THE TERRITORIAL COURTS AND BAR
OF
HENNEPIN COUNTY
(1881)
BY
GEORGE E. WARNER
& CHARLES M. FOOTE

FOREWORD
BY
DOUGLAS A. HEDIN
Editor, MLHP

The following recollections of judges and lawyers who served and practiced in Hennepin County in the 1850s were published only a quarter century later. A few members of the bar and judges are remembered, and amusing anecdotes about a trial before JP Lardner Bostwick and a practical joke played upon the ever serious, self-disciplined John Wesley North retold. Because no attempt is made to catalogue the changes in the legal profession that occurred in the territorial era, it is easy to dismiss this article – until, that is, we come to this acute observation in the conclusion:

> [I]t must be remembered that no man of ability could come to Minnesota at an early day and confine himself exclusively to the practice of law. For in territorial days the pressure was so great obtain competent men to fill legislative and other political offices, and for which lawyers were considered most eligible and best fitted, that it was almost impossible for a lawyer, without giving grave offense to his friends and clients, to refuse a nomination. In addition to this is to be considered that

> legal services were then of small pecuniary value, and the same talent employed in politics or in real estate operations, ordinarily received a much larger remuneration.

Here we are reminded that in the territorial decade and for some years after statehood there was not enough demand for legal services for lawyers to make their living solely from lawyering; needing other sources of income, they became land agents, farmers, investors and speculators in land, insurance agents, journalists and politicians.[1] The lawyer's education and training, it was commonly thought, was sound preparation for public service. The predominance of lawyers in the state legislature in this formative period may have been due, in part, to the encouragement of their "friends and clients" to run for office.[2] In other words, this was a role they were expected to play. How long and how well they played this role may be told by a future historian of the bar of this state.

This article appeared first on pages 485-590 of a two-part history of Hennepin County and Minneapolis published in 1881. The first part was written and edited by Edward D. Neill, the second by J. Fletcher Williams. The section on the bench and bar appeared in the first part. While not listed on the title page, the authors were George E. Warner and Charles M. Foote.[3] Their article is complete, though reformatted. Spelling, punctuation and grammar have not been changed. The title has been modified by the MLHP to reflect the period it covers.

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[1] This aspect of the life of the territorial lawyer is discussed in Douglas A. Hedin, "Lawyers and 'Booster Literature' in the Early Territorial Period" 17-29 (MLHP, 2008).

[2] The Minnesota Legislative Reference Library has compiled lists of "Legislators Past and Present" by occupation, including law. It can be found on the Library's website.

[3] Here is the entry on Foote in Warren Upham & Rose Barteau Dunlap, *Minnesota Biographies, 1655-1912* 231 (14 Collections of the Minnesota Historical Society) (Minn. Hist. Soc., 1912):

> FOOTE, CHARLES M., b. in Herkilmer county, N. Y., Sept. 21, 1848; came to Minneapolis in 1870; engaged in the general publishing business.

That Warner was a lawyer is about all we presently know about him.

"THE TERRITORIAL COURTS AND BAR OF HENNEPIN COUNTY"

IN

HISTORY

OF

HENNEPIN COUNTY

AND THE

CITY OF MINNEAPOLIS,

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.

COURTS AND BAR.

The early history of the courts and bar of Hennepin County furnishes, perhaps, less salient points of interest than that of most frontier counties in western territories. The first settlers were mostly from the New England and Middle States, were generally intelligent, moral, and accustomed to the observance of law and order, and among whom crimes of a serious nature were of rare occurrence. They brought their laws and customs with them, so that the removal to what was then (1849) the extreme western frontier, scarcely produced any change in their social and political condition. That part of what is now Hennepin county, lying east of the Mississippi river, was, when the territory of Minnesota was organized in 1849, a part of St. Croix county, Wisconsin, as was also the country lying between it and the state of Wisconsin. It was amenable to the laws of that state, but, at that time there were but a handful of people, and courts were scarcely a necessity. But no sooner was the territory recognized, and territorial officers appointed, than population began to pour in. By the organic act, the courts of the territory consisted of supreme court, district courts, probate courts, and courts of justice of the peace.[4] The first justices of the peace, in what is now Hennepin county, were Dr. Ira Kingsley, and others, whose names we cannot ascertain. They held office for two years. At the October election in 1851, I. I. Lewis and William B. (sic) Welch were elected to serve for two years. The last named, was appointed chief justice of the supreme court of the territory in 1853, and took his seat on the bench in January, 1854.[5] Mr. Lewis resigned in August, 1852, from a cause which may be considered worth mention. One Alex. Cloutier, one of the first settlers in St. Anthony, and proprietor of a liquor saloon, had been prosecuted before Mr. Lewis, for violation of the prohibitory law, which had recently been enacted. The excitement on the question ran high –

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[4] For the complete text, see "Organic Act" (MLHP, 2009).

