

JAMES BROWN

(March 14, 1821 - August 3, 1889)

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HON. JAMES BROWN.

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James Brown, the son of Irish immigrants, was born in Ohio in 1821, attended a log school, and worked his way through Miami of Ohio University by earning \$14 a month and board teaching school. After graduating in 1845, he moved to Indiana, read law, was admitted to the bar, and opened a law office in Winchester, “starting in with plenty of pluck and enterprise, a small library, \$30 in money and a single suit of clothes as his only capital in trade.”¹ In 1854, he was appointed judge of the court of common pleas, served one term, and thus acquired “his title of judge, which has always clung to his name.”² The Judge was thirty-three years old.

Though he did not fight during the Civil War, he organized a company of volunteers. In 1864, he ran for Congress in Indiana as a Democrat but was defeated by the incumbent, George W. Julian, a fervent abolitionist and leader of the “radical Republicans” in the House.³ During that campaign he “was often threatened by mob violence and the destruction of his residence.”⁴ The next year, it was later said, his wife became ill, and seeking a more advantageous climate, they moved to Mankato, Minnesota. But their motives may have been more complex. According to his obituary, “While in

¹ Mankato Daily Free Press, Monday, August 5, 1889, at 3.

² *Id.*

³ James M. McPherson describes Julian as a fierce opponent of slavery, “one of the most radical of the Republicans” and a proponent of impeachment of Andrew Johnson. *Ordeal by Fire: The Civil War and Reconstruction* 69, 497, 531 (Alfred A. Knopf, 1982).

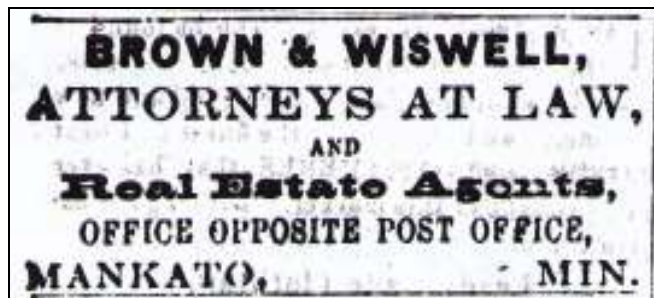
⁴ Mankato Daily Free Press, August 5, 1889, at 3:

It is not generally known that Judge Brown received a commission during the war as Lieut-Colonel of the 84th Ohio infantry. The commission is still among his papers at his residence. He never served, however, but did good service in assisting to organize a company. It was almost exclusively through his efforts that Co. E, 84th Ohio volunteers, was raised. The company was raised mainly among the Democrats of the county, 96 of the members being of that political faith.

At the Democratic state convention held in 1864, Judge Brown was chosen a presidential elector for the Fifth Congressional district.. About the same time he was nominated by the Democrats of his district for member of Congress. The district was several thousand Republican and his opponent, Congressman Julian, was elected by about the usual majority. During the campaign, Judge Brown was often threatened by mob violence and the destruction of his residence. About this time his wife’s health became rather poor and he was obliged to move. He came to Mankato on Aug. 19th, 1885. While in Indiana, he was a colleague and personal friend of Vorhees (sic), Vallandigham and Hendricks, all since famous.

Indiana, he was a colleague and personal friend of Vorhees (sic), Vallandingham and Hendricks, all since famous.”⁵ At that time each of these “friends” was or reputed to be a Copperhead, the derogatory name given Northern Democrats who opposed the war.⁶ Copperheads were thought by many to be traitors, and Brown may have come under suspicion of harboring Copperhead sympathies (hence the threats of violence during the campaign). It seems likely that he left Indiana to protect the health of Caroline Brown, who lived twenty more years, but also because he thought his life was in danger.

The family arrived in Mankato on August 19, 1865. He went into practice with James A. Wiswell.⁷ The firm’s business card appeared on the front page of the weekly *Mankato Record* for many years:⁸



He resumed participation in civic affairs with zest. He was city attorney for two terms, director of the Normal School, president of the school board and conducted Bible studies for the local Y.M.C.A. and Presbyterian Church.

