

**“THE COURTS, CASES, DISTRICT JUDGES
AND THE BAR OF STEELE COUNTY” ***

IN

HISTORY

OF

**STEELE AND WASECA COUNTIES,
MINNESOTA.**

AN ALBUM OF HISTORY AND BIOGRAPHY,

**EMBRACING SKETCHES OF THE VILLAGES, CITIES AND TOWNSHIPS; EDUCATIONAL, CIVIL, MILITARY
AND POLITICAL HISTORY; PORTRAITS OF PROMINENT CITIZENS, AND BIOGRAPHIES
OF OLD SETTLERS AND REPRESENTATIVE MEN.**

HISTORY OF MINNESOTA,

**EMBRACING AN ACCOUNT OF EARLY EXPLORATIONS, ORGANIZATION, A REVIEW OF ITS POLITICAL
HISTORY, TOGETHER WITH AN ACCOUNT OF THE INDIAN OUTBREAK OF 1862.**

ILLUSTRATED.

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CHAPTER XI.

THE COURTS —CASES—DISTRICT JUDGES AND THE BAR OF STEELE COUNTY.

In this chapter we have grouped together all that we could learn regarding courts, cases and the bar of Steele County. There are probably other cases that would be of interest; but as all of the details must be gleaned from the memories of the old settlers, there is much conflict, and a number have had to be omitted, because it has been impossible to write a version of them upon which all could agree. Another class of cases which had to be omitted were those where the parties who were interested, or their near friends, were still living in the county, and the publication of details might give pain and cause dispute, for no lawsuit was ever tried that did not have two sides; else, as Dickens says, in *Bardell vs. Pickwick*, “why this suit?”

The first trial of interest in the county occurred at Owatonna, in the fall of 1855, before Addison Phelps, who had been appointed a justice of the peace by the territorial governor. It appears that several parties had taken a claim jointly somewhere in the neighborhood of Wilton, in Waseca County (then a portion of Steele), and had put up a claim shanty. Several contesting claimants invaded the premises, pulled down the shanty and jumped the claim. The first parties had the “invaders” arrested, and four or five of them were brought to Owatonna as prisoners for trial. At that time there were no available lawyers here, although A. B. Cornell was on hand to prosecute them. The defendants could find no lawyer, and were feeling pretty blue. They, together with about twenty witnesses, were taken up to the Winship House for supper. When the evening stage came in, a man alighted and took supper at the hotel. He overheard their talk regarding the case, and feeling that they were being abused he announced himself as Attorney Onstine, one of the ablest lawyers in the northern part of Iowa, and undertook their defense. When the case was called for trial he was on hand, and a legal combat of two days’ duration ensued, resulting in the acquittal of the prisoners, who had shown that they had the best title to the claim.

The first offense committed in the county against “the peace and dignity of the United States,” as criminal offenses were designated in territorial times, was

upon the part of John Duckering. He had struck a little fellow, or dwarf, called Napoleon Bonaparte, cutting him pretty badly, and Bonaparte had Duckering arrested, and fined a small amount.

In August of 1857, a party of roughs, or, as the old settlers termed them, “border ruffians,” attempted to “paint the embryo city of Owatonna red,” as the expression of later days goes. Two men named Bull, a man named Orr, and a Mr. Squires got to drinking pretty heavily, and got into a row, after which they procured knives and pistols and began a reign of terror in cleaning out the town, marching up and down the streets. Nearly all of the citizens fled for their lives. The sheriff, David Lindersuiith, had been very ill, so there was no peace officer at hand ; but [81] after consultation Sheriff Lindersmith was sent for and got up from a sick-bed to quell the disturbance. Upon arriving at town, he found the four huddled together near Elder Town’s store on Bridge street. For a few minutes they resisted arrest and one of them nearly killed a bystander with a rock which he drew from his breast pocket. When they were secured the sheriff took them to a hotel and placed them under a guard, while he, suffering a temporary relapse, gave up and went to sleep. At about daylight the guards were changed and for a few minutes they were left alone with the sick sheriff, taking advantage of which they all escaped. Parties started at once in pursuit and succeeded in capturing two, while a third returned and gave himself up. The sheriff was now determined to see that they did not escape again. The nearest lockup was in St. Paul, so a log-chain as procured and the prisoners were all padlocked together, while a guard of two men with pistols and clubs were placed over them. Either S. M. Yearly or G. W. Green prosecuted the case, while the prisoners got a Faribault lawyer, H. O. Lowell, to defend them. An interesting trial followed. The Faribault man was an able lawyer. In his argument, he played upon the sympathies of the jury, referred feelingly to the manner in which the sheriff had chained the poor men, and said a sheriff who would be guilty of so maltreating human beings ought to be sent to jail for life, etc. As the sheriff told the historian, it changed the whole course of public sentiment. Whereas two hours before the citizens favored hanging the ruffians, they then wanted to lynch the sheriff. The wit of the trial was the acquittal of all the prisoners.

In October, 1857, a case came before the district court which excited a great deal of interest and merriment in the young settlement. It was entitled Jacob

Yonker vs. William and Dorotha Mundt. The record shows S. M. Yearly an attorney for the plaintiff and G. W. Green as attorney for the defendants. It appears that during the spring and summer of 1857, Jacob Yonker, the plaintiff, and Minnie Mundt, a daughter of the defendants, had been working at Winship's hotel, and a short time before the commencement of this action they had taken a notion to get married. Thus far all was legal and right enough. But it seems that Minnie was not of age yet, being only seventeen, and they did not deem it necessary to go through the formality of getting a license. They therefore went before Elder Town, who, after asking them the usual questions, pronounced them man and wife. For a few days everything moved along smoothly enough; but when the bride's parents learned of it, they commanded Minnie to come home, as she had married without their consent; and she, being a dutiful child, obeyed, leaving the bridegroom alone in his misery. Yonker took on terribly for a while, and finally, after getting legal advice, swore out papers for the arrest of his parents-in-law for "abducting" his wife. They were brought up by the sheriff, and when they saw the turn things had taken they wanted to settle it, and Mr. Mundt offered to pay Yonker what damage it had been to him. Yonker immediately responded: "I don'd vant your money; I vant my Minnie!" In this way the matter was finally settled, Yonker paying costs and getting "his Minnie," while the old folks went their way in peace; and the young people resumed their happy relations as bride and groom.

Along in 1857 and 1858 there was considerable litigation growing from claim matters. An amusing incident is related in relation to this, which, barring names, is about as follows: It seems that a shanty had disappeared from one of the settler's claims; and, from conclusive evidence, it was apparent that it had been stolen. A search warrant was got out and placed in the sheriff's hands, which directed him to "seize certain *basswood lumber*," and arrest the party or parties found in possession of the same. The officer went to [82] the place where the shanty had stood and there found the tracks of the wagon which the stolen lumber had been loaded upon. Following the track in a circuitous route it finally brought up at a little cabin, in front of which was a nice pile of shanty lumber. The sheriff congratulated himself, as the whole matter was so plain as to leave no chance for mistake. Upon examination, however, the lumber proved to be elm and popple, and, under the warrant, it was impossible to seize it. The officer, therefore, drove off and left the thief in possession.

