

“THE BAR AND COURTS OF RAMSEY COUNTY”

by

Charles E. Flandrau

FOREWORD

by

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Those interested in the legal history of nineteenth century Minnesota may ask themselves several questions as they begin reading the few memoirs, articles and book chapters written by judges and lawyers of that period: Who are these people? Why have I never heard of them?

These were not the questions Charles Flandrau asked himself when he wrote the following chapter for Rev. Edward D. Neill’s *History of Ramsey County and the City of St. Paul, Including the Explorers and Pioneers of Minnesota* and J. Fletcher Williams’s *Outline of the History of Minnesota* published in 1881 in one volume,¹ but he was motivated by

¹ The full title of the book is Rev. Edward D. Neill, *History of Ramsey County and the City of St. Paul, Including the Explorers and Pioneers of Minnesota*, and J. Fletcher Williams, *Outlines of the History of Minnesota* (Minneapolis: North Star Pub. Co., 1881). Williams may have written more of this book than appears from the title page. Lucile M. Kane writes that Williams contributed “a chapter on the state’s past; although the book is said to be ‘largely his work.’” Lucile M. Kane, “Introduction” to Williams’s *A History of the City of Saint Paul to 1875* xx (St. Paul: Minnesota Historical Society, 1983)(1876).

Edward Duffield Neill and J. Fletcher Williams were prolific historians of the state of Minnesota. Neill wrote *The History of Minnesota: From The Earliest French Explorations to the Present Time* (Philadelphia: J. B. Lippincott & Co., 1858),

a related concern: he did not want the men who practiced law and ruled from the bench in St. Paul in the territorial era to be forgotten. And so, like the memoir of the soldier who lists each of his fallen comrades, Flandrau names many lawyers and judges who practiced in the 1840s and 1850s. He knew these men. Some were friends, all were colleagues. He wrote from memory about this period, “the materials for which rest mainly in the recollection of a very few living men.” He was one of those survivors, and he was determined, as his generation of founders died off, to preserve it for posterity.

While Flandrau aimed at future generations of Minnesotans who had an interest in the early history of their state—this, after all, was a purpose of local histories compiled in this period—he knew that a few of his contemporaries would read what he said about them. As a result, he heaped superlatives on the subjects of his profiles, thereby diminishing their usefulness and credibility. He also knew that he could not name everyone and so, taking preemptive action, he apologized to those he omitted:

Of course in this brief sketch of the bar of this county, the names of many of its worthy members are not mentioned. The author assures them that it is not from lack of merit on their part, but from want of space. He did think of printing as part of this article a roll of all the members of the bar of the county—past and present, but was compelled to abandon it.

Nevertheless, the last one-quarter of his chapter consists of “rolls” of judges and court personnel, local, state and federal. It is a reference source but, as always, Flandrau’s dates should be double-checked.

reprinted in The Michigan Historical Reprint Series. Williams wrote *A History of the City of St. Paul, and the County of Ramsey, Minnesota*, published by the Minnesota Historical Society in 1876. It was reprinted by the Historical Society in 1983 under the title *A History of the City of Saint Paul to 1875*; and later reprinted under its original title in The Michigan Historical Reprint Series.

Though he was practicing law when he wrote this chapter, Flandrau made only a few passing comments about changes in the legal profession. He noted that firms of two or three lawyers were being formed as early as 1850 but, as today, they had brief life spans. Lawyers began to specialize early on—as, an example, W. W. Irwin, who became a prominent criminal defense lawyer.

At the beginning of his chapter, Flandrau makes an uncharacteristically provocative observation about the relationship between economic development and litigation:

The industries and capital of St. Paul having been during all the earlier period of its existence, and up to quite a recent date, devoted almost exclusively to commerce and finance, were much more prolific of important litigation than the manufacturing, lumbering, and the agricultural interests of other portions of the state. It is a well ascertained fact that any given amount of capital invested in the various branches of business which combine to create commerce, will be productive of more litigation than three times the amount engaged in any kind of manufacturing.

He may be correct that that commerce and finance “produce” many more lawsuits than manufacturing though, typically, he does not cite any sources for this “well ascertained fact.” But his comment is so insightful that someday it may inspire further historical inquiry the results of which will be posted on the MLHP.

Flandrau’s stock in trade is the anecdote. He is a raconteur, whose stories interest us because he was an important political figure as well as a member of both bench and bar in the state’s early years. Unfortunately, he never wrote much about his actual work as an associate justice on the Territorial Supreme Court in 1857 and 1858 or on the Minnesota Supreme Court from 1858 to 1864, and almost nothing about the next four decades of his life.

There is a “good old days” aura in Flandrau’s chapter. He writes, “Much more interest usually attaches to the early days of a country when everything is fresh, free and disorderly, than to the more regular proceedings of courts and lawyers in after times, when judicial work is conducted in a manner which robs it of the possibility of humor, romance or adventure.” He probably would not deny that nostalgia was a feature of this chapter and the rest of his historical writings. In a memorial service to Flandrau in 1903, Rensselaer R. Nelson recalled him reminiscing about practicing law during the “early days”:

He told me that the happiest experiences of his professional life at that time were when the court was held at places where there were no law books, and no musty precedents could be cited. Counsel had to rely upon their knowledge of legal principles and grasp the salient points as the cause progressed.²

Even on the bench, he sought the freedom of the frontier—he openly distained precedent that would confine him from reaching a result he felt was just. In *Selby v. Stanley*, an 1860 mortgage foreclosure proceeding, he wrote:

In a new state like our own, we enjoy the advantage of all the light which has thrown upon questions, without being tied down by precedents which are admitted to be founded in error; and, therefore, we are free to select, as the basis of our decisions, whatever may appear to be founded on principle and reason, rejecting what is spurious and unsound, even if dignified by age, and the forced recognition of more learned and able judges.³

The following chapter was one of Flandrau’s earliest historical writings. In a memorial service to him at the Minnesota Supreme Court on

² Remarks of Judge Rensselaer R. Nelson, *Proceedings in Memory of Associate Justice Flandrau*, 89 Minn. Rep. xxi, xxxii (1904).

³ *Selby v. Stanley*, 4 Minn. 34, 42-3 (Gil. 65) (1860).

October 6, 1903, Justice Loren Collins remarked, “His literary ability was of a high order, but the demands of a large and successful law practice prevented its development to any great extent.”⁴ The accuracy of this assessment must be questioned. It seems that in his last two decades, once Flandrau started writing, he could not stop. He wrote and he wrote and when he finished a piece, he started up again. He delivered many addresses to the Minnesota Historical Society, beginning with “The Ink-pa-du-ta Massacre of 1857”⁵ published in 1880; that was followed by “Lawyers and Courts of Minnesota Prior to and During Its Territorial Period”⁶ (about which we will have more to say in a moment), a “Preface” to Gov. Samuel J. Albright’s “The First Organized Government of Dakota,”⁷ and “State-Building in the West”⁸ which were published in 1898; “Reminiscences of Minnesota During the Territorial Period”⁹ and “Progress of Minnesota During the Half Century”¹⁰ appeared in 1901; and “The Work of Bishop Whipple in Missions for the Indians,”¹¹ was posthumously published in 1905. He published speeches and short essays in the *Minnesota Law Journal*, including “The Judge” and “Contempt of Court” which appeared in 1895.¹² He also compiled the 497 page *Encyclopedia of Biography of Minnesota*,¹³ and

⁴ Remarks of Associate Justice Loren Collins, *Proceedings in Memory of Associate Justice Flandrau*, 89 Minn. Rep. xxi, xliii (1904).

⁵ 3 *Minnesota Historical Society Collections* 386-407 (1880).

⁶ 8 *Minnesota Historical Society Collections* 89-101 (St. Paul: Minnesota Historical Society, 1898) (this is a printed version of an address Flandrau gave at the annual meeting of the Minnesota Historical Society on January 13, 1896).

⁷ 8 *Collections of the Minnesota Historical Society* 129-132 (St. Paul; Minnesota Historical Society, 1898).

⁸ 8 *Minnesota Historical Society Collections* 463-494 (St. Paul: Minnesota Historical Society, 1898).

⁹ 9 *Minnesota Historical Society Collections* 204-209 (St. Paul: Minnesota Historical Society, 1901).

¹⁰ 9 *Minnesota Historical Society Collections* 587-596 (St. Paul: Minnesota Historical Society, 1901).

¹¹ 10 (Pt. II) *Minnesota Historical Society Collections* 691-696 (1905).

¹² “The Judge,” 3 *The Minnesota Law Journal* 100-101 (May 1895); “Contempt of Court,” 3 *The Minnesota Law Journal* 219-221 (October 1895). Both articles are posted on the MLHP.

¹³ *Encyclopedia of Biography of Minnesota* (Chicago: Century Pub. and Engraving

wrote the 408 page *History of Minnesota and Tales of the Frontier*,¹⁴ both published in 1900, three years before his death. His most dramatic writings describe his experiences during the Sioux Uprising of 1862.¹⁵

Flandrau had no compunction about submitting his chapter in the Neill-Williams *History*, published in 1881, to different journals for republication many years later. In the late 1880s, he edited this chapter, deleted a profile of Reuben B. Galusha, house counsel for a railroad, an overview of changes in the bar, and lists of personnel of the various courts (pages 246-251 of the original chapter), made a few stylistic changes, added a long tribute to former Attorney General Gordon E. Cole, renamed the piece, and submitted it to *Magazine of Western History*, which published it in two parts in early 1888 under the title “The Bench and Bar of Ramsey County, Minnesota.”¹⁶

If that was not enough, on January 13, 1896, Flandrau delivered an address to the annual meeting of the Minnesota Historical Society on “Lawyers and Courts of Minnesota Prior to and During its Territorial Period.” It was published by the Society in its *Collections* series two years later.¹⁷ Flandrau’s address is, for the most part, a condensed version of his chapter in Rev. Neill and Fletcher Williams’s *History* and

Co., 1900). He probably engaged more in editing than in researching and writing this book. It consists of short profiles of prominent men, who may have written the first drafts, which Flandrau edited.

