

# Orrin E. Maxson

[ March 2, 1862 – August 26, 1931 ]

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Orrin Elrased Maxson moved in Marshall, Minnesota in early 1882. He had already read law with two lawyers in Wisconsin; he continued studying, and was admitted to the Minnesota bar the next year. He was twenty-one years old. After practicing briefly in Marshall, he moved to Canby, a small town in Yellow Medicine County. He practiced there until 1890, when he returned to Marshall. Two years later, he was elected Probate Judge of Lyon County, the first of three successive election victories:

1892:

Orrin E. Maxson (Republican)..... 970  
C. W. Main (Peoples' Party & Democrat)..... 891  
A. P. Whitney (Prohibition).....277<sup>1</sup>

1894:

Orrin E. Maxson (Republican).....1,362  
C. W. Main (Peoples' Party & Democrat).....1,159<sup>2</sup>

1896:

Orrin E. Maxson (Republican).....1,625  
C. M. Gislason (Peoples' Party).....1,386<sup>3</sup>

The post was part time, the pay meager: \$100 for the first 1,000 inhabitants, and \$50 for each additional 1,000 "or major fraction thereof."<sup>4</sup> For Lyon County, which had a population of 9,501 in 1890, the probate judge's annual salary was \$550.

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<sup>1</sup> Arthur P. Rose, *An Illustrated History of Lyon County, Minnesota* 122 (1912).

<sup>2</sup> *Id.*, at 123.

<sup>3</sup> *Id.*

<sup>4</sup> 1889 Laws, ch. 97, §9, at 96-7.

**In 1897, his profile was published in the *Memorial Record of Southwestern Minnesota*. It is unusual because about one-third describes hardships met and overcome by his grandfather when he settled in western New York in the early 1800s. Doubtless, he had heard these stories of survival many times at family gatherings when growing up and could not resist repeating them once more, this time in print.**

### **JUDGE ORRIN ELRASED MAXSON**

**Judge Orrin Elrased Maxson, of Marshall, Minnesota, is one of the most prominent representatives of the legal fraternity in southwestern Minnesota. In business life one often has the advantage of carrying on a business which another has established. Especially is this true in commercial circles; but in the law one must depend entirely upon his own merits. He cannot advance from a plane which another has reached, but must begin at the bottom round of the ladder and work his way upward to success by his steady application, resolute purpose and unfaltering energy. This Judge Maxson has done, and today occupies a conspicuous place in the history of the legal profession of this section of the state.**

**Our subject was born in Walworth county, Wisconsin, March 2, 1862, a son of Arthur W. and Lucy A. (Baldwin) Maxson. His grandfather, Joseph Maxson, was a pioneer of the town of Centerville, Allegany county, New York. Leaving his native place, Hartwick, Otsego county, New York, when eighteen years of age, he arrived at Pike, New York, in April, 1808. Two cents in money, a few provisions and a scanty wardrobe constituted his worldly possessions. He exchanged a new pair of shoes for an ax and pushed into the wilderness far beyond any human habitation. There he erected a**

rude shanty and used basswood bark for bed and bedding. He spent eight months alone in that place, and it is noted on the books in the land office that he had five acres cleared, July 22, 1808, at which time he had his land booked to him, paying nothing down.

The first season he raised a few bushels of corn and potatoes and in the fall sowed two acres in wheat. Success afterward rewarded his efforts and he became an early tavern keeper and the owner of a large and well-improved farm. He afterward engaged in building mills in Wisconsin. He preserved as relics of his early advent on the Holland purchase the ax which he got in exchange for his shoes, one of the pennies which compromised half his capital and a kernel of seed corn which he had procured to plant in 1808; also an old wooden fan with which he cleaned the first wheat raised in the town of Centerville.

Among the representatives of the family were several who aided the colonies in their struggle for independence, and our subject has now in his possession several commissions given them, whereby they were constituted officers in the American army. The father of our subject was a farmer by occupation, and in 1837 emigrated to the west, becoming one of the honored pioneers of Walworth county, Wisconsin. He built the first mill there and was a resident of the county until 1849, when he joined the emigrants that sought fortunes on the Pacific slope at the time of the discovery of gold there.

The judge was reared on the old homestead in his native county and acquired his early education in the district schools, after which he attended the

State Normal at White Water and the State University at Madison. He took up the study of law under the tuition of judge Bennett, of Janesville, Wisconsin, with whom he remained two years, then spent a few months in the office of Captain Norcross, In the spring of 1882 he came to Marshall, Minnesota, and was admitted to the bar in the spring of 1883. He then entered into partnership with Mr. Mathews, but in October, 1883, removed to Canby, Minnesota, where he was successfully engaged in practice until February, 1890, when he returned to Marshall, and was for one year a member of the firm of Seward & Maxson. While in Canby he served as village attorney, and in 1892 was elected judge of the county probate court, which office he has since held, having been re-elected in 1894. His official career has always been marked by the utmost fidelity to duty, his rulings are just, and his decisions are models of judicial soundness. He has also been city attorney of Marshall.

