

Part Two

THE FRONTIER LAWYER IN MINNESOTA
AFTER THE CIVIL WAR

Seminar in the social and economic
History of the Northwest 1865-1880
under
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BY

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Upon a brief survey of the possibilities for legal practice upon the frontier, it becomes evident that there was not enough litigation alone to support the lawyers. For the more successful ones there was the possibility and probably often the desire to become a district judge. Although the frontier circuit courts demanded strenuous activity upon the part of their judges who often had to travel over large circuits, the salary was large compared with other positions. Moreover, the judge was one of the most highly respected men in the frontier communities. It was he who administered justice and who was

the most important representative of the organized government⁴⁵ with whom the frontier settlers came in contact. Since judges were only elected every seven years and later every six years, opportunities for election were few, and if a lawyer did not have a good reputation as well as some political influence, he had small possibilities for election.

The increased litigation of settled regions drew some lawyers away from the new settlements. Even Knute Nelson, as successful as he apparently was in Alexandria, considered the possibility of moving to Minneapolis where there was a⁴⁶ large amount of business before the courts. Some tried to establish themselves in older towns, but finding that law practice necessitated a long residence returned to the frontier⁴⁷ regions. The frontier lawyers found the solution to the problem of too little law business by turning to business activities to supplement their practice.

The frontier has always been confronted with the problem of securing credit. The pioneers were usually poor men and women who migrated to the new settlements in order to improve their economic position. Money was necessary to move a family from the east to the Minnesota frontier. Money was needed to

45. Address by E. Vanderburg in Stevens, "Bench and Bar of Minnesota" p. 77; Flandrau, op. cit. p. 204; Alex. Post. Oct. 7, 1881.

46. "W. S. Best to Nelson, Mar. 16, 1874". MS

47. Alexandria Post Aug 31, 1877.

buy machinery to cultivate the new farms; improvements had to be made; the families of the settlers had to have some means of support until the crops were harvested. Credit was a necessity to the emigrant. If they had not saved the necessary amount of money, the settlers would probably be able to borrow it from some individuals in their old homes. Once upon the frontier and having taken up their claims, the settlers secured credit from the local merchants for supplies. Machinery companies were well represented through their agents and would sell machinery upon credit by taking notes and chattel mortgages. In 1871 the Alexandria post stated that one machinery company held notes of farmers in northwestern Minnesota to nearly \$25,000. Local banks furnished the farmers some credit, but their capital was too small to be of great value in financing the frontier.

Mortgage and loan companies which had appeared in the forties and fifties and by the time of the Civil War had crossed the Mississippi River became the great source of western credit. Large sums of money to purchase farms or to make improvements upon them were loaned upon short term mortgages of three or five years at ten percent interest and for a ten percent commission to the loan agent. By 1870 the loan companies were well established in Minnesota and had agents

in the frontier counties to meet the needs of this newly
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opened region.

Since fortunes did not grow rapidly upon the frontier, the collection of notes and mortgages there became a serious problem for the creditors. Many settlers moved rather often. Loans were made in one state and the money was used in another. 50 Often legal action was necessary to collect debts. Under these conditions, the collecting of debts was closely related to the law business and became an important part of the lawyers' business. There were local bills and accounts to be collected. Absentee creditors sent notes to be collected, and if law-suits were necessary the lawyers could handle them. The greatest source of income for the lawyers, however, was the collection of machinery companies' notes. They secured contracts with the companies to collect all their notes in a certain region with fees varying from five to fifteen percent, although there was complaint that such rates were too high, especially 51 in cases where no legal action was necessary. For cases in which collection could not be made by request, the companies gave their legal representatives orders to take any steps that were necessary. District court records show that these

49. Herrick and Ingalls, How to Finance the Farmer, ch. 2

50. "W. W. Spaulding to Nelson, Feb. 2, 1872"; "A. F. England to Nelson, Feb. 10, 1875"; "J. A. Oberg to Nelson, Sept. 10, 1879". MSS

