

“ Courts and Lawyers of Chippewa County ”

BY

LYCURGUS R. MOYER

FOREWORD

BY

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The following article entitled “Courts and Lawyers of Chippewa County” appeared in a two volume history of Chippewa and Lac qui Parle Counties published in 1916. The editors of the set were Lucurgus R. Moyer and Ole G. Dale. Dale was a cashier of the Madison State Bank in Madison and a former state senator.¹ Moyer was admitted to the bar in 1875, practiced law for a short time but did not find it rewarding. He devoted himself to other business pursuits, including running a printing press and founding a local bank. He was the Probate Judge of Chippewa County for twenty years.

Not surprisingly, Moyer wrote the following history of the bench and bar of Chippewa County. Writing in the first person, he begins with a paragraph about himself, then describes early court sessions, before concluding with several pages of short sketches of lawyers who practiced in the county from the 1870s to 1916. Curiously, one of them was Lloyd G. Moyer, who was the author’s younger brother—though that relationship is not mentioned.

Only one year after the publication of this massive history, Lucurgus Moyer died. His death was reported on the front page of the weekly *Montevideo Leader* on March 16, 1917:

¹ For a profile of Dale and his photo see II *History of Chippewa and Lac qui Parle Counties*, Minnesota 64-66 (Indianapolis: B. F. Bowen & Co., 1916).

Lycurgus R. Moyer.

Died, at his home in this city Tuesday night, March 13, 1917, of pneumonia, Lycurgus R. Moyer, aged 68 years, 4 mouths and 14 days.

Mr. Moyer was born on a farm in Niagara County, New York, October 29. 1848. He was the oldest son of Amos F. and Cornella Rose Moyer. His early education was in the district school and at a select school taught by Matilda Tousley. Later he entered a high grade school at Lockport. N. Y. His health becoming impaired he came west in 1869, taught school the following winter nears Stillwater and then worked as civil engineer in and near Duluth and in August 1870 came to Benson, the end of the railroad and walked to Chippewa City, arriving here Aug 9. He was engaged in surveying for many years and took up land near Camp Release which is still a part of his estate. He was admitted to the bar in 1873 and the next year joined with C. H. Budd in they on the firm of Budd & Moyer. They also engaged in the banking business and in 1877 admitted a third partner and organized the Chippewa County Bank, now one the largest in Western Minnesota. He and his associates were active in organizing the Montevideo Public Library.

He was County Surveyor for 30 years and Judge of Probate for 20 years and the served many years on the school board, on the Windom Institute board, as Park Commissioner and in various other positions of honor and trust.

In 1876 he was married to Anna Wightman of Mauston, Wis., who survives him and to them were born sir children, four of whom, Sumner, Amos, Catherine and Rose, are living. Burroughs died in 1899, aged 16, and Waldo in 1903 aged 22. The two girls are in Florida to escape the rigors of a northern winter.

His funeral will be held at 2:30 this afternoon at the M. E. Church, conducted by the Masonic Lodge, of which he has long been an honored member and officer. Thus has passed

away from among us a worthy and upright citizen, kind neighbor and a true friend.²

A further tribute to Moyer appeared on the editorial page of that same issue of the *Leader*:

A Tribute

Our friend and neighbor L. R. Moyer has passed from this life and our people are in deep sorrow. For more than forty five years has he been closely identified with the social and business life of this community and from a mere hamlet has seen Montevideo grow and develop into a beautiful and prosperous city. During all these year he has been its steadfast friend and supporter, ever watchful of its good name, ever ready to serve its best interests. Always has he stood for the things that are worth while—for true character, temperance, education good government, good morals, right living, and a genuine, heart-felt christianity. Always when our people have gone to him for counsel or advice have they found him solicitous for their welfare and anxious to be of some real service.

Modest and unassuming to an extreme, he filled every station to which he was called with marked ability and discharged every duty with true fidelity. No other man has so strongly impressed himself upon this community or exerted such so great an influence for the good of all. In a thousand ways has he served our people so faithfully as to merit their recognition of him as our most distinguished citizen. He has passed from the activities of this life but his good deeds will live as a precious memory, in the hearts of a grateful and appreciative people.³

Moyer's piece appeared on pages 388 to 392 of the first volume of the joint history he co-edited. It has been reformatted. Page breaks have been added. His spelling and punctuation have not been changed.

² *Montevideo Leader*, March 16, 1917, at 1.

³ *Id.* at 4.

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IN
HISTORY
OF
Chippewa and Lac qui Parle Counties
MINNESOTA

THEIR PEOPLE, INDUSTRIES AND INSTITUTIONS

L. R. MOYER
AND
O. G. DALE
Joint Editors

**With Biographical Sketches of Representative Citizens and
Genealogical Records of Many of the Old Families**

VOLUME I

ILLUSTRATED

1916
B. F. BOWEN & COMPANY, Inc.
Indianapolis, Indiana

COURTS AND LAWYERS OF CHIPPEWA COUNTY.