Judge Maxson was married December 26, 1883, to Miss Kittie Wildman, and they have one daughter, Ethel A., born October 27, 1887. Their home is noted for its hospitality and is a favorite resort with many friends. The Judge is an honored member of the Masonic fraternity of Marshall, and is now serving as worshipful master. His career in public and private life is untarnished by shadow of wrong or suspicion of evil, and he is an honor to the profession, which also honors him.<sup>5</sup>

He chose not to run for a fourth term, though his re-election seems assured. Instead he returned to full time private prac-

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<sup>5</sup> *Memorial Record of Southwestern Minnesota* 11-12 (1897). The book must have been in preparation before his last election because it is not noted.

tice, and placed his business card in the local newspaper. In late-1900, he added a second ad announcing that he had money to lend to farmers at advantageous rates:<sup>6</sup>

**BUSINESS CARDS.**

**C. E. PERSONS**, Physician and Surgeon  
office at residence, 4th street, near school house  
Marshall, Minn.

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**T. H. WINER**, Physician and Surgeon  
Office corner of Lyon and 3d streets, Marshall.

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**O. E. MAXSON**, Attorney at Law, Notary  
Business, Collections and Money to Loan. Of  
fice over First National Bank, Marshall, Minn.

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**Dr. W. A. HOBBDAY**, Physician and Sur-  
geon, office over Addison's Hardware store,  
Residence, Marron house, Fifth St. Telephone  
connection at both places.

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**M. W. A.** Marshall Camp No. 1548. Log  
Rolling the second and fourth Fri-  
day of each month at Odd Fellows Hall. Camp  
Fires lit at 8 p. m.  
H. L. CHAMPLIN, Clerk A. W. HENDERSON, V.

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An eastern client has authorized me  
to loan money on farms at lower rates  
than can be made by any one else in  
town. Call and see me.  
tf O. E. MAXSON.

This is a familiar story that began in the territorial era — at certain times and places, lawyers could not make a living just by practicing, and so they became real estate and insurance agents, lenders and bankers, and engaged in other business pursuits.<sup>7</sup> This was the predicament of Maxson after he left the bench.

About 1901 he relocated to Sterling, Illinois, and years later, to Chicago, where he died on August 26, 1931, at age sixty-nine. It took over a week for this news to reach Marshall, but when it did, the *News Messenger* reported it on its front page:

### **ORRIN E. MAXSON DIES IN CHICAGO**

**Orrin E. Maxson died Wednesday, August 26, in Chicago, Ill., death resulting from endo-carditis with bronchitis.**

<sup>6</sup> *The Lyon County Reporter*, October 19, 1900, at 7.

<sup>7</sup> In the 1850s, Isaac Atwater placed ads in the local press that he had \$3,000 to lend. See Penny A. Petersen, "Isaac Atwater" 4 (MLHP, 2014); and Douglas A. Hedin, "Lawyers and 'Booster Literature' in the Early Territorial Period" 15, 30 (MLHP, 2008).

**Mr. Maxson was born March 2, 1862, at Fairfield, Wis., and was the only son. He had four sisters, Amelia Johnson, deceased, of Darian, Wis., Orrie Paddock, Westfield, N. Y., May Kelley, Milwaukee, Wis., and Mattie Hughes of Echo, Minn.**

**He was married in 1881 to Miss Kittie Wildman at Cresco, Ia., who now resides with her daughter in Kansas City.**

**Mr. Maxson attended the University of Wisconsin and after coming to Marshall in 1881 studied in the offices of M. E. Mathews and V. B. Seward. He later opened a law office at Canby and after returning to Marshall in 1890 was associated with Mr. Seward. He was Judge of Probate of Lyon county in the nineties and about 1900 moved to Sterling, Ill., where he lived for some time. For the past several years Mr. Maxson had been connected with a real estate firm in Chicago.**

**At the time of his death, Mr. Maxson's daughter, Mrs. W. G. Schooley, of Kansas City, Mo., was with him in the hospital in Chicago. Mrs. Schooley arrived there on Saturday and her father knew her then but Monday he became unconscious and did not regain consciousness before his death.**

**The funeral service and burial were held at Fairfield, Wis., and his body was laid to rest beside his parents, Mr. and Mrs. A. W. Maxson, who were also former Marshall residents.**

**Mr. Maxson was a member of the Masonic lodge.<sup>8</sup>**

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<sup>8</sup> *The News Messenger*, Friday, September 4, 1931, at 1.

**To the question of why the Judge left Marshall at a time when his home was “noted for its hospitality and [wa]s a favorite resort with many friends,” we can only speculate. In the 1880s and 1890s he moved three times, and seems to have had a hard time staying put. Although the work of a probate judge was not full time, it may have taken away some business opportunities. When he left the bench in January 1899, he had the daunting task of restarting his practice, at a time when the county and country were recovering from a severe depression, precipitated by the Panic of 1893. He also faced competition from other members of the bar. As probate judge, he likely developed a keen sense of demographics, and saw that Lyon County was growing but not exponentially, from 9,501 in 1890 to 14,591 in 1900. Marshall, the county seat, was still a village with a population of 1,203 in 1890 and 2,088 in 1900.<sup>9</sup> He must have concluded that he could not adequately provide for his family in this setting. When he left Marshall for the last time, he did not head west, as had his father and grandfather, but east, a turn he surely thought they would approve. ■**

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<sup>9</sup> 1903 Blue Book, at 548-9.

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