[5] His middle initial was misspelled in the original text. On Welch's term on the territorial court, see, "Documents Regarding the Terms of the Justices of the Territorial Supreme Court: Part 2-D: Chief Justice William H. Welch and Associate Justice Andrew G. Chatfield" (MLHP, 2009-2010); for his memorial proceedings at the supreme court, see "William H. Welch" in *Testimony: Remembering Minnesota's Supreme Court Justices* 11-12 (Minnesota Supreme Court Historical Society, 2008) (hereafter *Testimony*, at___).

grave doubts were entertained by many as to the constitutionality of the law, and the people were about equally divided on the question. Mr. Lewis, having no desire to involve himself in quarrels with his neighbors, resigned his office before the case was decided. On the 6th of August, 1852, a special election was called to fill the vacancy, and at the solicitation of large number of the prominent citizens of St. Anthony, irrespective of party, Lardner Bostwick Esq., consented to be a candidate for the office, and was elected.[6] The case of Cloutier, was again brought before him, and he held the law constitutional, and fined the defendant twenty-five dollars. The case was appealed to the district court, and Judge Hayner, who was then on the bench, reversed the decision, and held the law unconstitutional, on the ground that the legislative power was vested by the organic act, in the governor and legislature, and that they had no power to delegate their authority to the people, and that the act, having attempted to transfer this power, was null and void.[7] At the October election in 1856, Mr. Bostwick was re-elected with A. D. Foster, to serve two years from January 1st, 1854. In 1857, Charles E. Leonard and Mr. Bostwick were elected, the latter of whom held the office till January, 1860, when he entered upon the discharge of the duties of judge of probate, to which he was elected in 1859. This office he held two years, and was subsequently elected court commissioner.

March 6th, 1852, an act was passed by the legislature organizing Hennepin county and attaching the same temporarily to Ramsey

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[6] The following is the sketch of Bostwick in Warren Upham & Rose Barteau Dunlap, *Minnesota Biographies, 1655-1912* 66 (14 Collections of the Minnesota Historical Society) (Minn. Hist. Soc., 1912):

> BOSTWICK, LARDNER, pioneer, b. in Toronto, Canada, June 1815; d. in Minneapolis, April 13, 1897. He came to St. Anthony in 1850, and was justice of the peace many years; was assessor of internal revenue, 1862-6.

[7] Hayner's advisory opinion is discussed and reproduced in Douglas A. Hedin, "Advisory Opinions of the Territorial Supreme Court, 1852-1854" 18-21, 38-40 (MLHP, 2009-2011). On Hayner's term on the court, see "Documents Regarding the Terms of the Justices of the Territorial Supreme Court: Part 2-C: Chief Justices Jerome Fuller and Henry Z. Hayner" (MLHP, 2009-2010); for his memorial proceedings at the supreme court, see *Testimony* , at 9-10.

county for judicial purposes.[8] At the first election subsequent to the organization, Edwin Hedderly and Dr. H. Fletcher were elected justices on the west side of the river. The former was re-elected for four, or perhaps five years successively, and the latter was succeeded in 1853 by Mr. Barber, who held office till 1857. The foregoing list it is believed comprises all the justices of the peace in St. Anthony and Minneapolis to the time when the state was admitted, and is as late a date as it is deemed necessary to continue the history of these courts.

In this connection it may be remarked that in those early days, very important questions and points were decided in those justices' courts. Many suits of forcible entry and detainer were brought, involving very valuable property, and although nominally, only the right of possession was in issue, yet practically, possession in those days was emphatically "nine points of the law," and not unfrequently carried the legal title with it. Among the tracts thus adjudicated upon, were Hennepin Island, the property on which the flouring mills on the west side of the river are now situated, and in fact, several claims, which now constitute the most valuable part of the city of Minneapolis. None of these justices were educated lawyers, (with the exception of Judge Bostwick), but were men of unquestionable probity, strong common sense, and both law and equity were meted out in these early courts as uniformly and successfully as in any courts that have succeeded them.

