

# DANIEL H. DUSTIN

## United States Attorney

d. 1854

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Daniel H. Dustin was the second United States Attorney in Minnesota Territory. He succeeded Henry Moss who served from 1849 to 1853. President Franklin Pierce made a recess appointment of Dustin in 1853, and followed with a nomination to a full term on February 1, 1854.<sup>1</sup> On March 14, the Senate confirmed him.<sup>2</sup> In early July, he died suddenly in St. Paul. In a sketch in *Pen Pictures of St. Paul*, published three decades later, Thomas Newson named cholera as the likely cause:

Mr. Dustin was born in New York, when, I do not know; came to ST. PAUL in 1853 as United States District Attorney, and occupied a one-story wooden building on upper Third street, near Eagle. He was a social gentleman and a lawyer of a good deal of ability. He was in perfect health and attended a celebration on the Fourth of July, 1854, when in six days after he was dead —supposed to have died of cholera.<sup>3</sup>

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<sup>1</sup> The nomination was recorded in the Senate Executive Journal:

Washington, February 1st, 1854.

To the Senate of the United States:

A commission having been granted, during the recess of the Senate, appointing Daniel H. Dustin attorney of the United States for the Territory of Minnesota, in the place of Henry L. Moss, whose term had expired, I now nominate said Daniel H. Dustin to the same office.

FRANKLIN PIERCE.

Executive Journal, 33rd Congress, 1st Sess., February 2, 1854, at 228.

<sup>2</sup> Executive Journal, 33rd Congress, 1st Sess., March 14, 1854, at 265.

<sup>3</sup> Thomas McLean Newson, *Pen Pictures of St. Paul, Minnesota, and Biographical Sketches of Old Settlers: From the Earliest Settlement of the City, Up to and Including the Year, 1857* 387 (Bibliolife, 2009) (First edition, 1886).

Dustin's death was reported in the *Daily Pioneer*, which reprinted a tribute to him from the Hennepin Lodge, a chapter of the Odd Fellows, a fraternal society. There was no bar association at this time but several lawyers convened in the chambers of Justice Moses Sherburne on July 11th and quickly drafted and adopted resolutions lamenting the bar's loss of "one of its most promising members." This appears to be the first bar memorial adopted in Minnesota.

## DAILY PIONEER

SAINT PAUL

WEDNESDAY MORNING JULY 12, 1854.

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### **The Late Col. Dustin — Obituary.**

We followed our late friend to the grave, with a heart full of unfeigned sorrow for a loss seemingly impossible to realize. But a few short hours and he, that is no more of earth, was smiling in the happy fancies of a blithesome life, beloved by friends, bound by the endearing ties of husband — father — and in the enjoyment of apparent vigorous health.

But that fell Destroyer that spares neither ties or position, seized him as a victim, and hurried his spirit to another world, there, we trust, to enjoy that immortality that may not be again be swept asunder. We stood by the grave, as the coffin was lowered into its resting place, we heard the fervent "prayer for the dead," and the sad wailings of that "bereaved one;" we heard the hollow sounding of the earth as it closed the narrow tomb; we cast a slip of evergreen into the

crumbling loan, went our way, and all seems now a hurried dream!

The deceased was our intimate friend before his exodus from New York city, where he was eminent in the practice of the law, it was our fortune to bear to him the relationship of intimacy. Pleased with the prospect of renewing these ties in our western home, his appointment to an important office in Minnesota gave prospect of many happy reunions. It is but a few short months since our lamented friend was called upon to mourn the loss of a beloved child, as suddenly hurried into the grim embrace of death, by a sad casualty upon a railroad, and at the same moment narrowly escaping the destruction himself. And now the mourner is to be mourned — how shadowy and uncertain this vale of life!

A deepening gloom has spread over the entire community of Saint Paul. All who knew him bewail the sad event that deprives a beautiful wife of her protector — two lovely children of a parent, and takes a good citizen from our midst. Our friend was happily endowed with a larger share of virtues than most men. Those virtues endeared him to a host of friends, who can only offer to her who is left bereaved, the deep, earnest sympathies of the soul. May He who “tempers the wind to the shorn lamb,” give that consolation truly divine, and cheer her for the duty who now owes those fatherless ones, who can only look to her for what their future may be.