All through the early records there appear references to a case in which Nathaniel Squires, David Lindersmith, the State of Minnesota, *et al.*, are mixed up as plaintiffs and defendants. While there is nothing connected with the case or the matters involved to make it of more than ordinary interest, yet there is scarcely an old settler in the county who will not be interested in an account of it, as it was so badly mixed at the time it was tried that scarcely anyone fully understood the details from which the suit grew. In the early part of 1857 Nathaniel Squires and Henry Corrigan got into a difficulty in Owatonna and began to fight it out. Squires got Corrigan down and was punishing him, when the sheriff, David Lindersmith, came upon the ground, and took them before Justice Shaw to see what should be done to preserve peace. Corrigan made complaint against Squires and the latter was fined \$15. Corrigan was discharged, as Squires refused to make an complaint. Squires had no money to pay the fine, but they let him go. Thus the matter remained for some time, as Squires had no property attachable. Finally Squires bought a couple of cows and an attachment was got out and placed in Sheriff Lindersmith's hands for execution. He seized one cow and took her home with him, intending to have a sale at once. Squires claimed the action of the sheriff was illegal, and that the cow was exempt from execution. He gave bond and replevied the animal, and the case was taken before Justice Seymour Howe, who lived south of Owatonna, to try title. S. M. Yearly appeared as Squires' attorney and Judge Green defended Lindersmith. After a jury trial a verdict for Lindersmith was returned, and he at once secured possession of the cow and took her to his home. One Sunday, the 28th of June, 1857, Squires came and stole the cow, taking her to his son's, on Maple Creek, where she was butchered immediately. The sheriff got several others and started in pursuit, arriving at the "scene of slaughter" just as the beef was being hung up; but as the other parties fought, they finally returned without the beef. Warrants were sworn out for Geo. Squires, Joseph Wagner and Philander Atwater for resisting an officer. They were brought to trial July 1, 1857, and were discharged by the justice on the ground that the warrant did not agree with the complaint. They afterward delivered up the beef and the sheriff sold it. At the same time a warrant was issued for Nathaniel Squires, on account of stealing the cow. He was arrested and had a preliminary examination on June 30, 1857, when he was bound over to appear in District Court. A few weeks later Squires sued Lindersmith for the price of the cow, and upon a change of venue the case was taken to Squire Tiffany, in Havana Township, for trial. A

jury trial was had and a disagreement followed. A new trial was set and then an adjournment was asked. This was in April, 1858. The law fixed thirty days as the length of time an adjournment could be had upon consent of parties. Judge Green, attorney for Lindersmith, suggested that the trial be set for the *second Monday in June, about sixty days distant*, and upon the others consenting, the justice entered it upon the docket and adjourned court. S. M. Yearly, attorney for Squires, discovered the error almost at once, but Green had taken his client and marched right off. They had got about twenty rods [83] when the justice called to them, but they replied that *June suited them*, and moved right on. The justice interlined the record and changed "June" to "May." When the second Monday in May came, Squires and his attorney appeared, and as no one was present to defend, they got judgment. In June, the defendant appeared with Amos Coggsell and G. W. Green as his attorneys, and demanded judgment but the justice told them that the matter was all settled, so they left. An execution was got out on Squires' judgment a short time later, and was placed in the hands of the coroner, Thomas Kenyon. He refused to execute it unless an indemnifying bond was given; the same thing occurred with Mr. Willsey, when he became sheriff, and as no bond was furnished the matter was finally dropped.

The case of State of Minnesota vs. L. C. Cate came up for trial at the July term of court in 1859, and was the first "whisky case" taken to district court in Steele County. Amos Coggsell defended Cate. It appears that Cate had been keeping a saloon in a building near where the Morehouse Opera House block is now located, and was indicted for selling liquor without a license. At the first trial he was found guilty, but his attorney, Mr. Coggsell, made a motion for a new trial, and a few days before the second trial took place, the defendant was taken sick with the typhoid fever and died.

In the summer of 1859, the Mankato townsite cases were tried here upon a change of venue. Hundreds of them were docketed; but test cases were made of the different classes, so that all were not tried that were placed upon the docket. Some of the ablest lawyers in the State appeared in these cases, and they evoked great interest throughout the entire State at the time, as the title to about all of the city of Mankato depended upon the decision. The gist of these suits, as near as we have been able to learn, was as follows: The original proprietors of the city of Mankato had laid out a town, had commenced

building, and property was advancing in value. Early in the '50's, several parties, among whom are remembered Messrs. Brandson, Moreland and Cole, organized themselves into a new company and jumped the claims of the old proprietors and the squatters holding under them, on the ground that the original claimants had taken possession before the Indian title was extinguished. The decision was in favor of the old proprietors, or the squatters. Some of these old cases, however, are in court yet.

The criminal case of the State of Minnesota *vs.* Henry Kreigler, which was tried here in December, 1860, was the first murder trial ever had in Steele County. The case was brought here upon a change of venue from Freeborn County, where the defendant had killed Nelson Boughton, of Oakvale, that county. I. W. Perry and Gordon E. Cole appeared for the State and A. Armstrong, Perkins & Perkins and W. R. Kinyon appeared for the defendant. After a lengthy and interesting trial, a jury returned a verdict against the prisoner of "murder in the first degree," and the court sentenced him to be hung. He was taken to Albert Lea where the sentence was executed. This was the first case of hanging in southern Minnesota, and the writer believes the only one that has occurred in the history of this part of the State under sentence of a court. Many thought then, and still believe, that the defendant in this case was insane. Kreigler was a German and could speak but little English, but his actions throughout the trial indicated plainly that he was either crazy or half-witted, or was feigning very naturally. He would dance, in his chains, all the way from the jail to the court house, and in a dozen other ways his actions were those of insanity.

The case of State of Minnesota *vs.* Eliza J. Brown appears on the criminal calendar of the April term of court in 1862. It was a case of considerable interest in those days [84] and raised quite an excitement. It seems that Mrs. Eliza J. Brown had located upon a farm in Merton Township and was engaged in working it. She had several children, among whom was a daughter; and she employed a hired man to help run the place. As time ran along Mrs. Brown got suspicious of the fellow's attentions to her daughter, and finally determined to kill him. So one day, on the pretense of having repairs made, she got him into the cistern, and then opened hostilities. She threw flat-irons, shovels, stones and everything she could lift in upon him and tried to brain him with clubs and pitchforks. The cistern, however, was boarded up so that

he could partially get out of her reach. When he would thus take refuge, she would pour hot water in upon him, and drive him out and then resort to her clubs and flat-irons. When he would jump and catch the top to lift himself out, she had the ax handy and would chop at his hands. Luckily, some one happened along before she had killed him, and got the fellow out. The cistern was a sight after the battle, filled with her implements of warfare. A warrant was sworn out and Mrs. Brown was arrested. She secured H. C. Lowell, of Faribault, as attorney to defend her, while G. W. Green and S. M. Yearly appeared for the State. She waived examination and the case came up for trial in April, 1862, in District Court, before Judge Donaldson. A large number of witnesses were present from the Merton neighborhood, and a good deal of feeling was worked up over the case. The theory of the defense was that the mother was justified and it seems that they supported it well, for the trial resulted in a verdict of acquittal. The case was severely contested. The injured man was laid up for nearly a year with his wounds.

The case of State of Minnesota vs. John Ryan, which was tried at the spring term of district court in 1868, was one of the most important murder trials in the history of the county. The defendant had killed Thomas Dorsey, the details of the tragedy being about as follows: Ryan had been here through 1866-7, working on the railroad, and when the railroad was built west to Waseca, he went with the construction party. On the 4th of July, 1867, a celebration was held at Owatonna, and Ryan, with others, came back to attend. In a saloon he met Thomas Dorsey and invited him to drink, but Dorsey refused, upon which a quarrel ensued. Ryan would not let the matter drop, but followed Dorsey out, determined to fight. Later Dorsey hid in a lumber-yard, and Ryan, learning of his whereabouts, procured a knife and hunted him out. In the struggle that ensued Ryan stabbed Dorsey several times, inflicting wounds from which the latter soon died. Ryan was tried, found guilty, and on the 22d of April, 1868, was sentenced to be hung. The scaffolding was nearly completed, when the governor commuted his sentence to imprisonment for life. Ryan was a vicious, ill-tempered and dangerous man, and, even in prison was not allowed to mingle with the other convicts. He finally lost his reason, and on April 2, 1883, he was pardoned by Gov. Hubbard and released.