Sometimes, indeed, peculiar phases of frontier life would develop. In a certain claim suit between Joel B. Bassett and Daniel Bickford, after a tedious trial of two or three days, the case was submitted to the jury, who retired to consider their verdict. After wrangling over it an entire day and more, one of the jurors, George W. Tew, became disgusted, jumped out of a second story window and ran away, and thus ended the trial. Some days after he reappeared, but nothing further was done in the matter.

Another characteristic incident occurred in a trial before 'Squire Bostwick. One Pat Strother, one of the "boys" of that early time, was arrested and brought before the court on a charge of assault

[8] 1852 Laws, ch. 32, at pp. 51-52 (effective March 6, 1852).

and battery. The complaint was read to him, and he was told to plead, guilty or not guilty. "Well, your honor, I don't know whether I am guilty, or not. I did knock the man down, but he called me first a son of a b—h, and that not true."

"But you must plead, one way or the other."

"But," responded the prisoner, "I don't know. I'm sorter guilty, and sorter not guilty."

The writer (who was his counsel) finally induced him, for form's sake, to plead not guilty. A jury was called, and several witnesses swore point blank to seeing the defendant knock down the complainant, but admitted the complainant had first used the opprobrious epithet above mentioned. No witnesses were called for defendant; but the counsel for defendant, in his argument to the jury, insisted that none of the witnesses, in speaking of the defendant, had mentioned his first name, but had called him "Strother," and it for all that appeared, the real criminal might some other person than the defendant. The jury saw it "in those lamps," and in five minutes returned a verdict of not guilty, and immediately made up a purse among themselves to pay defendant's expenses.

Another incident of the fun the boys used to have in those early days in court, may be mentioned. A certain Dr. Jodon, somewhat notorious those days, had married a lady—which marriage, on account of the great disparity of age and position of the parties, was offensive to a large majority of the citizens. The usual result in frontier communities followed — that quite large crowd of the "fast boys," on the wedding night, indulged in a "charivari" of the couple, which was carried beyond the limits of a legitimate charivari (if there can be any such limits) and disturbed some of the peaceable citizens in the neighborhood, among others J. W. North, Esq., who was indignant at the outrage.

Al. Stone, one of the most inveterate jokers on east side of the river (and who is still living, and long may he wave!) thought he saw the opportunity to perpetrate a good practical joke. He accordingly went quietly to Mr. North, and told him that he had

ascertained the names of from twelve to fifteen persons who were engaged in that charivari, and would name the parties, including a large number of the oldest and most sober and respectable citizens of the town, among whom were Capt. John Rollins, Dr. Murphy, Rufus Farnham, A. D. Foster, and others of like standing, and that if he would make a complaint and have them arrested he would furnish the evidence to have them convicted. Accordingly the complaint was made, and the parties arrested and brought before the court, and everybody was astounded to learn that these staid citizens were engaged in such a "lark." One or two witnesses were called preliminarily, who testified they knew nothing about the matter, and then "Al.," the main witness, was called, and asked to state what he knew about it.

"I know nothing, sir."

"But where were you that night?"

"I was in my virtuous bed, asleep."

"But do you say you don't know who was engaged in that affair?"

"Well, I have heard these defendants were."

"Do you mean to say that all you know about their being engaged in it is what you have heard?"

"Yes, sir, I supposed that would be enough."

It was enough. The prosecutor had no further evidence, and it then dawned on his mind that he had been made the victim of one of "Al.'s" jokes. The case, of course, was dismissed, amid uproarious mirth, although the perpetrator came to the conclusion that it was a kind of joke that would not bear repetition. A part of the joke lay also in the fact that the justice himself, on the night in question, was concealed near the scene of operations, and knew the parties engaged in it, and that they were not the parties named in the complaint, and tried to induce the prosecutor to leave them out, but did not succeed, and of course could not reveal the source of his knowledge of the matter.

In this connection we insert an item published in the Pioneer Press in the fall of 1880, referring to the destruction of the building in which Judge Bostwick's court was held for many years.