¹⁴ *The History of Minnesota and Tales of the Frontier* (St. Paul: E. W. Porter, 1900).

¹⁵ There are several versions. See Charles E. Flandrau, “Narrative of the Indian War of 1862-1864, and Following Campaigns in Minnesota” in *1 Minnesota in the Civil and Indian Wars, 1861-1865* 727-818 (St. Paul: Pioneer Press Co., 1890), Charles E. Flandrau, *The History of Minnesota and Tales of the Frontier* 123-193 (St. Paul: E. W. Porter, 1900); and Charles E. Flandrau, “The Battle of New Ulm” in Russell W. Fridley, Leota M. Kellett & June D. Holmquist eds., *Charles E. Flandrau and the Defense of New Ulm* 32-50 (New Ulm: The Brown County Historical Society, 1962).

¹⁶ The first part appeared on pages 328 through 336 of the January 1888, issue of the *Magazine of Western History*, the second on pages 58 through 69 of the May 1888, issue. These articles are posted on the MLHP as “Charles E. Flandrau: ‘History of the Bench and Bar of Ramsey County: Parts I & II.’ (1888).”

¹⁷ *Supra* note 6.

his article in *Magazine of Western History*. Amazingly, before the Historical Society could reprint his address, Flandrau resubmitted it to the *Minnesota Law Journal*, which published it in March 1897.¹⁸

It is hard not to chuckle at Flandrau's slights of hand, but it is also hard not to be a trifle saddened at what he did. Like the elderly relative who, year after year, tells the same stories about the old days after family dinners, Flandrau repeats tales of the territorial days and the first years after statehood—what he once called “those light-hearted times”—in his talks and writings. In a word, he fell into a rut.

While redundant, Flandrau's histories of the Ramsey County legal community supplement the chapter on “The Bench and Bar” in Henry A. Castle's *History of St. Paul and Vicinity*, published in 1912,¹⁹ and Hiram Stevens's “The Bench and Bar of St. Paul,” which appeared in *History of St. Paul, Minnesota*, edited by C. C. Andrews published in 1890.²⁰ Even more than Flandrau—but sharing his ambition of preserving the names of lawyers and judges for future generations—Stevens's is a monotonous roll call of lawyers who practiced in St. Paul—page after page of short paragraphs describing each lawyer's and judge's birth place, education, and practice.

Charles E. Flandrau's “The Bar and Courts of Ramsey County” appeared first as Chapter XXXV on pages 234 to 251 of Rev. Edward Neill and J. Fletcher Williams's collective history. The MLHP has reformatted this chapter; page breaks have been added; but the original punctuation, spelling and typographical errors have not been altered. It is complete.

¹⁸ 5 *The Minnesota Law Journal* 1, 42-48 (March 1897). This article is posted on the MLHP, as “Charles E. Flandrau, ‘Lawyers and Courts of Minnesota Prior to and During Its Territorial Period.’ (1897).”

¹⁹ Henry A. Castle, *History of St. Paul and Vicinity* 316-326 (Chicago & N.Y.: Lewis Pub. Co., 1912). This chapter is posted separately on the MLHP.

²⁰ Hiram Stevens, “The Bench and Bar of St. Paul” in C. C. Andrews ed., *History of St. Paul, Minn.* 247-298 (Syracuse, N. Y.: D. Mason & Co., 1890).

HISTORY
OF
RAMSEY COUNTY
AND THE
CITY OF ST. PAUL,
INCLUDING THE
EXPLORERS AND PIONEERS OF MINNESOTA
BY REV. EDWARD D. NEILL.
AND
OUTLINES OF THE HISTORY OF MINNESOTA
BY J. FLETCHER WILLIAMS.

MINNEAPOLIS:
NORTH STAR PUBLISHING COMPANY
1881.

CHAPTER XXXV.

THE BAR AND COURTS OF RAMSEY COUNTY.

Ramsey county is the lineal descendant of the county of St. Croix, which the territory of Minnesota inherited from the territory of Wisconsin when the latter territory became a state of the Union. It is one of the original counties established by the first legislature which convened in the territory, and was created by act of October 27, 1849. It has always been the leading county of the territory and state in population, wealth, commerce and social influence, as well as containing the capital of both territory and state, and since the admission of Minnesota into the Union the circuit court of the United States has always been held at St. Paul, the principal city of the county. With all these elements of power and advantage, it is not surprising that the bar of Ramsey county, regarded collectively, has always been the most prominent and influential of any in the commonwealth. From the earliest days in its history it has had inscribed upon its rolls the names of many men who would adorn the bar of any state as well for learning and ability as for high and honorable standing in the profession.

The industries and capital of St. Paul having been during all the earlier period of its existence, and up to quite a recent date, devoted almost exclusively to commerce and finance, were much more prolific of important litigation than the manufacturing, lumbering, and the agricultural interests of other portions of the state. It is a well ascertained fact that any given amount of capital invested in the various branches of business which combine to create commerce, will be productive of more litigation than three times the amount engaged in any kind of manufacturing. It is quite natural, therefore, that about the financial and commercial centre of the state should be found the leading representatives of the bar, and this is said without any disparagement of the individuals who compose the bars of other counties of the state, many of whom are second to none in Ramsey county, or, we can truthfully say, in the entire northwest. [235]

In treating of the bar of this county we will divide the subject into two periods, the traditional, the materials for which rest mainly in the recollection of a very few living men, and the second period, which covers the time since the methods of civilization, superseded those of the rude frontier.

Much more interest usually attaches to the early days of a country, when everything is fresh, free and disorderly, than to the more regular proceedings of courts and lawyers in after times, when judicial work is conducted in a manner which robs it of the possibility of humor, romance or adventure. We shall, therefore, endeavor to record the history of the traditional period as fully as the facts attainable will permit.

Henry H. Sibley, now a distinguished citizen of St. Paul, was undoubtedly the first person who ever engaged in the practice of the law in any part of what is now the state of Minnesota. In 1835 and '36 he resided at St. Peter's, now Mendota, in Dakota county, and was connected with one of the great fur companies which occupied the country at that time. He was not then admitted to the bar, but being a young man of fine ability, and having familiarized himself with the principles of the common law, and there being no one else in the country who made any pretensions in that direction, the necessities of the situation induced him to hang out a shingle announcing himself as an attorney and counsellor at law. Even tradition does not inform us that Mr. Sibley ever tried a case, as there were no courts nearer than Prairie du Chien, except the one held by himself as a justice of the peace, which we will speak of hereafter. General Sibley still retains the professional sign he put up forty-six years ago. It is ornamented with a bullet hole, which was accidentally made in it from the careless handling of a gun by someone, indicating that powder and lead were more in vogue in those days than the wordy weapons of the profession.

General Sibley was also the first judicial officer who ever exercised the functions of a court of law in any part of the new state of Minnesota. He was commissioned a justice of the peace in 1835 or 1836 by Governor

Chambers of Iowa, with a jurisdiction extending from twenty miles south of Prairie du Chien to the British boundary on the north, White river on the west, and the Mississippi on the east. When he committed an offender for a crime of sufficient magnitude to preclude his trying and sentencing him, there was no place to send him except Prairie du Chien, which often involved the necessity of holding him for a long time before an opportunity would occur to dispose of him. Tradition says that this magistrate would sometimes, in cases of pressing urgency, extend his jurisdiction into Wisconsin on the east side of the Mississippi. One instance of which is well authenticated: A man named Phalen, from whom the lake which supplies St. Paul with water took its name, was charged with the murder of a discharged sergeant from the United States army named Hayes. The murder was committed on the east side of the Mississippi in Wisconsin. Justice Sibley held the examination, committed the offender to jail at Prairie du Chien, and he was duly forwarded and no questions asked by anyone. After the organization of our territory, General Sibley was duly admitted to the bar.

Prior to the admission of Wisconsin into the Union, which occurred on the 29th day of May, 1848, all the country west of the St. Croix river and east of the Mississippi was a part of the county of St. Croix, in the territory of Wisconsin, which was a fully organized county for judicial purposes, having its district court and all proper county officials. The first attempt at holding a term of the district court west of the St. Croix was in 1842. Joseph R. Brown had been appointed clerk of the court and had his residence on the bank of Lake St. Croix at the point where now stands the city of Stillwater. Mr. Brown was not a lawyer, but he was a man of extraordinary ability, enlarged experience on the frontier and among the Indians. His versatile talents fitted him for anything he undertook, and there were very few things, from playing the fife in the army to editing the leading newspaper in St. Paul, and framing the state constitution, that he did not take a prominent part in. He was among the first lumbermen on the St. Croix, Indian trader with the Sioux, member of the legislature of both Wisconsin and Minnesota territories, United States agent for the Sioux, editor of the St. Paul Pioneer and other papers, and a member of the constitutional convention that framed our present state constitution,

and in every important position he held he displayed marked ability. His last undertaking was the invention of a steam motor to traverse the western prairies. On this idea he expended large sums of money, but died before bringing it to a state of practical utility.

