

**In Memoriam**

**Willis Edward Dodge**

( May 11, 1857 – November 19, 1911 )



1900

For much of his career Willis Edward Dodge was the prototypical railroad lawyer. His career took off in the late 19th century, the halcyon era of railroading in America.

Admitted to the Vermont bar in 1880, he headed west and settled in Dakota Territory. He formed a firm in Jamestown, was city attorney for years and began service for the Northern Pacific Railroad in 1884, later moving to Fargo. He served in the Dakota Legislature and helped the transition to statehood. In 1887 he began employment for the St. Paul, Minneapolis & Manitoba Railway, and five years later joined the Great Northern Railway in Minneapolis. In 1896 he placed the following in a *Directory of the Railway Officials*:<sup>1</sup>

DODGE, WILLIS E., Attorney Great Northern Ry. Office Minneapolis, Minn.  
Born May 11, 1857, at Lowell, Vt. Graduate of St. Johnsbury Academy. Entered railway service 1884, since which he has been consecutively 1884 to Aug. 1, 1887, local attorney Northern Pacific Rd at Jamestown, Dak.; Aug. 1, 1887 to Sept. 1, 1892, attorney St. Paul Minneapolis & Manitoba Ry for Dakota; Sept. 1892 to date, attorney Great Northern Ry at Minneapolis, Minn.; is also attorney Minneapolis Western Ry, Minneapolis Union Ry and Eastern Ry of Minnesota.

One of his responsibilities as house counsel was defending personal injury suits against the Great Northern. In the so-called “Czech” case in Wright County in 1895 he aroused the ire of the plaintiff’s lawyer, Frank Larrabee, who filed a formal complaint against him with the Hennepin County Bar Association seeking his disbarment. On April 4, 1896, the Executive Committee of the Bar Association dismissed the charges.<sup>2</sup>

<sup>1</sup> T. Addison Busbey, ed., *The Biographical Directory of the Railway Officials of America* 128 (1896).

<sup>2</sup> Accounts of the background of the case and the decision of the Executive Committee of the Bar Association are posted in the Appendix, at 11-18.

He was appointed General Counsel for the Great Northern in 1900, and held that position for seven years. Around 1907 he moved to Minneapolis, formed the firm Dodge & Tautges and developed a general practice, though corporate law remained his specialty.

He died on November 19, 1911, at age fifty-four. The *Minneapolis Morning Tribune* carried the story:

**Willis E. Dodge is Called  
Illness of Four Months Fatal—  
Was Attorney for Great  
Northern.**

Willis Edward Dodge, Minneapolis lawyer, died yesterday afternoon, following an illness that had confined him to his apartments for the last four months. Mr. Dodge was at one time general attorney for the Great Northern railroad, but had engaged in private practice in Minneapolis for the last seven years. Since 1907 he was the senior member of the law firm of Dodge & Tautges with offices in the Metropolitan building. The funeral services will be held at 3 p. in. in Lakewood chapel.

Mr. Dodge was born at Lowell, Vt., May 3d, 1857. He was the son of William B. Dodge, a farmer. On the paternal side, he was descended from an English ancestor who came to America in 1670. His education was begun in public schools and was completed at St. Johnsbury academy, Vt.

He began the study of law under William W. Grout, a former member of congress, and completed the course of study under P. W. Baldwin, both of Barton, Vt. He was admitted to the bar in Orleans county, Vt., in September, 1880. The following month Mr. Dodge moved to North

Dakota, first stopping at Fargo, but subsequently locating at Jamestown.

He was attorney for the Northern Pacific Railroad company until July, 1887, when he became the attorney for the St. Paul, Minneapolis and Manitoba railroad and moved to Fargo. In 1890 he came to Minneapolis. He was still a special attorney for the Great Northern, formerly the "Manitoba," although he engaged in general practice.

#### Appointed General Attorney.

On Jan. 1, 1900, he was appointed general attorney of the Great Northern road and moved to St. Paul. He resided in St. Paul until seven years ago when he left the railroad and came to Minneapolis to engage in a private practice. Mr. Dodge attained distinction as a railroad and corporation lawyer, but he also had a high reputation as a general practitioner.

