

Charles J. Bartleson

(April 3, 1844 – February 24, 1913)



Charles J. Bartleson, a 28 year old Civil War veteran, moved from Illinois to Minneapolis in May 1872 with his wife of one year. He was admitted to the Illinois bar in 1867 and had five years of experience when he set up shop in Minneapolis. For the next 40 years he practiced law in Minneapolis, usually with a partner. He was not a trial lawyer, preferring corporate and real estate work. He joined several prestigious organizations, the Minnesota Academy of Natural Sciences, Minnesota State Bar Association, Commercial Club, the Minnetonka Yacht Club, the Grand Army of the Republic and the Minneapolis Club among others.

He and his wife Harriet had four children, three daughters and one son. In the mid-1890s, his daughter Mabel inadvertently brought him publicity of the sort lawyers take pains to avoid.

In 1895 he was a witness in one of the state's most infamous murder trials—that of Harry Hayward for killing Kitty Ging. On December 6, 1894, just three days after Ging's murder, Hayward, a friend of the Bartleson family and already a suspect, was questioned by the mayor and police, which led Bartleson to burst into their meeting and advise him to stop talking and hire a lawyer.¹ Hayward later retained William Erwin, a famous criminal defense lawyer of the era, to represent him.

Bartleson testified at trial that on the night of the murder, Hayward suddenly appeared at his home and took Mabel to the theater (thereby attempting to create an alibi). He also questioned him about two life insurance policies. The following is a newspaper account of Bartleson's testimony:²

"Now, did you see Harry Hayward that night?"

¹ Walter N. Trenerry, *Murder in Minnesota: A Collection of True Cases* 142 (Minn. Hist. Soc. Press, 1962)("Investigations into the murder went on. Hayward continued to cooperate, meeting the police and the mayor and talking without reserve. On December 6, 1894, Attorney Charles J. Bartleson, father of Harry's friend Mabel, burst into a conference in which Hayward was holding forth at length to the mayor. Bartleson told Harry sharply that he should have better sense and, furthermore that the time had come for him to get a lawyer. That afternoon Harry and his brother, Adry, were arrested and charged with first degree murder.").

² *St. Paul Daily Globe*, February 16, 1895, at 2 ("Attorney Bartleson – The time at which Hayward Arrived at his Home").

"I did. He came to the door and my daughter Mabel went to the door. They had a little talk and then Mabel said: 'Mamma, Harry wants me to go to the theater. Is there time?' I looked at my watch and Mrs. Bartleson at the clock, and it was between five and three minutes before 8. I think four minutes would be a fair estimate. Mrs. Bartleson said, 'I think there's plenty of time. It is not yet 8 and the play does not commence till 8:15.' My daughter then said, 'I'll go,' and went up stairs to get ready."

...

Mr. Bartleson said Hayward had consulted him in regard to two life insurance policies in his capacity as an attorney. Witness also said that Hayward appeared quiet and natural. He remembered that he threw off his overcoat as the room was quite warm."

He did not notice that he was perspiring any.

"What time in the evening did your daughter return?"

"About a quarter to 11."

After a lengthy trial, Hayward was convicted on March 8, 1895, and hanged on December 11, 1895.³

For much of the 1890s Bartleson was also engaged in the Northwestern Guaranty Loan Company case. He represented Louis F. Menage, the president of the company when it failed in 1893. Inevitably the company's finances were investigated and Menage suspected of causing the collapse. Bartleson was in the thick of it, according to this newspaper story on October 3, 1893:

The Grand Jury Resumes Its Investigation Today.

³ Walter N. Trenerry, note 1, at 152-153. See also "Kitty Ging's Buggy Ride," a chapter in Steward H. Holbrook, *Murder Out Yonder: An Informal Study of Certain Classic Crimes in Back-County America* 69-93 (MacMillan Company, 1941).