At the April term in 1868 an interesting case was tried, entitled State vs. Joseph Young. Young was a farmer, living on section 36, in Owatonna Township. It seems that a couple of young men from Owatonna were driving

past his place, after having been chicken-hunting in Aurora Township, when Young's dog ran out and followed, barking and annoying them. They either killed, or seriously shot, the dog, and Young, who was plowing in the field near by, ran up to the buggy and pulled one of the young men out, at the same time stabbing him. Young was found guilty and fined \$150 and costs. Amos Coggsell defended, and J. B. Searles prosecuted.

The case of State of Minnesota *vs.* William Sterling, which was tried in April, 1869, was of considerable interest. It was prose-[87]-cuted by Gordon E. Cole and J. B. Searles, and Gov. Gorman and Amos Coggsell were attorneys for the defendant. A short time previous to the time when this case was tried, Dr. Duvall, a faith doctor, or one that professed to cure by "laying on of hands," had located at Owatonna, and was stopping with William Sterling, who was then in the lumber business. After a few weeks of courtship he was married to Mr. Sterling's sister-in-law. Some of the boys about town decided to charivari the newly-married couple and they repaired to the house of William Sterling, where the pair were stopping, with a full orchestra of horse-fiddles, pans, etc. The concert had progressed but a few minutes, when Mr. Sterling stepped to the window with a gun in his hand and fired into the midst of the serenading party, seriously wounding John Reisch, one of the boys. Sterling was indicted by the grand jury, tried, found guilty and fined a small amount. The doctor was also indicted, but was acquitted upon trial. The injured man recovered, and is still a resident of Owatonna. The doctor afterward removed to Wisconsin, where he poisoned his wife, was led, found guilty and sentenced to the penitentiary for life.

The case of State of Minnesota *vs.* John Murray, for the murder of Mr. Hickey, was tried in April, 1870, and attracted wide attention. Murray had come to Owatonna as a railroad hand in 1866, and early in the spring of 1870 was living in Owatonna, a short distance from Hickey's place. Their families became involved in a quarrel, and the men took it up. One day they met over a popple-pole fence, which bounded Hickey's lot, and after some words Murray seized a pole from the fence and dealt Hickey a blow over the head which caused his death. Murray was placed in jail, and when arraigned in district court plead "not guilty." The case was prosecuted by J. B. Searles, county attorney, assisted by Att'y-Gen. Cornell. The defendant was ably represented by Amos Coggsell. The trial resulted in a verdict of guilty, and the

defendant was sentenced to six years in the penitentiary. After serving about three years, however, he was pardoned by the governor.

The case of State of Minnesota *vs.* Samuel R. Henry was the most important trial during the December term, 1874. Henry had committed rape upon a young girl at Blooming Prairie. Amos Coggsell and J. M. Burlingame appeared for the State, and L. L. Wheelock and an attorney from Decorah, Iowa, defended the man. After an interesting trial he was convicted and sentenced to twenty years in the penitentiary. He served about six years of his sentence when he was pardoned by the governor.

The State of Minnesota *vs.* M. Keefe was a criminal case called for the June term, 1875. The defendant had got into a row with a Norwegian named Oleson at Blooming Prairie, during which he cut him up pretty badly. J. M. Burlingame prosecuted and Amos Coggsell defended. The prisoner was found guilty and fined \$500.

In June, 1876, John Linhardt was brought before Judge Donaldson on the charge of forgery. It appears that he had forged the name of J. A. Oppliger to an order for \$50 on the First National Bank and passed the same. He was arrested at Rochester, brought back and held until the grand jury, which was in session at the time, indicted him, and he plead guilty and was sentenced to two years in the penitentiary. He returned all of the money except \$10.25, having been arrested on the same day that he committed the crime. He was tried, convicted and sentenced within forty-eight hours after he passed the order.

A serious stabbing affray occurred in the town of Somerset, in June, 1877, the circumstances of which as related by one side were as follows: Frank Herdina, father, two Sons and another man, left town on that day, just enough imbued with whisky to make them very quarrelsome and easily irri-[88]-tated. W. R. Knickerbocker, wife, child and a man named Barker soon followed them, and when about five miles south, Mr. Knickerbocker drove by the Herdinas, who had two teams partly loaded with lumber. Mr. K. had gone but a short distance by them when they gave chase, galloping their horses to catch up. Soon Mr. Knickerbocker's little boy's hat blew off and Mr. Barker jumped out to get it. The Herdinas at this juncture came up and pounced onto Barker, and with

large, two-bladed pocket-knives, they cut a gash to the bone, about eight inches long, in the calf of the right leg; they tried to cut him in the left breast and would no doubt have pierced his heart, had it not been for a large pocketbook in his inside vest pocket, which was cut through several times, the points of the blades entering the flesh. Mr. Knickerbocker, who was a strong man, seeing these barbarous actions, went to the rescue and knocked two of the assailants senseless, when the other two pounced on his back, cutting him severely and driving the knife into his shoulder up to the hilt, and breaking off the point in the shoulder. With a powerful exertion Mr. Knickerbocker freed himself and grabbing Barker threw him into the wagon and jumping in himself drove rapidly away. He soon came to Justice Pike's residence and Mr. Knickerbocker fainted upon getting out. Mr. Pike immediately ordered the arrest of the offenders, and in company with Oscar Gross succeeded in capturing the three Herdinas and delivered them to the sheriff the same night. Constable Tiffany went out the next morning and captured the fourth man. Mr. Knickerbocker was cut in the arm beside the shoulder gash. Mr. Barker, who was only twenty years old, was cut thirteen times, and for some time his recovery was doubtful. The prisoners were arraigned before Judge Donaldson and bound over in the sum of \$500 each to appear at the December term of court, in 1877. When the case was called for trial a number of important additional facts were developed. From the evidence it appeared that the two parties had had some trouble before leaving the city, and Bailey, one of the Knickerbocker party had "pulled his coat" and dared the others to fight him. Also, that Barker had thrown a stone knocking the old man Herdina down before the trouble really commenced, and that the Bohemnians had responded, knocking Mr. Knickerbocker down. Barker was forced backward into a ditch, falling and pulling Herdina with him. Herdina's son tried to use the knife on Barker, cutting him as well as his own father quite severely. The jury was made up wholly of Americans, not a Bohemian being allowed to sit upon it. They returned a verdict of guilty in each case and the prisoners were sentenced as follows: Kroulik to one year in the county jail; Frank Herdina, Sr., to one year in the penitentiary; Frank Herdina, Jr., two years in the penitentiary, and Adolph Herdina to four years in the penitentiary. The case was prosecuted by J. M. Burlingame and defended by Amos Cogswell.

After sentence was rendered in the Herdina matter, the case of Frank Herdina, Sr., was taken to the Supreme Court on appeal, and a stay of judgment granted

to await decision. In the higher court the case was ably contested, and finally ended in the sentence of District Court being sustained. The syllabus of the decision was as follows:

“State of Minnesota, respondent, *vs.* Frank Herdina, Sr., *et al.*, appellants. A parent has no right to protect his child in the commission of a crime. To convict of an assault with a dangerous weapon, with intent to do great bodily harm, one who comes to the assistance of the person holding the weapon, it is not necessary that he should have aided in the previous arming of such person.

“Evidence merely that the defendant was drunk when he joined one in committing an assault, without any evidence of the condition of his mind, or that he was too drunk [89] to reason or know right from wrong, will not require a charge to the jury that if defendant was so drunk that he did not know what he was doing, they should find for the defendant. Order affirmed.”

Shortly after the commencement of the criminal cases William F. Barker began an action against Frank Herdina, Sr., *et al.*, for \$1,500 damages. A verdict for \$750 was returned against Frank Herdina, Sr., and Adolph Herdina. In the actions against Frank Herdina, Jr., and John Kroulik, verdicts for the defendants were rendered.

