

# **The Bench and Bar of Blue Earth County**

(1909)

BY

**Thomas Hughes**

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In 1909, Thomas Hughes published *History of Blue Earth County and Biographies of Its Leading Citizens*.<sup>1</sup> Most county histories published around this time were organized according to topics such as Geography, Indian Settlements, Government Organization, Education, Newspapers, Banking, Churches and Bench and Bar. Instead, Hughes chronicled events of Blue Earth County year-by-year, giving his book the appearance of an almanac. Though a lawyer, he had little interest in court proceedings, unlike other county chroniclers.<sup>2</sup>

Hughes mentions a few early lawyers and judges. During the nineteenth century, lawyers in small Minnesota towns advertised by published their business cards in local newspapers. A sampling of lawyers' cards appearing in the Mankato press from 1860s through the 1890s is posted below. Following that are excerpts from Hughes' book that pertain to lawyers, judges and a few court cases. The title is by the MLHP.

A few more words on lawyers' business cards. Through them we glimpse how they practiced in these years. In the 1860s and 1870s, many lawyers were also real estate agents, which is not surprising because the local economy was agricultural and potential clients were immigrants looking for land to homestead. Albert Pfau emigrated from Germany in 1869, and his card in 1871 was

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<sup>1</sup> Thomas Hughes, *History of Blue Earth County and Biographies of Its Leading Citizens* (Chicago: Middle West Publishing Company, 1909).

<sup>2</sup> Compare Jacob A. Kiester, "The Bench and Bar of Faribault County" (MLHP, 2011) (published first, 1896-1904).

partially in German. As time passed, collection work was solicited. Creditors' suits and small commercial claims clogged the calendars of the district courts in these decades. At times, a few sold insurance or loaned money. These side-lines reaffirm how difficult it was to make a living solely from lawyering in small towns and rural counties.

Occasionally, a lawyer noted he held public office. William Durkee was a lawyer and clerk of the district court from 1871 to 1882. George Magruder's card in 1861 is unusual in two respects: first, he noted that he was the Probate Judge. A review of lawyers' business cards in this period will turn up very few in which either a current or former judge touted his judicial experience. Second, by advertising that the location of his office was "in Charles E. Flandrau's office, Traverse Des Sioux, Nicollet County, Minnesota," he shamelessly aimed to benefit from his fellow tenant's status as Associate Justice of the Minnesota Supreme Court. In 1859 Sheriff Francis Bunker, who was not a lawyer, officed with a local law firm (apparently the sheriff's residence and log jail built in 1859 were not suitable for office work).<sup>3</sup>

These cards are records of the transitory lives of lawyers and their firms — lawyers arrive, practice and move on, while partnerships are started, dissolved and new ones formed. They also show the beginnings of important public figures — U. S. Senator Morton Wilkinson, District Court Judges Lorin Cray, Albert Pfau and Willard Comstock, and Supreme Court Justices Daniel A. Dickinson and Daniel Buck.

Viewers are warned that the images of the cards are very poor quality. The newspapers in which they appeared first were in various states of disintegration when microfilmed. The microfilm was copied, then scanned, inserted in this article and posted. ◇

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<sup>3</sup> "The Blue Earth County Court House" 2-4 (MLHP, 2010) (published first, 1909). This post has long excerpts from Hughes' book on the construction of the county court houses and jails; those excerpts are omitted from the article that follows).



J. A. WILLARD, S. F. BARNEY  
**Willard & Barney,**  
 Attorneys and Counsellors at Law,  
 MANKATO, BLUE EARTH CO., MIN.  
 july4-1y

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DANIEL BUCK,  
 Attorney and Counselor at Law,  
*Notary Public, and Dealer in Real Estate,*  
 SOUTH BEND, MINNESOTA.  
 july19.

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J. E. TOURTELLOTTE,  
 Attorney and Counselor at Law,  
*Notary Public and Commissioner of Deeds,*  
 Office in Bergholtz new building, up stairs,  
 july5 Mankato, Minnesota.

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**Z. PADDOCK,**  
 Attorney and Counselor at Law,  
*General Land Agent and Notary Public.*  
 Prompt attention to all business entrusted to  
 him. Mankato, Min., july 26

---

ANDREW C. DUNN,  
 ATTORNEY & COUNSELLOR AT LAW,  
 Winnebago City, Faribault county, Min.  
 Will attend to professional business through-  
 out the State. aug2

---

WM. R. McMAHAN, M. D.  
 Physician and Surgeon.  
*Office on Front st., opposite Mankato House;*  
 MANKATO, MINNESOTA.  
 july19.

---

FRANCIS BUNKER,  
 Sheriff Of Blue Earth County.  
 Office with Willard & Barney,  
 Mankato . . . . . Minnesota.

J. A. WILLARD, S. F. BARNEY  
**Willard & Barney,**  
 Attorneys and Counsellors at Law,  
 MANKATO, BLUE EARTH CO., MIN.  
 july4-1y

---

DANIEL BUCK,  
 Attorney and Counselor at Law,  
*Notary Public, and Dealer in Real Estate,*  
 SOUTH BEND, MINNESOTA.  
 july19.