He participated in the political affairs of Dakota in the territorial days and in the affairs which resulted in its division and the formation of the two states.

While he resided in Jamestown he was elected to the Dakota legislature and served in the senate in 1886-7. In politics he had always been a Republican.

He is survived by his wife and a daughter, Mrs. Harvey L. Wilcox, a brother living at Aberdeen, S. D., and a sister, Mrs. Lillian R. Bowditch, 736 East Sixteenth street.<sup>3</sup>

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<sup>3</sup> *Minneapolis Morning Tribune*, November 20, 1911, at 5 (photograph omitted). This account was summarized in *The Irish Standard*, November 25, 1911, at 3.

The next year a memorial was published in the *Report of the Thirty-fifth Annual Meeting of the American Bar Association*.

### WILLIS EDWARD DODGE.

Willis Edward Dodge was born at Lowell, Vermont, May 11, 1857, and died at Minneapolis, November 19, 1911.

He was the eldest son of William Baxter Dodge and Harriette Newell Dodge. His early education was received in the public schools of Lowell and Westfield. He attended and graduated from the St. Johnsbury Vermont Academy. His early legal education and training was received in the law offices of the Hon. F. W. Baldwin of Barton, Vermont. He was admitted to the Bar in 1880, and thereupon went West, entering the law offices of Roberts & Spalding of Fargo, Dakota Territory. From Fargo he went to Jamestown, North Dakota, then Dakota Territory, and formed a partnership with A. A. Allen, the firm being known as Allen & Dodge. While at Jamestown he was a member of the legislature of Dakota in 1886 and 1887, and took a prominent part in shaping the destinies of North and South Dakota.

Mr. Dodge specialized in railroad and corporation law and gained great distinction in that line, and through his ability as a lawyer, became widely known throughout the Northwest. In 1887 he went to Fargo as legal representative of the St. Paul, Minneapolis & Manitoba Railway Company for Dakota. From Fargo he came to Minneapolis as special attorney for the Great Northern Railway Company, and also became attorney for the Minneapolis Trust Company, representing that company in the famous Northwestern Guaranty Loan Company litigation.<sup>4</sup>

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<sup>4</sup> One chapter in this litigation was *Elkhart National Bank v. Northwestern Guaranty Loan Company et al.*, 87 Fed. Rep. 252 (3d. Cir. 1898), where the appeals court held that, unless it voluntarily appears, a foreign corporation can not be made a party defendant to a suit in a

In 1902 Mr. Dodge, then general attorney of the Great Northern Railway Company, with headquarters at St. Paul, Minnesota, resigned that position and entered the general practice of law at Minneapolis. In 1907 he formed a partnership with William A. Tautges under the name of Dodge & Tautges, and remained the senior member of that firm until his death.

He was married at Vinton, Iowa, March 27, 1882, to Miss Harriet Maud Crist, and is survived by her and a daughter, Dorothy Dodge Wilcox.<sup>5</sup>

## Appendix

Willis Dodge subscribed to the publication of two hefty compilations of biographies and placed the following profiles in them.<sup>6</sup> The first was *Progressive Men of Minnesota*, published in 1896:

Willis Edward Dodge is of English descent, his ancestors having come over to this country from England in 1670. Three brothers came together, and their descendants took an active part in the Revolution, in which they were known as "the Manchester men." Andrew Jackson Dodge, grandfather of Willis Edward, settled in Montpelier, Vermont, in 1812.

The subject of this sketch was born at Lowell, Vermont. May 11, 1857, the son of William Baxter Dodge and Harriett Baldwin (Dodge). William B. Dodge was a farmer in ordinary circumstances. Willis Edward began his education in the public schools of Vermont, and continued

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Federal court by one of its creditors, who seeks the appointment of a receiver, an accounting, and to enforce the individual liability of stockholders who are within the jurisdiction of the court. The corporation and all its stockholders are necessary parties defendant to a creditor's suit for the appointment of a receiver, an accounting, and to enforce the personal liability of stockholders, and if the corporation can not be brought in the suit must be dismissed.

<sup>5</sup> *Report of the Thirty-fifth Annual Meeting of the American Bar Association* 636-637 (1912).