Interest in the Northwestern Guaranty Loan company's affairs continue unabated. Yesterday C. J. Bartleson declined to discuss the matter of his correspondence with John H. Burke, who has proven such "a burr in the wool" of that company, whose destinies were presided over by Louis F. Menage. Mr. Bartleson was Menage's attorney, and averred that his statements as to the soundness of the company were true when he made them. As to the worthless notes of the company which had been placed in circulation, Mr. Bartleson said he had no knowledge. He claimed also that the directors were ignorant of their existence, except those of them who held official jobs. He thought that if any of the bogus stuff ever showed up at any gathering of the directors it must have slipped through, sort of "unknownst," as it were. This morning the grand jury will set its mill to grinding again, and if all reports are true, the Guaranty Loan muddle will furnish plenty of grist. This will grind out some additional indictments, it is thought. The members of the grand jury, so rumor alleges, are not entirely harmonious in their views as to the liability of those connected with the company who held subordinate positions. So far as the officers are concerned, there is apparently overwhelming evidence as to the commercial paper against those officers who are already carrying the onus of indictments. When express packages containing the doubtful paper would come to the company's office, Menage, the arch expert, would open them. When he was away his lieutenant, William S. Streeter, would perform the office.⁴

Manege was indicted but then disappeared. Rewards were offered for his return. The following year he was found living in Central America under an assumed name. But he refused to return. Years passed. Finally, in June 1899, he returned, was taken to his lawyer's office and then to the courthouse where he pleaded not guilty to three charges. The *Globe* carried the story:

⁴ *St. Paul Daily Globe*, October 3, 1893, at 3.

Immediately upon his arrival in Minneapolis Mr. Menage proceeded to the office of C. J. Bartleson, in the Guaranty building, and then, accompanied by Bartleson and Mr. Hale, went before Judge Elliott in chambers, and was immediately arraigned on the three charges which have now stood against him for nearly six years. He pleaded not guilty to each charge, was bound over for trial at the September term of court, under \$10,000 bond, and then retired with his attorney.

...

Mr. Bartleson announced that Mr. Menage would have other counsel.⁵

Events in the intervening six years helped Menage's defense. Witnesses had died; financial records had been returned to banks around town; and most significant, his co-defendant, William S. Streeter, had been tried twice and each ended in a hung jury. In December 1899, Hennepin County Attorney Louis A. Reed dismissed the three charges against Menage.⁶

In 1897 he placed the following sketch in *Progressive Men of Minnesota*, a heavy, over-sized compendium of portraits of men who were successful in business, politics and law:

Charles J. Bartleson was born April 3, 1844, at Macomb, Illinois, the son of Charles Mahelm Bartleson, of German descent, and Mary Ann Airey (Bartleson), of an old English Quaker family, whom Charles Mahelm married at Liverpool. Charles M. spent many years in successful navigation as the commander of a packet ship. Mrs. Bartleson sailed with her husband for several years, their home meanwhile being established at Philadelphia. In 1837 Captain Bartleson determined to quit the sea, and removed to the far West, settling at Macomb, Illinois. Here Charles J. Bartleson was

⁵ *St. Paul Globe*, June 29, 1899, at 3. Bartleson withdrew as Menage's counsel because he was not a criminal defense lawyer.

⁶ *St. Paul Globe*, December 12, 1899, at 3 ("Field Day for Menage. Indictments Against the Guaranty Loan Man are Nollod").

educated in the public schools and in the old McDonough College, then an institution of some note.

In 1861 he enlisted in the Second Illinois Cavalry and served with the Western army in Grant's campaigns up to the siege and surrender of Vicksburg, when he went with his command to the Department of the Gulf and served



with General Banks in his Red River campaign. Mr. Bartleson was slightly wounded at Vermillion Bayou, Louisiana, but boasts that his three years of rough riding in the army was the making of him physically. At the close of the war Mr. Bartleson began the study of law in the office of John S. Thompson, at Aledo, Illinois. He was admitted to the bar in April, 1867. He then practiced his profession in that city for five years

in connection with his preceptor, Judge Thompson, at which time he removed to Minneapolis, and has since been engaged in the practice of law at this point.

While not desiring to be regarded as a specialist, he has been chiefly interested in the law and litigation pertaining to real estate, in which he is considered well equipped, especially with reference to the decisions of our own courts bearing upon that branch of the law. Mr. Bartleson is not a promoter of litigation. On the other hand he takes more pride in so advising his clients in the conduct of their business as to avoid unnecessary controversy than in litigation of causes, and consequently is commonly on the defense and less frequently in court.