Mr. Knickerbocker began similar civil suits in which damages were laid at \$1,000. Verdicts were rendered for plaintiff in the sum \$675 against Frank Herdina, Sr., Frank Herdina, Jr., and Adolph Herdina, and for the defendant in the case against John Kroulik.

In June, 1878, the criminal calendar contained a case entitled State of Minnesota *vs.* Claude Van Alstyne, the grand jury having indicted him during the latter part of May. When the case was called the defendant put in a plea of “not guilty,” and Judge Amos Cogswell and Hon. L. L. Wheelock were appointed to conduct the defense, while Judge A. C. Hickman assisted the county attorney, J. M. Burlingame, in the prosecution. The trial was one of great interest, and one of the most extensive and important in the history of the county. Claude Van Alstyne was a young man twenty-one years age, a native of Belvidere, Ill., but had lived for a number of years in Butler, Bates County, Mo. He came from here to Minnesota. A short time before the crime

was committed he came from Rochester and began working for Isaac Turblot, at Owatonna, taking out ice from Straight River. On the 15th of February, 1878, he, together with Phocion Turtelot, a son of his employer, Lewis Arnold, L. Stevens, F. Davis and James Atchison were at work upon the ice. Phocion Turtelot, it appears, assumed a sort of general charge of the work, and coming up to where Van Alstyne was at work they got into a quarrel, in which the defendant struck Phocion with an ice-hook, killing him. There were two sides to the quarrel, as is usual in these sad tragedies, and we here give as near as possible both sides: The witnesses for the prosecution all agreed upon about the following state of facts: "Defendant was hooking on the grappling hooks for the horse to pull out the ice. Phocion went to breaking the ice, and Van Alstyne told him to stop. Phocion said, 'I won't do it.' Defendant said, 'If you break it, you can draw it up yourself.' Phocion replied that, 'by —, he would break it,' and told him: 'It's none of your business; who is boss here?' Defendant said, 'It don't make a— bit of difference. I am running this part of the business myself.' Phocion again replied that he would break it. Defendant stepped up toward him and pushed him, and Phocion jumped back on a cake of floating ice, then back to the bank, and seizing a bar says to the defendant: 'I'll beat your life or brains out.' Some of the other workmen put in a few words at about this time. But a second later and Van Alstyne struck Phocion on the head with the ice-hook. He then pulled out the hook. Phocion got up after a few minutes, made his way to the wagon and was taken home. He died from the effects of the blow, on the 22d of February, 1878." Some of the witnesses for the State claimed that Van Alstyne struck two blows. The blow fractured the skull the hook having penetrated the skull about two inches, from which the brains slowly oozed.

The theory advanced by the defense was that the act was justifiable under the circumstances. The substance of the evidence introduced by the defense is clearly shown in the testimony of Claude Van Aistyne, the defendant. Condensed, it was about as follows: "I was not acquainted with Turtelot before I came here. I went to work for him the day after I got here, on the ice. On the [90] day mentioned there were there beside myself, Atchison, Davis, Stevens and Arnold. Turtelot was there about one hour. I did not see him leave. He set me to hitching on the grapples to haul ice onto the platform. He had me at that about nine days. He said that morning, I was to keep at that work, as no other man he could get could do the work I did on that platform.

When Phocion was breaking the ice, I said: ‘Don’t break that ice! If you do you will have to draw it up yourself.’ I had the grapples in my left hand and the pick I always carried in my right. He said: ‘It’s none of your — — business! I’ll do as I please; the ice don’t belong to you.’ I had no idea or intention of striking him. I pushed him with my hand so that he lost his balance. He turned right a round and said: ‘I’ll smash the — — life out of you!’ When he raised the bar, I said: ‘Don’t you strike me with that bar !’ and I backed up as far as I could get. I told him three or four times not to strike me, and he struck at me with it. I dodged or it would have hit my head ; instead it hit my arm. He had the bar raised to strike me again, and I struck him with the pick. I meant to strike him with the stick. I didn’t notice how I struck him. My object was to strike him and then get away from him. I did it to defend myself. That was all the object I had. He fell on his knees and then fell over on his right elbow. As he fell I let go the pick handle and stepped back. Then I saw it was in his head, and I took hold of it and raised it out of his head. Then I took it and the bar and laid them on the ice, I guess ten or fifteen feet away. I think I stood and looked at him till he got up—as much as a minute. Then I stepped over to Davis and Atchison: I was pretty badly excited at that time.” The judge here asked the question: “Couldn’t you have got out of there as fast as Phocion could?” to which the defendant replied: “Not without turning my back on him, and he would have struck me behind.”

In Judge Lord’s charge to the jury, among many other important and interesting points of law set forth, were the following: “. . . There is no dispute but that the defendant struck Turtelot with this instrument, a blow upon the head, on the 15th of February, 1878, and that blow resulted in his death. The first question is: Whether that blow was criminal or not? It is claimed on the part of the defendant that he was justified in striking that blow. Now a party has a right to defend himself, and he has a right to use such a degree of force as may be necessary to defend himself, and if a felonious assault is made upon him he has a right, if necessary in protecting himself, to take the life of his assailant but he has no right unless it is necessary. This right of self-defense is limited to the necessity. It is the duty of the party assailed to get away if he can. The mere circumstances of an assault being made upon him does not justify his assaulting the other party if he can get away. Now, in considering whether this killing was necessary in order to defend himself, look at the circumstances of the case, the situation of the parties, and their relative ability

to defend themselves from assault; and consider whether, in fact, this blow was given in self-defense, or whether it was given for the purpose of killing, or for the purpose of a lesser assault than that ; whether it was not rather an attack upon Turtelot than an act of self-defense. You will find from the general circumstances whether this defendant was in any real danger of injury if he had stepped away and let Tuitelot alone ; and then, further, whether it was necessary to strike such a blow as he did, supposing Turtelot was coming at him with that bar and he standing there defending himself. . . .”

The jury returned a verdict of guilty of manslaughter in the second degree a after a short absence from the court-room, and the prisoner was sentenced to the State penitentiary for life. He remained in prison until [91] the spring of 1884, when he was pardoned by the governor.

An interesting ease was tried at the December term of court, 1881. It was entitled, Joseph Kaplan *vs.* C., M. & St. P. R. Co. It was an action brought to recover damages for the killing of the plaintiff's seven-year-old daughter by the defendant's train in June, 1881. Judge A. C. Hickman appeared for the plaintiff, and on E. Cole for the defendants. A struck jury was empaneled, who brought in a verdict for the defendants.

On Friday night, September 12, 1884, just about the time the Barrett circus, which had given a performance, was breaking up, John Blair, a special policeman, arrested a man supposed to belong to the circus, He started up Cedar street and when near Potter's lumber yard a man ran against him, and turned to ask why Blair had run into him. Blair replied that he did not, when they had words and the man struck Blair on the of the head with a heavy club. The blow felled Blair and the miscreant disappeared the darkness. Blair was helped home and died the following morning. Sheriff Murray, in company with one of the parties who saw the blow struck, followed the circus to Rochester on the 13th, for the purpose of looking over the employes of the show for the murderer. They soon found him in the person of James Jacobs, and he was arrested and brought to Owatonna the same evening.

The case of State against James Jacobs came to trial at the January term of court, 1885, Judge Thomas S. Buckham, presiding. The State was represented by W. F. Sawyer, county attorney, and the defense by Judge Amos Cogswell.

