

“ JUDGES AND LAWYERS ” *

IN

HISTORY OF

MC LEOD COUNTY

MINNESOTA

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CHICAGO AND WINONA

H. C. COOPER JR. & CO.

1917

*** MLHP editor: this chapter appeared on pages 296-307 of this history of McLeod County, Minnesota. The author of the chapter is not known. Though reformatted, the chapter is complete. The author’s spelling and punctuation are unchanged. The original page breaks have been added.**

HISTORY OF McLEOD COUNTY

CHAPTER XXI.

JUDGES AND LAWYERS

The judicial power of the state of Minnesota is vested in a supreme court, district courts, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, as the legislature may from time to time establish by a two thirds vote.

When McLeod county was established, by a vote of the territorial house, February 19, 1856, of the territorial council February 27, 1856, and by the approval of the governor, May 1, 1856, it was attached for judicial purposes to the Third Judicial District, then taking in a vast region in the territory. No territorial courts were held in McLeod county.

When the state was admitted, May 11, 1858, the constitution divided the state into six districts. The Sixth district consisted of the counties of McLeod, Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, Renville, Brown, and all other counties not included in the other five districts.

The first judge of the Sixth district was Lewis C. Branson, of Mankato. He held the first term of district court in McLeod county at Glencoe.

The following minutes of the first session are still preserved:

“Monday morning, February 27, 1860. Present: the Hon. L. C. Branson, judge of said Sixth Judicial District; A. J. Snyder, clerk of said court; R. P. Clyde, deputy sheriff of said county. Court opened by the clerk under the direction of the judge. There was no grand jury empaneled, none having been drawn by the board of supervisors of said county. There being no calendar and no business appearing before the court, the court adjourned until 1 o’clock, p. m. February 27, 1 o’clock p. m. the court met pursuant to adjournment, Hon. L. C. Branson presiding. There being no business before the court the court [297] by order of the judge was adjourned without day. A. J. Snyder, Clerk.”

HISTORY OF McLEOD COUNTY

The first action recorded in the District Court for this county was a suit of Joseph H. Johnson against Orlando Talcote and others on a promissory note for \$225, payable one year after date, with interest at the enormous rate of three per cent. a month, payable quarterly. The suit was filed July 16, 1858. McClelland says that at the first session (when no real business was transacted) G. K. Gilbert acted as deputy clerk for A. J. Snyder, "while the latter was engaged in his harvest field." Mr. Snyder served at the first term when business was transacted.

Judge Branson served from the admission of the state until January 1, 1865, when he was succeeded by Horace Austin, of St. Peter. While Judge Austin was serving, the legislature by the general statutes of 1865 placed McLeod in the Fourth judicial district. The other counties in the district were Hennepin, Wright, Lincoln, Meeker, Anoka, Isanti, Manomen, Monongola, and Kandiyohi. During the time that McLeod county remained a part of the Fourth district, Charles E. Vanderburg was on the bench.

The Eighth judicial district was created by an act of the legislature approved March 5, 1870. By this act, the Eighth was made to include Le Sueur, Scott, Carver, Sibley McLeod counties. In the Eighth district, McLeod county has since remained. The judges, with their place of residence and dates they took office, have been: L. M. Brown, Shakopee, 11, 1870; A. G. Chatfield, Belle Plaine, January 1, 1871; Brown, Shakopee, October 29, 1875; J. L. McDonald, Shakopee, January 3, 1877; James C. Edson, Le Sueur, November 4, 1886; Francis Cadwell, Le Sueur, February 1, 1891; P. W. Morrison, Norwood, January 1, 1905. C. M. Tuft, elected in the fall of 1916, took office in January, 1917.

THE BENCH.