In 1882, he was elected to the Minnesota House of Representatives to represent District 10. He ran as a Democrat, at a time when the Republicans were split. It was a top-three election, the results of which were:⁹

⁵ Id.

⁶ Daniel W. Voorhees (1827-1897), was an anti-war Copperhead from Indiana, later a Democratic Congressman and Senator from that state. Clement Vallandingham (1820-1871), the leader of the Copperheads, was imprisoned after Congress suspended the writ of habeas corpus; his challenge to the constitutionality of the act resulted in *Ex parte Vallandingham*, 68 U. S. 243 (1864), where the Supreme Court held that it lacked power to issue the writ to a military commission. Thomas A. Hendricks (1819-1885), was a pro-union Democrat, who was accused sometimes of being a Copperhead; he was Vice President under President Cleveland, 1885.

⁷ Wiswell (1828-1883) (ca.), also a Democrat, served four terms in the state House of Representatives. He was elected in 1861, 1862 and 1863, serving from January 1862 to January 1865; in 1871, he was elected for a fourth term, serving in 1872-73.

⁸ *Mankato Weekly Record*, Saturday, November 10, 1866, at 1.

⁹ *Mankato Review*, November 14, 1882, at 3.

Roberts (Republican).....	1,576
Charles G. Spaulding (R).....	1,731*
Parker (R).....	1,646
Morris (R).....	1,651
Burges (Democrat).....	1,456
John Brown (D).....	1,742 *
R. H. Hughes (D).....	1,199
Lysander Cook (D).....	1,770 *
Howard (Alliance).....	883
Pratt (A).....	494

It was a hard-fought campaign, though not as rough as the one he experienced in Indiana during the War. He was tarred by the Republicans as a “prohibitionist,” which may have alienated some party members. A week after the election, the *Mankato Review* unleashed a diatribe against the tactics used against Brown:

The fact is that on the part of the Republican managers, the campaign was conducted so as to disgust and drive away the better element of that party. It was in the fullest sense a “whisky campaign,” and every corrupting influence that political trickery and the lavish use of money could devise, was brought in to use. Men went from saloon to saloon representing that Judge Brown “was a prohibitionist” and could not be trusted; candidates and party leaders nightly and daily, too, “set ‘em up forth the boys,” and drank freely themselves to show that they were all right on this issue. Whenever a venal Democrat could be found to betray his party and work for some favored candidate on the other side, “he was fixed,” and the evidences of this fact are shown by the elections returns. To the honor of most of the saloon men, and of the better elements of all parties, these disgraceful methods, so openly and boldly indulged, while they many have scared an occasional vote, drove hundreds to the support of Judge Brown and other of the Democratic candidates, and that gentlemen’s election is a no less significant condemnation of boss rule, corrupt and lavish use of money and the disgraceful methods we have described, that the political revolutions in New York and Pennsylvania are a condemnation of similar methods practiced for years in those States, and from which the

tricks and practices of our local bosses have been copied.¹⁰

He served one term. About this time Wiswell died, and he thereupon formed a partnership with W. E. Young, and later with his son, Henry W. Brown.

Thomas Hughes, who knew Brown, had two entries on him in his county history published in 1909. The first was his personal recollection of the man:

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.¹¹

This was followed pages later by a lengthy profile incorporating much of one in an earlier county history. It probably was written by members of the Brown family.

BROWN, HON. JAMES. — A lasting benefit to both was realized in the association of Hon. James Brown and the city of Mankato from August 19, 1865, until the lamented death of the honored jurist, August 3, 1889. Judge Brown was a man of solid and substantial worth, well grounded in the law, and prominent in the educational and religious upbuilding of the communities in which he lived. Exceptional only in his strength of character and ability to grasp and use his opportunities, he filled a fundamental need with courage, fidelity and invariable regard for the best interests of the people.