---

TOURTELLOTTE & PITCHER,  
 Attorneys and Counselors at Law  
 Office next to Drug Store, opposite Hickory  
*Mankato, Minnesota.*  
 J. E. TOURTELLOTTE,  
 O. O. PITCHER.  
 nov8

---

**Z. PADDOCK,**  
 Attorney and Counselor at Law,  
*General Land Agent and Notary Public.*  
 Prompt attention to all business entrusted to  
 him. Mankato, Min., july 26

---

B. F. RICE,  
 Attorney and Counselor at Law.  
 Office with Dr. Clark, opposite the Mankato  
 use, Mankato, Min. oct30

---

ANDREW C. DUNN,  
 ATTORNEY & COUNSELLOR AT LAW,  
 Winnebago City, Faribault county, Min.  
 Will attend to professional business through-  
 out the State. aug2

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GEORGE MAGRUDER,  
 Attorney at Law and Judge of Probate,  
 In Charles E. Flandreau's office, Traverse  
 Des Sioux, Nicollett county, Minnesota. Will  
 practice in the Land Offices and all the courts  
 of the State. Also regular sessions of the Pro-  
 bate Court will be held in St. Peter on the first  
 Monday of every month. At other times I can  
 always be found at my office in Traverse.  
 june19.

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DR. T. D. SIMONTON,  
**DENTIST,**  
 (Graduate of the Baltimore College of Dental  
 Surgery.)  
 Office rooms, Third street, Over Bond's  
 Drug Store, near the American House, St.  
 Paul, Minnesota. sept14.

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DAVID WILCOX,  
**Attorney at Law.**  
 Office in the old bank, two doors above  
 White & Marks' store, Mankato. sept14.

<sup>4</sup> The Mankato Weekly Record, November 8, 1859, front page (enlarged).

<sup>5</sup> The Mankato Semi-Weekly Review, February 22, 1861, front page (enlarged).



<p><b>J. BOUGHTON,</b>  <b>Attorney at Law,</b>                  Will Make Collections, Pay Taxes, Look up Titles                  to Land, and Attend Especially to Conveyancing.                  OFFICE IN MARK'S BUILDING.  <b>MANKATO, - - - MINNESOTA.</b>                  REFERENCED—Judge Wilder, Judge McClure, J. Ask-                  ton, and all the old business men of Red Wing.                  Minnesota. v13 n25 tf</p>	<p><b>WM. P. BOARDMAN,</b>                  AGENT FOR  <b>SECURITY FIRE INSURANCE CO.,</b>                  of New York.  <b>CITY FIRE,</b> Hartford, Connecticut,  <b>ETNA LIFE,</b> Hartford, Connecticut,  <b>CRAFTSMAN'S ASSURANCE, N. Y.,</b>                  OFFICE IN MARKS' BUILDING,                  Mankato. v11n48. Minnesota.</p>
<p><b>Wm. THOMAS,</b>  <b>ATTORNEY AT LAW,</b>                  OFFICE—South Front Street, Ray's Block,  <b>MANKATO, - MINN.</b>                  MONEY TO LOAN ON REAL ESTATE SECURITY                  A. G. WOOLFOLK. F. G. BROWN.  <b>Woolfolk &amp; Brown,</b>  <b>Attorneys at Law</b>                  OFFICE IN RAY'S BLOCK,                  Mankato, - - - Minnesota.                  v11 n6 tf</p>	<p><b>W. C. DURKEE,</b>  <b>LAWYER,</b>                  AND CLERK OF THE DISTRICT COURT.                  GENERAL AGENT for all kinds of Office Busi-                  ness. Real Estate bought and sold. Special                  attention given to collections. All business of non-                  residents faithfully attended. Deeds, Bonds, Mort-                  gages, Leases, &amp;c., made out and acknowledged.                  OFFICE FRONT ROOM, OVER J. H. RAY'S                  Mankato, - - - Minnesota.                  v11 n32 tf</p>
<p><b>TUCKER &amp; PORTER,</b>  <b>Attorneys at Law,</b>  <b>REAL ESTATE AGENTS,</b>                  AND  <b>NOTARIES PUBLIC,</b>                  Office in Randall &amp; Smith's New Block,  <b>MANKATO, MINNESOTA. n33</b></p>	<p><b>A. R. PFAU,</b>  <b>Attorney at Law,</b>  <b>Deutscher Advokat,</b>                  At Grosz's New Building, Front Street,  <b>MANKATO, - - - MINNESOTA.</b>                  v11 n13 tf</p>
<p><b>D. A. DICKINSON,</b>  <b>ATTORNEY AT LAW,</b>                  Mankato. Minn.                  OFFICE—No. 97 South Front Street, Ray's Block</p>	<p><b>DANIEL BUCK,</b>  <b>Attorney at Law</b>  <b>REAL ESTATE AGENT,</b>                  AND  <b>Notary Public,</b>  <b>MANKATO, - - - MINNESOTA.</b></p>
<p><b>BROWN &amp; WISWELL,</b>  <b>ATTORNEYS AT LAW</b>                  AND  <b>Real Estate Agents,</b>                  OFFICE OPPOSITE THE POST OFFICE,  <b>MANKATO. MINN.</b></p>	<p><b>BROWN &amp; WISWELL,</b>  <b>ATTORNEYS AT LAW</b>                  AND  <b>Real Estate Agents,</b>                  OFFICE OPPOSITE THE POST OFFICE,  <b>MANKATO. MINN.</b></p>

<sup>6</sup> Mankato Record, December 23, 1871, front page. These business cards took up most of the left column on the front page of the newspaper. They are enlarged and the column divided for ease of reading.



