they could decide what to do Guion had opened the door and stood just inside, with the gun already half drawn to his shoulder. Miler sat diagonally opposite from where Guion stood, with Justice Smith occupying a chair a short distance to the right of him, while Attorney Barta sat on the opposite of the table, near the door, and within a few feet of Guion. Mr. Maynard sat behind Justice Smith. Standing in the open doorway Guion slowly raised the gun to his shoulder, pointing it toward Justice Smith. Not a word was spoken. Suddenly, with a remark, Miller jumped from his chair and started toward Guion. A few

steps brought him directly in front of the shotgun. As he started to escape the line of aim Guion pulled the trigger. There was a deafening report, Miller threw up his hands and dropped over onto a platform forming the inside of the front show window, where he lay with blood pouring from his head. The full charge of shot struck him directly in the mouth passing through the head and scattering his brains about the platform.

So quick was Guion's act that no one had the opportunity to interfere with him or scarcely realize that he contemplated a cold-blooded, desperate deed, but with the sound of the first shot Mr. Maynard escaped into a room behind the office, while Justice Smith and Attorney Barta remained transfixed for a moment by the horrible spectacle. Apparently unmoved by the murder he had committed, Guion swung around, with the gun still at his shoulder, and leveled the weapon at Justice Smith. At this juncture Attorney Barta courageously sprang at Guion grappling him with one arm, while striking up the barrel of the gun with the other. There was a second loud report but Barta had acted in time. The charge of shot went upward into the ceiling tearing a hole in the plastering, and Justice Smith's life was saved. As Justice Smith saw Attorney Barta spring at the murderer he jumped up and went to his preserver's assistance. Guion at first made some show of resistance, but quickly quieted down in the grasps of Attorney Barta and Justice Smith, when the latter ran out of the door calling out that a murder had been committed within.

Patrolman Zimmerman, of the Ducas station, who was standing at the corner of Fillmore avenue and South Robert street, had heard the two shots and was running to the scene when Justice Smith gave the alarm. Rushing inside he found Attorney Barta still clinging to Guion, and at once placed the murderer under arrest. Guion retained possession of the shotgun, which was taken from him by Officer Zimmerman. On the way to the patrol box Officer Zimmerman took several shells from Guion's pockets. Guion was locked up on the charge of murder. By the time Officer Zimmerman returned to the scene of the tragedy there was a mob of morbidly curious people about the place, gazing with awe at the ghastly sight afforded by Miller's body, lying face upward in a pool of blood. Coroner Nelson was notified and at once visited the scene. After examining the body he ordered it removed to the county morgue, where an inquest will probably be held today.

The weapon with which Guion did the shooting is said to be his personal property. None of his relatives who were seen, however, would state where he had procured the shotgun before the shooting. It is believed Guion went directly to his home, after the altercation with Justice Smith, and returned directly to the office. Officer Zimmerman

says he saw Guion walking toward the justice's office, on Fillmore avenue, this being the natural route from Guion's home to the scene of the tragedy. Officer Zimmerman says he remarked to August Fitzer, deputy clerk of the county court, to whom he was talking at the time, that he was suspicious of Guion's presence on the street with the shotgun. Officer Zimmerman says he had no particular reason for such suspicions, but realized within a few moments, when he heard the two shots, that they were a sort of premonition.

Why Guion should have killed Miller, unless in a blind fit of rage, is a mystery to these who know both of the men. It is said that Miller was particularly friendly with Joseph Guion Sr., and frequently visited the latter's home. It is not known that Fred Guion and Miller ever had a disagreement. Miller's intentions, when he started toward Guion, as the latter held the gun leveled, are somewhat speculative. Either he intended trying to disarm Guion, or, thinking Guion was only trying to frighten those in the room, wanted to argue with him, or else was trying to escape from the room. Justice Smith thinks Miller, with the temerity of an old ex-soldier, boldly started toward Guion to take the shotgun from him. Attorney Barta, however, is of the opinion that Miller was attempting to dodge Guion and escape by way of the front door.