<sup>6</sup> He also placed a short profile in *Little Sketches of Big Folks* 109-110 (1907).

it in St. Johnsbury Academy, where he took the classical course preparatory for Dartmouth College. He did not, however, take a college course, but began the study of law with Hon. W. W. Grout, a member of congress from the



Second Vermont district, and also read law with Hon. F. W. Baldwin, of Barton, Vermont, in 1879 and 1880. He was admitted to the Orleans County, Vermont bar in September, 1880. In October of that year he came West in search of better opportunities for a young man of his ambitions and capacity, and settled at Fargo, North Dakota. Subsequently he removed to

Jamestown, North Dakota, where he was appointed attorney for the Northern Pacific Railroad, and held that office until July, 1887.

He was then appointed attorney for the St. Paul, Minneapolis & Manitoba Railway Company for Dakota, and returned to Fargo, where he lived until August, 1892. At that time he removed to Minneapolis, where he continued to act as attorney for the Great Northern Railway Company, formerly the St. Paul, Minneapolis & Manitoba Railway Company. He is also at the present time attorney for the Minneapolis Trust Company, and other corporations. He has made a specialty of corporation law, and has obtained distinction in that department of legal practice.

Mr. Dodge has always been a Republican, and while a resident of Dakota was made a member of the state senate in 1886 and 1887. During his residence in Jamestown he served that city as its corporation counsel for eight years. He is a member of the Knights of the Red Cross and the Minneapolis Club. He claims no church membership.

On March 27, 1882, he married Hattie M. Crist of Vinton, Iowa. They have two children. Dora Mae, age twelve, and William E., age ten.<sup>7</sup>

The second volume in which he placed a biographical sketch was the *Encyclopedia of Biography of Minnesota* (1900), compiled and edited by Charles E. Flandrau:

Willis Edward Dodge, of Minneapolis, is of English descent, his ancestors having come to this country from England in 1670. Three brothers emigrated together, and their descendants took an active part in the Revolution, in which they were known as "the Manchester men." Andrew Jackson Dodge, grandfather of Willis Edward, settled in Montpelier, Vermont, in 1812.

The subject of this sketch was born at Lowell, Vermont, May 11, 1857, the son of William Baxter Dodge and Harriett (Baldwin) Dodge. William B. Dodge was a farmer in ordinary circumstances. Willis E. began his education in the public schools of Vermont, and later attended St. Johnsbury Academy, where he took the classical course, preparatory for Dartmouth College. He did not, however, take a college course, but began the study of law with Hon. W. W. Grout, a member of Congress from the Second

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<sup>7</sup> Marion D. Shutter & J. S. McLain eds., *Progressive Men of Minnesota* 135 (Minneapolis Journal, 1897). It is subtitled "Biographical sketches and portraits of the leaders in business, politics and the professions; together with an historical and descriptive sketch of the state."



Vermont District, and also read law with Hon. F. W. Baldwin, of Barton, Vermont, in 1879 and 1880. He was admitted to the bar in September, 1880, in Orleans county, Vermont. In October of that year he came west in search of better opportunities and settled at Fargo, North Dakota. Subsequently he removed to Jamestown, North Dakota, where he was appointed attorney for the Northern Pacific Railroad, and held that office until July, 1887. He was then appointed attorney for the St. Paul, Minneapolis & Manitoba Railway Company for Dakota, and returned to Fargo, where he lived for some time.

“Colonel” Dodge, as he is familiarly known, has become distinguished for those strong personal and intellectual qualities inherited from his ancestors, who have been for a long time representative of the sturdy and brainy Green Mountain type.

He is a man of extraordinary physical and mental energy, of intense powers of application, and one whose intellect is distinguished for its natural keenness and powers of discrimination. These natural qualities, together with his experience in both the political and judicial arenas in the conflicts which resulted in the building up of the States of North and South Dakota, brought him to the front, even at an early age, as one of the ablest lawyers of the Northwest.

From the front rank of the lawyers of the then new State of North Dakota, he came, in 1890, to the “Twin Cities” and took up his residence in Minneapolis, where his abilities at once received deserved recognition from both the courts and legal fraternity.