After a number of challenges, the following jury was selected try the case: Lewis Burns, of Berlin; T. Nelson, of Havana; H. Wentworth, Henry Ribbe, D. W. Hines, of Aurora; M. Guthrie, of Blooming Prairie; W. J. Ellis, Havana; Frank McCauley and Cord King, of Aurora; Frank Canton, of Merton; John Lippert, of Meriden; and L. C. Peters, of Berlin,

The following account of the trial, taken from one of the city papers, goes sufficiently into detail, and is given in full: "James Jacobs, the prisoner, was then brought into court. The first witness called on part of State was C. O. Garvey, of Minneapolis, who saw the blow struck, and who heard quarrel between John L. Blair and James Jacobs. The next witness was Edward Austin, of Owatonna, who repeated the story of the murder. Dr. L. L. Bennett was next called, he having had the custody of the weapon (the heavy stick) with which Policeman Blair was struck. Mr. Andrew Meehan, of Owatonna, was called and testified to what he saw and heard. Mr. A. McCumber, of Winona County, was next sworn. He testified that he attended the concert after the circus was out. After the concert he went over to see the circus men load their wagons on the train. While there, he saw a gathering on or near sidewalk between railroad tracks on opposite side of street. He ran over to within about fifteen feet. He saw Jacobs with a club in his hand and Policeman Blair raise and point his pistol at him twice; heard prisoner say, '— — you! put up that pistol or I'll kill you.' The prisoner had just drawn club from under his arm or coat. Jacobs then turned and blew a whistle he took from his pocket, when those loading the wagons dropped work and ran over toward Jacobs. Blair put his hand back in coat pocket with pistol, and turned and began to walk south, when the prisoner took a few steps forward, probably fifteen or twenty feet, and struck Blair on side of head, holding club in both hands, knocking him into the ditch, where he fell. He got up in about a minute and began to reel across the street, when two men took him off. The witness, Garvey, testified that he saw girl get up and run out of circus and taking prisoner by the arm walked off with him. Also saw [92] Blair come and take her away. Saw big man at crossing, with club under his arm, brush against Policeman Blair. Prisoner swore and told Blair that he had run into him once too often. Some one shouted, 'arrest man with club,' after which Mr. Garvey's testimony agreed substantially with Mr. McCumber's. This was the substance of the evidence introduced by the State.

The defense introduced a number of depositions, taken in Warsaw, Ind., showing the good character, steady habits and worth of James Jacobs when he worked there a number of years ago. A number of depositions were also read taken before a justice of the peace in Fort Wayne, Ind. These certified to his good character during the winters when he worked around there, he having been away traveling with some circus each summer. The defense had a railway conductor sworn, who testified that he saw Jacobs at his work as usual about fifteen minutes after the concert was concluded. The prisoner also testified in his own behalf, denying that he went off with the girl, also stating that he never saw her until he saw her in jail. He stated that Blair pulled a revolver and threatened to shoot him; and that Blair had his revolver leveled when the prisoner struck him. Attorney Sawyer made an able plea to the jury on behalf of the State, endeavoring to convince them that the prisoner was guilty of willful, premeditated murder as charged in the indictment. Judge Coggsell, on the part of the defense, made a strong and convincing argument, reviewing every phase of the case. The jury after an absence of a few hours brought in a verdict of "guilty of manslaughter in the fourth degree." The judge sentenced him to State penitentiary for the term of four years, the longest period provided by law for that degree of crime. This verdict gave a good deal of dissatisfaction, as it was felt that the prisoner had not received the punishment he deserved. The night he was brought back from Rochester, feeling ran high and he narrowly escaped lynching. A large crowd had assembled at the depot to meet the train that was to bring the prisoner in, and the desire for lynching seemed almost unanimous. H. M. Hastings, seeing the danger, telegraphed the sheriff, Hugh Murray, who had charge of the prisoner, and it was arranged to stop the train out of town and convey the prisoner secretly to the jail. Later the crowd assembled at the jail, crying "hang him! hang him!" but Sheriff Murray made a timely and appropriate speech, cooling them down and warning them against attempting to take the law in their own hands, and the gathering finally dispersed. Great credit is due to Mr. Murray and Mr. Hastings for their management of the affair.

At the June term, 1885, was tried the case of State of Minnesota vs. William Van Ruden, one of the most important murder trials in the history of Steele County. The details connected with the tragedy from which the case grew are susceptible of many various and conflicting versions, the friends of the deceased man, John Lehman, as well as the friends of Van Ruden, claiming

that the fault was wholly upon the part of the other. However that may be, we here give the facts as they were related without coloring. It appears that near the line separating Steele and Dodge Counties, nearly due east from Owatonna, there lived until the time of this tragedy, two neighbors William Van Ruden and John Lehman—the former in Steele and the latter in Dodge County. For some time there had been bad blood between the two men, and many wordy conflicts had taken place. On the 25th of May, 1885, Van Ruden left home to attend to some business and during his absence Lehman, armed with a gun, went over to Van Ruden's farm. On this point there arose an important question on the trial, the prosecution claiming that his errand was only to drive off chickens or something of that kind, with no evil or [93] malicious intent, while the defense claimed that he went to commit murder. It is stated that Lehman shot the gun several times, and when remonstrated with by Mrs. Van Ruden he abused her, calling vile names. After that he would lie down in the bushes for a time; then get up and walk around, and finally, chose a spot in the brush just across county line, on his own farm, and there laid down. In a short time Van Ruden came home and his wife related what had taken place. Thereupon he took down his gun, after seeing where Lehman lay, he started for the place accompanied by his wife. As they neared the spot Lehman arose with his gun in his hand, and at the same instant Van Ruden fired, killing Lehman almost instantly. Van Ruden was arrested, indicted and tried in June, 1885. He was defended by Hon. A. C. Hickman and Hon. Amos Cogswell. The prosecution was ably represented by W. F. Sawyer, Esq., and an earnest and able fight was made in the courts. The only witnesses to the tragedy were the prisoner and his wife. The theory of the defense was that the killing was done in self-defense, and an important item of the evidence was found in the fact that the gun carried by the deceased when found was cocked and ready for shooting. The jury found Van Ruden guilty, and the court sentenced him to five years in the penitentiary, which sentence he is now serving.

DISTRICT JUDGES.

When the territory of Minnesota became a State, Steele County became a part of the fifth judicial district which then embraced the counties of Steele, Dakota, Goodhue, Scott, Rice, Waseca, Dodge, Mower and Freeborn. Hon. N. M. Donaldson, of Owatonna, was the first judge of this district. He was

first elected in October, 1857, and was re-elected in 1864, serving until the 31st of December, 1871.

Nicholas M. Donaldson during his life was one of the most prominent men in the State. He was born at Cambridge, Washington County, N. Y., on the 12th of November, 1809, his father a native of the north of Ireland, his mother of Scotland. Nicholas M. lived on a farm until eighteen, when he became a clerk in a store at Argyle, in his native county, finishing meantime his education at the Salem Academy. After this he taught school several winters and farmed during the summer. In 1840 he moved to Hayesville, Richland County, Ohio, taught school two years, read law at the same time with Thomas W. Bartley, since a supreme judge of Ohio, and was admitted to the bar in the autumn of 1843. Mr. Donaldson opened an office in Mansfield, the county-seat of Richland County, and when the county was divided in 1846 he removed to Londonville and was elected prosecuting attorney of his county. In 1849, he pushed westward to Waupun, Wis., and during his residence there was chairman of the board of supervisors and a member of the legislature from 1851 to 1855. In 1856 he settled in Owatonna, and in the autumn of 1857 was elected judge of the fifth district, and served fourteen years. His death occurred at Owatonna early in February, 1879.

Samuel Lord was elected judge in October, 1871, and served from January 1, 1872, until February 21, 1880.

Thomas S. Buckham, of Faribault, succeeded Judge Lord, by appointment of the governor, on the 21st of February, 1880, and is the present judge.

The fifth judicial district now embraces Steele, Waseca, Dodge and Rice Counties. The times fixed for holding court are as follows: Owatonna, in June and December; Mantorville, in March and October; Faribault, in May and November; Waseca, in March and October.

THE BAR OF STEELE COUNTY.