The murdered man was sixty-four years of age, had lived in St. Paul for twenty years, coming here from Burlington, Io. He was an old soldier, having served in the Civil war with a Wisconsin regiment, it is said, and was a member of Ackerpost, a local G. A. R. organization. He is not known to have any relatives in this city. He had lived at his present address for about eight years, but previously dwelt in a house boat on the riverbank. A son, who lived with him at this time, died ten years ago. Miller is said to have a daughter living in Nebraska, from whom he frequently received letters. He received a pension of \$10 a month from the government, and followed no regular occupation. In earlier days Miller was a river pilot. Occasionally he constructed row boats for private parties, or accepted any odd job he could get. Among his intimate acquaintances he was known by the nickname of "Snuffer Bill." Miller is said to have been a quiet, unobtrusive person, of jovial disposition, and was not known to possess an enemy.

Fred F. Guion, the murderer, was born and raised in St. Paul. He is a son of Joseph Guion Sr., a pioneer settler of this city, who is still alive and resides on the West side. The Guion family has been prominently identified with the West side since the early days. The murderer has five brothers, George, Vaso, Sam, Zinot and Joseph Jr. He is married and has four children, two sons and two daughters. Guion is forty-seven years of age, and is a lather by trade. When seen by a reporter for the Globe shortly after the shooting, Guion cursed and berated every one who came near him, being apparently in a vicious mood. He

professed to know nothing about the shooting, and when asked why he had killed Miller he charged his interrogators with "kidding" him, as he expressed it. Every other word he uttered was an oath. He bitterly abused Justice Smith, accusing him of every imaginable offense, but affected surprise whenever the shooting was referred to. He said he had a lawsuit on his hands, about which he had consulted Justice Smith, but only laughed and told those about his cell to go away and let him alone, when he was charged with killing Miller. In an outburst of rage he declared that who ever accused him of the murder was a G--d--d liar, and this was the only statement he could be induced to make.

Guion's relatives declare that he is not in his right mind, while some of his friends who saw him at different times before the shooting yesterday say that he was drinking heavily. It is claimed that his mental trouble dates from last winter, when, it is alleged, he was confined to his bed for some time, and thereafter complained of pains in his head.⁵

Guion first pleaded not guilty, but changed his plea at a hearing before District Court Judge Edwin A. Jaggard on January 25, 1900. He was represented by John Ives, who defeated Barta in the 1898 senate election, and to negotiate a plea agreement, also retained Christopher D. O'Brien, a former county attorney and mayor, and one of the city's most influential lawyers. He was sentenced to life in prison. The *St. Paul Globe* carried the story:

TO PRISON FOR LIFE

THAT IS THE SENTENCE FIXED BY
THE CODE FOR GUION'S
CRIME.

MURDER IN SECOND DEGREE.

On Account of the Difficulty of Proving Premeditation,
He Was Permitted to Plead Guilty to Murder in
the Second Degree When the Case Came Up for
Trial Yesterday.

Frederick Guion, indicted for murder in the first degree, for the killing of James Miller, Nov. 15, 1899, changed his plea of not guilty yesterday and pleaded guilty to murder in the second degree. The prisoner, when arraigned before Judge Jaggard, appeared as cool and collected as though he was an uninterested spectator in the court room.

⁵ *St. Paul Globe*, November 16, 1899, at 2.

He was represented by C. D. O'Brien and John H. Ives, and after the plea had been made, the prisoner was remanded for sentence which will be pronounced this morning. The punishment for the crime to which Guion pleaded guilty is fixed by the code at imprisonment for life in the state penitentiary. County Attorney Bigelow said he was satisfied with the change. It would have been a hard matter to convict Guion for murder in the first degree, owing to the peculiar circumstances of the case. The intent of Guion to kill one man and then killing another, the county attorney thought, made doubtful a proof of meditation in the killing of Miller. The crime for which Guion will be sentenced today was committed in the office of Justice Smith, on the West side, Nov. 15 last. Guion had a grievance against Justice Smith and in a fit of rage he went out of the court and returned with a shotgun. When he entered the office, Justice Smith, Attorney Ferdinand Barta and James Miller, the murdered man, were present. Miller stepped toward Guion when the gun was discharged and Miller fell to the floor dead. Guion fired a second shot, but Attorney Barta grappled with him and the charge went into the ceiling.⁶

Guion's petition for a pardon was denied by the state Pardon Board three years later.⁷

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4. Profiles

Four biographical sketches of Barta were published around the turn of the century, two before and two after. Not one states that he worked in a firm or names his partners, suggesting that he was a sole practitioner or that his associates were not well known. His elections to the state house in 1894 and 1896 are cited but not his defeat for the senate in 1898. His work for the party is invariably listed among his activities.