*The Century Publishing & Engraving Co. Chicago.*

He continued to act as attorney for the Great Northern Railway Company, formerly the St. Paul, Minneapolis & Manitoba Railway Company, in Minneapolis until January 1, 1900, when he was promoted to the position of general attorney for the company, and removed to the general office buildings of the company in St. Paul. While chiefly engaged in railroad litigation, his practice has covered a large field and has involved all the varied work which is

imposed upon a general practitioner. In the defense and prosecution of cases of immense importance, few lawyers of the State have had an experience which equals his, either in extent or variety.

Mr. Dodge has always been a Republican, and while a resident of North Dakota was made a member of the State Senate in 1886 and 1887. During his residence in Jamestown he served that city as its corporation counsel for eight years. March 27, 1882, Mr. Dodge married Hattie M. Crist, of Vinton, Iowa. They have two children, Dora Mae and William E.<sup>8</sup>

### The Willis Dodge Disbarment Proceedings.

The disbarment proceedings against Willis Dodge grew out of his defense of the Great Northern in a personal injury case by a man named Czech represented by Frank Larrabee of Minneapolis. Larrabee charged Dodge with hiring Otis Billings, a St. Paul lawyer, to bribe Earnest Otto, a juror, "to hang the jury." After the trial in which Czech was awarded \$3,000, Billings submitted an affidavit to a Hennepin County grand jury describing Dodge's malfeasance but it refused to indict him; Dodge thereupon filed perjury charges against Billings. As the criminal cases sputtered along, Larrabee filed an ethics complaint against Dodge with the Hennepin County Bar Association, which had recently, with the urging of Larrabee, adopted procedures to investigate and discipline lawyers found guilty of misconduct, including the ultimate punishment of disbarment. The following newspaper stories will enable the reader to understand the basis for the charges against Billings and Dodge. They are also interesting because they describe an early attempt by a county bar association to take and exercise authority to discipline unethical lawyers.

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<sup>8</sup> Charles E. Flandrau, ed., 1 *Encyclopedia of Biography of Minnesota* 487-488 (1900). The photograph on the first page of this article is from this book.

1. From the *St. Paul Daily Globe*, February 22, 1896, at 3.

## **OTIS BILLINGS ARRESTED.**

### **Pretty Little Story Behind a Perjury Charge.**

Otis L. Billings, an attorney of this city, was arrested yesterday morning and arraigned in the police court on the charge of perjury, and thereby hangs an interesting tale. There is trouble of a decidedly warm nature between Frank Larrabee and Col. W. E. Dodge, local attorney for the Great Northern road. The arrest of Billings is the first development which has been made public in the matter.

The arrest was made on complaint of Col. Dodge, who states that said Billings falsely testified before the grand jury Feb. 19, charging Col. Dodge and Assistant Claim Agent Howard, of the Great Northern road, with attempting to bribe a juror in Wright county last December. The affidavit of Billings, which was presented to the grand jury, and which forms the basis of the complaint, states in substance the following:

"In the personal injury suit of Czech against the Great Northern road, tried last November, in Wright county, before Judge Elliott, F. D. Larrabee was attorney for the plaintiff, and Dodge for the defendant; that said Dodge did make an agreement with said Billings, by which Billings was to make an agreement with one Earnest Otto, a member of the jury trying the case, to pay Otto \$100 if he would hang the jury; that Dodge promised to pay, and did pay, Billings, \$50 for the services rendered, although Otto's alleged attempt to hang the jury failed, and plaintiff was awarded a \$3,000 verdict."

The attempt to indict Dodge before the Hennepin county grand jury last Wednesday failed, and the body found no bill against Dodge, who now takes the means above related to retaliate.

Mr. Larrabee, in addition to the affidavit which Billings made for him, declares that he also has an affidavit from Otto confirming all the points in Billing's affidavit, except the statement that Otto agreed to undertake to hang the jury for a consideration. Mr. Larrabee also states that both, of these affidavits were presented to the Hennepin county grand jury, and when he heard that no bill had been found he went last night to Buffalo, Wright county, for the alleged purpose of swearing out a warrant for the arrest of both Dodge and Howard on the charge of bribery, with the intention of having them bound over to the next grand jury of that county.