**A. C. WOOLFOLK,**  
**Attorney at Law,**  
OFFICE IN RAY'S BLOCK,  
Mankato, - Minn.

**W. C. DURKEE,**  
**LAWYER,**  
AND CLERK OF THE DISTRICT COURT.  
GENERAL AGENT for all kinds of Office Business. Real Estate bought and sold. Special attention given to collections. All business of non-residents faithfully attended. Deeds, Bonds, Mortgages, Leases, &c., made out and acknowledged.  
OFFICE FRONT ROOM, OVER J. H. RAY'S  
Mankato, - Minnesota.  
v11 n32 lf

**WILKINSON & PITCHER,**  
**Attorneys at Law,**  
AND  
NOTARIES PUBLIC,  
MANKATO, - - MINNESOTA.  
n10 tf

**DANIEL BUCK,**  
**Attorney at Law,**  
REAL ESTATE AGENT,  
AND  
Notary Public  
MANKATO, - - - MINNESOTA.

**WM. L. GOON,**  
**ATTORNEY at LAW,**  
Notary Public. Real Estate and  
Collecting Agent.  
Taxes for non-residents paid. Office—Block 14.  
MANKATO - - [1tf] - - MINN.

**Wm. THOMAS,**  
**ATTORNEY at LAW,**  
AND NOTARY PUBLIC.  
Real Estate and Collecting Office.  
No. 97 South Front Street, Ray's Block,  
MANKATO, - MINN.  
All kinds of Legal Business promptly attend to.  
Collections made. Loans Negotiated, &c.

Branch Office United States Law Association.

**A. C. WOOLFOLK,**  
**Attorney at Law,**  
**Resident Director.**  
Legal business attended to and collections made in all parts of the United States.  
1841tf OFFICE, RAY'S BLOCK,

**P. T. MILNOR,**  
**Carpenter and Builder.**  
Shop and residence corner of Byron and Second St  
Opposite Mc Mahill & Beebe's Lumber Yard.  
Mankato - Minn.

**WILKINSON & PITCHER,**  
**Attorneys at Law,**  
AND  
NOTARIES PUBLIC,  
MANKATO, - - MINNESOTA.  
n10 tf

**DANIEL BUCK,**  
**Attorney at Law,**  
REAL ESTATE AGENT,  
AND  
Notary Public  
MANKATO, - - - MINNESOTA.

**Wm. THOMAS,**  
**ATTORNEY at LAW,**  
AND NOTARY PUBLIC.  
Real Estate and Collecting Office.  
No. 97 South Front Street, Ray's Block,  
MANKATO, - MINN.  
All kinds of Legal Business promptly attend to.  
Collections made. Loans Negotiated, &c.

<sup>7</sup> Mankato Record, November 29, 1873, front page (enlarged).

<sup>8</sup> Mankato Record, October 10, 1874, front page (enlarged).



**M. G. WILLARD,**  
**ATTORNEY AT LAW,**  
DEALER IN  
**Real Estate and Notary Public.**  
OFFICE IN BLOCK 14 (Over Henlein's Store)  
MANKATO - - MINNESOTA.

**DANIEL BUCK,**  
**ATTORNEY AT LAW,**  
**Real Estate Agent,**  
**AND NOTARY PUBLIC.**  
MANKATO, MINNESOTA.

**BROWN & WISWELL,**  
**ATTORNEYS AT LAW**  
AND  
**REAL ESTATE AGENTS.**  
OFFICE—Parsons' Brick Block, over Spencer's  
Furniture Store.  
MANKATO, . . . MINNESOTA.

**Wm. L. COON,**  
**ATTORNEY AT LAW**  
Notary Public, Real Estate and  
Collecting Agent.  
Taxes for non-residents paid.  
Office—Block 14. MANKATO, MINN.

**P. A. FOSTER,**  
**ATTORNEY AT LAW,**  
Collecting Agent and Notary Public.  
Money to loan at low rates on real estate se-  
curity. Also Fire and Life Insurance Agent.  
MANKATO. - MINN.

**TORREY, & BURGHER,**  
Attorneys at Law and  
**REAL ESTATE AGENTS.**  
OFFICE—Block 14.—Upstairs.  
MANKATO, MINN ESOTA.

**C. W. GILMORE.**  
Attorney at Law and Notary Public.  
All business placed in my hands will receive  
prompt attentions. Collections solicited.  
Money to loan on good Real Estate Security.  
Office with Wm. Thomas Ray's block, Front S.