51. "Nichols, Shephard and Co. to Nelson, May 15, 1875"; "P. B. Nettleton to Nelson and Reynolds, Aug 12, 1876"; "T. G. Mandt to Nelson, Sept. 20, 1877"; "Fuller and Johnson to Nelson, Jan. 6, 1879." MSS

steps were law-suits and sometimes foreclosure and loss of
52
property. The companies represented upon the frontier were
located in the eastern settled regions where frontier conditions
were not appreciated. Knute Nelson represented companies from
New York, Ohio, Indiana, Illinois, Wisconsin and the Twin Cities

The collection business was profitable and was necessary
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for the success of a lawyer upon the frontier. It also gave
the young lawyers contacts with large business interests and
presented opportunities for other business interests. Nelson
Fulmer, who came to Alexandria and there read law under Knute
Nelson, followed the legal profession for a few years and then
became a collector for McCormick Machinery Company. He
succeeded well in this capacity, and was promoted to the
position of district agent for the company in northwestern

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Minnesota. Most of the lawyers did not leave the law practice,
but their contacts with eastern companies gave them an interest
and an insight in the creditors problems. This contact would
lead to an appreciation of the viewpoint of eastern capitalists.

The lawyers were not always collecting money from the
poor western settlers to send to the eastern creditor. They
were also the agents through whom money was secured to make

52. "N. F. Griswald and Co. to Nelson, Mar. 4, 1874";

"C. Aultman and Co. to Nelson and Reynolds, Aug. 5, 1876". MS

53. "G. H. Reynolds to Nelson, Nov. 20, 1877". MS

54. "N. B. Fulmer to Nelson, Dec. 29, 1879". MS

improvements in their communities.

Individuals in the settled regions who had small amounts of capital would negotiate long time mortgages at ten or⁵⁵ twelve percent interest through the lawyers. Since the lawyers were usually present when the settlers proved up their claim, they found it advantageous to have loans to negotiate for a ten percent commission. Because of their contacts with the people of a community the lawyers often became the first representatives of loan companies upon the frontier. Within a few years after settling in Alexandria, Nelson became the agent for⁵⁶ the Carbin Banking Company of New York. Other lawyers even specialized in the loan business and made trips to farming⁵⁷ regions to take applications for mortgages.

The opportunity to become connected with eastern capital and to become acquainted with financial interests led many lawyers to become interested in the banking business. In the newer settlements the lawyer was often the president or the cashier of the newly organized bank. F. B. Van Hoesen was one of the first lawyers to establish himself in Alexandria soon after 1865. He continued to practice law for a few years and to engage in other business activities. When it was thought that Alexandria could support a bank, Van Hoesen became leader

55. "J. A. Jackson to Nelson, Mar. 11, 1878";

"J. P. Wrath to Nelson, Dec. 27, 1878". MSS

56. Ames, op. cit. pp. 250-251, "F. O. Hall to Nelson, Sept. 14, 1875". MS

57. "W. S. Best to Nelson July 6, 1875";

"R. Reynolds to Nelson, June 16, 1875". MSS

of the movement and was chosen as its first cashier in 1869. He continued to practice along with his banking business for a few years but in 1880 his attorney's card was dropped from the newspapers. ⁵⁸ Although not officials, the lawyers often became large stockholders in the banks and became especially interested in the financial welfare of their communities. The lawyers therefore became an influential factor in supplying the frontier demand for capital and in directing the use of that capital in developing the new settlements.