In 1842, Judge Irwin, then one of the territorial judges of Wisconsin, came up the river from Prairie du Chien to hold a term of the court which had been appointed for St. Croix county. He landed at Fort Snelling, and could find no one who could give him any information about localities, or anything concerning the court, until he reached the trading house of Norman W. Kittson, which was situated a mile or two above the fort, at Big Spring, and near where the St. Louis house subsequently stood. Mr. Kittson gave him the address of Joseph R. Brown, the clerk of the court, and furnished him a horse on which to reach Stillwater; after a weary journey he arrived at Lake St. Croix, but could find neither habitation nor human being until he discovered a log house, which was occupied by Joseph R. Brown, the clerk of his court. Either Brown had not been informed of the contemplated term or had forgotten it, but at all events no preparations had been made for holding it, and the disgusted judge took the first chance down the river, swearing it was the last time he would ever answer a summons to St. Croix county. Tradition says, that Brown, being of a speculative turn of mind, had procured the appointment of the term for the purpose of advertising the country, and luring immigration to his region.

Five years elapsed before another attempt was made to hold a term of court in St. Croix county. In June, 1847, the district court convened at Stillwater, Judge Dunn, then chief justice of Wisconsin territory, presiding. Much interest was felt in this term on account of the trial of the Indian chief "Wind," who was charged with murder. Many noted attorneys of Wisconsin took advantage of this opportunity to visit the remote county of St. Croix. Among those who attended the court were: Benjamin C. Eastman of Platteville; Frank Dunn, Samuel J. Crawford, Moses M. Strong, of Mineral Point; Thomas P. Burnette, of Patch Grove; Hiram Knowlton, of Prairie du Chien, and others.

Judge Dunn appointed Samuel Crawford prosecuting attorney for the term, and Benjamin C. Eastman to defend the prisoner, "Wind." The trial was had and the chief acquitted. This was the first jury trial that took place within the present limits of Minnesota, as well as the first criminal trial in a court of record, and this term was the only one ever held within the limits of the state while it was part of Wisconsin.

When Wisconsin was admitted into the Union in May, 1848, its western boundary was the Mississippi river up to the mouth of St. Croix, and the lake and river St. Croix beyond that point. The adoption of this boundary left all the territory west of the St. Croix and east of the Mississippi without any government. Stillwater was then something of a settlement, having the largest population of any place west of the new state, included in which were some lawyers. Morton S. Wilkinson had been living there since early in the year 1847. Henry L. Moss located there in April, 1848.

Morton S. Wilkinson is a native of New York and a man of great natural ability and brilliancy. As an advocate he has few equals. His figure is tall and commanding; his features are thin, marked and intellectual. He has been in the practice of his profession ever since his arrival at Stillwater, and has filled many positions of honor and trust, and has always performed all his public duties with ability and fidelity. He was once register of deeds of Ramsey county. Has been in both branches of the local legislature. Was United States senator and member of the house of representatives from the state of Minnesota. He practiced for many years as a member of the Ramsey county bar; lived for some time in Mankato and now resides at Wells, in Faribault county, and was county attorney there. Mr. Wilkinson enjoys excellent health and has the prospect of a long life before him.

Henry L. Moss was appointed United States district attorney for the territory of Minnesota at its organization, and held the office during the administration under which he was appointed, and until Governor Gorman succeeded Governor Ramsey, performing its duties with ability and success. Mr. Moss is a good lawyer and has seen much practice in the early days of the territory and state. He removed to St. Paul from

Still-[287]-water about the time of the organization of the territory, and at one time was engaged in the practice of his profession with Lafayette Emmett, the first chief justice of the state.

For many years Mr. Moss has not practiced, but has devoted his attention to the business of insurance, in which he is now largely engaged. He resides in St. Paul, and is in vigorous health.

On account of the uncertainty created by the anomalous condition of things existing in the strip of country embracing Stillwater and St. Paul, as to whether it was within any political jurisdiction, or had any government, no courts were held west of the St. Croix, not even justices' courts, during the year 1848. To remedy this difficulty, the leading citizens met for consultation in the month of August, 1848, and adopted the theory that the admission of a part of the territory of Wisconsin as a state did not necessarily disorganize the remnant. They opened correspondence with John Catlin of Madison, Wisconsin, who was secretary of the territory of Wisconsin at the time of its admission as a state, and who had become, *ex-officio*, Governor, on the election of Governor Dodge to the United States senate, and invited him to come to Stillwater and proclaim the government of the territory to be in force over the remnant of it which was left. Accordingly, in the month of September, 1848, Governor Catlin, with his family, removed to Stillwater and assumed the position of chief magistrate of the territory of Wisconsin, and issued his proclamation for the election of a delegate to congress. An election was held in November following, and Henry H. Sibley was chosen. He was admitted to a seat in congress, and the next year the territory of Minnesota was organized, as we shall see hereafter.

The first effort that was ever made toward the erection of a court house in the territory, was in Stillwater, in December, 1847. The following subscription paper was circulated, with the success which it bears on its face. It shows that even in that very early day the inhabitants were public-spirited according to their means:

“We, the undersigned, hereby agree to pay the amount set

opposite our respective names, to be invested in a court-house and jail in the town of Stillwater, to be built according to a plan submitted by Jacob Fischer, provided the county of St. Croix will pay the balance of the cost of said building after deducting \$1,200 which amount we propose to raise by this subscription and pay the same to the holder of this paper as may be required for the progress of the building.”

Stillwater, December 18, 1847.

John McKusick.....	\$ 400.00
Jacob Fischer.....	50.00
Churchill & Nelson.....	200.00
Orange Walker for Marine L. Co.....	100.00
W. Holcombe.....	50.00
John W. Brewster.....	50.00
John Morgan.....	20.00
William Cave.....	25.00
William Stanchfield.....	(paid) 50.00
A. Harris.....	25.00
Jesse Taylor.....	25.00
Wm. Willim.....	25.00
C. Carli.....	25.00
A. Northup.....	100.00
Nelson McCarty.....	13.00
M. S. Wilkinson.....	15.00

Quite a number of the subscribers to this enterprise are still living and will be recognized by the old settlers. The court-house was erected on the summit of one of the hills in Stillwater, and the first court of 1849 was held in it.

The only evidence we have been able to find of any legal proceedings being had in St. Croix county in 1848, is the record of a writ of attachment issued out of the district court at the suit of Thomas H. West, against Anson Northup for the recovery of \$3,100 39-100. It is attested in the name of the Honorable Chas. Dunn, judge of the district, on the fifteenth day of May, 1848, and signed by Joseph R. Brown, “clerk D. C. S.

C. C. W. T.," which, interpreted, means "clerk of the district court of St. Croix county, Wisconsin territory."

To this writ is a return of the sheriff, John Morgan, of service.

Nothing further appears to have been done in the suit, and it is quite reasonable to suppose that Mr. Northup was armed with a good and sufficient defence, or the uncertainty of the jurisdiction of Wisconsin over the county deterred the prosecution.

On the 3d day of March, 1849, the organic act creating the territory of Minnesota was passed by congress. It is entitled, "an act to establish [238] the territorial government of Minnesota." The president of the United States appointed Alexander Ramsey governor of the territory; Charles K. Smith, secretary; Aaron Goodrich, chief justice; David Cooper and Bradley B. Meeker, associate justices; Alexander Mitchell, marshal; and Henry L. Moss, United States attorney.

At the time of the passage of this act the only attorneys residing in what is now Ramsey county were David Lambert, Wm. D. Phillips and Bushrod W. Lott, all of St. Paul.

David Lambert was admitted to the bar of New York, and came from Madison, Wisconsin, to St. Paul in 1848. He was a man of fine ability, but his career was short. He was drowned from a steamboat on the Mississippi river, in November, 1849, aged about thirty years.

William D. Phillips was a native of Maryland, and was admitted to the bar of that state. He came to St. Paul in 1848, and was the first district attorney of the county of Ramsey. He was elected to this office in 1849. He continued in the practice of his profession at St. Paul until the election of President Pierce, under whose administration he received an appointment to a clerkship in one of the departments at Washington. He never returned to St. Paul and is supposed to have died many years ago.

Mr. Phillips was a very excentric person, and many anecdotes are related

of him. On one occasion an opposing attorney, who had very recently arrived in the territory, in the trial of a cause, cited a clause of the statutes against him and endeavored to put a construction upon it, which Phillips controverted. In the discussion which followed, the new attorney made some classical allusion, in which the names of Cicero or Demosthenes occurred. Mr. Phillips, in replying, became very much excited, and, rising in a flight of eloquence, he said, "The gentleman may be a classical scholar. He may be as eloquent as Demosthenes. He has probably ripped with old Euripides, socked with old Socrates, and canted with old Cantharides, but, gentlemen of the jury, what does he know about the laws of Minnesota."

As illustrative of his possessing in a high degree the quality which every lawyer is popularly supposed to excel in, that of never forgetting to charge for services performed, on one occasion Henry M. Rice presented him with a lot on Third street, on which to erect an office, and when he presented his bill for services there was an item of four dollars for drawing the deed.

Bushrod W. Lott was a native of New Jersey. He removed to Illinois when quite young, and was admitted to the bar of that state. He commenced the practice of law in St. Paul, in 1848. He has been a member of the house of representatives, in the legislature several terms, United States consul at Tehuantepec, and has held other public trusts. Mr. Lott is still a resident of St. Paul, but has not practiced his profession for many years.

Soon after the passage of the act establishing the territorial government of Minnesota, the officers appointed to organize it, made their appearance, and on the first day of June, 1849, Governor Ramsey issued his proclamation declaring the territorial government duly organized.

The organic act by section 9 provided "that the judicial power of said territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief-justice and two associate justices, and two of whom shall constitute a

quorum, and who shall hold a term at the seat of government of said territory annually.” “The said territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times and places as may be prescribed by law and the said judges shall after their appointment respectively reside in the district which shall be assigned to them.”

The act then proceeds to define many matters pertaining to the courts, their jurisdiction, and the administration of justice, which are not of sufficient interest to be further quoted here.