**J. G. FOWLER,**  
**REGISTER OF DEED.**  
Will pay taxes for non-residents, furnishes ab-  
stracts of title.  
Buys and sells on commission, &c.  
All business attended to promptly.  
MANKATO MINN.

**MANKATO BUSINESS DIRECTORY.**

**J. L. WASHBURN,**  
**ATTORNEY AT LAW.**  
Office in Odd Fellows Block.

**DANIEL BUCK,**  
**ATTORNEY AT LAW:**  
Office: Over Citizen's National Bank.

**FREEMAN & PFAU,**  
**ATTORNEYS AT LAW.**  
Office: Over First National Bank.

**LORIN CRAY,**  
**ATTORNEY AT LAW.**  
Room 1, Odd Fellows Block.

**B. D. SMITH,**  
**ATTORNEY AT LAW.**  
Office over First National Bank.

**W. E. YOUNG,**  
**ATTORNEY AT LAW.**  
No. 223 South Front Street.

**J. B. OGLE.**  
**ATTORNEY AT LAW.**  
Real Estate, Loans and Insurance.  
Room 4, Odd Fellows Block.

<sup>9</sup> The Mankato Review, May 18, 1880, front page (enlarged).<sup>10</sup> Mankato Daily Free Press, March 21, 1888, front page (enlarged).



**BUSINESS CARDS.**

**A.** M. BUTAN,  
ATTORNEY AT LAW.  
Office in Odd Fellows Bloc.

**A.** SCHIPPEL,  
ARCHITECT,  
Office 516 East Vine street.

**B.** D. SMITH,  
ATTORNEY AT LAW.  
Office in Stern's Block

**B.** BENEDICT & FLITTE,  
ATTORNEYS AT LAW.  
Rooms 208-209 Young Men's Building.

**D.** SNOW,  
DENTISTS.  
Office over Golden Lion, 302 S. Front street  
Mankato, Minn.

**D.** M. B. WOOD,  
DENTIST.  
No. 401 South Front St., Corner Jackson.

**F.** THAYER,  
ARCHITECT.  
Northwest Cor. Second and Jackson

**S.** B. BROWN, M. D.  
SURGEON,  
HOMEOPATHIC PHYSICIAN  
Stern Block, Mankato.

**G.** E. PASS,  
ARCHITECT  
Over 1st Nat'l Bank, Mankato.

**H.** HENRY C. GERLACH,  
ARCHITECT.  
Young Men's Building, corner Hickory and  
Jackson.

**H.** HARRISON L. SCHMITT,  
ATTORNEY AT LAW,  
Room 210 Young Men's Building.

**H.** W. McINTIRE, D. D. S.  
501 South Front St.  
Mankato, Minn.

**J.** T. WILLIAMS & SON,  
Fire, Life & Accident Insurance.  
Back of Golden Lion store.

**J.** N. HALL,  
ABSTRACTS, REAL ESTATE,  
And Insurance.  
No. 108 Hickory street.

**J.** JOSEPH MANDERFELD,  
WALL PAPER AND PAINTS  
Artist's Materials, Etc.  
507 South Front street, Mankato, Minn.

**J.** B. OGLE,  
LAWYER.  
Real Estate, Loans and Insurance.  
Office over Brett's Store.

**L.** ORIN CRAY,  
ATTORNEY AT LAW.  
No. 206 Young Men's Building.

**M.** MANKATO MARBLE WORKS,  
E. B. EKLE, Prop'r.  
All kinds of Cemetery work neatly done.  
122 Jackson Street.

**W.** M. N. PLYMAT,  
ATTORNEY-AT-LAW,  
Rooms 309-10 Young Men's Building.

**W.** B. DAVIES,  
ATTORNEY AT LAW.  
Office Over National Citizens Bank

**W.** JACOBY, M. D.,  
PHYSICIAN AND SURGEON.  
121 East Jackson Street.

**W.** L. COMSTOCK,  
ATTORNEY AT LAW,  
9 Stern Building, Mankato, Minn.

**E. P. FREEMAN,  
ATTORNEY AT LAW**  
Office Over Nat'l Citizen's Bank,  
Mankato, - - Minn.  
Investigation of Land Titles and Perfecting  
Suspended Entries Before the Interior  
Department. Real Estate Litiga  
tion a Specialty.

**BUSINESS CARDS.**

**ATTORNEYS.**

**B.** D. SMITH,  
ATTORNEY AT LAW.  
Office in Stern's block.

**W.** L. COMSTOCK,  
ATTORNEY AT LAW.  
Second Floor, Hunt Building

**W.** A. FUNK,  
ATTORNEY AT LAW  
and Notary Public.  
Office over Mankato National Bank.

**B. C. TAYLOR,  
LAWYER.**  
Room 5, Stern Block, Mankato, Minn.

11 Mankato Daily Free Press, January 11, 1895, at 4 (reduced).

12 Mankato Daily Free Press, July 24, 1899, at 4 (enlarged).

# The Bench and Bar of Blue Earth County

BY

Thomas Hughes

.....