Business near the land offices and in land contests made the lawyers acquainted with the real estate opportunities of their districts. These contacts naturally led the lawyers to become real estate agents. Pioneers moving west sought the lawyers to secure information concerning lands. In the early seventies, Frank Viets, an emigrant from Ohio to the Red River Valley talked with Knute Nelson in Alexandria concerning the land to the northwest. ⁵⁹ Others wrote Nelson seeking information relative to the lands and prospects of investments in Douglas county. ⁶⁰ Although there was a real estate company in Alexandria, the lawyers appear to have sold most of the real estate there. Another activity in dealing in land was the sale of land scrip

58. Larson, Douglas County p. 272 Alexandria Post, Sept. 23, 1869; Jan. 13, 1869; June 12, 1869; Feb. 27, 1880. See Burnham in Illustrated Biography of Red River, p. 204; Ward in Shutter and McLain, op. cit. p. 139.
59. "Frank Viets" in N. Dak. Collections, v. 7, p. 69
60. "C. S. Cox to Nelson, Jan. 29, 1878"; "H. C. Burbank to Nelson, July 3, 1879". MSS

and warrants. At various times in the past the United States government had issued warrants to soldiers for which they might take up lands in the public domain. These warrants were originally intended to have been used by the soldiers only in taking up the lands. After a time, however, they were made transferrable. Another source of land paper was furnished by the Morrill act of 1862 which granted land or scrip entitling land to states to encourage agricultural colleges.⁶¹ The agricultural college scrip and the warrants were bought from commercial houses dealing in land paper and sold to the settlers by the lawyers.⁶² The legal profession secured another interest in the newly developing regions through their real estate business and became especially influential in encouraging development.

The legal profession, just as other professions, had a number of miscellaneous activities. Among these was the direction of the interests of absentee owners. Farms were to be managed; renters had to be secured, and proceeds were collected for the owner. Taxes were paid through lawyers and purchases were made by them.⁶³ Insurance companies, likewise, found representatives among the lawyers as well as other companies or individuals who had only occasional contacts with a new community.

61. Donaldson, Public Domain pp. 289, 211-21, 957.

62. "C. F. Lewis to Nelson, Oct. 27, 1871, Apr. 9, 1872". MSS

63. "A. W. Swenson to Nelson, Mar. 5, 1875"; "Nelson Williams to Nelson Dec. 19, 1872, Aug. 19, 1873; Mar. 8, 1874". MS

Upon a frontier where land is the great medium of measuring wealth and economic position, the lawyers also joined in acquiring property. Claims were preempted or homesteaded; other tracts were homesteaded. Being well acquainted through their real estate business, the lawyers were in an advantageous position to secure the best land when it was for sale. Acquaintance with the land office added to their convenience in securing favored locations since they could know when claims were canceled. Relations with land owners whose farms were heavily mortgaged led to opportunities to secure land cheaply through buying directly from the indebted owner⁶⁴ or through buying it at a foreclosure sale. The profession generally, became property holders and some became very large land owners.⁶⁵

Because the lawyers were as prosperous as any group upon the frontier, many became interested in newly developing industries in their communities. Many lawyers became the principal directors of such growing concerns as flouring and saw mills, cabinet factories and wagon shops. Newspaper publication was a business which attracted many early lawyers, although the editorial work was probably more inducive than⁶⁶ the business possibilities.⁶⁷

64. "S. A. Luce to Nelson, Aug. 18, 1874"; "Nelson to G. H. Reynolds, Jan. 13, 1878"; "J. Cromb to Nelson, Feb. 12, 1879". MSS

65. See Nuell in History of Houston County, p. 355; Reynolds in Illustrated Biography of Red River, p. 419; Buck in Flandrau, op. cit. p. 202.

66. See Jones in Clemens and Williams, op. cit. p. 126; Willard in Flandrau, op. cit. p. 282; Herbert in History of Goodhue County p. 515.

The period following the Civil War was one of great railroad building activity. The western settlements demanded railroad connection with eastern markets in order to develop their region and to profit by the rise in the value of their products and land. Since the lawyers had wide business experience, were large property holders, and were leaders in their communities, they were the ones who directed the movements to encourage railroad building. They worked in the legislature⁶⁸ in order to secure state aid. They became the officials and directors of many of the local companies. Their experience with the local roads gave many lawyers an opportunity to secure administrative positions with the larger companies when the roads were merged. Others became attorneys for the railroads and gave most of their time to this new corporation⁶⁹ practice.