> "An old landmark destroyed. The little old building, corner of Main street and Second Avenue north, East Division, owned, and for so many years occupied as an office by Judge Bostwick, was yesterday demolished, its days of usefulness having passed. This was one of the old landmarks of the city, and has a history worth relating. It was built in 1849 by R. P. Russell, and first used as a warehouse for his dry-goods store adjoining. In 1850 George F. Brott converted it to a wagon-shop, and in 1851 Cal. Church reconverted it into a meat market. During the same year, the building came into the possession of, and has since been retained by Judge Bostwick, who occupied it in his official capacity justice of the peace until 1860, from 1860 to 1862, as a probate and court commissioner's office, and from 1862 to 1866, as assessor of internal revenue. During his reign as justice of the peace, Judge Bostwick rendered decisions therein to the amount of over $100,000 in civil cases and disposed of a corresponding amount of criminal business. Among the distinguished legal lights who, in those old days, read their briefs, (and some of them were not very brief, either,) under that little roof, were J. W. North, Isaac Atwater, D. A. Secombe, F. R. E. Cornell, C. E. Vanderburgh, James W. Lawrence, Sr., William Lochren, W. W. McNair, W. P. Washburn, Judge Parsons, W. A. Gorman, Edmund Rice, Aaron Goodrich,[9] Wm. Hollingshead, Michael E.

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[9] On Goodrich's recollections of this era and the colorful recollections of others of him, see " 'Early Courts of Minnesota' by Aaron Goodrich, with Recollections of Goodrich by William P. Murray, Edward Sullivan, Charles Francis Adams Jr., Carl Schurz, and Thomas McLean Newson" (MLHP, 2010). On Goodrich's term on the court, see "Documents Regarding the Terms of the Justices of the Territorial Supreme Court: Part 2-A: Chief Justice Aaron Goodrich and Associate Justice David Cooper" (MLHP, 2009-2010); for his memorial proceedings at the supreme court, see *Testimony*, at 1-3.

Ames[10] and others too numerous to mention.

> "Engineer Griffith made many of the drawings for the old suspension bridge in this building, and the old time Upper Mississippi Navigation Company were accustomed to hold their meetings there. It was occupied as the St. Anthony city council room for two years, was the regular polling place on election days, and republican headquarters when Fremont was the party standard-bearer. Many were the lively and interesting scenes which transpired within its walls and out its doorway, where political knock-downs were not of uncommon occurrence; and there has been more perjury committed in that old building than any other in the city, except, perhaps, the old land office during the early settlement of Minneapolis. One by one the roses and old landmarks fall."

The first district court held in what is now a part of Hennepin county, was presided over by the Hon. B. B. Meeker, appointed one of the associate justices of the supreme court, under the administration of President Taylor.[11] The court was held in July, 1849, in the old government mill building, erected for the use of Fort Snelling, and which stood near the present site of the Northwestern mill. Since the time of the erection of that government mill, (about 1822), the falls have receded between three and four hundred feet. Franklin Steele, Esq., was foreman of the grand jury. The records of that court have unfortunately been lost, but it can be stated that no bills of indictment were found nor any cases tried, and but two or three attorneys were present. Refreshments suitable to the occasion, were provided by the sheriff, which were partaken of by the bench, bar and jury, and it was voted a pleasant inauguration of judicial proceedings in the coun-

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[10] For biographical sketch, see "Michael E. Ames (1822-1862)" (MLHP, 2010-2012).

[11] See "The First Court Session in Hennepin County" (MLHP, 2012) (published first, 1853). On Meeker, see John Fletcher Williams, "Memoir of Judge B. B. Meeker" (2009-2012); on his term on the court, see "Documents Regarding the Terms of the Justices of the Territorial Supreme Court: Part 2-B: Associate Justice Bradley B. Meeker" (MLHP, 2009-2010);); for his memorial proceedings at the supreme court, see "Bradley B. Meeker (1813-1873)" (MLHP, 2012), and *Testimony*, at 6-7.

ty. The military reservation where this first court was held was then in Dakota county.

It has already been stated that the county was organized in 1852, but county officers were not elected till November of that year. The second district court was held in 1853, in a frame building erected by Anson Northrup, and which stood on or very near the site now occupied by the Crown Roller mill. This court was presided over by Hon. A. G. Chatfield, who was appointed one of the associate justices under the administration of President Pierce.[12] This was the first fully equipped district court held in the county, the first county officers having been elected, and regular business was commenced, with a calendar of some half a dozen cases, appeals from justices courts. From this small beginning has grown up the immense business now transacted by two judges of the district court, and which occupies almost their entire time.