Claim jumping was one of the great evils of pioneer life. No neighborhood was free from it and nothing seemed so effective to stir up the baser passions of men. Friends were made bitter enemies. Communities, churches, societies of every nature, and even families were disrupted by the bitter dissensions engendered. Both the country and the villages suffered from the ravages of this pernicious evil. Mankato was particularly troubled by it and titles there were unsettled for years. We have already seen how the ownership of the old Mankato Claim Company began to be disputed as early as 1853 by Warren and Van Brunt. Later, rival townsite companies were formed, who questioned the old company's right to any of the land. Various private individuals took possession of any unoccupied lots they could find. Years of litigation followed in which the old company, for the most part were successful, but their victory proved a very barren one in a financial way. An important step in the final settlement of titles at the county seat, occurred on January 25th, 1856, when Hon. A. G. Chatfield as Judge of the District Court entered the townsite for the old company, under the occupying Claimant's Act. Under the entry a patent was issued en August, 1857, by the government to the judge in trust for the occupants of the several lots in the townsite.<sup>13</sup>

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<sup>13</sup> Page 68. On Chatfield, see John Fletcher Williams, "Memoir of Andrew G. Chatfield" (MLHP, 2010); "Justice Chatfield's First Court Session" (MLHP, 2008); and "Documents Regarding the Terms of the Justices of the Territorial Supreme Court: Part Two-D: Chief Justice Welch and Associate Justice Andrew G. Chatfield 8-13 (MLHP, 2009-2010).



**A number of prominent lawyers began to locate at Mankato in the winter of 1857-8, among whom were Willard and Barney, Cramer Burt and M. S. Wilkinson.<sup>14</sup>**

**....**

**In December, 1859, Morton S. Wilkinson was elected to the United States Senate, the first and only resident of Blue Earth County ever chosen to that office.**

**The bar of Blue Earth County, in 1859, contained a number of able attorneys. At Mankato were: Wilkinson & Burt, Willard & Barney, Rosser & Lobdell and Tourtellotte & Pitcher; South Bend had Daniel Buck and B. Parke Dewey; and Garden City possessed James A. Wiswell and S. B. James. In those days the court met in some public hall at Mankato. Sometimes in what was known as "City Hall" and sometimes in a hall in the Leech stone building. In spite of such legal talent the administration of justice had its humorous side in those primitive days. It is said on good authority that one of the first boards of County Commissioners tried a divorce case and rendered a judgment therein, before they discovered their want of jurisdiction. Once an assault and battery case was tried before Squire Pfaff of Mankato. The evidence was overwhelming against the defendant and his only excuse was that the complaining witness had called him a "liar." After an hour's deliberation the jury brought in the verdict "guilty, provided the court will assess the fine at no more than five dollars." The attorney for the prosecution objected to that form of verdict and the jury were sent back to correct it, as they had nothing to do with the amount of the fine. After two hours' deliberation they returned into the court with the verdict of "Not Guilty." The**

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<sup>14</sup> Pages 95-96.

complaining witness happened to be a German and the jury were afraid to trust Squire Pfaff as to the fine.

A man's wife ran away to St. Peter. The husband went to see a Mankato justice, who promptly issued a writ of replevin, and armed with this legal document the constable brought her home. An attorney told the justice afterwards that he could not replevy a human being. "But," retorted the Justice, "I did it." Many interesting reminiscences are told of our pioneer courts, but we must not further digress.<sup>15</sup>

....

While the election of M. S. Wilkinson to the U. S. Senate lost to the Bar of the county one of its most brilliant members, the coming to Mankato of Judge Franklin H. Waite in the fall of this year, kept up its reputation. For what the Judge might have lacked in brilliancy compared to Wilkinson, he more than made up in industry.

On October 2nd and 3rd, 1860, the second county fair was held at Garden City. Judge Flandrau was the orator of the occasion.<sup>16</sup>

....

On June 3rd, 1861 the first session of the U. S. Court was held at Mankato in the Masonic Hall. J. R. Cleveland was appointed its first U. S. Marshall.<sup>17</sup>

....

The political situation in the fall of 1864 was as interesting as usual. There was a warm contest in the

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<sup>15</sup> Page 102

<sup>16</sup> Page 105.

<sup>17</sup> Page 107.



Republican primaries over the nomination for District Judge between Sherman Finch of Mankato and Horace Austin of St. Peter. The convention was held at St. Peter and Mr. Austin won by one vote, and was elected that fall over Judge Branson (sic), the Democratic nominee.

18

Senator Wilkinson in his distribution of government patronage had made many enemies in his own party. Not one in ten of the various applicants for office could receive appointments and the nine unsuccessful ones felt ugly towards him. Then the Senator, in spite of his great ability and integrity, had one very vulnerable point. He was addicted to intemperate habits, which drove from him the support of many of the best people of his party. The result was that he failed of re-election, and a man of very mediocre ability succeeded him. <sup>19</sup>

....

