

In Memoriam

**ERNEST STEVENSON CARY**

February 17, 1875 – December 13, 1936



*Men of Minnesota* (1915)

Hennepin County Bar Association  
Fourth Judicial District  
Minneapolis, Minnesota  
January 20, 1937

## Ernest S. Cary

Ernest Stevenson Cary was born in in the city of Milwaukee, Wisconsin, February 17, 1875. He was educated in the schools at Berlin, Wisconsin, and Ripon College, at Ripon, Wisconsin, and was graduated from the St. Paul College of Law in 1902.

He practiced law in Wisconsin for several years and then removed to City of St. Paul, Minnesota, where he practiced for about one year. While practicing his profession in the City of St. Paul, he was recommended by the late Robert Smith, then mayor of St. Paul, to defend Mayor Ames of the City of Minneapolis, who was under indictment. Mr. Cary defended Mayor Ames three times.<sup>1</sup> While still a young man, he became widely known as an able advocate and the defense of the criminal cases throughout the Northwest. Since 1905 and until his death, he practiced law in the City of Minneapolis.

During the time I was associated with Mr. Cary, I became intimately acquainted with him. I learned to know him. He was possessed of some faults and misgivings<sup>2</sup> which were clearly overshadowed by his honesty, integrity and ability as a lawyer.

He was one of the outstanding lawyers, in the defense of people charged with crime, of the Northwest. He knew and understood man's constitutional rights and privileges, and continually fought to uphold them.

In 1921 he waged a bitter fight in the United States Court in an injunction proceeding against Railway Workers, and successfully defended the workers in contempt proceedings in that Court, and refused to accept any fee for his services. He was always sympathetic toward the working classes, ever ready and willing to take up their fight, when in his opinion, their cause was just and their constitutional rights and liberties were being encroached upon.

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<sup>1</sup> In *State v. Ames*, 91 Minn. 365, 96 N.W. 190 (1904) the Supreme Court reversed Judge Charles Elliot's denial of a motion for a new trial. Ernest Cary is not listed as a member of the team of defense counsel in this appeal. On remand Ames was retried two times and each trial ended in a mistrial.

<sup>2</sup> Perhaps this refers to District Court Judge Andrew Holt found Cary in contempt of court and sentenced him to 30 days in the county jail. The Supreme Court affirmed, *State ex rel. Ernest S. Cary v. District Court of Hennepin Court*, 110 Minn. 446, 125 N.W. 1020 (1910).

He was charitable and was always ready to give money and services to assist the downtrodden and the unfortunate.

As a trial lawyer, none can but deny that he was eminently qualified; a master in the art of cross-examination; learned in the rules of the evidence symbol: an able orator; understood and knew fully how to interpret the criminal law and to apply the same. He was humorous, being possessed of an unusual amount of wit; he was gifted with a remarkable memory. Seldom did he ever take a note or notes during the trial of a lawsuit.

He fought the hardest when he was convinced of his client's innocence, going so far as to engage in heated arguments with the Courts rights and the opposing counsel; to him the protection of his client's rights were uppermost.

He was one of the youngest to appear before the Supreme Court of the United States. In his many appeals before our own State Supreme Court, he was responsible for the establishment and interpretation of important phases of the criminal law, among them being the appeal in the famous State versus Salisbury case where he contended that since the abolishment of capital punishment in our state for the offense of murder was bailable, and the Supreme Court so held.<sup>3</sup>

He was really a great lawyer, well thought of and loved by those who knew him.

Delivered by Simon Meshbesh  
January 30, 1937

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<sup>3</sup> *In re Salisbury*, 153 Minn. 548, 194 N.W. 460 (1922).



Pete Hackett is one of five men indicted on charges of conspiracy to kidnap Charles F. Urschel. Shown on 3rd Ave. side of City Hall with attorney Ernest Cary. Date of Photograph: August 26, 1933.

*Minneapolis Tribune*  
Minneapolis Newspaper Photograph Collection  
Hennepin County Library

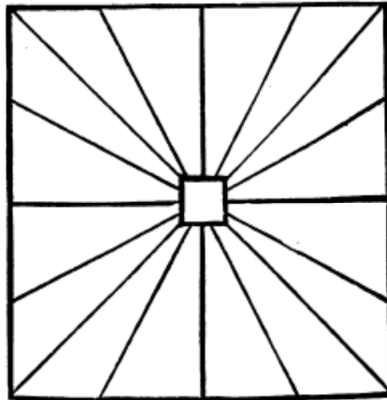
## Related Articles

"Henry Deutsch (1874-1928)." (MLHP, 2021).

Deutsch, also a member of the defense team in the *Ames* trials, took a different career path in the law than Cary.

Erik Rivenes, *Dirty Doc Ames and the Scandal that Shook Minneapolis* (Minnesota Historical Society Press, 2018). Reviewed by Elena Neuzil (MLHP, 2018)).

Lincoln Steffens, "The Shame of Minneapolis, The Ruin and Redemption of a City that was Sold Out." (MLHP, 2011) (first published 1903).



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