One writer has commented that, "While this is said to be a government of the people, by the people and for the people, it is not perhaps going too far to add, --subject to the lawyers." The statement was just as true upon the frontier as in the older sections of the country. The lawyers were politicians, legislators, attorneys and judges. Members of the legal profession became vital parts of the governmental machinery.

68. Alexandria Post, Jan. 22, 1875, Feb. 26, 1875, Aug. 27, 1875

69. See Smith in Shutter and McLain, op. cit. p. 420; Stickney in Ibid. p. 178; La Due in Winona, Olmstead and Dodge Counties p. 1063

70. Dos Passos, American Lawyer, p. 2

Many young lawyers made their first public political appearance by seeking the office of county attorney. The attention required to represent the state in its cases was not great, and if the cases were very important, counsel was secured to aid in the prosecution. The county officials secured legal advice from the county attorneys, but they took very little of a lawyers time. In return for such service the small salary was probably very welcome to supplement the income from the civil practice of the beginning lawyers. The opportunity to appear in state cases led to an acquaintance in the community and successful prosecution gave the people confidence in a man. The office was usually held by young lawyers and for only a few terms. The defense of the few criminal cases was probably more lucrative to the older man and the minor details of the prosecution did not have to be attended.

The office of probate judge drew the attention of a number of young lawyers. The probate business of recording wills, administering estates, and appointing guardians was apparently very small. Although the salary was also very small, three hundred in Douglas county in 1875, the office did not require much time on the part of the holder.

71. See appendix.

72. See Hadley in Clemens and Williams, *op. cit* p. 446; Budd in History of Minnesota p. 919; Perkins in Illustrated Biography of Southwestern Minnesota p. 658.

The most attractive office for the lawyer, however, was that of a legislator which seems only natural when the relation of the law and the bar is considered. Furthermore, a seat in the legislature gave a man an opportunity to wield his political influence as well as to become an important figure in his community. At home not only the lawyer's political prestige was increased, but also his law business grew from the larger circle of friends and supporters.

A successful political career can probably not be better illustrated than by that of Knute Nelson. In Wisconsin, Nelson had been a representative in the state legislature, and did not loose his political ambitions upon moving to the frontier. Less than a year after moving to Alexandria, he was appointed county attorney and later elected for a full term although he resigned before its expiration because of corruption in the court-house.⁷³ Nelson then sought the nomination for circuit judge of his district.⁷⁴ He did not succeed in that direction, but he was elected to the state senate in 1874 as an independent in what was apparently a ring fight rather than a division over party principles.⁷⁵ After two terms as state senator, Nelson retired to follow his law business which had increased with his rise to political prominence in the north-west part of the state.⁷⁶ He returned to office holding in 1882

73. "W. S. Best to Nelson, Apr. 11, 1874". MS

74. "R. Reynolds to Nelson, Aug. 16, 1873". MS

75. "J. H. Swift to Nelson Nov. 16, 1874". MS

76. "H. F. Sanford to Nelson, Mar. 9, 1877". MS
Alexandria Post, July, 9, 1875.

when he was elected to the House of Representatives. This office was followed by election to governor and in turn to United States Senator.⁷⁷

The frontier is known as the home of political democracy which the economic and social equality there made inevitable. Nevertheless, the actual direction of political affairs in the frontier communities was largely in the control of small cliques, or in the terms of the seventies, "rings", which were often under the direct influence of lawyers. In Douglas county, the political conventions, county committees, and public political meetings were led by the lawyers. After Knute Nelson had been elected state senator, he was often the chairman of the county and district conventions, and he served regularly upon the county committee of the Republican party. His correspondence shows that his political opinions were highly respected not only in his part of the state but in other regions also. Nelson's Norwegian birth was especially influential in Minnesota, and letters to newspapers and speaking engagements in both English and Norwegian were sought from him. He was not the only lawyer who spoke before political audiences. Lawyers addressed all the large political meetings reported in Douglas county from 1868 to 1880.