G. W. Green was undoubtedly the first lawyer to locate within the limits of Steele County. He came here from Wisconsin in [94] 1854 and made some investments near Owatonna, or on the town plat. A few years later he located

at Clinton Falls, where, in 1857, he bought the Clinton Mills. At that time he was a man of thirty-five years, perhaps, and a healthy, fully-developed man, mentally as well as physically. In Wisconsin he had been active in public affairs as well as private enterprises, and there obtained his right to the title of "Judge" through holding the office of county judge for a number of years in Dodge County in that State. When he bought the mill he took hold of the work himself, and attended to law business, politics and official duties between times. He was a man of much more than ordinary ability, and took a very prominent part here in early days—representing Steele County in the Lower House of the Legislature, and otherwise taking a leading part in political and official matters. In 1857 he was a prominent candidate for the nomination for district judge, but was defeated by Judge Donaldson. As a lawyer, he was among the ablest in this portion of the State, well read in law, of good argumentative powers, and withal a practical man. It is remembered of him that he had the faculty of getting his cases well in hand and his witnesses and evidence marshalled in the most perfect manner. He was one of the most influential members of the legislature in which he served, originating and drafting the bill embracing the civil organization and government of townships, and the supervisor system. At that time railroad matters occupied a good deal of attention, and, in fact, that was among the most important sessions of the legislature in the history of the State. Steele County was represented in the House by Judge Amos Coggsell and Judge Green, and it is doubtful whether there was a stronger delegation in the legislature. Mr. Coggsell was made speaker of the House. The Transit — or the present Winona & St. Peter Railroad — was then before the legislature on account of land grant and route matters. There was active work being done in behalf of the interested points to decide whether the Transit should cross the north and south road at Aurora, Owatonna or Clinton Falls. Judge Green opposed Owatonna so actively that when the succeeding election came he was defeated. Judge Green remained in Steele County until about 1880, when he removed to California, and he now lives in Salinas, that State. He accumulated considerable property while in Steele County, and since his residence in California he has not been actively engaged in any business. In another chapter will be found a very interesting article from Judge Green's pen.

Amos Coggs well located here in 1856 and at once took his place as one of the leading attorneys in this part of the State. He and Judge Green were the principal court or trial lawyers in the county during those early days.

M. A. Dailey located at Owatonna in 1856, He was originally from Washington County, N. Y., a man nearly forty years old at the time he came here. It is thought that he had never practiced law before settling here, but he was a careful and rapid business man, and an expert accountant, and it was not long before he was elected to public office, and he soon held nearly all of the county offices. He then commenced his law practice, and a great deal of business came to him through the various offices which he held. His practice was almost wholly confined to office work, foreclosing mortgages, making out papers, and attending to tax matters, and it was seldom that he went into court with a case unless before a justice of the peace. He made money in those days but did not seem to accumulate much. Times were hard, particularly from 1858 until early during the war. One time during this period, while Dailey and W. R. Kinyon (who in the meantime had begun practice here) were talking, Mr. Kinyon remarked that he was afraid they would finally starve [95] him out, when Mr. Dailey replied that he making \$3,000 a year. This was an enormous salary for this country in early times and we mention the incident to show the extent of Dailey's business at that time. In the fall of 1862 Mr. Dailey was elected the Senate, and in the following spring he resigned, secured an appointment as quartermaster in some regiment and went into the service. After the close of the war he returned and tried to pick up his former business. Other lawyers, however, had located here who were better posted in law, more active in working up business, while the county offices had passed into the hands of other men, and in every way the renewed activity and general state of affairs made it impossible for Dailey to regain his former standing, either officially or in the law business. After a few years he secured an appointment in the postal service, and finally removed to Minneapolis, where he now lives, engaged at clerical work in a railroad office.

S. M. Yearly located here in 1856, coming originally from the New England States. He settled upon a claim southeast of Owatonna, put up a frame house and went to farming in a light way, at the same time attending to a limited law practice. He held the office of prosecuting attorney of the county for some time during his residence here, and was quite an active politician, always

being on hand at conventions and public meetings. After the close of the war he removed to the western part of the State, where he still lives. Yearly was very quick tempered and scarcely ever tried a suit without getting half crazy with anger. He has known to get so mad during the trial of a case, as to take up his books and quit the court-room in high dudgeon, leaving the other lawyer to try the case alone.

W. R. Kinyon settled at Owatonna in 1858 and at once began practice. He is still a resident of Owatonna, being now president of the First National Bank, having given up the active practice of law. Mr. Kinyon has a number of times represented the county in the legislature and has twice been honored by being chosen speaker of the House. Almost every enterprise or action of a public nature that has affected Steele county during the past quarter of a century has felt his influence and received his support.

P. J. Nordeen was the next lawyer. He was a Norwegian, who, it is thought, came here from Wisconsin in the spring of 1859, locating at Owatonna and opening a law office. He bought a lot and commenced to build, at the same time attending to his law practice. He did not succeed in working up much business and after trying it for a few years he left. He was a young man, but had been admitted to the bar and engaged in practice before coming here. During his residence in Steele County he held the office of court commissioner for one term.

In 1861 the bar of Steele County was increased by the arrival of James Thorn, from Juneau, Wis. He had been clerk of court there and been admitted to the bar. He opened an office here and began practice, but did not gain much business, and after several years he removed to southeastern Nebraska, where he engaged in the abstract business and became quite prominent. He was of a roving, unsettled disposition and never accumulated much. While here he did not take a very prominent part in affairs, and only made a bare living, if that.

A. A. Harwood located here sometime during the latter part of the war, or about the time Thorn left. He was a man of about thirty years of age at that time and had been practicing law in Wisconsin. He brought his family with him, bought a home and opened a law office. He had a good deal of push and energy, and was not backward in advancing his own interests. He became

quite prominent here, holding various county offices, and was a prominent candidate for the office of State Superintendent of Public Instruction, to succeed Mark H.[96] Dunnell when the latter was elected to Congress. After a residence here of about fourteen years Harwood removed to Austin, where he engaged in the publication of a newspaper and was postmaster for a number of years. Finally he secured an appointment to a government clerkship and removed to Washington, where his wife still lives. He died several years ago.

These were the lawyers of early days. Since that time a great many have come and gone. Some only to remain a short time, others who became in a measure prominent. It is sufficient, however, to merely give, in this connection, the personal history of each of the gentlemen who compose

THE BAR OF TO-DAY.

The present bar of Steele County comprises a number of gentlemen of State reputation, and, as a whole, a more genial and intellectual lot of men could scarcely be found in any county of the State. The following is a list of the present members of the Steele County bar:

Hon. Amos Coggsell, Hon. J. M. Burlingame, Hon. L. L. Wheelock, Hon. A. C. Hickman, W. A. Sperry, C. W. Hadley, Hon. L. Hazen, M. B. Chadwick, Hon. H. H. Johnson, H. E. Johnson, E. W. Richter, W. F. and J. A. Sawyer, all of Owatonna, and A. P. Ingersoll, of Blooming Prairie.

Hon. Amos Coggsell was born in Boscawen, N. H., September 29, 1825. His early education was received in the common schools of his native county. When sixteen years old he went to Gilmanton Academy, where he attended three years, after which he entered the law office of Hon. Franklin Pierce, at Concord. Three years later he was admitted to the bar, and came west to McHenry County, Ill., where he began the practice of his profession. In 1853 he was given an appointment in the general Land Office at Washington. In August, 1856, he came to Steele County. In 1857 was chosen to act as a member of the constitutional convention. In 1860 was elected to a seat in the House of Representatives and was made speaker. From 1872 to 1875, inclusive, was in the State Senate, and then for one year was probate judge of Steele County. Mr. Coggsell was married in 1848 to Miss Harriet I. Clark,

who died in 1869. He was again married in 1873 to Mrs. Lucinda Dunning, who died eighteen months later. He was once more united in matrimony in 1879 to Mrs. Mary A. Allen, a native of New York. Heman C., Helen, wife of James Riley, of Watertown, D. T., and Abbie are the names of his children, all of whom are by his first wife. Mr. Coggswell is a Mason, being a member of the Blue Lodge and Chapter at Owatonna. He is an easy and effective speaker and an able lawyer. For over a quarter of a century he has been upon one side or the other of nearly every important civil or criminal case tried in Steele County, and, as a criminal lawyer, his reputation extends throughout the State.