In pursuance of this law the Governor on the 11th day of June, 1849, issued the proclamation dividing the territory into judicial districts, and assigning the judges to them. The county of St. Croix alone was erected into the First district, and Chief Justice Aaron Goodrich was assigned to it, all the rest of the territory was divided into the Second and Third districts, and Judge Meeker was assigned to the Second, and Judge Cooper to the Third. [239]

In the same proclamation the governor appointed the first term of the district court for the First district to be held at Stillwater on the second Monday of August, 1849, to continue one week, and the second term in said district to be held at the same place on the second Monday of February, 1850, also to continue one week.

In pursuance of this proclamation the court was held, Chief Justice Goodrich, presiding, assisted by Judge Cooper. The following editorial notice of the same appears in the *Chronicle and Register*, published at St. Paul on August 25th, 1849 :

“The court for the First judicial district, Honorable Aaron Goodrich presiding, assisted by Honorable David Cooper, closed its first term on Saturday last after a laborious sitting of six days. Considerable more business was brought before the court than had been anticipated. Thirty-five cases stood upon the trial docket at the opening of the term. The

proceedings were for the first two or three days somewhat crude, owing to the assembly of a bar composed of persons from nearly every state in the Union holding all their natural prejudices in favor of the practice of the courts they had recently left, and against those of all other places in Christendom. . . . The grand jury found ten bills during their session, as follows : One for assault and battery with intent to maim, one for perjury, four for selling liquor to Indians, and four for keeping gaming houses. Only the first was tried, the others lying over until the next term.”

The article speaks in high praise of M. S. Wilkinson, who was the prosecuting attorney, and of the hospitality of the people of Stillwater.

This was the first court ever held in Minnesota. The record of this term discloses that it was opened on Monday, August 13th, 1849. That there were present: Hon. Aaron Goodrich, judge of the 1st judicial district of Minnesota territory, presiding ; Alexander M. Mitchell, United States marshal ; Henry L. Moss, United States district attorney ; Morton S. Wilkinson, district attorney, St. Croix county ; John Morgan, sheriff, St. Croix county ; Harvey Wilson, clerk United States district court, St. Croix county ; William Henry Forbes, interpreter.

On the first day of this term, the following named attorneys were admitted to practice: Morton S. Wilkinson, Henry L. Moss, David Lambert, H. A. Lambert, George Goble, John A. Wakefield, Hiram Knowlton, Charles K. Smith, Alexander M. Mitchell, John S. Goodrich, William Phillips, Edmund Rice, Ellis G. Whittall, and Samuel H. Dent. Of these gentlemen the following were residents of St. Paul: The two Lamberts, Messrs. Wakefield, Smith, Mitchell, Phillips, Rice, Whittall and Dent.

On the second day the court admitted Putnam B. Bishop and Lorenzo A. Babcock.

On the fourth day Alexander Wilkin and Bushrod W. Lott, were

admitted, also Messrs. Bishop, Wilkin and Lott of St. Paul, and Mr. Babcock, of Sauk Rapids.

On the fourth day an indictment was returned by the grand jury against William D. Phillips, the attorney of whom we have previously spoken, for an assault with intent to maim. The case was tried and a verdict rendered against Mr. Phillips for an assault, and he was fined twenty-five dollars.

This being the first indictment ever found and tried in Minnesota, and being against an attorney of the court, it possesses some historic interest. Mr. Phillips, in an altercation with the prosecuting witness, drew a pistol on him, and the question in the case was whether the pistol was loaded or not. The witness swore that it was, and that he could see the load. The prisoner, as the law then stood, could not testify in his own behalf, and there was no way for him to disprove this fact. He, however, always felt very much aggrieved at the verdict against him, and explained the assertion of the witness, that he *saw* the load, in this way. Mr. Phillips said he had been around electioneering for H. M. Rice, against Mr. Sibley, and from the unsettled state of the country he found it difficult to get his meals regularly. So he carried crackers and cheese in his pockets, and the pistol being in the same pocket, a piece of the cracker got into the muzzle of the pistol, and the fellow was so scared that he thought the pistol was charged to the brim.

On the sixth day of the term Samuel H. Quay and Laysel B. Wait were admitted to practice.

Mr. Quay was one of the publishers of the Minnesota Register in St. Paul, and Mr. Wait was, at the time of his admission a resident [240] of Stillwater, but for many years after of St. Paul, and engaged in various mercantile pursuits. Neither of these gentlemen ever practiced law, that can be discovered.

At this term our much respected citizen, Mr. Nathan Myrick, was indicted for selling liquor to Indians. This affair grew out of a seizure of Mr. Myrick's goods, as an Indian trader, by Capt. Monroe of the United

States army, for an alleged breach of the trade and intercourse laws. Mr. Myrick was arrested by Capt. Monroe, and held a prisoner one night, and then released. The difficulty was amicably adjusted between Mr. Myrick and the captain, and, so far as the former was concerned, would have been allowed to drop, but when the indictment was found, Mr. M. at once, by Masterson & Simons, his attorneys, commenced an action against Captain Monroe for false imprisonment, and recovered a judgment of \$666.66; which the government subsequently paid, thus fully vindicating Mr. Myrick from any infraction of the laws. The indictment was never tried.

Mr. Harvey Wilson, who figures as the clerk of the first court ever held in Minnesota, continued to hold the office of the clerk of the district court of Washington county continuously from the organization of that county in 1849, to the time of his death about nine years ago.

Alexander Wilkin admitted at this term, was an elder brother of Judge Westcott Wilkin, at present, and for many years past the honored judge of the district court of Ramsey county. He had been an officer in the United States army in the Mexican war, and was always called in the olden time "Captain Wilkin." He was a man of small stature, but indomitable will and energy, and uncompromising integrity. The captain was quick to resent an affront, and in the free and fighting days of the territory, had several personal encounters with parties who had given him offense, but happily none of them resulted seriously to either party. The captain operated largely in real estate and acquired a considerable quantity of valuable lands. He was appointed secretary of the territory to succeed Charles K. Smith, and performed the duties of that office until the election of President Pierce. He was an officer of the celebrated Pioneer Guards, the first military organization formed in the territory. He visited Europe during the Crimean war in 1854, and traveled extensively, and when the civil war commenced in this country in 1861, he went to the front as an officer in the 1st Minnesota regiment. He was soon promoted through various grades to the command of the 9th Minnesota, and after participating in many of the battles of the war, and exhibiting a high degree of valor and skill as a military leader, he was killed at the battle of

Tupelo. Colonel Wilkin is remembered by all who enjoyed his acquaintance, with great respect and affection. He did not engage in the practice of law very extensively.

In September, 1849, Michael E. Ames located in Stillwater and opened a law office. Mr. Ames soon after removed to St. Paul, where he practiced his profession until his death. He was a native of Vermont, but came to Minnesota from Baraboo, Wisconsin. Mr. Ames was one of the leading members of the bar of Ramsey county. He was a persuasive orator and a successful advocate.

Edmund Rice, who was admitted at the First term of the court, is a native of Vermont, but immigrated to Minnesota from Michigan. Mr. Rice devoted himself to the practice of the law up to about the year 1856, when the railroad interests of the state began to assume prominence. He took a lively interest in railroad matters from that date, and has since almost, exclusively devoted himself to those enterprises, building the first roads ever constructed in this territory. He has been president of several of the leading railroad companies and well deserves to be styled the father of railroads in this state, so far as relates to bringing the system from theory to actual construction and operation, while the conception of the system and the securing of the great land grants largely belongs to his brother, Henry M. Rice, for a long time delegate and United States senator from Minnesota. Mr. Edmund Rice has always enjoyed the confidence and warm friendship of the people of Minnesota to a degree hardly equaled by any other man and may be said today, to be the most popular as well as one of the handsomest men in the state. He has just been chosen mayor of St. Paul, by an unusually large majority, after filling many offices of trust and honor invariably with satisfaction to his constituency.

George L. Becker arrived in St. Paul in the year 1849 and was an active practitioner and successful lawyer up to the advent of the railroads, when he became interested in those enterprises and has been very prominently connected with them down to within a year or two, during which period he has not been in the practice of the law. Mr. Becker is now president of

the Western Railroad company. No man in the state is more worthy of the high esteem in which he is held by all classes of people than Mr. Becker. While possessing fine culture and elegance of deportment, his chief characteristic is a bold honesty, based upon the solid foundation of superior common sense. He is still a resident of St. Paul, but engaged in extensive agricultural operations in Brown's valley and eastern Dakota.

William P. Murray, a native of Indiana, also came to St. Paul in 1849, and has been actively engaged in practice ever since. Mr. Murray is an astute, quick-witted man. He has been a member of the Minnesota legislature probably oftener than any man in the state. He is thoroughly versed in everything pertaining to the interests of St. Paul and Ramsey county, and ably represents those interests in the legislative and municipal councils. Mr. Murray has been several years city attorney of St. Paul and now fills that office, which withdraws him from general practice.

Judge Goodrich, the first chief justice of the territory, was a native of New York, but was appointed from Tennessee. Being assigned to the first district, he took up his residence in St. Paul and continues to reside in that city. After the expiration of his judicial term he was engaged in some important cases, but never devoted himself to the practice of his profession. His inclinations are archæological and literary. He is the author of a curious and interesting work, the principal object of which is to prove that Columbus did not discover America. The judge was appointed secretary of the American legation at Brussels, one of the most refined and polite courts in Europe, and filled that pleasant position for eight years, improving the opportunity to expand his knowledge of paleology, by profound researches through the libraries of Europe.

The judge was deeply learned in all sorts of biblical lore, and familiar with the scriptural names. On one occasion when defending a Sioux Indian by the name of Zu-a-za, on a charge of murder, the name troubled the judge and he called him all through the argument "my client, Ehasuerus."