Luther M. Brown was born February 18, 1823, native of Ruthland county, Vermont. When he was five years of age his father was drowned and he moved with his mother to her native town, Newberg, New Hampshire. He was educated in the district schools and the New Boston Academy, teaching winters, from the age of eighteen, to defray expenses. He also read law three years. In July, 1853, he moved to Shakopee. [298] At that time there were but four dwellings in town and less than one hundred white people in the

HISTORY OF McLEOD COUNTY

county. On September 9, 1853, he was admitted to the bar of the supreme court of territory, and immediately began practice at Shakopee. On the organization of Scott county in 1853 Mr. Brown was appointed the first county attorney. He was a member of first territorial legislature in 1857, and was a member of the state legislature in 1874. He was the first judge of the Eighth district. On the death of Judge Chatfield in October, 1875, Judge Brown was again appointed to the district bench. In February, 1850, he married Eliza Woodbury, a native of New Hampshire.

Andrew G. Chatfield, founder of Belle Plaine, was born January 27, 1810, in Otsego county, New York. He was admitted to the bar in January, 1837, and shortly afterwards removed to Kenosha, Wisconsin. He continued there until 1853, when he was appointed territorial judge for the territory of Minnesota. He then removed to Mendota and there resided in the stone house next to the Gen. Sibley house, beside which the ruins of the former may still be seen. It was while traveling about on his duties as judge that he came to Belle Plaine. In 1871 he became judge of the Eighth judicial district of Minnesota.

John Louis Macdonald, who held the office of judge of the Eighth judicial district from January, 1876, until 1886, when he resigned, was born February 22, 1838, in Glasgow, Scotland. His parents were Dr. John S. and Marjory McKinley Macdonald. In 1847 the family removed to Pittsburgh, Pa., and in the spring of 1855, to Minnesota, and settled at Belle Plaine, Scott county. Here he began the study of law in 1859, and was later admitted to the bar. During his residence in Scott county, he held the offices of judge of probate, county attorney, county superintendent of schools, and mayor of Shakopee. He was editor of the Belle Plaine Enquirer in 1860-61 and in the latter year established the Shakopee Argus with his brother, C. F. Macdonald. He served as a member of the House of Representatives and senator from Scott county during several sessions. He was a candidate of the Democratic party in 1872 for attorney-general. Upon resigning his position upon the bench, he resumed the practice of law. In 1886 he was elected a member of Congress from the Third Congressional District. Following the close of his term in Congress, he removed to St. Paul and engaged in the practice of law. He removed to Kansas City, Missouri, in 1898, where he again [299] took up the practice of his profession. He died July 13, 1903, as a result of an injury received in a street car accident some time previous. He

HISTORY OF McLEOD COUNTY

was married at Belle Plaine, Minn., June 22, 1861, to Mary Hennesey, of that place.

James C. Edson was born at Edson's Corners, Otsego county, New York, February 25, 1825, and was the son of Jacob and Sophronia (Bowen) Edson. James C. Edson acquired the elements of his education in the common schools of his native county. He then engaged in farming and in the millwright's and carpenter's trades until he reached the age of 20 years. At that time he came west and, settling near Plainville, Wis., engaged in farming which occupation he followed there for a few years. Being determined to adopt law as a profession, he entered the office of J. Bowman at Newport, near where Kilbourne City now stands, and applied himself to study. In 1855 he was admitted to practice at the bar in Adams county, Wis., and returning to the East, he attended the law school at Poughkeepsie, New York, for two years. He then came to Minnesota and opened an office at Garden City, Blue Earth county, but only for a short time, for, in August, 1861, he removed to Glencoe. In 1862 he entered the service as captain of Company B, Fourth Minnesota Infantry, and served four years. He rose in rank a step at a time to the command of the regiment as colonel. He was mustered out with the regiment in August, 1865. Returning to Glencoe, he resumed his law practice and was elected to the office of county attorney, and held it for some time. In 1877 he was chosen to represent his district in the legislature. Later he became judge of the eighth district.

Francis Cadwell was born in Chesterfield, Fulton county, Ohio, May 28, 1842, and was taken by his parents to Noble county, Indiana, in 1844. He graduated from Hillsdale college, Michigan, in August, 1860. His law education was received at the Northwestern Christian University, at Indianapolis, Indiana, and with Clapp, Tousley & Alvord, Albion, Indiana. In April, 1864, he settled at Le Sueur, Minn., and in September of that year was admitted to the bar. In 1866 he was elected county attorney of Le Sueur county, and was reelected in 1872. In 1873 he was appointed county superintendent and served for three years. In February, 1891, he was appointed judge of the Eighth district by Governor Merriam. In 1892 he was elected and in 1898 re-elected.