The year 1866, closed with a very belligerent feeling between Mankato and New Ulm, caused by the lynching on December 26th in rather a barbarous fashion of two Mankato citizens by a mob at New Ulm. The victims were Campbell and Liscom, two trappers, who in a saloon row killed a prominent resident of New Ulm. An excited mob soon gathered and took both men from the jail, hung them and threw their bodies into the river, through a hole in the ice. For a few days the mob had full control of the usually quiet German town and defied arrest, and things looked warlike. A number of determined men under Capt. L. N. Holmes of Mankato and the sheriff finally went to New Ulm and found and brought away the bodies of the two men and obtained such, evidence as could be got regarding the affair. Arrests were made and the trials dragged in the courts

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<sup>18</sup> Daniel Buck was the Democratic nominee, not Branson.

<sup>19</sup> Page 148.

for some years. One John Gut was convicted and sentenced to be hung, but, after a long legal battle, his sentence was commuted to imprisonment. The other ring leaders defaulted their bail and left the country.<sup>20</sup>

....

On July 3, 1869 the Republicans of Blue Earth County tried what was known as the Crawford plan of nominating their county officers. This was really a primary election method such as is now in vogue. It happened this year that the Republicans had nine candidates for sheriff and there were three to five candidates each for some of the other offices, and the persons who were nominated, only received one-fifth to one-third of the total vote. This caused great dissatisfaction with the Primary Election plan and it was abolished at an election held May 31, 1870, by a vote of 439 to 103. The Republican nominee for sheriff and some of the other nominees of that party for county offices were beaten at the polls [in 1869]. F. H. Waite of Mankato ran as an Independent candidate for Judge of the District Court at this election. Being a Democrat, he was endorsed by his own party, and elected by a good majority over Andrew C. Dunn the Republican nominee.<sup>21</sup>

....

During those years [1869-1872] the Blue Earth County bar possessed an array of legal and forensic talent of

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<sup>20</sup> Pages 161-62. On Gut's trial, see Walter N. Trenerry, *Murder in Minnesota* 44-52 (Minn. Hist. Soc. Press, 1962).

<sup>21</sup> Page 168. The 1869 election results for judge of the Sixth Judicial District were:

Andrew C. Dunn (Republican).....	2,784
Franklin H. Waite (Democrat).....	5,357
Write-ins.....	17

Journal of the House of Representatives, January 7, 1870, at 18-19.



great ability. Judge Waite, who had come to the county in 1860, and who recently had won fame in his legal battles in behalf of the city of Mankato to recover its streets, levees, and public grounds against private greed, which had appropriated them, and against the St. Paul and Sioux City Railroads, who had attempted to steal a right of way through the city without paying therefor, was now on the bench. As a lawyer he was a great worker, and energetic and persistent fighter, and as a judge he was able, honest and impartial. Daniel Buck, who had first settled in South Bend, but had recently removed to Mankato. He was an indefatigable worker. Impulsive, honest, earnest, determined, a firm believer in the right of his clients case, a strong man with the jury, he continued the Nestor of the Bar of our county nearly half a century. E. P. Freeman came to Mankato early in 1862, a graduate of Yale Law school, having a good legal mind, well trained, a genial, kind hearted man, whom all liked. But he allowed politics and his social habits to interfere too much at times with his law practice. Served as County Attorney, as Legislator and as Receiver of the U. S. Land Office for many years. Judge Brown came to Mankato in 1865, from Indiana. He was a gentleman of the old school, medium sized, smooth shaved, with an erect, alert figure. Neat and professional in dress but not particularly stylish. Always polite and affable. Fond of classical learning and all educational matters. A good lawyer but lacking a little in depth and breadth.<sup>22</sup> His partner James A. Wiswell located in 1857, in Garden City, removed to Mankato about 1854, and went into partnership with Judge Brown, and for many years the firm of Brown & Wiswell were prominent among the Blue Earth County bar. He was not as polished or well educated as Judge Brown, but possessed considerable native ability and was a man of good judgment. He

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<sup>22</sup> For a biographical sketch, see "James Brown (1821-1889)" (MLHP, 2014).

served the County as Legislator for several terms and the city of Mankato as its first mayor.

O. O. Pitcher came to Mankato as an educator in 1857, and after a few years entered the law. He possessed a good legal mind, and served as County Attorney and legislator, but was not a great trial lawyer, and after a few years retired from active practice. He took much interest in political matters.<sup>23</sup>

In 1870, Martin J. Severance removed to Mankato and at once took a leading place among the bar of the county. He had an impressive presence and splendid oratorical powers, which gave him strength before a jury. He was, also, well versed in the law and strictly honest and upright as a man. At first he formed a co-partnership with Mr. Pitcher and later with D. A. Dickenson. Judge Dickenson opened a law office in Mankato in 1868. He was an able lawyer, a thorough gentleman, clean and upright. Among the younger men were, M. G. Willard who came to Mankato in 1868, and devoted most of his attention to mercantile and real estate law. A. E. Pfau, began the practice of his profession at Mankato in 1869, and was quick, witty and vigorous in the trial of his case, a popular young lawyer with the jury; and J. E. Porter, who came to Mankato in 1870, but was soon elected Judge of Probate and side tracked from the law. Such were the most prominent members of the bar in our county in the early seventies. A fine array of men of splendid character and talent. Four of whom became district court judges and two sat upon the supreme bench of the state.<sup>24</sup>

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<sup>23</sup> For a biographical sketch, see "'Orrin O. Pitcher (1830-1902)" (MLHP, 2013).