Judge Cooper, at the end of his official term, settled down to the practice of the law in St. Paul and continued his work up to June, 1864, when he emigrated to Nevada and located at Austin, on Reese river. He

practiced there several years and went to Salt Lake City, where he died several years ago.

Judge Cooper was a very industrious and painstaking lawyer, but irascible in the highest degree; he so fully identified himself with the cause of his client that fair criticism from the opposite counsel of the merits of the case would be construed almost in a personal affront, and he never forgave a judge who decided against him. With all these peculiarities the judge had a very genial side in his nature. The writer passed nearly a month with him, shut up in an ocean steamer, occupying the same stateroom, and takes pleasure in testifying to the fact that a more agreeable companion would be hard to find.

One of the judge's habits was to wear the old style fine cambric shirts with frills up the bosom and at the cuffs; the singularity of this dress was made much more conspicuous from the contrast it presented to the careless attire of the people of 1849, and even later years. He was known as a gentleman of the old school.

Henry F. Masterson and Orlando Simons arrived in St. Paul June 20th, 1849. They were both from the state of New York, and were admitted to the bar of that state. They were partners before leaving New York, and continued the firm here by the name of Masterson and Simons. These gentlemen composed the first law firm ever established in Minnesota, and they remained together up to the year 1875, when the number of the judges of the court of common pleas of Ramsey county having been increased to two, Mr. Simons was appointed by the governor one of the judges of that court. He was subsequently transferred by statute to the district bench and then elected by the people to the latter position, and now fills it to the entire satisfaction of the bar, enjoying the confidence of the [242] people, and being the terror of all wrong doers. Judge Simons has long been a close student of the law, and is endowed with a clear logical brain. He is as free from bias, partiality, timidity, or a fear of being criticized, as a granite monument in a secluded church yard. He has most of the attributes of a great judge.

Henry F. Masterson like most of the young lawyers who came to the far West in those early times, was not possessed of much worldly means, in fact he had none. As the out-look for law business was not promising, he manfully went to work in a saw-mill at the Falls of St. Anthony, and in the construction of Fort Ripley, then Fort Gaines, and earned sufficient money to start himself in the practice of his profession. Mr. Simons and himself then opened an office in St. Paul, where Mr. Masterson has continued to practice until the present time. He is a good lawyer, a profound thinker, and always gets to the bottom of his cases. Mr. M. has been engaged in much of the important litigation of this judicial district, and was for years the attorney for the St. Paul and Pacific railroad company. He is a very genial and companionable gentleman, and delights in reminiscences of what we have called the "traditional period" of Minnesota. The writer is indebted to Mr. Masterson for many of the facts contained in this chapter.

The second law firm that was formed in Ramsey county was composed of Edmund Rice and Ellis G. Whitall, under the name of Rice and Whitall. Late in the year 1848, George L. Becker entered this firm, which was from that time known as Rice, Whitall and Becker. Mr. Whitall removing to St. Anthony and opening an office in that place, which was the first law office there. Mr. Whitall left the country about 1852, and never returned.

Mr. Lorenzo A. Babcock, of whom we have before spoken, was a native of Vermont, and admitted to practice in that state. He arrived in Minnesota early in the spring of 1849, and settled at Sauk Rapids. He was elected to the first legislature, and was the first attorney general of the territory. He removed to St. Paul in the latter part of 1849, and practiced his profession there until his death.

Mr. Putnam P. Bishop was at one time a partner of William D. Phillips, in St. Paul. We learn that he is still alive, and has become a Baptist clergyman.

Mr. Samuel H. Dent was from Kentucky. He was a justice of the peace

in 1849 and 1850.

In the year 1850, law business improved, and several new lawyers arrived. Associations began to be formed among attorneys. The firm of Babcock, Ames and Wilkinson was formed, Mr. Babcock representing the firm in St. Paul, and Messrs. Ames and Wilkinson residing at Stillwater.

Rensselaer R. Nelson, a son of judge Samuel Nelson of the supreme court of the United States, arrived in 1850. He had been admitted in New York, and practiced a short time at Cooperstown. He formed a partnership with Captain Wilkin, and practiced until he was appointed associate justice of the supreme court of the territory in 1857. He held this office until the admission of Minnesota into the Union, when he was appointed United States district judge of the district of Minnesota, which district then, and still, embraces the entire state. He has held this position ever since. Judge Nelson presided at several sessions of the district court of the territory, and sat with Chief Justice Welch, and Associate Justice Flandrau, at the last term of the supreme court ever held in the territory, in January, 1858. He appears in the first volume of the Minnesota Reports as rendering the opinion in the case of Foster vs. Bailey et, al, reported at pages 436 to 441.

Judge Nelson is a well trained lawyer; is endowed with a good sound mind and body. His administration of justice has been characterized by impartiality, fearlessness and vigor. He is prompt in deciding matters that are submitted to him, and is esteemed by the bar for his urbanity, sterling integrity and painstaking endeavors to decide justly and according to law and precedent. In the domain of equity he is quick to detect fraud, artifice and oppression, and energetic in thwarting their designs upon the rights of the innocent. As district judge he possesses circuit powers, and quite frequently the entire duties of the circuit court devolve upon him. The state has every reason for congratulation in having such a competent and honorable judge to administer the federal side of its judicature.

Jacob J. Noah, a son of the once famous Mor-[243]-decai Manassa Noah, of New York newspaper notoriety, located in St. Paul in 1850. Mr. Noah is a very remarkable man in various ways. He is an excellent musician, speaks French like a Parisian, is a competent art critic, a fair essayist on almost any subject. More at home on polemical theology than most priests, a very good lawyer, a capital actor, and in a word, an accomplished gentleman. He lived for some time at Mendota, was the first clerk of the supreme court of the state, and left the impress of his beautiful penmanship indelibly upon its records. He left the state about the time of the breaking out of the rebellion, served in the Union army, carpetbagged extensively in Tennessee, and has resided in Washington ever since.

An amusing anecdote is related of him when practicing at Mendota. One of our present distinguished lawyers had just arrived, and had business at Mendota before a justice of the peace. He was for the defence and Mr. Noah for the plaintiff. After reading the complaint he demurred to it, and delivered a very able argument in support of his demurrer.

The justice was a stately looking gray-headed man, and as the attorney became eloquent he would throw out signs of appreciation, bowing occasionally, as if in acquiescence. When the counsel was through, he thought he had made a good argument, and convinced the court; when, much to his surprise, Mr. Noah commenced addressing the court in French, whereupon he objected, saying that the law required the proceedings to be conducted in English, and that he did not understand French, "Oh, yes;" said Mr. Noah, "I was only telling the court what you had been saying." "Well, sir;" said his adversary, "I think I made myself sufficiently clear, and need none of your interference." "That is true," said the Major, "you made an excellent argument, but the court don't understand any English;" which was a fact. The Major's adversary threw up the sponge.

Mr. Allen Pierce, from Mississippi, formerly a law partner of Henry S. Foot, of that state, located in St. Paul in 1850, for a short time, but removed to Willow River (now Hudson), Wisconsin.

Phillips and Bishop also formed a partnership in the year 1850, at St. Paul.

Charles J. Hennis, from Philadelphia, arrived in Minnesota in 1850. He opened a law office, but was more of a newspaper man than a lawyer. He was either an Irishman or of Irish descent. He was a very eloquent speaker and able writer. The mention of his name awakens recollections of wit and cleverness rarely met with in these humdrum days of all work and no fun. He died after a brief sojourn in St. Paul.

William Hollinshead, of Philadelphia, arrived In St. Paul in 1850. He was an able man and good lawyer, and for several years was regarded as at the head of the Ramsey county bar. On March 4th, 1851, he entered into partnership with Edmund Rice and George L. Becker, forming the firm of Rice, Hollinshead & Becker, which was, as long as it lasted, the most prominent law firm in Minnesota. Mr. Hollinshead married a sister of Henry M. and Edmund Rice. He left several children, one of whom, Edmund B. Hollinshead, is now a practicing lawyer in St. Paul. Mr. H. was a very impressive speaker, and carried great weight with courts and juries.

C. S. Todd, of Kentucky, was one of the arrivals of 1850, It was never supposed that he came to stay, but to gain a residence for a special purpose. His sojourn was brief, but being a member of the Ramsey county bar we mention him.

Wm. G. LeDuc came to St. Paul in 1850. He did not do very much at the practice. He was in the book and stationery business. Mr. LeDuc was in the quartermaster's department of the Union army during the rebellion, and during President Hayes' term was commissioner of agriculture. Mr. LeDuc has demonstrated that the soil of America, manipulated by Yankee ingenuity, surpasses the Celestial empire in the production of tea.

1851. Pierce and Murray entered into partnership at St. Paul.

Mr. John F. Lehan, an Irishman, opened a law office in St. Paul. He was more devoted to politics than law and remained but a short time.

George W. Prescott and D. A. J. Baker, both from the state of Maine, opened a law office in St. Paul as Prescott and Baker. Mr. Prescott was afterwards clerk of the United States district court, and is now a Baptist clergyman.

Mr. Baker still resides in Ramsey county but does not practice law.

DeWitt C. Cooley, a native of New York, and [244] a member of the bar of that state, settled in St. Paul in 1851. He had practiced in Texas and other southern states before coming to Minnesota. He practiced in St. Paul for a number of years, forming a partnership with Justin I. McCarthy, and was the second district attorney of Ramsey county. Mr. Cooley left the state at one time, and resided in Pennsylvania for many years, but returned to St. Paul and has resided there for the past four or five years. He, however, has not been in practice.