The frontier lawyers had another medium of political influence in the frontier press. Since they were often the first well educated men to enter a community, the lawyers,

77. Odland, Life of Knute Nelson.

became the first editors of many frontier newspapers, which were established for two principle reasons. One was the encouragement of settlement in the region in which the paper was to promote the political intertests of the part of which the editor was a follower. The frontier press was especially important because through it alone were many people able to receive information concerning the affairs of the community, and during the political campaigns most of the available space was filled with political news. As the political articles of the frontier papers, are scanned, one feels that the contents have been suggested or received by a ring meeting in which the lawyers were prominent, if one was not the editor of the newspaper. The editor of the Alexandria Post was very anxious concerning the rumors that a new political press was to be established in Alexandria, and he turned to Knute Nelson for advice, although Nelson probabaly had no financial interest in the Post.⁷⁸ Regardless of their means of participation, the lawyers were an influential factor in frontier politics and they must be considered in relation to frontier progress.

The indirect relation of the lawyers to their communities is a very difficult aspect to consider. Because of their superior education and training, the lawyers deserved the leadership in their communities and usually secured it. Their profession was one which brought them in contact with more people than any other one. They were influential over the

minds and morals of their communities through the application
 of "Morality and honesty".⁷⁹ Although the lawyers did not have
 professional contacts with all the people in their communities,
 they became known through their appearance in court. On the
 frontier, the term of district court signified holidays. People
 visited town; strangers appeared on the streets. Court week
 was a gala celebration for the little county-seat towns of the
 seventies. Trials, especially criminal trials, were long.
 Lawyers used their best skill and oratory to win their cases.⁸⁰
 Through their appearance in court, the lawyers became known
 and respected according to their ability.

Their ability to speak well brought the lawyers many
 opportunities to speak at fairs, before library associations,
 and literary societies, and at teachers' institutes. The
 lawyers were always in demand as speakers at Fourth of July
 celebrations where extravagant oratory was in demand. They
 were leaders in conversation and in thought among groups at
 picnics, at meetings, or upon the village street.⁸¹ The lawyers
 also furnished most of the contacts with other communities
 because of their wider acquaintances, through their political
 connections and through their business interests. It was knute

79. Cole, Address in First Annual Report of Minnesota State Bar Association, 1884 p. 9

80. Alexandria Post, Oct. 8, 1870; Douglas County News, Sept. 24, 1879.

81. "W. S. King to Nelson, Aug. 16, 1878"; "O. C. Johnson to Nelson, Dec. 12, 1875". "H. Matson to Nelson, Mar. 4, 1878." MSS

Nelson to whom the director of the state fair wrote to secure exhibits from Douglas county. It was he to whom interested parties wrote to secure support for a Scandinavian war veterans' reunion.⁸² He was the spokesman for Alexandria in its attempt to secure railroad connections. The newspaper activities of the lawyers brought the news of the world to the pioneers and removed part of the frontier isolation. The newspapers also seemed as propaganda to encourage settlement in the new county and in this respect contributed to the development of the frontier.⁸²

Many lawyers had secured their legal education by teaching school to support themselves while they were reading law and they did not loose all their interest in education upon moving to the frontier. A few taught after they had moved west; others became members of school boards, directors and promoters⁸³ of state schools, and other educational projects. Lawyers were appointed superintendents of the county schools in many instances, but this office seems to have been more of a⁸⁴ political position than an educational one. The lawyers, as a group, appear to have been interested in the educational welfare of their communities.