¹⁰ Mankato Review, November 14, 1882, at 2. An article on the same page describes the election results in New York and Pennsylvania, among others, and this explains the editorial's reference to the "political revolutions" in those two states. Grover Cleveland won the governorship of New York by a wide margin and the Democrats took a majority of the congressional seats in that state. In Pennsylvania, a Democratic governor was also elected, and the party picked up five additional congressional seats. Id.

¹¹ Thomas Hughes, *History of Blue Earth County and Biographies of Leading Citizens* 171 (1909).

Born in Milford, Butler county, Ohio, March 14, 1821, Judge Brown was of Irish ancestry, his parents having settled in Ohio shortly after their arrival from Belfast, Ireland, in 1810. Mr. Brown owed his initial education to the public schools of his native state, and in 1845 graduated with highest honors from Miami College, at Oxford, Ohio, during his college life diverting his leisure into the channel of legal research. Later he entered the law office of O. S. Witherby, and in 1846 was admitted to practice in Union county, Indiana, soon after opening an office in Winchester, the same state. The practical qualities of Mr. Brown received ready recognition, and in 1849 he was elected to the Indiana legislature, the governor of the state in 1854 appointing him judge of the court of common pleas. For years he was county examiner of schools of Winchester county, and in 1854 he was chosen presidential elector, in the fall of the same year was the Democratic nominee for congress.

The removal of Judge Brown to Minnesota during the last year of the Civil war was due principally to the illness of his wife, for whom much was hoped in a change of climate. Before her marriage, September 14, 1846, Mrs. Brown was Caroline Irwin, daughter of Rev. Robert Irwin. Judge Brown in 1866 formed a partnership with J. A. Wiswell, under the firm name of Brown & Wiswell, an association resulting in strong professional work, and a reputation for dependable service by no means confined to the limits of Blue Earth county. In the meantime Mr. Brown took an active interest in educational matters, promoting the same with vigor and enthusiasm. He believed in education as a means to great ends, and considered it a solution of many of the problems which now vex the souls of great thinkers and reformers. For years he was resident director of the Mankato Normal school, was instrumental in enlarging its sphere and capacity, and made the selection of the present site of the school. As in Indiana, his political activity remained a feature of his career, and he represented his county in the legislature of 1881(sic).

The wife of Mr. Brown dying in 1885, December 23, 1886, he was united in marriage to Mrs. Josephina E. Sheets, of Hamilton, Ohio, who with the following children, survive

him: Mrs. Mary Cornelia Pfau, Mrs. Marcella Mann, Charles I., Henry W., and Robert E.¹²

The Judge died on August 3, 1889, at age sixty-eight. In the style of the period, the *Mankato Daily Free Press* reported in detail his excruciatingly painful death before turning to his childhood, youth, education, practice in Indiana, and years in Mankato, which formed the basis of the profiles that appeared twenty years later in county histories. It concluded:

Judge Brown will be long remembered and held in esteem for his many kindly qualities. During his long residence

¹² Thomas Hughes, *History of Blue Earth County and Biographies of Leading Citizens* 355 (1909). Two years earlier, the following profile was published in a county semi-centennial:

BROWN, HON. JAS.—Born March 14, 1831 (sic), at Milford, Butler County, Ohio, where his parents had immigrated in 1810, from Belfast, Ireland. Graduated with honors from Miami College at Oxford, Ohio, in the Class of 1845. During his college course he spent all his spare time in the study of law, and, upon graduating, entered the law office of O. S. Witherby, and was admitted to the bar on the 26th of March, 1846, in Union County, Indiana. Soon after this he opened an office in Winchester, Indiana, and began the practice of his profession.

On September 14, 1846, he married Miss Caroline Irwin, daughter of Rev. Robert Irwin. In 1849, he was elected to the Indiana Legislature, and in 1854, the governor of that State appointed him Judge of the Court of Common Pleas. He also was county examiner of Schools for Winchester County for years. Was chosen presidential elector in 1864, and, in the fall of the same year, was the Democratic nominee for Congress. The health of Mrs. Brown necessitating a change of climate, the family removed to Minnesota, arriving at Mankato, August 19, 1865. The following year he formed a partnership with J. A. Wiswell, and the firm of Brown & Wiswell, continued for many years, one of the best known in this part of the State. Judge Brown always took great interest in church and educational matters, and was ever active in their promotion. Was resident director of Mankato Normal School for years, and selected its present site. Was member of the Legislature in 1881 (sic).