Lafayette Emmett, of Ohio, came to St. Paul this year and opened a law office. He was at one time in partnership with Henry L. Moss, and again with James Smith, Jr. as Emmett and Smith. He was attorney general of the territory during the administration of Governor Willis A. Gorman, and was the first chief justice of the state, being elected at the first election in 1857, and serving a term of seven years.

Judge Emmett is an able lawyer, and made an excellent judge. His judicial record is contained in the Minnesota reports from volume 2 to volume 9 inclusive, and it is one which will bear creditable comparison with that of any judge who has ever sat upon the Supreme bench of Minnesota. The judge removed to Faribault some years ago, and now lives at Ortonville, in Big Stone county, where he is practicing his profession.

On the 18th of September, 1851, R. R. Nelson entered into partnership with Isaac Van Etten. Mr. Van Etten came from New York to St. Paul. He died several years ago. This firm was of very brief duration; it did business as "Ames & Nelson."

On the 25th of November, Captain Wilkin formed a partnership with Isaac Van Etten under the firm name of "Wilkin and Van Etten."

T. P. Watson, a Frenchman from Detroit arrived this year in St. Paul, also A. L. Williams of New York, who had been in practice in Wisconsin before coming to Minnesota. These gentlemen formed a partnership as "Williams and Watson."

Henry L. Moss moved over from Stillwater to St. Paul this year. Charles L. Willis of Ohio, settled in St. Paul this year. For many years Mr. Willis has withdrawn from active practice and has devoted himself to the management of his private affairs. He is an esteemed citizen, and the father of John W. Willis, a young lawyer of great promise, who has recently been admitted to the bar of this county.

On the 1st day of July of this year Mr. Moss and Lafayette Emmett formed a partnership as "Emmett and Moss."

George D. Rice a brother of Henry M. and Edmund Rice arrived this year; he can hardly be said to have entered into practice. He returned to Michigan.

William H. Welch, a native of Connecticut, graduate of Yale College and Law school arrived in 1850, and should have been classed in that year. He lived some time at St. Anthony while it was part of Ramsey county, and subsequently at St. Paul. He was appointed chief justice of the territory by President Pierce, served four years and was re-appointed by President Buchanan, serving until the admission of the state. Judge Welch was a well read lawyer and very much esteemed. He has been dead many years.

Isaac V. D. Heard, a native of New York, came to St. Paul, April 29th, 1882. For a time Mr. Heard acted as clerk for Alexander Wilkin, then secretary of the territory. He was elected district attorney of the county of Ramsey, in 1855, and held that office by successive re-elections for eight years, and performed its duties with marked ability and success. Subsequently he was city attorney of St. Paul for about three years. Mr. Heard was in the Sioux war of 1862, as an officer on the staff of General Sibley, and was one of a party sent by the General to the relief of the besieged at New Ulm. They charged into the town, expecting to meet the Indians, but found the place absolutely deserted; Colonel Flandrau having taken all the inhabitants to Mankato. Mr. Heard acted as recorder and judge advocate of the military commission which tried the Sioux prisoners, and wrote a book descriptive of the war of 1862, called the "History of the Sioux War." Mr. Heard is a sound lawyer, and enjoys a fine practice. He has been engaged in many of the most important trials, civil and criminal that have taken place in this county, and always with credit to himself and the profession.

Daniel Breck, a Kentuckian settled in St. Paul for the purpose of practicing law this year; he [245] unfortunately killed a man, after a short residence, and departed. While here he formed a partnership with A. L. Williams as Breck and Williams.

John Esais Warren, of Troy, New York, removed to St. Paul in 1852. Mr. Warren, although an educated lawyer, was more devoted to literature than law. He had traveled extensively and acquired a varied knowledge; being a man of large means, he took the world quite easily, following the bent of his inclinations. He was the author of a work on Spain, and a book called "Para, or Adventures on the Amazon." He took a lively interest in public affairs, and was at one time mayor of St. Paul, and United States district attorney of the territory. Mr. Warren, after leaving St. Paul, resided in Chicago, where he became extensively engaged in the real estate business. He is still a resident of that city. There are many citizens of St. Paul today, including the writer, who delight to recall the sumptuous

hospitality of Mr. Warren's home, made doubly attractive by the merry brilliancy of his charming wife.

In the year 1852, Mr. Warren formed a law partnership with Mr. Joseph Wakefield, who settled in St. Paul the same year. The firm name was Wakefield and Warren.

To give the reader some idea of the remoteness of this region from the outside world, prior to and at the time of the organization of the territory, we will state that the organic act was passed, March 8th, 1849, but the news of its passage and the appointment of territorial officers was not known in Minnesota until the 9th of the next April; and when General Taylor was elected president of the United States in November, 1848, the first information of the result of the election that reached Stillwater, was on the 3d day of January, 1849.

We have thus far gone into particulars concerning the individual members of the bar of Ramsey county and its predecessor, the county of St. Croix, because, as we said before, the greater interest attaches to the pioneer times, that form the nucleus or germ of the after and more stately growth. We will be, necessarily, compelled to be more general in our consideration of the subject after the year 1852.

The growth of Ramsey county was very rapid from 1852 to 1858, and many lawyers were attracted to the capital city of the territory. There came before the admission of the state, Willis A. Gorman, the second governor of the territory; Wescott Wilkin, at present the senior judge of the district court; E. C. Palmer, the first judge of the district court after the admission of the state; William Sprigg Hall, the first judge of the court of common pleas of Ramsey county; S. J. B. McMillan, afterwards associate justice of the supreme court of the state, chief justice of the same court, and United States senator for two terms (he now fills the latter position); Charles E. Flandrau, one of the associate justices of the supreme court of the territory and state, and at one time Indian agent for the Sioux of the Mississippi;

Horace B. Bigelow, now, and for a long time past the honored president of the Bar Association of Ramsey county; Greenleaf Clark, agent of the state university, and now associate justice of the supreme court; John B. Brisbin, mayor of St. Paul, president of the territorial council in 1856, and reporter of the supreme court; J. Traverse Roseer, secretary of the territory during governor Gorman's administration; Alexander C. Jones, judge of probate, and now United States consul to Nagasaki in Japan; John Penman, originally a Methodist preacher, turned lawyer, and was judge of probate of Ramsey county; John B. Sanborn, who fought his way to the rank of major general of volunteers in the Union army; Morris Lamprey, regent of the state university; Oscar Stephenson, judge of probate of Ramsey county; Harvey Officer, reporter of the supreme court; Lorenzo Allis, John M. Gilman, James Smith, Jr., George L. Otis, who was once honored by the democracy of the state with the nomination for governor; Harvey Officer, Henry J. Horn, W. P. Warner, and many more gentlemen that space forbids us to particularize.

Since the admission of the state which occurred May 11th, 1858, the bar of Ramsey county has increased in fair proportion to the growth of the county, and many brilliant and able men have been enrolled among its members, prominent among whom is Cushman K. Davis. Mr. Davis is a well trained lawyer; has received a thorough education both in law and the general branches of study. He possesses an extraordinary fluency of speech and brilliancy of con-[246]-ception and expression. He is an eloquent and forcible speaker, a graceful writer, and a close student. Mr. Davis has, by the simple force of his ability, attained a high position at the bar of this state, and bids fair to achieve a national reputation as a lawyer. He has been for one term governor of the state, and administered its executive affairs with marked ability. Governor Davis is still a young man and enjoys an extensive practice.

George B. Young was appointed by Governor Davis to fill a vacancy on the supreme bench. He resided in Minneapolis at the

time of his appointment and was scarcely known in Ramsey county. His incumbency of the office was brief, but of sufficient duration to introduce him to the public as a lawyer of ability and promise; when he retired from the bench he commenced practice in St. Paul and has since been engaged in some of the most important litigation in the state. Judge Young may be classed among the first lawyers of the state.

Wm. P. Clough, who for some time practiced in Rochester before coming to St. Paul, is another member of the bar who deserves special mention for his ability and industry in the practice of his profession. Mr. Clough possess a clear mind, quick to perceive the strong points of a case, and an ingenuity that makes the most of the weak ones. He presents a case with great force to either a court or jury. Mr. Clough is a rising member of the bar.

W. W. Irwin deserves special mention as a member of the Ramsey county bar. He is a man of genius in his way; excentric to the last degree; brilliant in conception and execution; an orator of considerable force. Independent of all social conventionalities, he appears here, there, anywhere, like a comet with no ascertained orbit. He creates amazement by the suddenness of attack and retreats. His methods differ from those of all other men. His system is his own, He is a success in the line he has adopted in the profession, that of a criminal lawyer. He enjoys a reputation in this role that extends beyond the limits of this state. Few criminal trials of any magnitude have taken place in this state or the adjoining territories of late years, that Mr. Irwin has not been engaged in for the defence, and his success has been extraordinary.

R. B. Galusha is a gentleman who in his own way, has attained prominence at the bar of this county. He is *sui generis*. Quiet in his demeanor; retiring but always at the front; a sound and reliable counsellor, he has always enjoyed the confidence of some of the best men of the state, which has brought him a responsible and lucrative practice. Not an advocate, he aids those who take that role in the

cases he represents. Mr. Galusha holds the important position of attorney for the St. Paul, Minneapolis and Manitoba Railway company, one of the largest corporations in the north-west, and fills it well. There is no gentleman at the bar of this county who is more universally esteemed for his professional and social qualities than Mr. Galusha.

The bar has also been increased considerably by the accession of young gentlemen, who have studied in the county and been admitted by the courts. Prominent among these is Christopher D. O'Brien, who has developed great ability as a trial lawyer. He was at one time in partnership with Governor Davis, and county attorney of Ramsey county. Homer C. Eller, who is the author of an excellent digest of the Minnesota reports. John D. O'Brien, who is now of the firm of O'Brien and Eller. Edmund R. Hollinshead, a son of William B. Hollinshead, before mentioned; E. S. Gorman, son of ex-Governor Gorman; F. G. Ingersoll; John W. Willis; Alfred S. Hall; George C. Squires, now court commissioner of the county, and a member of the firm of Bigelow, Flandrau and Squires; E. G. Rogers, who was recently county attorney and filled the office with credit; and many other promising young men, who bid fair to maintain the past standing of the Ramsey county bar.