The lawyers leadership stopped with secular interests. They were not interested in the churches and religion, although

82. Supra. p. 30

83. See Matt in Flandrau, op. cit. p. 467; Comstock in Mar. uis, op. cit. p. 99; Brown in Hughes, History of Blue Earth County. p. 335.

84. Alexandria Post, Dec. 23, 1871, Nov. 9, 1872.

there were some, of course, who were members of churches and a few who had been ministers. The editors of commercial biographical works often found it difficult to explain their subjects' relations to the churches. In one case a paragraph was written to explain that the subject was not a member of any church, but that he did not boast of the fact, and if he held any tenets

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they were those of his Quaker mother. In the biography of Thomas Buckham, he and Mrs. Buckham attended the Congregational Church "of which Mrs. Buckham was a member".

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After having surveyed the activities of the lawyers upon the Minnesota frontier, one should consider the attitudes of the men before evaluating their position in the frontier society. The lawyers moved to the frontier towns in order to improve their economic condition, just as others had done. In these towns, there were few, if any, experienced lawyers with whom to compete; the practice required little knowledge or experience for several years; the lawyers, too, might be able to profit from investments in the rapidly developing regions.

Having moved to the frontier with the same motives as the other settlers, the lawyers could not be expected to surpass them in character or pioneer ethics. The legal profession, as any other group, had members who did not even measure up to the

85. Buck in Flandrau op. cit. p. 204

86. Ibid p. 46.

standards of their own day. The opening of the public lands under the homestead law provided the lawyers a large field of activity which required little training. For the most part, the requirements of a lawyer for frontier practice were few and joined with the large fees collectable from the new settlers, were inducements to many men to enter the legal profession. Then when one considers that the frontier received many misfits in the society of the older states, it should be expected that the legal profession had more than the average of disreputable members. There were shiftless lawyers who through fortunate investments did not have to pursue their practice too carefully. Other lawyers received a reputation for encouraging "claim-jumping", but there were also clients willing to take the claims.

The individualism which moved the farmer to sue his neighbor for minor damages, which could have been settled out of court with much less expense, led the lawyers to use all possible means to appeal to the jury or to evade the issue in order to win their case. If Lars K. Aaker, register of the local land office and personal friend of Nelson, sent settlers across the hall to Nelson to receive information, which he himself as a government official should have given free, as the Alexandria Post accused, ⁸⁷ Nelson could not be expected to have refused to increase his income by not attending the clients. Every other lawyer in town would have welcomed the opportunity.

87. Alexandria Post, Nov. 2, 1872

The lawyers used rather forceful terms in making collections, but upon the frontier, direct methods were used to secure desired ends. Furthermore, successful collections of notes brought cash returns and more notes to be collected for the companies. Local people may have thought that large fees for advice, for collections, in receiving loan applications, or for foreclosing a mortgage for an eastern creditor was robbery,⁸⁸ but, nevertheless, absentee firms paid fees promptly as well as lucratively. By election time, personal enmity toward the lawyer politicians would give way before party loyalty and before the order of the campaign, so that the lawyers' prestige in their communities was not lowered.

In the advancement of their economic position, the lawyers had an advantage over other individuals. They were better acquainted with the legal phases of securing property and with the possible opportunities to buy land. Land could be bought cheaply from a man who had his farm heavily mortgaged and who was forced to sell or loose all that he had invested. Lawyers profited by knowing of such circumstances. Knute Nelson "confidentially" wrote his partner to secure a mortgaged farm⁸⁹ which might otherwise be lost through foreclosure. The owner refused to sell. Legal connections with the land office proved helpful in learning of cancelled homestead claims upon favored

88. "M. L. Knowlton to G. H. Reynolds, Oct. 10, 1876". MS

89. "Nelson to G. H. Reynolds, Jan. 13, 1878". MS

locations. Nelson's land attorney in Washington sent him the date upon which a homestead claim would be cancelled that he might be at hand to secure the claim, and two days later sent him another letter lest the first one might be lost. Others would have done as much. The lawyers were in a favored position.