In 1885, his wife died and December 23, 1886, he married again, Mrs. Josephine E. Sheets, of Hamilton, Ohio. He died August 3, 1889, leaving surviving him, besides his second wife, the following children: Mrs. Mary Cornelia Pfau, Mrs. Marcella Man, Charles L., Henry W., and Robert E. Brown. The latter has been for years the efficient manager of the Gas and Electric Light Company.

Mankato, Its First Fifty Years 186-87 (1903) (the photograph of Brown on the first page of this article is taken from this book).

in the city he gathered about him many friends and his acquaintance is a large one. He was a good lawyer and during his health enjoyed a large and lucrative practice. His tastes were refined and his home on Jackson street is one of the pleasantest in the city. Always gentlemanly and affable, he won the respect of strangers and the regard of acquaintances. Throughout his active career his integrity has been unquestioned and not an occurrence has happened to cast a shadow upon his character or reputation. The family has the sincerest sympathy of the entire community in their great sorrow.¹³

The weekly *Mankato Review* carried two articles of appreciation:

Death of Judge Brown.

It is our painful duty to day to announce the death of Judge James Brown, which occurred on Saturday night, at his residence in this city. A kind friend has written a generous tribute to his memory, which we publish elsewhere.

The Judge was a man of tireless energy, good ability, and a most retentive memory. These qualities, with years of active practice, made him an excellent lawyer, and in the preparation of legal papers he had no superior and but few equals at our bar. He was a man of strong convictions and sympathies, and no man, however poor, ever went to him for legal advice or services but they were given as cheerfully as if he were a millionaire; and it made no difference as to the amount of labor and research necessary to do justice to his client.

Indeed, it seemed every poor man, when in trouble requiring legal services, went to Judge Brown, and he never was turned away. He was a public-spirited citizen, always interested in promoting the welfare of our city and county; a friend to popular education, and a faithful worker to the cause christianity. In public and private life Judge Brown will be missed, and in no place more than where misfortune comes, and kindly, words and acts of earnest sympathy are needed to alienate pain or suffering. There he was, always prominent and his generous

¹³ *Mankato Daily Free Press*, August 5, 1889, at 3.

nature always framed and suggested some kindly thoughts or timely action that steadied and strengthened the faltering steps of the afflicted and unfortunate. His ailment was largely the result of his active life, and though in his last days, he was denied the power of speech, and still later the use of pen, he bore his affliction with patient resignation, and he passed away as quietly as if falling into a refreshing sleep.¹⁴

In the same issue, an obituary, drafted by a friend, probably a lawyer, also appeared:

The prominent position which the subject of this notice, the Hon. James Brown, has for so many years held in the legal, the religious, educational, political and social circles in our city, is my only excuse for asking the public of the following brief sketch of his past history.

Mr. Brown was born in Milford, Butler Co., Ohio, March 14th 1821. His opportunities for acquiring school education during his boyhood were only those common to the very sparsely settled regions of that section at that period, found most generally and in his case especially only in the primitive log school house of the emigrants to the forest regions of Indiana; and its is therefore creditable to the energy and perseverance of the ten boy that he was able, in 1840, when but 19 years of age, to enter the Miami College at Oxford, Ohio, as a pupil of the institution, and from which he graduated with honors in the class of 1845, supporting himself in the meantime by teaching school during vacations, and only once or twice leaving college before the term closed for that purpose. After his graduation he entered the law office of Hon. O. J. Witherby and became an equally persevering and tireless student of the law supporting himself in the meantime by writing in the Auditor's office of Butler county, a position held by the late Capt. James George of Rochester, Minn.