Another considerable addition has been made to this bar by the removal of lawyers from other parts of the state to St. Paul, attracted by its rapidly growing importance. These gentlemen were usually lawyers who had outgrown the localities where they had first cast their lots and sought wider fields of labor. From St. Cloud came Col. Charles D. Kerr, and William S. Moore; from Dodge county came S. L. Pierce; and from Mankato came Martin D. Severance, all gentlemen of reputation and standing in the profession. Mr. Severance had hardly arrived before he was tendered the position of judge of the Sixth judicial district, the acceptance of which necessitated his return to Mankato.

Of course in this brief sketch of the bar of this county, the names of

many of its worthy members are not mentioned. The author assures them that it is not from lack of merit on their part, but from want of space. He did think of printing as part of this article a roll of all the members of the bar of the county—past and present, but was compelled to abandon it.

The history of this bar would be incomplete without mention of the fact, that from the organization of the county to 1856, St. Anthony was a prominent part of it, and contained quite a number of attorneys. Conspicuous among these were Isaac Atwater, Ellis G. Whitall, William H. Hubbard, James H. Strader, Samuel M. Tracy, William H. Welch, George A. Nourse, Warren Bristol, Israel S. Demmon, Dan M. Demmon, George E. H. Day, D. A. Secombe, John W. North, Abram R. Dodge, James M. Shepley, George W. Prescott, E. L. Hall, R. L. Joice, Henry W. Cowles, and many others whom the writer cannot now recall. Many of these gentlemen still remain in Hennepin county. Some have died, and some removed to other fields of labor. The political antagonisms between St. Paul and St. Anthony led to the latter being set off from Ramsey county and made part of Hennepin county in 1856, where it has ever since remained. From the nature of its industries, and the characteristics of its people, it is undoubtedly more at home where it is, than it ever could have been as a part of Ramsey county. The separation was mutually advantageous.

The bar of Ramsey county has always been noted for the kindly feeling, and generous courtesy which has existed among its members. The professional word of any reputable lawyer has ever been received as a sufficient guaranty for performance, and has rarely failed in fulfillment. Sharp practice has never been tolerated, and a degree of reciprocal accommodation established, that has characterized professional practice here, as a graceful fellowship among gentlemen. The writer has had a close intimacy with the Ramsey county bar for twenty-eight years, both in the sharply defined antagonisms, and vigorously contested struggles of an active professional life, and as a judge at *nisi prius*, and on the supreme

bench, and he can conscientiously record the fact, that in all his experience, he does not recall a single Instance in which a recognized member of this bar has ever taken an unprofessional advantage of another. Disreputable attorneys have appeared occasionally here as elsewhere, but they have never been able to engraft themselves on the main stem, and after a brief exotical career, they have withdrawn.

“I’ve scanned the actions of its daily life
With all the industrious malice of a foe;
And nothing meets my eye but deeds of honor.”

There is an old saying that lawyers work hard, live well and die poor, and such is usually their fate, but I am happy to be able to say, that many of the members of the bar of this county, have by their Industry and good sense, accumulated modest, but comfortable fortunes as the reward of their labors.

THE COURTS.

As we said before, the organic act lodged the judicial power of the territory of Minnesota in a supreme court, district courts, probate courts and justices of the peace. The constitution has preserved this repository of the judicial authority with the addition of the words, “and such other courts inferior to the supreme court, as the legislature may from time to time establish by a two-thirds vote.”

Although the supreme court is not a court of Ramsey county, yet as it has always been held in this county, we will give its organization from the beginning. In the days of the territory it was composed of a chief justice and two associate justices, a clerk and a reporter, and its organization remained the same after the admission of the state until 1881, when two additional associate justices were added.

The chief justices have been as follows during the territory: Aaron Goodrich, June 1st, 1849, to November 13th, 1851; Jerome Fuller,

November 13th, 1851, to—; Henry Z. Hayner, 1852, never presided; Wm. H. Welsh, April 7th, 1853, to May 24th, 1858.

Associate justices during the territory: David Cooper, June 1st, 1849, to April 7th, 1853; Bradley B. Meeker, June 1st, 1849, to April 7th, 1853; Andrew G. Chatfield, April 7th, 1853, to April 23d, 1857; Moses Sherburne, April 7th, 1853, to [248] April 13th, 1857; R. R. Nelson, April 23, 1857, to May 24th, 1858; Charles E. Flandrau, April 23d, 1857, to May 24th, 1858.

Clerks during the territory: James K. Humphrey, January 14th, 1850, to 1853; Andrew J. Whitney, 1858 to 1854; George W. Prescott, 1855 to May 24th, 1858.

Reporters during the territory: William Hollinshead, appointed July 7th, 1851; Isaac Atwater, appointed March, 1852; John B. Brisbin, appointed February 28th, 1854; M. E. Ames, appointed March 20th, 1856; Harvey Officer, appointed November 27th, 1857.

Chief justices under the state: Lafayette Emmett, May 24th, 1858, to January 10th, 1865; Thomas Wilson, January 10th, 1865, to July 14th, 1869; James Gilfillan, July 14th, 1869, to January 7th, 1870; Christopher J. Ripley, January 7th, 1870, to April 7th, 1874; S. J. R. McMillan, April 8th, 1874, to March 10th, 1875; James Gilfillan, March 10th, 1875, to present date.

Associate justices under the state: Charles B. Flandrau, May 24th, 1858, to July 5th, 1864; Isaac Atwater, May 24th, 1858, to July 6th, 1864; S. J. R. McMillan, July 5th, 1864, to April 7th, 1874; Thomas Wilson, July 6th, 1864, to January 10th, 1865; John M. Berry, January 10th, 1865, to present time; George B. Young, April 16th, 1884, to January 11th, 1865; F. R. B. Cornell, January 11th, 1875, to June, 1881; Greenleaf Clark, from March 14th, 1881, to present time; Wm. Mitchell, March 14th, 1881, to present time; D. A. Dickenson, June 27th, 1881, to present time.

Clerks of supreme court under the state: Jacob J. Noah, May 24th, 1858, to January 15th, 1861. A. J. Van Vorhes, January 15th, 1861, to January 18th, 1864; George F. Potter, January 18th, 1864, to January 14th, 1887; Sherwood Hough, January 14th, 1867, to January 1st, 1877; S. H. Nichols, January 1st, 1876 to present time.

Reporters of the supreme court under the state: Harvey Officer, May 24th, 1858, to January 30th, 1865; William A. Spencer, January 30th, 1865, to June 16th, 1875; George B. Young, June 15th, 1875, to present time.

The terms of the supreme court of the territory were held in various buildings in St. Paul, where suitable accommodations could be found, until the completion of the territorial capitol in 1858, when a room in the north wing of that building was set apart for this court, where it was subsequently held until changes were made in that building, which removed it to another part, but it was always convened there up to the time of the destruction by fire of the capitol during a session of the legislature, about the first of March, 1881, when its room was removed to the new Market house in St. Paul, where its last session was held.

The duty of holding the district courts devolved upon the judges of the supreme court, under the territorial organization, and as we have before said the territory was divided into three districts, and what is now the county of Ramsey, was embraced in the first district, and the courts held by the judge assigned to that district. When the state was organized, Ramsey county was erected into one district, and called the second judicial district. At the first state election E. C. Palmer was elected judge, and presided over the district court from May 24th, 1858, to December 31st, 1864. Wescott Wilkin was then elected judge of the district, and has held the position by successive elections, usually without opposition, until the present time. In the year 1876, by an act of March 2d, the number of the judges of the district court for the second district was increased to three, and by the same act Orlando Simons and Hascal R. Brill were transferred to

that court, from the bench of the common pleas, which by the same act was merged in the district court. These judges still remain upon the district bench, the labors of the court being divided between them, to suit their own, and the public convenience.

This court possesses general original jurisdiction in all cases except those pertaining to the estates of deceased persons, and persons under guardianship, and appellate jurisdiction from the probate courts and justices of the peace. It holds three terms a year, and special terms on each Saturday.

The clerks of this court have been as follows: James K. Humphrey, Andrew J. Whitney, Geo. W. Prescott, R. F. Howsworth, Albert Armstrong and A. R. Kiefer.

The sheriffs of Ramsey county have been the following gentlemen acting in the order in which their names are given. C. P. V. Lull, George F. [249] Brott, A. M. Fridley, A. W. Tullis, James Y. Cadwell, D. A. Robertson, John Grace, Christopher Becht, James King and Frederick Richter.

The office of county attorney of Ramsey county has been filled by the following named attorneys in the order given. W. D. Phillips, D. C. Cooley, I. V. D. Heard, Henry J. Horn, Harvey Officer, S. M. Flint, W. W. Irwin, C. D. O'Brien, E. S. Rogers and J. J. Egan.

City attorneys of St. Paul. I. V. D. Heard, C. J. Pennington, S. M. Flint, Henry J. Horn, Harvey Officer, W. A. Gorman and Wm. P. Murray.