In politics, Mr. Bartleson is a Democrat. He has, however, never held a political office and has no aspirations in that direction. He is a member of the Minneapolis Club, the Commercial Club, the Minnetonka Yacht Club and the G. A. R. He was married May 9, 1871, to Harriet Newell Wright, and has three daughters and one son, Mabel, Blanche, Maud and Charles Albert.⁷

In 1902, at the age of 58, Bartleson ran for judge on the Fourth Judicial District Court with the endorsement of the Democratic party. His opponent was the Republican incumbent David F. Simpson, 42 years old, who was elected to the court in 1896. Simpson had served as Minneapolis City Attorney from 1893 to 1897. Bartleson campaigned on his war record: he served three years in the cavalry of the Northern army during the Civil War, and was wounded in the battle of Vermillion Bayou, Louisiana, on April 17, 1863. For many Minneapolis voters, however, "the war" meant the recently won Spanish-American War not the 40-year-old War of Rebellion.

Bartleson ran on the party ticket but also placed his own advertisements in city newspapers. Publishing a personal advertisement by an individual candidate for a district court judgeship was relatively new. For most of the nineteenth century a candidate for judicial office was listed with those for sheriff, coroner, register of deeds, etc., on the party ticket for county offices published in a local newspaper. It was not until 1912, when nonpartisan judicial elections were mandated, that candidates were freed from the strangleholds of political parties. The following ad by Bartleson took up about one-quarter of a page of the evening *Minneapolis Journal* on Saturday, November 1, 1902:

⁷ Marion D. Shutter & J. S. McLain eds., *Progressive Men of Minnesota* 493-494 (Minneapolis Journal, 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."

POLITICAL ANNOUNCEMENTS.



CHARLES J. BARTLESON
Candidate for Judge of the District Court.

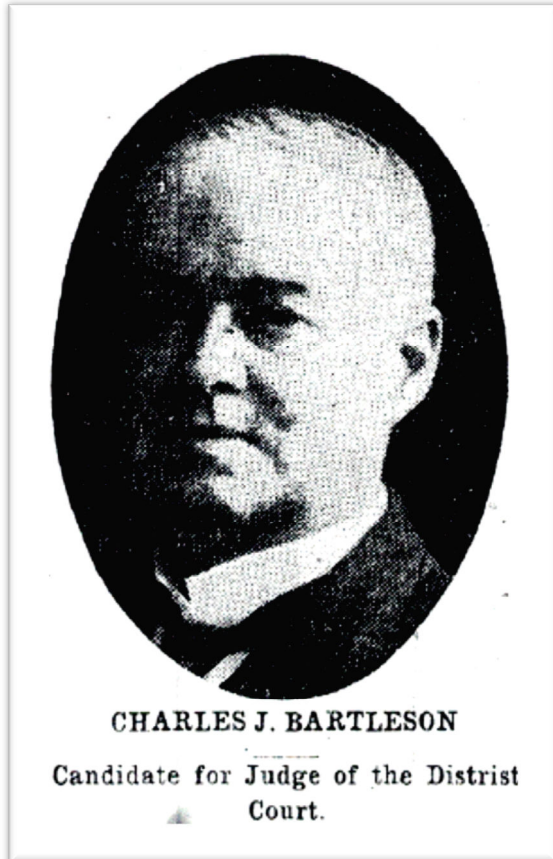
Hennepin county—a separate judicial district, has reason to be proud of its candidates for District Judge. For this campaign the office is practically eliminated from politics.

Mr. Charles J. Bartleson, the democratic nominee, is especially well fitted and equipped for the duties of the office. He served throughout the civil war in the regiment of which Colonel Hicks was adjutant. The carbine and sabre were his weapons, shield, armor, coat-of-arms and badge of American citizenship through his entire term of service. The four years'

campaign was of itself a liberal education.

When mustered from service he completed his academic course by resuming the routine of study, where he left it when he enlisted. He afterwards read law in Illinois. In 1872 he became a citizen of Minneapolis, and for the thirty intervening years, has not only successfully practiced his profession, maintaining high standing at the bar, but has been equally active and efficient in the discharge of the varied duties of citizenship. He is able, patriotic, judicially fair, without bias, and if elected, will add grace, dignity and learning to the bench of our county.