He soon after left Butler county and commenced the practice of law in Winchester county, Indiana, where he soon succeeded in securing a remunerative practice. In September, 1846, he married his first wife, a most estimable young lady, Miss Caroline Irwin, daughter of

¹⁴ *Mankato Review*, August 6, 1889, at 2.

the Rev. Robt. Irwin. The young couple, if not endowed with a large share of worldly wealth, were rich in faith, energy and perseverance, and during their several years residence in Indiana the deceased held many important positions. In 1849 he was elected to the state legislature, where he served a term with credit to himself and to the satisfaction of his constituents. In 1854 he was appointed by Gov. J. A. Wright, judge of the court of common pleas for his district. During his residence in Indiana he held many important position and was always prominent in educational matters as well as in church affairs.

During his residence in this state, to which he emigrated in 1865, for the benefit of his wife's health, he has been equally prominent in educational affairs. He was one of the members of the local board of directors of the Normal School of this city, and the local director some time after its opening; and for many years was connected with the board of education of this city, and the public schools have ever been an object of deep solicitude with our departed friend. He represented this county in the legislature during the session of 1881 (sic), and was a prominent member of the House of Representatives; and for several years he filled the position of city attorney.

From the date of this arrival in our city, in 1865, he held a prominent place in the Blue Earth County Bar, and had secured a large and lucrative practice, when seized with the incurable malady which terminated his ever active and useful life. His death leaves in the social circle a vacuum not easily filled. The Bar of Mankato mourns the loss of one of its most prominent members; the church of an earnest and energetic worker; the cause of popular education a warm friend; the grief-stricken wife to whom he had been married less than three years, a kind and tender husband; and to the children who survive, an indulgent and affectionate father. COM.¹⁵

The next day, the evening *Mankato Free Press* quoted resolutions passed by Blue Earth County Bar Association in his honor:

¹⁵ Id. at 7 (it has been divided into shorter paragraphs for ease of reading).

CONSIGNED TO EARTH

The funeral of the late Judge Brown occurred this afternoon, the services being held in the Presbyterian church, commencing at two o'clock. Rev. Jno. Barbour conducted the services. The church was filled with friends of the dead jurist and family acquaintances. The members of the Blue Earth county bar acted as pall bearers. The remains were accompanied to the grave by a large number of carriages.

The Bar Association held a meeting this afternoon just before proceeding to the house, and adopted the following report of the committee appointed yesterday to draft suitable resolutions:

Death has again broken our ranks, and taken from us one of our oldest and most respected members.

Judge James Brown died at his home in the City of Mankato on the 3rd day of August, 1889. He was born in the State of Ohio in 1821, admitted to the bar in the State of Indiana, A. D. 1846, moved to Mankato in 1865 and entered into the practice of his profession, and continued in active practice until about one year ago, when, on account of failing health, he was compelled to withdraw.

During his long term of practice here he has been an honor to the profession, true and faithful to his clients, courteous and obliging towards the members of the bar, and when today we shall have conveyed to Glenwood cemetery the remains of our late brother, we will return to our homes, realizing that the fraternity has lost an honorable member and the community a respected citizen.

Now in token of our respect and esteem for our deceased brother, be it

Resolved, That the sympathies of the Blue Earth County Bar be extended to his bereaved and stricken family, and his numerous relatives and friends, with the assurance that our tears will mingle with theirs in mourning the loss of a dear husband, father, brother and friend.

Resolved, Further, that the president of this association present his memorial with resolutions to the District Court of this county at the next general term thereof, with the request that the same be spread upon the records of the court, and a copy there of be furnished the family of the deceased.

Respectfully submitted this 7th day of August, 1889.

S. F. Barney,
Daniel Buck,
Thos. Hughes,
Committee.¹⁶

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RELATED ARTICLES ON
BLUE EARTH COUNTY LAWYERS & JUDGES

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“Jean A. Flittie (1866-1927)” (MLHP, 2014).

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

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

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

“Benjamin Taylor (1871-1919)” (MLHP, 2014).

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Posted MLHP: April 1, 2014.

¹⁶ *Id.* at 3.