P. W. Morrison was born on a farm in the town of Faxon, Sibley county, Minnesota, March 12, 1866; worked upon his father's farm until he was

HISTORY OF McLEOD COUNTY

nineteen years old; [300] educated in the common schools, and at the age of twenty years began teaching, which occupation he followed for six years, during which time he occupied his evenings studying law. In 1886 he attended college at Sauk Center. In 1889 he entered the law office of W. H. Leeman, at Henderson, where he remained until April, 1891, at which time he was admitted to the bar. On July 13, 1891, he located in Norwood, Carver county, where he still resides. In 1894, he was elected county attorney, which office he held for eight years. In 1902 he was a candidate at the primary election for congress from the Third district. In 1904 he was elected judge of the district court of the Eighth judicial district, which office he held till January 1, 1917.

Cyril M. Tiff, judge of the Eighth judicial district, was born in DeKalb county, Illinois, April 23, 1865, son Samuel L. and Charlotte A. (Selts) Tiff. After acquiring the elements of knowledge, he became a student in the Hutchinson high school, from which he was graduated in the class of 1886. Having decided to embrace the profession of law, he enrolled as a student in the law department of the University of Michigan and was graduated therefrom in 1888. In June of the following year he associated himself with his twin brother, M. C. Tiff, then a lawyer in Glencoe, and they practiced together for six months. He then became associated with R. H. McClelland, in the law firm of McClelland & Tiff, which conducted a lucrative practice for thirteen years. Then, in the fall of 1902, Mr. Tiff was elected judge of probate, a position which he filled with ability until his elevation to the district bench in January, 1917.

As one of the leading citizens of Glencoe, he has taken a keen interest in the development and prosperity of the city, which he served as mayor for two years. He is at the present time president of Stevens Seminary, one of the most noted educational institutions in this part of the state. A man of broad outlook, his sympathies are in nowise limited to his home town, but embrace everything connected with the county at large and his aid and influence are readily enlisted in behalf of a worthy cause, whether for the moral or material betterment of the community. [301]

THE BAR.

The bar of McLeod county is now constituted as follows:

HISTORY OF McLEOD COUNTY

C. M. Tifft, (district judge), Glencoe; Wm. O. McNelly (county attorney), Hutchinson; F. B. Allen, Glencoe; G. W. Brown, Glencoe; C. G. Odquist, Hutchinson; Sam G. Anderson, Hutchinson; H. H. Bonniwell, Hutchinson.

It is believed that the first lawyer in McLeod county was L. L. Baxter, who later moved to Fergus Falls, and died in 1915. He was judge of his Judicial District for eighteen years, and attained a most enviable position in the jurisprudence of the state.

H. H. McClelland, for many years a foremost citizen of McLeod county, now lives in Portland, Maine. In speaking of his removal from Glencoe, the Glencoe Enterprise of March 21, 1907, says: In the removal of Attorney R. H. McClelland from this city to Portland, Me., Glencoe loses one of its most prominent and influential citizens, the Eighth judicial district with one of its ablest lawyers, and the state a man who been a factor in its political affairs. His permanent removal to the Atlantic seaboard is regretted not only by the residents of this community but by his wide circle of acquaintances in this section of Minnesota. Mr. McClelland, if not the earliest, was one of the earlier pioneers of this county. He came to Glencoe June 11, 1856, and endured the hardships that befell those who came to this county when it was in its primitive state. In 1860 he returned to Indiana, and in 1861, at the outbreak of the Civil War, he enlisted in 34th Indiana Volunteer Infantry, in which he served four years and four months until he was honorably discharged, February 3, 1866. He then entered a commercial college at Pittsburgh, Pa., returning to Glencoe in 1867. Following his arrival here he worked on a farm for two summer seasons and taught school at Koniska during the corresponding winters. Later he taught school in Hennepin county for six months, going from there to Watertown, Carver county, where he taught for five successive years. While thus engaged he read law and was admitted to the bar in 1874. He entered on the practice of his profession at Howard Lake. After the lapse of one year he removed to Detroit, Minnesota, and was there during one summer. He then located at Jordan, where he resided until 1886, when he again returned to Glencoe. Attorney R. H. McClelland was the first assessor of Rich Valley township. He was elected county attorney of Scott county [302] in 1881 and served a term of two years. He was twice mayor of Glencoe and during his administration he was instrumental in the passage of and enforcement of ordinances relating to cement sidewalk building and the raising of hitching posts on public