<sup>24</sup> Pages 171-72. The two who served on the Supreme Court were Daniel A. Dickinson (1839-1902), who served two terms, 1881-1893; and Daniel Buck (1829-1904), who served one term, 1894-1899.



**On October 35, 1870, the completion of the road to Mankato was celebrated by a grand excursion and a big dinner, at which Judge Waite acted as toast master and speeches were made by Judge Wm. Mitchell, Judge C. H. Berry, Mayor Lee of St. Paul, D. Sinclair and others. . . .**

**On December 13, 1870, for the first time in the history of the county its treasurer was able to pay the jurors of the District Court in cash. Heretofore they and all creditors of the county had been paid in county orders, which were discounted at the stores, but at last our county had become solvent and has so remained ever since.**

**Arrangements were also made to lay out another townsite on the land of Levi Houk at Good Thunder's Ford, and a survey of this town was made in April, 1871, by Levi Hauk, Clark W. Thompson, James B. Hubbell and John A. Willard, and a plat filed in which the village was designated "Good Thunder." Immediately after the survey in April, John G. Graham, who had been in business at Garden City, began the erection of a store building at Good Thunder. The carpenter work was done by Julius Webber, then a young carpenter at Garden City, but afterwards for many years the honored judge of the Ninth Judicial District, with home at New Ulm.<sup>25</sup>**

**. . . .**

**At the November election, 1872, the Republicans and Democrats divided the honors. Among the democrats elected were Daniel Buck, for County Attorney, J. Wm. Hoerr for County Treasurer, and J. E. Porter for Judge of Probate. Porter was a new man and running against David Wilcox, one of the best known men in the county,**

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<sup>25</sup> Page 172.

and under the circumstances Porter's victory was a great surprise. He won by four votes. <sup>26</sup>

....

At the November [1874]election Judge F. H. Waite, who had resigned his position as District Judge, in order to run for Congress as an Independent candidate, was beaten by M. H. Dunnell, the Republican nominee, but by a majority of only 2,986, which was about one-third the usual figure. D. A. Dickinson, the Republican nominee, was elected Judge of the District Court, over Daniel Buck. The Democrats succeeded in electing their share of the county officers. <sup>27</sup>

....

On February 23, 1876, occurred the killing of Mrs. Jane Gilbert by Andrew Weston in Medo, which resulted in a hard fought murder trial in our court. Weston was finally convicted and sentenced to State prison. <sup>28</sup>

....

On September 7, 1876, occurred the Northfield Bank robbery by the James and Younger gang. Tiiese desperadoes had visited Mankato a few days before,

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<sup>26</sup> Page 174. For a biographical sketch, see "Jerome E. Porter" (1843-1910) (MLHP, 2013).

<sup>27</sup> Page 180. The vote for Representative in the First Congressional District was:

Mark H. Dunnell (R).....16,716  
Franklin H. Waite (D).....13,721

Bruce M. White, et al, *Minnesota Votes* 71 (Minn. Hist. Soc. Press., 1977).

The vote for judge of the Sixth Judicial District in 1874 was:

Daniel A. Dickinson (R).....5,269  
Daniel Buck (D).....3,368

Journal of the House of Representatives, January 7, 1876, at 19-20.

<sup>28</sup> Page 185.

with intent of looting one of its banks. In their retreat they passed through our county and were seen in Mankato Township by G. P. Hoerr and Sebastian Kopp. They crossed the Blue Earth river on the St. Paul and Omaha railway bridge at night, while a posse was guarding the wagon bridge, and it was mainly through the efforts of Capt. A. J. Murphy of Lake Crystal, that they were finally captured near Madelia.<sup>29</sup>

....

At a special session of the Legislature in 1881 a Municipal Court was established at Mankato and on January 13, 1882, O. O. Pitcher was appointed its first Judge and John B. Hodapp was its first Recorder.<sup>30</sup>

....

On October 27, 1882, Wm. C. Durkee, who had served the county since 1869 as Clerk of its District Court, died, and Wm. B. Torrey was appointed to fill the vacancy.<sup>31</sup>

....

On February 6th, 1889, W. B. Davies was appointed the first District Court reporter in the county, which position he has held ever since. . . .<sup>32</sup>

On July 10, 1889, the county was startled by the sensational death of John Schwartz of Pleasant Mound by having his throat cut by a razor when in bed. John Lentz, a hired man, was his only bed fellow. He claimed the act was suicidal, but because of certain suspicious circumstances Lentz was arrested, and after a long and

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<sup>29</sup> Page 185.

<sup>30</sup> Page 191.