The ad on the left, below, is part of a column of sketches of Democratic candidates for county offices in the evening *Minneapolis Journal* on Monday, November 3, 1902. On the right, the Democratic County Ticket was published in the *Irish Standard* on October 11, 1902.



DEMOCRATIC COUNTY TICKET.

For Congress Fifth District—
John Lind.

For Judge District Court—
Charles J. Bartleson.

For County Auditor—
William H. Williams.

For County Treasurer—
Edwin P. Capen.

For Register of Deeds—
William C. Corbett.

For Sheriff—
Edward J. Conroy.

For County Attorney—
Louis R. Thian.

For Judge of Probate—
John H. Long.

For Coroner—
Dr. Samuel Musgrave.

For County Commissioners—
2nd Dist., Matthew Walsh.
4th Dist., Peter Weingart.

A rectangular box containing a list of Democratic candidates for county offices. The text is arranged in a list format with each office and candidate on a separate line. The box is titled "DEMOCRATIC COUNTY TICKET."

The major Minneapolis dailies, both Republican organs, endorsed Simpson. The *Journal* editorialized:

Judge David Simpson who seeks re-election as district judge is a good lawyer and a painstaking and impartial judge. It is especially important that judges should feel that faithful performance of duty will be recognized and rewarded by the people. Judge Simpson is most emphatically entitled to re-election on his record, to say nothing of his personal qualifications and excellences.⁸

The morning *Tribune* also endorsed Simpson, also without mentioning Bartleson:

There is little fear as to the success of the Republican in this county and state in the coming election. This is especially true as to the office of district judge where the Republican candidate is being opposed in only in a formal way which does not partake of the nature of the real contest. Still the active contests as to the other offices are liable to distract attention from a proper consideration of the opposing candidates for the district judgeship. David F. Simpson was elected district judge six years ago on the Republican ticket. He entered upon his duties in that office after several years of experience in the practice of law and in the office of city attorney, where his ability as a lawyer was fully demonstrated. During his term as judge he has proven himself the possessor of those rare and peculiar qualities which are necessary for the incumbent of a judicial position. He has been able, conscientious and fair and his conduct of the trial of cases and his rulings and decisions have marked him as one of the ablest of the judges who have ever sat upon our district bench. Among the most valuable qualities which a judge can possess are those which come from experience in a judicial position. Judge Simpson has the natural traits of mind and temperament which qualify him to fulfill the duties of a judge and in addition to that he has the judicial training

⁸ *Minneapolis Journal*, Saturday, November 1, 1902, at 4.

and experience which his six years of service upon the bench have given him.⁹

While the *Tribune* emphasized Simpson's experience, *The Irish Standard* preferred Bartleson's election because that would equalize the number of Democratic and Republican judges in Hennepin County:

He is well fitted for the position to which he now aspires and the voters of Hennepin county will chose wisely if they select Mr. Bartleson to a position on the district bench to work in connection with the other two sterling Democrats, Judge Brooks and Judge Pond, in administering the affairs of justice. Mr. Bartleson ought to be elected for many reasons. He is honest and fearless in the discharge of his duties, has the ability and all the necessary qualifications for the place and by selecting him the district would be equally divided as it properly should be, by having three Republicans and three Democrats.¹⁰

It was not an argument that appealed to Republican voters as became clear when the votes were counted. 1902 was a Republican year. Governor Samuel R. Van Sant was re-elected to his second term by a wide margin.¹¹ The gubernatorial vote in Hennepin County mirrored that for district court judge, suggesting that fairly strict party-line voting was the order of the day. Van Sant received 21,905 votes in the county to Democrat Leonard Rosing's 15,177, with four minor party

⁹ *Minneapolis Morning Tribune*, November 1, 1902, at 6.

¹⁰ *Irish Standard*, October 25, 1902, at 5 (photograph omitted). The editorial is a reminder that one solid brick in the structure propping up the judicial selection process in the nineteenth century and first decade of the twentieth was party politics.