HISTORY OF McLEOD COUNTY

thoroughfares, which at that time were bitterly opposed, but have since become popular measures. For a number of years past he has been a member of the Democratic State Central committee and has been identified with others in directing the Democratic policy within the state. He was appointed by Governor Johnson as a member of his staff during the latter's first term as the chief executive of the state, which he resigned recently upon deciding to remove to the east. Mr. McClelland has been connected as editor and owner of three newspapers in the state—the Jordon Independent, the Young America Eagle, both of which he founded, and the Glencoe Enterprise, the latter having probably as large a circulation as any country weekly newspaper in the Northwest. Attorney McClelland's professional associates in this judicial district have long since expressed a desire to see him on the bench but the political complexion of the district denied him this promotion. McLeod county, as well as Glencoe, sustains the loss of a distinguished personage by his removal. He has been a tower of strength in promoting the best interests and the welfare of this city and his absence, and that of his estimable wife, in local social circles is regretted.

Sam G. Anderson, Jr. was born in Hutchinson on the old Hutchinson homestead in Hassan Valley township July 7, 1875. He graduated from the Hutchinson high school in 1894 and from the law department of the University of Minnesota in 1899. On January 1, 1900, he engaged in the practice of law at Hutchinson. April, 1898, he enlisted in Company A, Thirteenth Minnesota Regiment, and served until February, 1899. He was in the Philippines from July to January and took part in the battle of Manila. He became sick with typhoid malaria and was invalided home. In 1908 he was elected county attorney and served two terms. February 1, 1914, he was appointed postmaster of Hutchinson which position he has filled with credit. He also continues his law practice. He is director of the Bank of Hutchinson, and secretary and treasurer of the Contact Copper Co., at Contact, Nevada. Fraternally he is a Thirty-second degree Mason and a Shriner.

Carl G. Odquist, who has been engaged in the successful practice of law in Hutchinson for the last 21 years, and is one of this town's leading citizens, was born in Gothenburg, [303] Sweden, June 13, 1870. When a young man he attended Gothenburg College, where he was graduated A. B. in 1888. He then spent a year in Stettlin, Germany, coming to the United States in 1889. His first six months in this country were spent in La Crosse, Wis.,

HISTORY OF McLEOD COUNTY

after which he resided in Houston, Minn., till 1892. He then entered the University of Minnesota Law School and after pursuing the regular course, was graduated LL. B. in 1894. Beginning legal practice in Minneapolis, he remained there until March, 1895, and then came to Hutchinson, of which place he has since been a resident. He was county attorney of McLeod county from 1903 to 1909, city attorney 12 years, city clerk three years and a member of the school board from 1897 to 1900, serving efficiently in all these positions.

Andrew H. Maas was born in Le Sueur county, Minnesota, April 20, 1874. At the age of two, his parents moved to Sibley county, three miles west of Le Sueur, where they made their home on a farm, and where Andrew H. Maas received his education in the country school. He also attended the Le Sueur high school, after which he attended the St. Paul's College at St. Paul Park for three years. When eighteen of age he taught his first term of school and continued teaching for five years, when he entered the State University, graduating from its law department in the spring of 1900. While a member of the University he was president of the Law Literary Society, and was a member of the Federal Society, being sent from the Law Literary Society to the Federal Society from which members of the debating teams against the other Universities were selected. In August, 1899, Mr. Maas put up his shingle in one of the offices over James Schuneman's store; later he occupied the Lewis building. He then bought the Peppard building, adjoining the post office, where he remained until he removed to Minneapolis in 1907.