Jesse I. Stewart, who held the office of judge of probate went with the latter company.[§] Through the influence of Lane K. Stone, I was appointed to fill the vacancy caused by Judge Stewart's resignation. The salary at first was two hundred dollars per year. I held the office for nearly twenty years. I found time to read law during the long winters and quiet summers of the early seventies, and in 1875 I was admitted to the bar, taking my examination before Judge John H. Brown. He remarked that I passed a very creditable examination, but the practice of law was rather distasteful to me, and after the trial of one or two cases, I gave up court practice. I entered into partnership with Charles H. Budd in 1875. We each had a few law books. We purchased a lot of Mr. Frink and put up a small office building. We purchased a small hand printing press and did the first printing that was ever done in the county. We did our own printing and occasionally a little for other people. I surveyed Nelson's addition to Montevideo in 1876, and for doing the job he paid me by deeding me a lot on the hill where we afterward built a residence. Mr. Budd retired from the partnership in the fall of 1876 and moved to St. Paul and did not return until the spring of 1878.

The first term of court was held by Judge Hanscome, of St. Peter, and so far as the docket shows, Henry Hill, Charles H. Budd, F. W. Pearsall and A. W. Lathrop were the only attorneys who had cases before the court. Henry Hill succeeded Mr. Budd as county attorney. He lived at East Granite Falls and was engaged in milling at Granite Falls at that time. He had been receiver in the United States land office at Greenleaf, Minnesota, and was well posted in land office matters. Mr. Hill's mill property at Granite Falls fell into the hands of Charles A. Pillsbury, of Minneapolis, and Mr. Hill removed to the Black Hills, where he died. Mr. Budd practically retired from the practice of law after a few years, and is now president of the Montevideo State Bank. F. W. Pearsall was one of the earliest

[§] MLHP editor: The phrase "latter company" refers to the preceding paragraph describing how a company of settlers was driven from Chippewa County by the grasshopper plague of 1874.

attorneys in the upper Minnesota Valley. He had a small office in Lac qui Parle and lived on his farm, one and one-half miles north of that place. After some years he removed to Granite Falls, where he engaged in the banking business with Doctor Wellcome. Mr. Pearsall was a New Yorker, and was economi-[389]-cal and successful in making money. He died soon after engaging in the banking business at Granite Falls. A. W. Lathrop had spent nearly all the active years of his life on the frontier. He was in business at Glenwood at an early date. After that he engaged in the milling business at Appleton, and after some years removed to Kentucky, where he died.

At the second term of court, in addition to the attorneys already mentioned, Charles H. Strobeck, of Litchfield, at that time a rising young attorney, had one or two cases before the court. Mr. Strobeck was probate judge of Meeker county for many years prior to his death. Rogers & Rogers, of St. Paul, had some business at that term, and E. C. Palmer, in whose office Mr. Budd began the practice of law, had one case. Edward G. Price, of Willmar, and James Hodgson, of Beaver Falls, as well as L. R. Davis, county attorney of Lac qui Parle county, had some business before this second term of court. Judge Hanscome gave the impression during these two terms of court of being a rather austere man, quite inclined to be quick and arbitrary in his decisions, but those who knew him intimately said that he had another side to his nature, and was really a very lovable man.

The third term of court in the county was held by Judge John H. Brown, of Willmar, in 1875. He continued to occupy the office for a long series of years. No new names appear on the calendar as attorneys practicing before this term of court. In 1876 A. Wallen, of Redwood Falls, had some business before the court, and C. E. Shannon's name appears as attorney in a case tried at that term. Mr. Shannon came to Minnesota Falls during the early days of the settlement of that town, and afterward moved to Granite Falls when that place became the county seat of Yellow Medicine county. He afterward formed a partnership with D. A. McLarty, a young man who had come out from Ontario. Canada, and who had taken his law course in the State University. The firm had a large collection

business, and afterward went into the business of dealing in real estate. They made some good investments in Duluth, and Mr. Shannon removed to that place, leaving Mr. McLarty the Granite Falls field to himself. Duluth has had its ups and downs, and Mr. Shannon found himself on the wrong side of the market when the hard times came on, and had to move further west or north. He had some interest on the iron range for a time and then it was understood that he had gone to Alaska. I understand that he is still living and is now making his home in Oklahoma. Mr. McLarty became a banker and has been very successful in a financial way. He still resides at Granite Falls and devotes his time to his banking and financial interests. [390]

These same attorneys, together with H. W. Fisher, Lochren, McNair and Gilfillan, had business before the court in 1876. In 1877 the name of Arctander and Reynolds appears among the attorneys. Mr. Reynolds was a Willmar man and never came over to Chippewa county in person. The senior partner, John W. Arctander, had recently located at Willmar. It was understood that he was born in Sweden, of Norwegian parents, and received his education in the University of Christiania. He was a man of much energy, and a diligent and hard student, a convincing speaker, and took at once a high place before the bar. Mr. Arctander was thought to have ambitions to hold the office of judge, although by nature he was better fitted to be an advocate. To give range to his ambitions, the Legislature created the office of district attorney for the twelfth judicial district, and it was his custom to attend the sittings of the court in the several counties of the district and give attention to the criminal cases arising within the district. These cases, however, were few, for our people were exemplary and law-abiding. Mr. Arctander afterward removed to Minneapolis and became noted as a lawyer in damage cases, especially against corporations.