The probate court of Ramsey county possesses the jurisdiction conferred by section 7 of article six of the constitution, which is very similar to that exercised by such courts under the territory. It embraces the estates of deceased persons, and persons under guardianship. It is a court of record, having a clerk and seal, and is always open for the transaction of business. It has been presided

over by the following named judges:

1848—Henry A. Lambert; 1853—Wm. H. Welsh; 1858—Samuel M. Tracy; 1854—Jesse M. Stone; 1855—Richard Fewer; 1856 — Alexander C. Jones; 1858—John Penman; 1860 —I. V. D. Heard, ex-officio, being district attorney; 1860—John F. Hoyt; 1862—R. F. Crowell; 1863 —E. C. Lambert; 1865—R. F. Crowell; 1869—Oscar Stephenson; 1873—Hascal R. Brill; 1875—Oscar Stephenson; 1877—Henry O’Gorman, the present incumbent.

The attorneys-general of the territory and state have been as follows:

TERRITORY.

Lorenzo A. Babcock, June 1, 1849, to May 16, 1858; Lafayette Emmett. May 15, 1858, to May 14, 1858.

STATE.

Charles H. Berry, May 24, 1858, to January 2, 1860; Gordon E. Cole, January 4, 1860, to January 8, 1866; William Colville, January 8, 1866, to January 10, 1868; F. R. E. Cornell, January 10, 1868, to January 9, 1874; George P. Wilson, January 9, 1874, to January 1, 1880; Charles W. Start, January 1, 1880, to March 12, 1881; William J. Hahn, March 18, 1881, to the present time,

The constitution of the state allows the legislature to establish courts other than those designated in that instrument, inferior to the supreme court. In the year 1887, the district court of Ramsey county, becoming overburdened with business, and having but one judge, the legislature established, by act of March 9th, a court of common pleas for this county, with the same jurisdiction as the district court, and William Sprigg Hall was elected its first judge. He took his seat, August 1st, 1867, and presided until February 25th, 1878, when he

died. Judge Hall was an able lawyer, a just and good judge, and a true gentleman. He lived beloved and died lamented by all who knew him.

Hascal R. Brill was appointed by the governor to fill the vacancy caused by the death of Judge Hall, and entered upon the duties of the office, March 1st, 1875. On the 5th day of March, 1875, the legislature authorized the election of a second judge of this court at the next general election, and directed the governor to appoint one *ad interim*. Governor Davis appointed Orlando Simons, who entered upon the duties of the office, March 15th, 1875. Each of these gentlemen assumed the trust with diffidence;—Judge Brill, by reason of his youth and inexperience, and Judge Simons on account of his natural modesty and retiring disposition; but time has fully justified the sagacity of the governor's choice in both instances, as these gentlemen now adorn the bench of the district court to the satisfaction of the people and the admiration of the bar. We have spoken of Judge Simons before in this chapter.

Judge Brill entered upon the important duties of the bench with the foundation of a good legal mind, well stored with legal knowledge, and a judicial experience of a term or two as judge of the probate court of this county, but without a very extended practice, or the wisdom resulting from age. Many doubts were entertained as to whether he would succeed in the assiduous task he had undertaken. But he had hardly recovered from the surprise of his selection before he began to develop the finest judicial traits, and by his uniform courtesy, excellent judgment, promptness of decision, and clearness of perception, he has won for himself a most enviable judicial standing.

The existence of two courts in the same county with concurrent jurisdiction, and the same clerk, seemed rather an anomaly, and it was deemed by [250] the bar best to merge them into one court with the three judges. Accordingly, in 1875, section 4, of article 6, of the state constitution was amended so as to allow the election of one or

more judges in a judicial district, and the transfer by the legislature of judges of the common pleas courts to the district court. In pursuance of this amendment an act of the legislature was passed on March 2d, 1876, by which the court of common pleas was merged into the district court, and Judges Brill and Simons transferred to that court, where they still remain.

MUNICIPAL COURT.

In 1875, by act of March 8th, the municipal court was established in the city of St. Paul. It is given a clerk and seal, and jurisdiction in all criminal matters which were before entertained by justices of the peace, with civil jurisdiction to the extent of two hundred dollars. The same act made the then city justice, judge of said court until his successor should be elected and qualified.

S. M. Flint thus became the first judge of this court, and presided over it until the election in the fall of 1880, when the present incumbent, Walter T. Burr, was elected. The term of office of the judge of this court is four years.

There are also two special judges of this court whose term of office, powers and duties, are the same as that of the judge. The salary of judge is \$2,500 per annum, and that of the special judges, \$8 per day when on duty.

This court transacts an immense amount of business, civil and criminal. It makes a watch-house delivery every morning. The incomes from fines and costs largely exceed the expenses of the court.

S. M. Flint and Walter T. Burr are the only judges this court has ever had. Its special judges have been, R. B. Galusha and Homer C. Eller, appointed by the governor on the organization of the court. Mr. Galusha did not accept. James F. O'Brien and Thomas Robinson, and again James F. O'Brien and W. B. McGroarty, the last two being the

present incumbents.

This court has practically superseded justices of the peace, but the county still has several of those judicial officers,

JUSTICES OF THE PEACE.

We call to mind the following justices of the peace who have administered the law of this county:

B. W. Lott, John A. Wakefield, Orlando Simons, Nelson Gibbs, Joseph LeMay, Truman M. Smith, Fleet F. Strother, Thomas Howard, H. M. Dodge, B. A. M. Froiseth, Archibald McElrath, Oscar F. Ford, B. C. Lambert, Eugene Burnand, Theodore F. Parker, Ed. H. Wood.

Many of these gentlemen held the office for a long time and were quite prominent citizens.

FEDERAL COURTS.

United States Circuit Court.

Prior to the admission of the state, all the federal judicial power was vested in the territorial courts, and administered by them. The organization of these courts has been heretofore given. When the state was admitted on May 11th, 1858, it was constituted a judicial district of the United States, with a district court possessing circuit powers. By act of July 15th, 1862, it was made part of the 9th circuit; and by the same act the district court was deprived of its circuit powers, and circuit courts were appointed to be held in the district by the associate justice of the supreme court of the United States, who was assigned to the 9th circuit, together with the district judge of the district, either of whom made a quorum.

Hon. R. R. Nelson was appointed judge of the United States district

court, on the admission of the state, and still holds the position. He appointed George W. Prescott clerk of the district court, and W. B. Gere having been appointed United States marshal of the district, and Eugene M. Wilson, United States district attorney, the court was fully organized.

Justice Samuel F. Miller of the supreme court of the United States, having been assigned to the 9th circuit, presided at first circuit court ever held in the district, in October, 1862, assisted by Judge Nelson. At this term H. E. Mann was appointed clerk of the circuit court, and has filled the position ever since.

The business of the federal courts having increased with the growth of the country, beyond the power of the judicial force to cope with it, a circuit judge was added to each circuit by act of April 10th, 1869, with the same powers as the [251] supreme judges when doing circuit duty. In pursuance of this act, Hon. John F. Dillon, of Iowa, was appointed to this circuit, and filled the position up to the end of the June term of 1879, about which time he resigned to accept the law professorship of Columbia College in New York. Judge Dillon was succeeded by Hon. George W. McCrary, who now holds the position.

The district of Minnesota is now in the eighth judicial circuit, and two terms of the circuit court are held annually in the city of St. Paul, one in June, and one in December. These terms are held by either the judge of the supreme court, the circuit judge or the district judge in the absence of either of the other, or it may be held by either of the circuit judges, assisted by the district judges, or by the two circuit judges.

By the act of April 10th, 1869, it is made the duty of the justice of the supreme court to attend at least one term of the circuit court in each district of the circuit to which he is allotted during every period of two years, but the business of the supreme court has become so large of late years, that the judges find it impossible to comply fully

with this requirement.

THE DISTRICT COURT OF THE UNITED STATES.

The district court of the United States for the district of Minnesota, since it was divested of circuit powers as above stated, is in all particulars the same as the other United States district courts throughout the country. Judge Nelson has presided over it from the day of its organization. Its first clerk was George W. Prescott, who was succeeded by James W. Taylor, who was followed by Wm. A. Spencer, the present incumbent.

This court holds two terms in each year, one at Winona on the first Monday of June, and one at St. Paul on the First Monday of October.

The jurisdiction of the circuit and district courts of the United States is so uniform throughout the Union and so well known as to render it unnecessary to comment upon it here.

UNITED STATES CIRCUIT COURT COMMISSIONERS.

The circuit courts have commissioners attached to them, who perform duties analogous to those of a justice of the peace under the state system. They are examining and committing magistrates for the circuit and district courts, take acknowledgments and depositions, and do other similar duties. Of these officers there have been in Ramsey county since the admission of the state into the Union, the following: Jacob J. Noah, Edmund Rice, James W. Taylor, Orlando Simons, Horatio E. Mann, Wm. A. Spencer, R. F. Crowell, J. R. Jenks.

BANKRUPT COURT.

The constitution of the United States reserves to the federal

government the right to pass uniform bankrupt laws throughout the United States. On March 2, 1867, such a law was passed by congress. The jurisdiction in bankruptcy cases is conferred on the United States district courts, but as the act authorizes the appointment of registers in bankruptcy in each district, with certain judicial powers, such registers properly fall under the head of courts.

On the passage of the bankrupt act, in 1867, Albert Edgerton, Esq., was appointed register in bankruptcy, with his office at St. Paul. He still holds the office and is engaged in winding up some unfinished business.

An important arm of the federal judiciary, is the United States marshals and the United States district attorneys. Since Minnesota has been in the Union, there have been the following named marshals of this district: W. B. Gere, C. F. Buck, Charles Eaton, Augustus Armstrong, Robert N. McLaren, and the following named United States district attorneys: Eugene M. Wilson, George A. Nourse, Henry L. Moss, C. K. Davis, W. W. Billson.

It would be a pleasure to extend the subject of the bar and courts or Ramsey county into other channels that have not been touched upon in this chapter, but we are admonished by the length the article has already attained, that we are infringing upon other and perhaps equally Important topics, and should here come to an end. ■



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