The following sketch of Hon. J. M. Burlingame appeared in the *St. Paul Globe* January, 1885, among other sketches of members of the legislature of Minnesota of that year:

“James M. Burlingame, of the twelfth district, was born in Sterling, Windham County, Conn., and is forty-six years old. He was a student at Plainfield Academy, Connecticut afterward prepared for admission to the scientific course of Michigan University, at Monroe, Mich., under Edwin Willett— a graduate of the university and since member of Congress — and for admission to the classical course of the university at Ann Arbor, under Prof. Abbot, now at the head of the agricultural department of the university located at Lansing. He completed the law course of the Michigan University, graduating with the first class that took the full two years’ course in March, 1861, and was at that time admitted to the bar of Michigan. He went immediately from there to Albany, N. Y.; taught Latin [97] and mathematics in the Albany Female Seminary two years, occupying a portion of each day in the law office of McHarg & Burlingame; enlisted in the One Hundred and Fifty-seventh Regiment New York Volunteers in 1864 (having been rejected on a former enlistment in 1861 on account of feeble health); was assigned to service in the Second Battalion located in New York harbor; visited the armies of Thomas, Sherman and Grant in charge of recruits; served till the close of the war, then returned to Albany and went to Illinois and remained one year; was editor of the *Decatur Tribune* in 1866. He came to Owatonna in April, 1867; was city attorney of Owatonna nine years, and county attorney of Steele County from December 1, 1872, to January 1, 1883; was married to Marie Louise Grant, of Lexington, Ky., in 1866.”

The following account of Mr. Burlingame's services in the legislature of Minnesota is taken from the *Owatonna Journal*.

In November, 1884, he was elected to the legislature and served on the Judiciary, Railroad and Education committees. He was chairman of the latter committee and the attorney of the Railroad Committee, in which position he formulated the railroad law which is now upon our statute books and which has been of almost incalculable value to the State. Although new to legislative duties, it being his first experience in a legislative body, Mr. Burlingame commenced his labors at once as will be seen by the following extract from the reports of proceedings in the House:

“The first bill to come before the House in Committee of the Whole was Mr. Burlingame's, providing for a vote on a constitutional convention.” This bill in Mr. B.'s custody passed the House without a dissenting vote.

The State Public School Bill was another measure in which Mr. Burlingame took a deep interest, and, as chairman of the Committee on Education, hastened it back to the House, having combined Mr. Leneau's bill and his own and recommended it for passage, when under the joint custody of Mr. Leneau and himself its passage was secured without a dissenting vote.

Of the part he took in railroad legislation the *St. Paul* papers commented as follows:

“Mr. Burlingame has figured prominently thus far in such debate as has been drawn out on the Railroad Bill, he won the confidence of the Railroad Committee by presenting the bill which most nearly met the approval of the committee, and to him has since fallen the task of formulating as nearly as possible the ideas of a majority of the committee. In the explanations and such other debate as he has been drawn into, he has shown readiness, clear-headedness and facility of statement. He talks like a lawyer, works like a business man, and is on good terms with everybody with whom he comes in contact. He will probably have much to say in the railroad debate on Tuesday.”—*St. Paul Pioneer Press*.

“The feature of the day has been the House special order, set for 11 o’clock, consideration of the Railroad Bill.

“Mr. Burlingame made an extended and strong speech in its favor, from the committee on railroads. Mr. Burlingame was followed with marked attention, especially in view of the fact that, as the judicial member of the committee, he has been relied upon to guard the legal points. Marked applause greeted Mr. Burlingame at the conclusion of his speech.”—*St. Paul Dispatch*.

“Mr. Burlingame’s work upon the Railroad Committee was particularly important and laborious, from the fact of his being the only lawyer upon it. In consequence the delicate work devolved upon him of passing upon various legal points involved in the measures considered, more especially the committee’s own bill, the general arrangement of which he had also to supervise. It will thus be seen that Mr. Burlingame’s first legislative experience has been very far removed from a [98] holiday season. . . . Being as he is in the very prime of life, with a mind already well stored with useful and professional knowledge, industry and commendable ambition, and full of bodily vigor, Mr. Burlingame should and probably will be heard from in more important positions than he has yet occupied.”—*St. Paul Globe*.

“Representative Burlingame, of Steele County, a lawyer of very great ability, has made himself very popular with his co-workers by his well-expressed and sensible views on various subjects, more especially on railroad legislation, in which he has taken a leading hand as a member of the Railroad Committee. It was he who drafted the well-known Railroad Bill which created so much agitation but finally went through.”—*St. Paul Dispatch*.

During the session of the legislature Mr. Burlingame obtained a large acquaintanceship and became one of the most popular members of the House. His friends were very anxious that he should be selected one of the members of the railroad commission, but that was impracticable. During the past eighteen years he has been a faithful worker in the ranks of the Republican party in this State. He has never faltered or hesitated in giving his time and labor to secure the success of the party. During his long services as county attorney, he succeeded in suppressing a lawless element and worked a reform which has proven thorough and lasting. His labors to procure proper railroad

legislation by the last legislature show the depth of his sympathies for the laboring masses, be they farmers, merchants or mechanics.

Mr. Burlingame's father, P. M. Burlingame, and uncle, James Burlingame, were both ministers of the Christian Church, the latter for more than fifty years. The names of his ancestors, so far as he can now recall them, were Peter Montgomery, Peter, Nathan Thomas, Joshua Roger. His grandmother, wife of Peter, was Elizabeth Montgomery, a relative of Richard Montgomery, a general in the Revolutionary War. His grandfather also served in the same war, and prior to the age of railroads he was the contractor and builder of the Providence and Hartford turnpike. Mr. Burlingame's mother was Harriet Dean, daughter of Christopher and Lydia Dean, of Windham County, Conn. Mr. Burlingame is now engaged in the practice of the law at Owatonna and at Austin, and is also attorney for the Business Men's Association of Minnesota, and the Boards of Trade Union of Northfield and other cities, for whom he has several cases pending before the State and Interstate Commerce commissions. He has five children living, James Montgomery, Ernst Marshall, Robert Morrison, Ruth and Harold Grant. Two have gone before, Carroll Dean and Marie Louise. Mrs. Burlingame is a relative of the Marshalls and Morrisons of Virginia and Kentucky, and of the Grants of Kentucky and Ohio. Thus the old family names of both branches recur in the names of the children.

Prominent among the men who have taken an active part in developing the resources and in advancing the interests of Owatonna and of time State, is Hon. Lewis L. Wheelock. He is a son of Lewis L. Wheelock, Sr., and Mary Howe Wheelock, and was born at Mannsville, Jefferson County, N. Y., on November 12, 1839. At the early age of ten years our subject was left an orphan, and thrown upon his own resources. He received his early education in the public schools of his native State, and at the age of twenty he was employed as a teacher in the Macedon Academy, in Wayne County, N. Y., serving in that capacity until the outbreak of the Civil War. In 1862, he enlisted as a private in the One Hundred and Sixtieth New York Volunteers; was mustered in as first lieutenant of Company B. He was subsequently promoted to captain of Company C, of the same regiment, and served a trifle over three years. At time battle of [99] Opequon, near Winchester, September 19, 1864, he was wounded in the right arm, below the elbow, and was laid up for a month. His regiment was mustered out at Savannah, Ga., in November

1865. The colonel of this regiment was Charles C. Dwight, of Auburn, now on the Supreme bench of that State. Capt. Wheelock read law with Mr. Dwight, came to Owatonna in and was admitted to the bar in 1867. Subsequently he went to Georgia, and was connected with the Freedmen's Bureau for some months. He returned north in 1868, attended a course of lectures at the Albany School, and then opened an office at Owatonna. Since residing at Owatonna he has been city attorney and judge of probate. In 1876-7 was in the State Senate. During both sessions was chairman of the Committee on Education, and also served on Railroad and Judiciary committees. He is the present postmaster of Owatonna, is a Knight Templar, and a member of the Congregational Church. On July 25, 1871, Mr. Wheelock was married to Miss Adaline Burch, of Hillsdale, Mich. Following are names of their children: Mary A. (deceased), Lewis B. (deceased), Arthur B., Lorenzo D., Addie C., Minnie and Paul, twins. In 1887 he was elected department commander for Minnesota of the Grand Army of the Republic, which position he holds at this writing. Mr. Wheelock, during his service in the State Senate, became one of the most influential and prominent members of that body, being an able speaker and parliamentarian. His many years' residence here, together with the various public offices which he has held, and the prominent part he has taken in public and political matters, made him well-known throughout the State.