Judge Chatfield continued to hold the district court in Hennepin county in a frame building on Bridge square, until the erection of the present court house. In 1857 he was succeeded by Judge Flandrau, appointed under the administration of President Buchanan. He held one term of the court, and in 1857 was elected associate justice of the supreme court of the state of Minnesota.[13]

In 1857, Hon. Edward O. Hamlin, was elected judge of the fourth judicial district, of which Hennepin county was a part. He was succeeded in 1859, by the Hon. Chas. E. Vanderburgh, who has been re-elected, at each succeeding expiration of his term, and

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[12] On Chatfield, see John Fletcher Williams, "Memoir of Judge Andrew G. Chatfield" (2009-2012); for a description of a court session held by Chatfield in Winona in 1853, see "Judge Chatfield's First Court Session in Winona County" (MLHP, 2008-2009); on Chatfield's term on the court, see "Documents Regarding the Terms of the Justices of the Territorial Supreme Court: Part 2-D: Chief Justice William H. Welch and Associate Justice Andrew G. Chatfield" (MLHP, 2009-2010). For his memorial proceedings at the supreme court, see *Testimony*, at 13-17.

[13] For Flandrau's term on the court, see "Documents Regarding the Terms of the Justices of the Territorial Supreme Court: Part 2-F: Associate Justice Charles E. Flandrau" (MLHP, 2009-2012). After statehood, Flandrau served on the Minnesota Supreme Court from 1858 to1864. For his memorial proceedings at the court, see *Testimony* , at 30-41.

who now holds the office.[14] In 1872, an act was passed, establishing a court of common pleas in Hennepin county, and under the provisions of the act, the governor appointed the Hon. A. H. Young, as judge, who entered upon the discharge of the duties of the office in April of that year; the following November he was elected as judge of that court, to serve for five years from the first of January, 1873.[15] Subsequently in 1877, this court was abolished, and two judges were provided for in the district court, and Judge Young was elected the same year as one of said judges. As the incumbents of these offices are still in the active discharge of their duties and well known to our citizens, any extended notice of them or the court over which they preside, will not be expected. It is not, however, improper to state in this connection, that in point of ability, probity, and extensive legal learning, the present bench ranks among the first in the state.

The business in the probate court was, for many years after the county was organized, very small. Now, however, it is assuming large proportions, and is rapidly increasing. There have served as judges of probate, in the order named, in this county: J. B. Bassett, Hezekiah Fletcher, E. S. Jones, L. Bostwick, N. H. Hemiup, F. Beebe, E. A. Gove, P. M. Babcock and John P. Rea, the present incumbent. After the organization of the city of Minneapolis, Chas. H. Woods, H. G. Hicks and J. L. Himes, were elected and served as city justices. After the consolidation of St. Anthony with Minneapolis, Grove B. Cooley was elected judge of the municipal court, was re-elected in 1880, and is present city judge. In 1880, F. Bailey was elected assistant judge.

Clerks and sheriffs are an important part of the machinery of courts, and on their efficiency depends much, the successful and prompt transaction of business. Hennepin county has been exceptionally fortunate in having careful and energetic men to fill these positions. With the exception of the first two or three years after the county was organized, when the court had no settled abiding places, and no suitable place for reserving papers had been provided, the files will be found nearly entire. A few, during

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[14] Vanderburgh served on the Minnesota Supreme Court from 1882 to 1894. For his memorial proceedings at the court, see *Testimony*, at 124-131.

[15] For his obituary, see "Austin Hill Young (1830-1905)" (MLHP, 2008-2010).

those early years, have been lost. Sweet W. Case was the first clerk of the district court, elected in 1852, and held the office till 1858. He was succeeded by the following persons in the order named, viz: H. A. Partridge, H. O. Hamlin, J. P. Plummer, George W. Chowen, D. W. Albaugh, L. Jerome, J. A. Wolverton, and E. J. Davenport, the present incumbent. Isaac Brown was the first sheriff of the county and was succeeded in the order named, by B. E. Messer, E. Lippincott, Richard Strout, John A. Armstrong, H. G. Hicks, George W. Johnson, N. R. Thompson and Mace Eustis, the present incumbent.