During the first few years of court, George J. Crane was sheriff. He was succeeded by Knut Stenerson, a very tall man of unusual appearance. This peculiarity induced Charley Coghlan, who had reason for not liking the Chippewa county sheriff, to publish in his Lac qui Park County Press a cartoon of Mr. Stenerson, which created considerable amusement. When Mr. Stenerson was sheriff

some wholesale house which had a claim against the former sheriff, George J. Crane, got out a writ of attachment and instructed the sheriff to levy on the goods in Mr. Crane's store. Mr. Stenerson showed Mr. Crane the writ and while the sheriff was getting ready to make the levy, Mr. Crane locked the sheriff in the store and went to a lawyer's office and made an assignment for the benefit of his creditors.

After these early terms of court, the clerk did not preserve a written calendar of the terms, so the names of the attorneys who practiced cannot be easily ascertained. Jesse K. Miller came to Montevideo some little time before the railway and taught school for one winter. He held the county attorney's office and did some business. He married the daughter of Jerry Wood and went further west, I believe to Montana. Owen J. Wood located in Montevideo soon afterward. Mr. Wood came from Indiana and possessed the fluency of speech and the oratorical readiness so characteristic of the Indiana people. He held the office of county attorney for a time, but finally sold his practice to Lyndon A. Smith, and moved to Kansas, where [391] he became one of the attorneys for the Atchison, Topeka & Santa Fe railroad. T. S. Styles was associated with Mr. Wood for a short time, but moved on further west after a brief stay at Montevideo.

Lyndon A. Smith, who succeeded Owen J. Wood, was born in Bosca-wen, New Hampshire, on July 15, 1854. He graduated from Dartmouth College in 1880 and took his degree in law at the Georgetown University, D. C., in 1882. He held an appointment in the bureau of education in Washington for a time and had charge of the government educational exhibit at the New Orleans Exposition. He located at Montevideo in 1885 and became well known as a lawyer throughout the district. He served as village president, as a member of the library board and as trustee of educational institutions. He became lieutenant governor of the state and is now attorney general. Mr. Smith always had high ideals as to the duties of a lawyer, and he did much to elevate the ethical standards of the profession.

Christopher A. Fosnes was born in Fosnes, Norway, July 2, 1862, came to the United States when he was five years old and lived with his parents in Winona county. He studied law in Winona and was admitted to the bar in 1884 and began the practice of law in Montevideo, after teaching for a time in the country schools. He was associated with Mr. Smith for a number of years and served for some time in the state Legislature. Mr. Fosnes has been practicing law on his own account for a number of years and has a large and growing practice. He is well known throughout the district.

T. F. Knappen was born in Clinton county, New York, in 1845. He graduated in law at the Madison, Wisconsin, University, and taught school in Duluth for one year. He was county attorney of Isanti county for several years and served one term in the Legislature. He located at Montevideo in 1878 and became a member of the firm of Miller & Knappen. Mr. Miller went west soon afterward and Mr. Knappen continued the practice of law at Montevideo for a number of years. He afterward practiced law in Minneapolis.

Hon. Jacob O. Haugland was born in Minnesota in 1862 and removed with his parents to Chippewa county, Minnesota, when a small boy. He was brought up on a farm near Watson and attended the public schools of the county. He studied for some time at St. Olaf's College and afterward read law at Montevideo, and was admitted to the bar. He was county attorney for six years and served three terms in the Legislature.

Lloyd G. Moyer was born in Niagara county, New York, in 1885. He attended the country schools and afterward the union school at Lockport. [392] He taught school for several terms and came west in the spring of 1877. He afterward studied law and was admitted to the bar and managed the collection department of the Chippewa County Bank for many years.

C. D. Bensel was admitted to the bar at Benson, Minnesota. He graduated in law from the University of Iowa, published the *Benson Times* for two years and settled in Montevideo in 1880. He practiced law, published the *Valley Blossom*, and was engaged in the hotel business and in farming.

Oluf Gjerset was brought up on a farm in Chippewa county, was engaged in the mercantile business in Watson, and in the wheat business at Watson and Montevideo. He attended the law department of the Minnesota State University, where he graduated in law. He entered upon the practice of his profession at Montevideo. Mr. Gjerset has been a thorough and diligent student and has a deep knowledge of the principles of law. He represents Chippewa and Lac qui Parle counties in the state Senate at the present time.

John W. Peterson was brought up on a Chippewa county farm, graduated from the State University, and is a rising young member of the Chippewa county bar.

A. E. Kief, who was graduated from the State University some two or three years ago, was elected county attorney soon afterward. He was brought up on a Chippewa county farm.

Fred S. McCargar is a young member of the Chippewa county bar and is associated with Mr. Peterson in business.



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