The remains of the deceased, were born, in a hearse from the Winslow House to Christ Church, Messrs, BRUNSON, ROHRER AMES, REED, and CATH-CART, acting as pallbearers, and followed by the mourners and a large concourse of our citizens, where the Rev. Mr. WILKINSON, read the service for the dead; after which, in slow procession, the van moved

on to Oakland Cemetery, there to perform the last rites of earth.

The scene was most mournful and impressive. One day with us in life — the next separated in death and carried to dwell further upon — Let us remember that in “the midst of life, we are in death,” and we know not who next will be called upon to render up his account to the “great Steward” on high.

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### **Hennepin Lodge, No. 1, I. O. O. F.**

At a special meeting of Hennepin Lodge, No. 4, I O. O. F., convened at Odd Fellows’ Hall, on Tuesday morning, July 11, at 9 o’clock, for the purpose of paying the last tribute of respect to the remains of their late brother, P. G. DANIEL H. DUSTIN, Bro. P. G. DANIEL ROURER, by request, took the chair, and Bro. W. G. Le DUC acted as Secretary.

Bro. J. P. OWENS, from the committee appointed to draft resolutions expressive of the feelings of the lodge, on this solemn occasion, made the following report, which was unanimously adopted.

*Whereas*, Hennepin Lodge is this morning called upon to witness the awful power of Almighty God. A brother who, twenty-four hours since, was in the enjoyment of his usual health and facilities, now lies cold in the embrace of Death! It behooves us, nevertheless, not only to bow in humble reverence to the terrible stroke thus inflicted upon us, but also to pay due respect to the worth and character of our deceased brother, Therefore,

*Resolved*, that by this sudden blow from the arm of Death, we have lost in our late worthy brother, P. G.

DANIEL H. DUSTIN, one who was in all his acts and virtues through life an exemplification of the high and holy precepts taught by our laws,

*Resolved*, that to the bereaved widow and helpless orphans, we tender the hands and sympathies of a husband's and father's brothers, and assure the sorrow stricken companion of him we are about to convey to the narrow house appointed for all living, that though she may be called to bear her irreparable loss in a land of strangers, she is, nevertheless, surrounded by those of her own household.

*Resolved*, That we will wear the usual badges of mourning for thirty days, through respect for the memory of our deceased brother.

*Resolved*, that we will cause a copy of these resolutions to be published in the city papers, a copy to be placed on the records of the Lodge, and a copy to be engrossed and presented to the widow of our deceased brother.

DANIEL ROHER, Chairman  
W. G. Le DUC, Secretary

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### **The Bar.**

At a meeting of the Bar yesterday, held in the chambers of his honor, Judge SHERBURNE, at the Capitol, the Hon. M. S. WILKINSON was called to the Chair, and W. G. Le DUC, chosen Secretary.

On motion of J. J. NOAH, Esq., Messrs. BRISBIN, WILKIN and BECKER were appointed a committee to draft appropriate resolutions, expressive of the feelings of the bar in relation to the decease of D. H. DUSTIN, Esq., late U. S. Attorney of Minnesota.

After a short absence, the committee reported the following resolutions, which were adopted:

*Whereas*, D. H. DUSTIN, Esq., District Attorney, has been removed from our midst by death,

*Resolved*, That while we bow to the inscrutable decree, we deplore the event which removed from us, in the prime of his years and usefulness, the deceased, whose estimable qualities as a friend, a man, and a lawyer, have at once enlisted our affections, and commanded our confidence.

*Resolved*, That in his decease, the Government has lost an accomplished and faithful officer, society an ornament, and the bar one of its most promising members,

*Resolved*, That we tender to the widow and family of the deceased, the assurances of our sincere condolence; that we commend them to Him who "tempers the wind to the shorn lamb." believing that He will vouchsafe to them the gracious consolidations of His mercy in their time of bereavement.

*Resolved*, That a copy of these resolutions be entered upon the records of the District Court of this County, that a copy be furnished to the widow of the deceased, and that the same be published in the city papers.

Feeling eulogies were made upon the virtues of the deceased, by Messrs, WILKINSON, IRWIN and NOAH, when the meeting adjourned. ■