No western State can boast of an abler bar than Minnesota. Prominent among those men who have reached the higher walks of the profession, and have done much to build up the fame of the State, is Hon. Adam C. Hickman, of Owatonna. He was born in Columbiana County, Ohio, in 1837. His early life was spent on a farm in that county. On reaching the proper age he entered Allegheny College at Meadville, Pa., and graduated from that institution in 1862. He then began the study of law and in 1863 graduated from the Ohio State and Union Law College at Cleveland. After practicing a year at Akron, Ohio, he came west, locating in Owatonna. In 1866 he was elected superintendent of public schools in Steele County, and served two years in that capacity. From 1869 to 1873 he was judge of the probate Court. In the fall of 1882 was elected to the State Senate, and represented this district in that body until January, 1887. Mr. Hickman is a Mason, being a member of Blue Lodge No. 33 and also of the Chapter and Commandery. He is a member of the Methodist Episcopal Church. On November 9, 1875 he was united in

marriage to Miss Ella B. Peck, a native of New York. Judge Hickman is a man of fine personal appearance. He is among the best known lawyers of this part of the State; a clear and forcible speaker ready in debate, careful in details and has justly earned the high reputation he has attained.

Wesley A. Sperry, county attorney, was born in Oakland County, Mich., in 1847. He spent his early life in his native county. In 1873 he graduated from the Ann Arbor Law School, and the following year he began the practice of law at Mantorville, Minn. In ten days after his arrival there he was appointed county attorney and was elected to that position two subsequent terms. He came to Owatonna again in the fall of 1879 and formed a partnership with Judge L. L. Wheelock. In the fall of 1886 he was elected county attorney of Steele County. Mr. Sperry is a member of the Independent Order of Odd Fellows and of the Methodist Episcopal Church. He was married on Christmas Day, 1878, to Miss Julia A. Steele, a native of New York State. Clara L. is [100] the name of their only child. Mr. Sperry is one of the best read lawyers in the county. He is an effective advocate, and the firm of Wheelock & Sperry have an extensive practice.

Charles W. Hadley, attorney-at-law, was born in Grafton County, N. H., in 1844. In 1850 his father moved with his family to Rockton, Ill., thence to Maquoketa, Iowa. Here Mr. Hadley took an academical course, and later entered Cornell College at Mt. Vernon. In 1861 he left school and enlisted in Company H, Fourteenth Iowa Volunteer Infantry. He was taken prisoner at Shiloh, and was paroled the following September. He was discharged in June, 1863. He came to Owatonna in 1870, was admitted to the bar in 1874, and has practiced here since that time. He was married June 17, 1874, to Miss Lillie C. Adams. Albert W. is the name of their only child. Mr. Hadley is adjutant of James A. Goodwin Post No. 81, Grand Army of the Republic.

Miles B. Chadwick, of the firm of Hickman & Chadwick, was born near Franklin, Venango County, Pa., in 1843. He attended Allegheny College, at Meadville, and graduated from that institution with honors in 1867, and then went to Cleveland, where he graduated from the Ohio State and Union Law School in 1869. He came to Owatonna in 1870, and was associated with Mr. Hickman until 1878, when he was elected county auditor, a position he held for four terms. He was married in 1872 to Miss Helen S. Laird, a native of

Pennsylvania. Mr. Chadwick is a prominent Mason. He was elected clerk of the State Legislature in 1874-5, and has held many other positions of trust and importance.

Col. Harvey H. Johnson, attorney, was born in Rutland, Vt., in 1808. He studied law and was admitted to the bar there. Later he located in Akron, Ohio, where he was mayor and postmaster for a number of years. He moved from there to Ashland in 1846, and while residing there represented his district in the XXXIIIrd Congress. He came to Minnesota in 1855, and was for some time connected with the Winona & St. Peter Railroad Co. His son, Robert H. Johnson, was born in Akron, Ohio, in 1846. He enlisted in Company I, Eleventh Minnesota Volunteer Infantry, and served one year in defense of his country. He came to Owatonna in 1865, and was for some time engaged in the lumber business. Later he went into the boot and shoe trade, and is now in the insurance business. He was elected city marshal in 1886. He was married in 1871 to Miss Ida Morley, a native of New York State. Calista A., Harvey M., Ralph S. and Robert are their children's names. Mr. Johnson is a member of James A. Goodwin Post, Grand Army of the Republic No. 81.

Edward W. Richter, attorney-at-law, was born near Berlin, Waushara County, Wis., in 1851. When he was two years old his parents moved to Ripon, Wis., where Mr. Richter received his education at Ripon College. He came to Dodge County in 1869, and in 1876 went to Rochester, where he studied law two years with Start & Gove. He was admitted to the bar at Owatonna in 1881, after which he became a partner of Judge Amos Coggsell. After some eighteen months this business relationship was dissolved, and Mr. Richter engaged in practice alone. He was chosen city attorney in 1883 and held the position for about three years. He is now doing an extensive real estate and loan business in connection with his legal practice. Mr. Richter was married in October, 1881, to Miss O'Connor, a native of Massachusetts. Edward M., Mary and Jean Paul are their children's names. Our subject is a member of the Catholic Church.

J. A. Sawyer, of the law firm of Sawyer & Sawyer, was born in Merrimac County, N. H., in 1846. When eight years, his old father's family came west to Illinois and to Minnesota in 1856. Our subject received his education at Northfield, where he graduated in 1877. He afterward studied law and was

[101] admitted to the bar in the spring of 1880. The firm of Sawyer & Sawyer also have an office at Waseca and do an extensive legal business. Mr. Sawyer's father, Joseph Sawyer, died in the fall of 1886, aged nearly eighty-five years. Our subject was married in 1882 to Miss E. N. Abbott, a native of New Hampshire. The names of their children are Abbott W. and Carleton J.

W. F. Sawyer, junior member of the firm of Sawyer & Sawyer, was born in Merrimac County, New Hampshire, October 26, 1850. He received his education at Carlton College in Northfield. He was married November 7, 1883, to Miss Ella P. Coffman, a native of Pennsylvania, and they have been blessed with two children, Leon G. and Alice B. Mr. Sawyer studied law and was admitted to the bar in Steele County in December, 1876.

A. D. Ingersoll, attorney, of Blooming Prairie, is a native of Dodge County, Wis., born November 8, 1852. His parents were A. and Mary (McNamara) Ingersoll. They, in company with A. D., came to Blooming Prairie in October, 1878. The father lived in the village until the time of his death in 1882. Mrs. Ingersoll is still living there. A. D. began to read law with E. Hooker, of Waupun, Wis., in November, 1876, and remained with him until October, 1878, when he came west and was admitted to the bar in June, 1877, at Port Washington, Wis. Since his arrival in Minnesota he has devoted his attention entirely to his profession. He was married June 19, 1880, to Miss Eunice T. Bowker. Their union has been blessed with two children — Marion, aged four; Chester, aged one year.



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