4. a. *Progressive Men of Minnesota* (1897).

Ferdinand Barta is a St. Paul attorney and prominent Republican politician of Ramsey County. He was born September 8, 1857, in the town of Union, Vernon County, Wisconsin. His father was Joseph M. Barta, who came to the United States from Bohemia in 1849, and later settled on a farm in Wisconsin and from 1865 devoted his attention to

⁶ *St. Paul Globe*, January 26, 1900, at 2.

⁷ *Minneapolis Journal*, July 15, 1903, at 8.

the invention and perfection of a twine binder, in which he was successful. His mother's maiden name was Mary Holak. Mr. Barta received his education in the public schools in the vicinity of his home. Like most western boys of the time he was obliged to do much for himself at an early age. From his seventeenth year he studied and taught alternately and in this way managed to keep up with his class and secure a full course in the high school at La Crosse. From 1880 to 1882 he studied law in the office of Howe & Tourtellotte, and held a clerkship under Leonard Lottridge for a year prior to his admission to the bar in November, 1882. In May, 1883, he decided to seek a new location in the west. Stopping in St. Paul, he determined to locate there, opened an office and has maintained a successful practice ever since. Mr. Barta has been a Republican ever since he attained his majority. Soon after coming to St. Paul he began to take an active part in the political affairs of the city and county and was for six years a member of the city and county Republican committees. His first candidacy for office was for the legislature from the Fifth ward of the city of St. Paul in the fall of 1894, for which office he was elected, although the district had a normal Democratic majority of five hundred. While in the legislature he devoted his time to hard and effective work in the interests of his constituents, being a member of several of the more important committees. He was re-nominated for the office without opposition in 1896 and was re-elected. Mr. Barta is a member of the Masonic fraternity. He was married in January, 1888, to Miss Lena Brings, daughter of Joseph and Lucy Brings, who were early settlers of St. Paul. They have one son, whose name is Joseph.⁸



4. b. *St. Paul Pioneer Press* (1899).

On November 9, 1899, the *St. Paul Pioneer Press* published a special edition commemorating its first fifty years. Among the many articles was a history of the courts and lawyers of Ramsey County, which included the following profile of Barta:

Ferdinand Barta.

Mr. Barta was born at Union, Vernon county, Wis., Sept. 8, 1867, attended the common and high schools there and engaged as a

⁸ Marion D. Shutter & J. S. McLain eds., *Progressive Men of Minnesota* 503 (1897). It is subtitled "Biographical sketches and portraits of the leaders in business, politics and the professions; together with an historical and descriptive sketch of the state."

school teacher in order to obtain the means of his higher education. After his high school graduation and several terms as teacher, he entered the office of the prominent law firm of Howe & Tourtelotte, at La Crosse, Wis. He was admitted to the bar there in 1882, and in the following spring came to St. Paul and opened an office, beginning the practice of law and soon building up a large and successful practice. He has since devoted his attention to this business with such ability as to secure himself well-deserved recognition as a thoroughly able practitioner and a wise and faithful counselor. He has also attained prominence in politics as a Republican, and was elected in 1894 and from 1896 as member of the legislature from the Fifth ward of St. Paul. Mr. Barta is not only a well-read and studious lawyer, but is a man of a wide range of knowledge on other subjects and is an able linguist. He adds to intellectual and attainments excellent social qualities, is a member of the Commercial club and interested in all measures for the material welfare of St. Paul. Mr. Barta's offices are at rooms 54 and 55, of the Court block, 24 East Fourth Street.⁹

4. c. *Past and Present of Saint Paul, Minnesota* (1906)

The longest profile appeared in a collection of biographies published in 1906 by William B. Hennessy, who had been a reporter for the *Pioneer Press*, an editor of the *Globe*, and a member of the state House in 1899. As he wrote or edited this self-sketch, Barta borrowed freely from the two earlier ones.