Larrabee further states that he will push the case to the bitter end and present the matter to every grand jury that meets in either Hennepin or Wright county until the case is outlawed. He is very decided in the stand he has taken, and says he does not propose to let "any bluff" be worked on him if he can help it.

It was Mr. Larrabee's original attention not only to have Col. Dodge and Claim Agent Howard indicted, but he declares that he will take steps as soon as possible to have Col. Dodge disbarred. Billings is now in charge of the sheriff.<sup>9</sup>

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<sup>9</sup> The jury in the trial of Billings split 9 for conviction and 3 for acquittal. *St. Paul Daily Globe*, March 24, 1896, at 3 ("Billings Jury Disagreed"). It was not retried.

The case was later dismissed on motion of County Attorney Nye. *The Irish Standard*, April 11, 1896, at 5 ("The case of the state of Minnesota against Otis L. Billings will never be tried. A surprise was sprung Tuesday morning, when Count Attorney Frank Nye stated that he would not press the cases, and on his motion it was decided to dismiss them. It is understood that the county attorney felt certain no conviction could be secured and that the trial would burden the county with additional debt without resulting in any definite conclusion being reached. The trial judge, Robert Jamison, was asked his opinion, and he suggested that it would be better to dispose of the matter at once. The cases were accordingly dismissed.").

2. From the *Minneapolis Morning Tribune*, April 6, 1896, at 5:

## **IT IS AT AN END**

### **CLOSE OF THE INVESTIGATION OF CHARGES AGAINST COL. DODGE.**

**He Was Accused by Frank Larrabee  
Of Unprofessional Conduct in Connection  
With the "Czech" Case.**

Another chapter in the sensational controversy inaugurated, by Frank Larrabee against certain representatives of the Great Northern Railway Company, one feature of which was the Billings case in which the self-confessed juror fixer came so near being convicted of perjury a few weeks ago, was concluded on Saturday evening [April 4].

It was a vote by the executive committee of the Hennepin County Bar Association, determining that the evidence wholly failed to support the charges recently made by Frank Larrabee, of unprofessional conduct, against Col. W. E. Dodge, attorney for the company.

In order that the facts may be fully understood and appreciated, it should be known that something over a month ago a new association of the lawyers of Minneapolis was formed, one of its avowed purposes being the disciplining of recreant disciples of Blackstone found guilty of unprofessional conduct. One of the most active members of this, association in its incipient stages was Frank Larrabee.

The complaint against Col Dodge, as preferred by Mr. Larrabee, is a matter of history, oft repeated. In brief it was that he had been instrumental in bribing the juror, Otto, in what is known as the "Czech" case, recently tried in Wright county. Larrabee filed his complaint with the

committee on discipline about two weeks ago, which, after considering it for one session, decided to refer the matter for the consideration of the executive committee, consisting, of the following prominent and representative members of the Hennepin county bar: A. B. Jackson, chairman Judge A. H. Young, Gen. George P. Wilson, Judge A. Ueland, City Attorney D. F. Simpson, George P. Flannery, L. A. Reed, Weed Munro, F. N. Hendricks, Messrs. Lancaster, Brown, Woods, Wheelwright, Jolly, Thompson. The case was considered at great length, and the specific charges were reviewed in detail.

Larrabee claimed that all the facts were brought out in the testimony in the Billings case, and drew from the record of this testimony in making up the case against Col. Dodge. The transcript was so voluminous that a special committee, consisting of Messrs. Ueland, Lancaster and Simpson, was appointed to read and abstract it for the use of the committee. A week ago last Saturday Col. Dodge was given a hearing before the full committee, when he stated his position and explained the various coincidences and circumstances pointed to by Larrabee as tending to prove his guilt. Col. Dodge admitted that many of the facts were to be found in the record of the Billings case.

There was, however, additional testimony, one noticeable feature being a letter from Judge William B. McConnell, for the past 31 years on the district bench at Fargo, N. D., in which letter Judge McConnell stated that Mr. Frazer, Col. Dodge's private secretary, had appeared before him at Fargo on Saturday, December 7, 1895, to obtain a postponement of the hearing in the Lebus case to accommodate Col. Dodge, who was then at Buffalo. This was the day on which Billings claimed he had been hunted up by Frazer and taken to the Brunswick Hotel in

Minneapolis to receive his instructions from Assistant Clam Agent Howard, with reference to fixing the juror Otto.