<sup>31</sup> Page 194. For a biographical sketch, see "William C. Durkee (1842-1882)" (MLHP, 2014).

<sup>32</sup> Page 206. For his obituary, see "William B. Davies (1848-1918)" (MLHP, 2014).



hard legal battle was convicted of murder by a jury and sent to State Prison for life. After a few years, however, because of the uncertainty surrounding the case, he was pardoned.<sup>33</sup>

....

At the election of 1892, Daniel Buck of Mankato was elected a Judge of the Supreme Court of the State.<sup>34</sup>

....

By a legislative act approved March 13, 1897, the counties of Faribault and Martin were detached from the sixth Judicial District to form a new district, leaving only Blue Earth and Watonwan Counties in the Sixth District.<sup>35</sup>

....

June 11th of this year [1897] a rather unique robber's den was discovered under the Yeager school house in Rapidan. A young fellow named Silas Grey, had managed to excavate a room under the school house, boarded its sides up neatly, and covered the floor with carpets and made him a sumptuous home, the entrance to which was entirely hidden. Here he would spend the day, and at night he would appropriate farmers teams and prowl about in quest of booty and bring it to his

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<sup>33</sup> Page 206.

<sup>34</sup> Page 212. He was elected to a six year term beginning January 1894. The results of the "top three" election were:

William Mitchell (R., D. & Pro.)(inc.).....	165,541
Daniel Buck (D. & Peoples').....	113,194
Thomas Canty (D. & Peoples').....	109,166
Daniel A. Dickinson (R. & Pro.)(inc.).....	101,148
Charles E. Vanderburgh (R. & Pro.)(inc.).....	100,064
William N. Davidson (Peoples').....	42,084

He was defeated in his bid for re-election in 1898. See "Results of Elections of Justices to the Minnesota Supreme Court, 1857-2014" 29-32 (MLHP, 2010).

<sup>35</sup> Page 214.

den. Caught finally with a stolen bicycle and lodged in jail, he revealed his hiding place to D. T. Bowen, the sheriff.<sup>36</sup>

....

Early in August [1898] J. A. Flittie of Mankato was appointed Referee in Bankruptcy for this district.<sup>37</sup>

....

The year 1903, witnessed at Mankato the death October 16, of Ira P. Shissler, Judge of the Municipal Court, and the appointment of Wm. N. Plymat as his successor.<sup>38</sup>

....

In June of this year (1904) Judge Daniel Buck completed and published his book on "Indian Outbreaks in Minnesota." It treats almost wholly of the Sioux massacre of 1862, but does not pretend to give a complete history of that event. Though rather sketchy in character, it is quite a valuable work.<sup>39</sup>

....

April 19, [1905,] the sensational trial of Dr. Koch for the murder of Dr. Gebhardt at New Ulm, and transferred from Brown to Blue Earth County, was begun. It resulted in a disagreement of the jury, and on the second trial in July in the acquittal of Dr. Koch.

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<sup>36</sup> Pages 214-15.

<sup>37</sup> Pages 215-16. For a biographical sketch, see "Jean A. Flittie ( 1866-1927)" (MLHP, 2014).

<sup>38</sup> Page 220. For a biographical sketch, see "Ira P. Shissler (1844-1903)" (MLHP, 2013).

<sup>39</sup> Pages 220-21

On May 25, 1905, occurred the death at Mankato of Judge Daniel Buck, the Nestor of the Mankato bar.<sup>40</sup> □

....

[A]s we close this last page of our county's history our county seat is rapidly growing in numbers, wealth and power, as becomes the metropolis of Southern Minnesota. The great county of Blue Earth has, indeed had an eventful history during the fifty and more years it has been settled by white people, but much more eventful, doubtless will the historian of the future find its annals for the next fifty years. From its commanding position, natural resources and many splendid advantages this charming "Undine region," as in the past, must in the future be the center of the wealth, power and influence of the southern half of our great commonwealth.<sup>41</sup>

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### Related Articles on Blue Earth County Lawyers and Judges

"The Blue Earth County Court House" (MLHP, 2010).

"Memorials to Judges of the Sixth Judicial District"  
(MLHP, 2014).

"James Brown (1821-1889)" (MLHP, 2014).

"Jean Anton Flittie (1866-1927)" (MLHP, 2014).

"William B. Davies (1848-1918)" (MLHP, 2014).

"William C. Durkee (1842-1882)" (MLHP, 2014).

"Orrin O. Pitcher (1830-1902)" (MLHP, 2013).

"Jerome E. Porter (1843-1910)" (MLHP, 2013).

"Lewis Porter (1829-1876)" (MLHP, 2014).

"Horace W. Roberts (1877-1957)" (MLHP, 2014).

"Ira P. Shissler (1844-1903)" (MLHP, 2013).

"Benjamin C. Taylor (1871-1919)" (MLHP, 2014).

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<sup>40</sup> Page 221. For his bar memorial see, "Daniel Buck" in *Testimony: Remembering Minnesota's Supreme Court Justices* 139-141 (Minnesota Supreme Court Historical Society, 2008).

<sup>41</sup> Page 222.



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