¹¹ The statewide results of the gubernatorial election were:

Samuel R. Van Sant (Republican).....	155,849
Leonard A. Rosing (Democrat).....	99,362
Charles Scanion (Prohibition).....	5,765
Thomas J. Meighen (People's).....	4,821
Jay E. Nash (Independent).....	2,521
Thomas Van Lear (Socialist Labor).....	2,570

candidates picking up about two thousand.¹² The results of the election for the district court on November 4, 1902 were:

David F. Simpson (inc. & Republican).....21,252
Charles J. Bartleson (Democrat).....13,220 ¹³

It was probably with some relief that Bartleson returned to practicing law with Clarence Paul, his partner. Two years later he placed the following biographical sketch in the first volume of Hiram Stevens's *The History of the Bench and Bar of Minnesota* :

Charles J. Bartleson, of the Minneapolis bar, is among the early lawyers who came to Minnesota in the pioneer period, and has ever since devoted his time to the law. He was born at Macomb, Illinois, April 3, 1844. His parents were Charles Mahelm Bartleson of German descent, and Mary Ann Airey, of an old English Quaker family.

Charles J. Bartleson was educated at the public schools of his native town, which was supplemented with a collegiate course at the old McDonough college, of that place, an institution of considerable prominence in those days.

In 1861 when President Lincoln issued a proclamation calling for volunteers, Mr. Bartleson shouldered arms in defense of his country, enlisting in Company "H," Second Illinois Cavalry Volunteers, and served with the western army in General Grant's campaigns tip to the siege and surrender of Vicksburg, when he went with his command to the department of the gulf, and served with General Banks in his Red' River campaign. Mr. Bartleson was slightly wounded at Vermillion Bayou, Louisiana, but his cavalry service was a boon to his physical development.

After the close of his service he returned home and took up the study of law in the office of Judge John S.

¹² Id.

¹³ Id. at 519.

Thompson, at Aledo, Illinois, and was admitted to practice before the supreme court of Illinois February 27, 1867. He formed a partnership with his preceptor, and practiced in that city for five years. In May, 1872, he moved to Minnesota, locating in Minneapolis, where he has since practiced his profession. He is regarded as being a safe counselor, and a man above the too common practice of urging his clients into needless litigation. He is rightly termed one of the lawyers of the old school, honorable, dignified and a respecer of his profession.

Mr. Bartleson is not a politician, and has never consented to become a candidate for a public office but once, when, in the fall of 1902, he accepted the nomination for judge of the district court on the democratic ticket. His defeat can, no doubt, be attributed to the great victory of the republican party that year.

Mr. Bartleson has associated with him Clarence J. Paul, under the firm name of Bartleson & Paul, with offices in the Guaranty building. They practice in all the state and federal courts in civil cases. If Mr. Bartleson has any preference of litigation, it is real estate, in the law of which he is well versed.

Mr. Bartleson is a member of Morgan Post, G. A. R., and an attendant at the Church of the Redeemer. He is a member of the Minneapolis club, the Minnetonka Yacht club, and other social organizations. He was married to Harriet Newell Wright May 9, 1871, to whom three daughters and one son were born.¹⁴

He died on February 24, 1913, at age 68. The evening *Journal* carried his obituary:¹⁵

¹⁴ Hiram F. Stevens, I *History of the Bench and Bar of Minnesota* 228-230 (1904). Both volumes can be found online, but Bartleson's profile on pages 228-229 in volume 1 is missing. By mistake, apparently, it was not scanned. Three years later, he placed basic biographical data in *Little Sketches of Big Folks, Minnesota* 28 (R. L. Polk & Co., 1907).

¹⁵ *Minneapolis Journal*, February 25, 1913, at 7.