Garfield W. Brown was born at Pipestone, Minnesota, March 16, 1881, son of Warrington and Mary Brown, of Pipestone, both of whom are living. He was graduated from the Pipestone high school in 1901. After taking a two year course in the Academic department of the State University, he entered the law school from which he was graduated in 1906. He remained in Minneapolis, until February 12, 1907, when he moved to Glencoe, McLeod county, where he has since been engaged in the practice of his profession. Mr. Brown was a member of the legislature from this county during the 1911-12 and 1913 sessions. He was elected judge of probate of this [304] county at the last general election. Mr. Brown was married to Mayme Westerberg, of Crookston, Minnesota, December 28, 1910. They have three children, viz: Janet, aged five years; Philip, three; and Robert, one. Mr.

HISTORY OF McLEOD COUNTY

Brown is at present a member of the high school board of Glencoe.

Harlow H. Bonniwell was born May 13, 1860, in Mequon, Wisconsin, son of William T., Jr., and Martha (Pendergast) Bonniwell. He was graduated from the University of Minnesota in 1881 and from the Law school at Ann Arbor, Michigan, in 1883. In 1887 he engaged in the law practice in Hutchinson. He served on the city council three years, and was a judge of the municipal court. He is now serving as a member of the Minnesota senate. He was married March 17, 1894, to Mary Frankenfield, of Henderson, Minnesota, daughter of Jonas Frankenfield. Mr. and Mrs. Bonniwell have two children, Harlow H., Jr., and Kathleen M., both students at the State University

William Oscar McNelly was born at Portland Prairie, Wilmington township, Houston county, Minnesota, June 20, 1881. His parents were William E. and Mannie (Wright) McNelly. William Oscar McNelly acquired the rudiments of his education in the country schools, afterwards attending a normal school and state university. He then taught school for two years, a part of the time in Houston county. Taking up the study of law in the University of Minnesota, he was graduated in 1906 and began the practice of his profession in Hutchinson, where he is now a prominent member of the bar. In 1908 he came before the people as a candidate for the office of county attorney, but was defeated. Presenting himself again in 1912, he was this time successful and has since occupied the office, rendering the county efficient service. In 1910 he was elected city attorney by the Hutchinson council and served creditably for three years. In 1913 he was a delegate to the Duluth convention. He belongs to the Independent Order of Odd Fellows, including the Encampment and all the other branches.

Eugene B. Case was born in Plainview, Wabasha county, Minnesota, March 9, 1863, son of Douglas R. and Mary (Owen) Case. He attended the common schools of his native county, and was graduated from Pillsbury Academy, at Owatonna, Minnesota, in 1881. The following spring he received an appointment as assistant adjutant general of the state, and held the office a year until failing health compelled his resignation. He taught school in the vicinity of his home for a year, and [305] at the expiration of that time became a clerk in the United States Treasury Department. While attending to his duties in that capacity, he pursued a course of study and lectures in the

HISTORY OF McLEOD COUNTY

National Law School, and when he had finished, resigned that position, and returned to Minnesota, and opened an office in Minneapolis. In April, 1888, he removed to Hutchinson, and there practiced for a short time.

Franklin R. Allen was born in Prescott, Hampshire county, Massachusetts, August 16, 1860, son of Roswell and Sarah C. (Hyde) Allen. He received his preparatory education at the Wilbraham Academy, in Massachusetts, and in 1882 was graduated from Amherst College. He came to Glencoe, and while teaching school read law in the office of M. O. Little. He was admitted to the bar in 1884 and has since continued in practice here. In 1894 Mr. Allen was elected county attorney of McLeod county and held that position for eight years.