At the instance and request of Larrabee the executive committee consented to hear an argument upon the case which was heard on Saturday afternoon between 2:30 and 6 o'clock. Larrabee arguing for the prosecution and Col. Dodge being represented by T. E. Byrnes. A vote was taken immediately after the conclusion of the arguments, and was a complete vindication of Col. Dodge. The committee refused to take further action in the matter.

3. From the *St. Paul Daily Globe*, April 6, 1896, at 3:

**DODGE IS UPHELD.**

**BAR ASSOCIATION UNANIMOUS IN  
DROPPING PROCEEDINGS  
AGAINST HIM.**

**NO DISBARMENT ACTION:  
EXECUTIVE COMMITTEE LISTENS  
TO LARABEE'S CHARGE AND  
DODGE'S DEFENSE.**

The Hennepin County Bar association will not commence disbarment proceedings against Col. W. E. Dodge. This was determined on at one of the longest meetings of the executive committee in the history of the organization Saturday afternoon by a unanimous vote.

The charge against Col. W. E. Dodge was preferred about two weeks ago by Frank Larrabee, the attorney for Billings in the case recently tried in the district court. The charge was made in writing, as required by law, and alleged that Col. Dodge had been a party to the bribing of a juror in the Czech case in Wright county, precisely the



same grounds charged in the affidavit of Billings submitted to the grand jury at its last session.

The charge was taken up at a meeting of the executive committee and Larrabee was cited to appear before the committee and state his case. This he did. He dwelt upon the evidence as brought out at the trial of Billings and went over the same ground, almost exactly, as was gone over in the criminal trial, eliminating much of the evidence which was not relevant to the charge against Col. Dodge.

The committee then cited Col. Dodge to appear, and at a meeting held about a week ago the latter put in his defense. He explained many of the charges made against him by Billings and also the statement appearing in the alleged affidavit made by juror Ernest Otto. The committee and all parties in the matter conceded that the allegation of Billings as to the bribing of a juror might be correct, but the point at issue in the charge against Dodge was whether or not the latter was a party to the bribery or in any way sanctioned it after it had been committed.

In order to determine this, a committee on discipline, consisting of Messrs. Lancaster, Simpson, Judge Ueland and Flannery was appointed. The committee held a meeting last week, at which the transcript of the evidence in the Billings case was gone over carefully and minute attention was given to all evidence which could be brought out to show that Dodge had definite knowledge of the alleged act of bribery. This committee was also given a letter from Judge McConnell, of Fargo, in which the latter stated that he was certain Fraser appeared in his court on the 7th of last December to participate as counsel in the Neebus case. This is the strongest evidence to prove Fraser's alibi that has yet been disclosed by Col. Dodge and his colleagues, and it had its effect on the committee.

Saturday the culminating session of the series was held by the executive committee of the bar association in the office of Mr. Jackson in the Oneida block. Every member of the committee, excepting Mr. Jackson, who could not be present on account of business, was in attendance. Those present were C. S. Jelley, Judge Young, Wilson, Wheelwright, Thompson, Woods, Flannery, D. F. Simpson, Hendrix, Weed Munro, Judge Ueland, Fred V. Brown, Jackson, Lancaster and L. A. Reed.

Frank Larrabee acted as prosecutor and made the argument. He again went over the evidence in the Billings case much after the manner in which he made the argument in the Billings case, although a great many matters were not material and these were not referred to.

Col. W. E. Dodge was to have responded in his own behalf, but it was not possible for him to be present, and Tim Byrnes presented the defense. Each speaker was permitted to take up an hour and a half and at the conclusion of the arguments the committee took a vote on the question whether or not the evidence produced had been sufficient to show that Dodge knew of the bribing of the juror, and was implicated in it, or whether he sanctioned it after it was done. The vote resulted in fourteen for acquittal and it was decided that no further action should be taken by the bar association in the disbarment proceedings.

There has been considerable interest in the outcome of the matter in the bar association among the attorneys of the city, and the possible bearing the result may have on the Billings trial at the next term of court has been a matter of some speculation.

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