John W. North Esq., came to St. Anthony in 49, and was the first attorney who settled in the county, and one of the most prominent for several years.[16] He was in 1851, a member of the legislature, was also a member of the republican branch of the convention to form a state constitution in 1857, and a leader in the anti-slavery movement. He was an agile lawyer, and was always a dangerous opponent before a jury. Had he chosen to devote himself exclusively to the profession of the law, there is no doubt but he would easily have taken rank with the ablest lawyers in the state. But Mr. North was by nature and education a reformer, and a radical one at that. He had a courage equal to his convictions, and never hesitated to follow them to their logical sequence, irrespective of popular sentiment. He always stood by what he believed to be right, without regard to the cost, and consequently retained the esteem of his friends, and respect of his enemies.

In 1850, three more attorneys, E. Whitall, W. H. Hubbard and I. Atwater settled in St. Anthony. In 1851, we find in addition D. Secombe, L. Hall, James H. Truder, Warren Bristoll, now associate justice of Arizona territory. L. Bostwick arrived in the territory in 1850, and admitted to the bar of Hennepin county in 1856. Then at various dates from 1851 to 1856, we find in the list of attorneys, the names of W. Dodge, I. I. Monell, H. B. Hancock, B. Nicholas, H. A. Partridge, Geo. A. Nourse, W. W. Winthrop, W. H. Robinson, Geo. E. Day, W. W. Rowley, Geo. W. Prescott, W.

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[16] Far a biography of North, see Merlin Stonehouse, *John Wesley North and the Reform Frontier* (Univ. of Minnesota Press, 1965). North figures prominently in Douglas A. Hedin, "Lawyers and "Booster Literature' in the Early Territorial Period" 12-16, 20 (MLHP, 2008).

D. Washburn, H. L. Munn, C. E. Vanderburgh, F. R. E. Cornell, F. Beebe, W. L. Parsons, D. Morgan, A. M. Blair, Jared Demmon, Dan. M. Demmon, H. Hill, Wm. Lochren, H. D. Beman, J. B. Gilfillan, H. W. Cowles, R. L. Joyce, James W. Lawrence, R. J. Baldwin, J. S. Johnson, Gen. W. Woods, ___ Cushman, David Heaton, S. R. M. Mathews, W. W. McNair, E. M. Wilson, and L. M. Stewart. Doubtless there were some others whose names, the writer cannot now recall;[17] Hon. J. B. Gilfillan, settled here in 1855, but was not admitted as an attorney until 1860. The limits of this article only permit a reference to such attorneys as were here previous to 1857, when the state constitution was adopted.

In looking over the above list, one is surprised see how few are still practitioners at the bar. Many have died, some removed, and some have retired from active practice. A very few are still in practice, and recognized as the "nestor's" of the liar of Hennepin county in 1881.

In this brief review, we think it will be found that the courts and bar of Hennepin county, will compare most favorably, not only with the courts and bar of any other county in the territory of Minnesota, but with that of any county in any Western state, while it was a territory. From the ranks of the members of the bar of Hennepin County in territorial times, have been drawn judges of the supreme court of the state, one justice of the supreme court of Arizona, two representatives in congress, a large number of state senators and representatives, and members of the constitutional convention, and many who have lived honorable positions as city officials and on the boards of education. If any one objects that none have obtained a national reputation as lawyers, it must be remembered that no man of ability could come to Minnesota at an early day and confine himself exclusively to the practice of law. For in territorial days the pressure was so great obtain competent men to fill legislative and other political offices, and for which lawyers were considered most eligible and best fitted, that it was almost impossible for a lawyer, without giving grave offense to his friends and clients, to refuse a nomination. In addition to this is to

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[17] One of the missing is Daniel H. Dustin, who succeeded Henry Moss as U. S. Attorney for Minnesota Territory. He served only four month in 1854, suddenly dying in July. See "Daniel H. Dustin" (MLHP, 2012).

be considered that legal services were then of small pecuniary value, and the same talent employed in politics or in real estate operations, ordinarily received a much larger remuneration. And hence, while we may reasonably conclude that the territorial bar of this county embraced fully as much talent and legal ability as the average of frontier counties in the west, the reason it has not produced as many distinguished lawyers proportioned to its numbers as some counties in eastern states, is easily accounted for. And, considering the history of the territory and state in its political, educational, religious and material aspects, the early bar of Hennepin county has no occasion to be ashamed of its record in regard thereto, and with the increase of population and lawyers, thus enabling, and indeed compelling attorneys to devote themselves more exclusively to their profession, we may expect from present indications, to find lawyers within the next quarter of a century at the bar of Hennepin county, who will have attained a national reputation. □

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