Andrew P. Fitch came to Glencoe from Hastings, locating September 23, 1868. He opened an office at once for the practice of law, and the same fall was elected county attorney on the democratic ticket. He held that important office for two years and afterward gave his whole attention to his increasing law practice. In the fall of 1875 he was chosen to represent this district in the state legislature and served one term. The next autumn he was again elected to the office of county attorney, serving this time for three successive terms. In 1886 Mr. Fitch was called upon to assume the duties of the judge of probate until January, 1889. Mr. Fitch was born in Ypsilanti, Michigan, November 11, 1839, son of Isaac and Rhoda S. (Parker) Fitch. He was with his parents until 1860, receiving in his youth the elements of a common school education. In that year he entered the law office of George Parker, of Davenport, Iowa, where he remained until October, 1861, when he enlisted in Company K, Eleventh Iowa Infantry. He was mustered out October 18, 1864. He then returned to Hastings, this state, resumed his law studies in the office of Clagget & Crosby, and was admitted to the bar in 1866. He was elected justice of Hastings and held that position for two years but in 1868 came to Glencoe. Mr. Fitch was united, July 7, 1866, with Miss Anna Dazell, of Hastings. In 1889 Mr. Fitch with his family removed to the state of Washington and afterward to Salinas, California. He is now dead.

George M. Nelson was born in Denmark, December 15, 1856, son of Soren and Maria (Peterson) Nelson, who brought him [306] to Lynn township, this county, in 1867. He remained at home with his parents until 1879, acquiring his education in the schools of Hutchinson. He had taught several terms. In

HISTORY OF McLEOD COUNTY

1879 he entered the law department of the University Michigan, at Ann Arbor. During the two previous years he had studied law in the office of J. V. V. Lewis at Hutchinson, while engaged in the duties of his tutorship and helping carry on the family farm. He was graduated by the University in 1881, when he returned to Hutchinson and started practice. In the fall of 1884 Mr. Nelson was elected to fill the office of county attorney and served several terms. In the spring of 1889 Mr. Nelson moved to St. Paul where he practiced his profession for several years, when he removed to New York. He is now dead.

James V. V. Lewis was born at Whitney's Point, New York, July 1, 1846, son of John N. and Esther (Satterlee) Lewis, both of whom were also natives of the Empire state. Having acquired the elements of his education in the district schools James V. V. Lewis, in 1866, entered Beloit college, where he remained for three years, and on leaving that institution began the reading of law with Richard Lindsay, at Lodi. In December, 1870, he was admitted to the bar and in the following January came to Minnesota. After visiting various places, in June he arrived in Glencoe and the next day started for Litchfield by stage, but on his arrival at that place he came back to this county and renting an office in Hutchinson, began the practice of his profession. In 1875 he was elected to the office of county attorney and held it for two years, relinquishing it to accept the position of judge of the probate court. The latter office he held for four terms. When the village was incorporated in 1881, Mr. Lewis was chosen president of the board of trustees and served for a number of years. He was a member of the school board for six years and served as one of the directors of the agricultural society and as the treasurer of the latter. Mr. Lewis was united in marriage January 20, 1874, to Miss Hattie H. Tracey, a native of Vermont. He died May 22, 1899.

William A. Kube was born September 23, 1885, in Arcadia, Wisconsin. He grew to manhood in the town of his birth and was graduated from the Arcadia high school in 1905. In 1906 Mr. Kube went to Minneapolis to attend the Minneapolis Business College, from which he graduated in 1907. For four years following, he was in the employ of the engineering department of the Chicago, Milwaukee & St. Paul railroad. On [307] June 18, 1913, Mr. Kube was married to Coral Adams, of Kirksville, Missouri. On June 19, 1913, he graduated from the St. Paul College of Law and was admitted to the Minnesota State Bar June 20, 1913. The following year, in

HISTORY OF McLEOD COUNTY

April, Mr. Kube located in Hutchinson, Minnesota, for the practice of and continued practicing until March, 1915, when he was called away on account of sickness, which resulted in his death in Minneapolis, November 4, 1915. Besides his wife and infant daughter, Mr. Kube left a father and three brothers to mourn his loss.



Posted MLHP: January, 2008.