FORMER PROMINENT ATTORNEY AND OLD RESIDENT OF MINNEAPOLIS DIES IN SPOKANE AT AGE OF 68

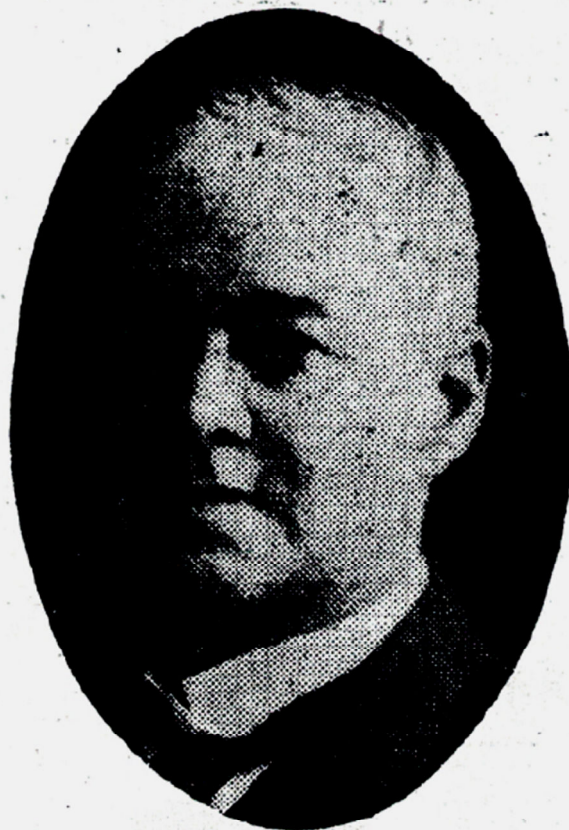
**Charles J. Bartleson Came in
1871 to Minneapolis; Veteran
of the Civil War.**

Charles J. Bartleson, for forty years a prominent Minneapolis attorney, died last night at Spokane, Wash., where he had removed four years ago. He had been ill with grip since before Christmas and the death was not unexpected.

The funeral takes place today from the residence, with interment in Greenwood cemetery.

Mr. Bartleson came to Minneapolis in 1872, when 28 years of age, and began the practice of law. He became prominent in his profession, was a member of the Minnesota State Bar association, the Minnesota Academy of Natural Science and of the Minneapolis club. He was born April 3, 1844, in Macomb, Ill., the son of Charles M. and Mary Airey Bartleson. Educated in the public schools at Macomb and at McDonough college, he was only 17 years old when the civil war began, but he enlisted in the Second Illinois Volunteer cavalry, Aug. 2, 1861, had a fine war record, and was not discharged from service until Aug. 11, 1864, having served the full three years. Coming out of the army he settled at Aledo, Ill., where he began the study of law in the office of John S. Thompson, a prominent attorney and politician. Three years later he took the examination before the Illinois supreme court and was admitted to practice Feb. 11, 1867.

In 1871 Mr. Bartleson married Harriet Newell Wright, and the couple moved to Minneapolis in the year following. Mr. Bartleson was associated



CHARLES J. BARTLESON.

in law practice in 1881 and 1882 with Charles H. Benton, and also at one time with George R. Robinson. He had charge of the legal affairs of Louis F. Menage during the financial troubles that followed the Guaranty Loan company difficulties. In later years he practiced under his individual name.

Mr. Bartleson is survived by his wife, a son, Charles Bartleson of Holley, Wash., two daughters, Mrs. James Evans and Mrs. Edward S. Frost, living in Spokane, and a third daughter, Miss Mabel Bartleson, who is in charge of the juvenile department of the Minneapolis public library.

The *Minneapolis Morning Tribune* misspelled his name in the headline of his obituary:

Charles J. Bartelson Dead

**Former Minneapolis Lawyer
Passes Away at Home in Spokane, Wash.**

Charles J. Bartleson, 69 (sic) years, for 40 years a lawyer in Minneapolis and prominent in political and club circles, died at his home in Spokane, Wash., last night. He had been critically ill for several weeks and the family was called to his bedside two weeks ago. Miss Mabel Bartleson, a daughter, who is employed in the public library, left for Spokane several days ago. He is survived by the wife and four children.

Mr. Bartleson was born in Quinery (sic), Ill., Feb., 4 (sic), 1844. He was graduated from the law department of the University of Illinois. He came to Minneapolis in 1871 and was prominently identified with the legal fraternity here for nearly a half century. Some two years ago his health failed him and he moved to Spokane. Miss Mabel Bartleson remained here. He has been in ill health for the past year and the end was not unexpected.

It is probable that the body will be brought here for burial, according to friends. He at one time expressed a desire to be buried in Minneapolis and it is thought that this wish will be observed.¹⁶

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¹⁶ *Minneapolis Morning Tribune*, Tuesday, February 25, 1913, at 10. A memorial by the state or county bar association has not been located.

The photograph on the first page is from *Men of Minnesota* 135 (1902).