Ferdinand Barta, who early displayed the elemental strength of his character in that he provided for his own education and who as the years have passed has fulfilled in his professional and political career the promises of his youth, was born in Union, Vernon county, Wisconsin, September 8, 1857. At the usual age he entered the public schools and continued his education therein until he had completed a high-school course in his native town, being graduated with the class of 1879. His choice of a life work falling upon the profession of law, he became a student in the office of Howe & Tourtelotte, attorneys of La Crosse, Wisconsin, and in 1882 was admitted to the La Crosse bar. Between the ages of seventeen and twenty-two he had taught school and by applying himself to this work had earned the means whereby he was enabled to prosecute his law studies. His early ambition – a most laudable characteristic – has continued with him and has been a motive element in his later success. In 1883 he came to St. Paul, where he entered upon the practice of law and soon built up a profitable business, securing a large clientage of a distinctively representative character.

⁹ *St. Paul Pioneer Press*, November 9, 1899. The complete article is posted as “Bench and Bar of St. Paul (MLHP, 2013).

In 1894 he was prevailed upon to enter the political arena and was nominated at the county convention for representative to the state legislature from the fifth ward of St. Paul, which is a recognized democratic stronghold and although Mr. Barta is a stalwart republican he was elected by a substantial majority, which is a proof of his personal popularity and the confidence reposed in him by the general public. That his service was highly commendable and furthered the interests of the commonwealth is indicated by the fact that he was re-elected in 1896. He is a man of extensive reading and broad general information and a linguist of considerable power, speaking fluently the German, English and Bohemian tongues. He is thus enabled to address audiences of the different nationalities in their own language upon the questions and issues of the day and he presents his cause with a force and logic that never fail to leave an impression on the minds of his auditors and seldom fail to produce results.

Mr. Barta was married in St. Paul in 1888 to Miss Lena Brings. He is a member of the Masonic fraternity and socially as well as professionally and politically he is popular.¹⁰

4. d. *Book of Minnesotans* (1907).

The *Book of Minnesotans*, edited by Albert Nelson Marquis, was a collection of short biographies of the "leading men of Minnesota." He later published collections under the title *Marquis Who's Who* that eventually became famous as *Who's Who in America*. The subject of the sketch paid to have his or her profile published.

BARTA, Ferdinand, lawyer; born at Union. Vernon Co., Wis., Sept. 8, 1857; son of Joseph M. and Mary (Hollak) Barta; educated in grammar and high school. La Crosse, Wis., graduating from latter, 1879. Admitted to the practice of law at La Crosse, 1882; removed to St. Paul, Minn., May, 1883; where he has ever since been actively engaged in the practice of the profession. Republican. Member Minnesota State Legislature, 1895-97. Member American and Minnesota State Bar associations. Mason. Married at St. Paul, 1888, to Miss Lena Brings. Office: Court Blk. Residence: 178 Goodrich Av., St. Paul.¹¹

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¹⁰ W. B. Hennessy, *Past and Present of St. Paul, Minnesota* 627 (1906).

¹¹ Albert N. Marquis, ed., *The Book of Minnesotans: A Biographical Dictionary of Leading Men of the State of Minnesota* 32 (1907).

5. Obituary

Barta died on Sunday, July 22, 1928, at age seventy. A short notice of his funeral services appeared in the *Pioneer Press* two days later:



Funeral services for Ferdinand Barta, 1357 Ashland avenue, attorney and active Republican who helped found the Lincoln club 34 years ago, will be held at 2 P. M. today at the Listoe & Wold Chapel, 150 West Fourth street. He died Sunday while on outing at Big Marine lake. He was 70 years old.¹² ■

¹² *St. Paul Pioneer Press*, Tuesday, July 24, 1928, at 8.

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