Frontier politics was dominated by "rings", personal leaders, and local newspapers established to help keep the great northwest loyal to the part of its editor. The lawyers were prominent in these "rings", and because of their superior abilities acquired through contacts with practical affairs, often controlled large political districts. Such wide influence was conducive to using it for personal advantages. Within a few years after locating in Alexandria, Knute Nelson thought that if the incumbent judge could be removed, he himself would undoubtedly be chosen, but he failed to be nominated. The rapid settlement in northwestern Minnesota had made the formation of a new judicial district necessary. To further his own end, Nelson began to urge that Douglas county be included in the new district in order that he might be appointed the new judge and later be elected. He again failed when Douglas county was left in the old district. Nelson should not be judged, however, until one considers that the year

90. "S. A. Luce to Nelson, Aug. 18, 1874, Aug. 20, 1874". MSS
91. "R. Reynolds to Nelson, Aug. 16, 1873, Aug 17, 1873, Aug. 21, 1873"; W. Adley to Nelson, Jan. 28, 1874". MSS

following his attempt to secure the office of district judge, he was elected to the state senate where he used all his political influence to secure the extension of a railroad to Alexandria. His constituency was willing to support him in any manner that he might need to use in order to complete the road even if it should be detrimental to the other parts of the state.

Individualistic as the lawyers may have been, they still maintained their traditional pride in championing the cause of the oppressed, even on the frontier. Many felt that they could not let an opportunity pass in which they might bring justice to an individual or correct a wrong. Nelson sought to aid a woman who had been misused by a government officer, although he knew that there would be small or no fees collectable. When the railroad demanded that the settlers who by mistake had been granted lands, should move from the alternate sections owned by the company, the lawyers immediately saw the injustice and supported their neighbors. They also had property interests at stake in the communities.

The influence of the lawyers, although small in number, upon the frontier is significant, but it has never been fully

92. "Nelson to C. D. Kerr, Aug. 15, 1877"; "C. D. Kerr to Nelson, Aug. 18, 1877". MSS

93. "A. Ramsey to Nelson, Apr. 4, 1874". MS

appreciated. From force of circumstances, the lawyers became the leaders in their communities, and as such must be considered in the development of the frontier. Most of the lawyers who settled in Minnesota were of New England stock and training, so that they were well educated according to the standards of the time. When this training was added to their experience in working with people under diverse conditions as the lawyers did, their leadership was soon acknowledged by the people. Their place of leadership made the lawyers' character, manners, and attitudes examples to be followed by the people of their communities. Through speeches, conversations, and opinions expressed they not only furnished much of the available information upon the frontier, but also directed the courses in which it should be used. Through professional contacts, the lawyers could influence the business ethics of a village toward a higher level, or as often probably, toward a lower level. Their professional development depended upon the development of their communities, and the lawyers ranked beside the newspapers as boosters and leaders in civic development.

The frontier lawyers certainly did not retain all their eastern characteristics and acquire none from their new surroundings. Because of their wide interests and activities, they became one with their neighbors in the outlook upon many local situations. The lawyers were the leaders in the encouragement of railroad extension as Nelson was in Alexandria. Lawyers

became leaders in local granges although political possibilities⁹⁴ probably attracted many. Other problems which faced the new settlements affected the lawyers the same as they did others. The lawyers became the mirrors through which their communities were reflected.

The lawyers' place of leadership, opportunities for business and legal practice soon made them one of the most prosperous groups in the frontier towns. Their land, unlike much, was unincumbered with debts; their money was invested in growing business concerns, and they were following a profession inherently conservative. The lawyers, as a result, became the conservative element in the frontier society.

The lawyers were the active members and representatives of organized justice. They signified that the days of frontier direct action were giving way to those of the justices' courts of and the circuit courts. After the early days of practice before justices of peace and before the local land offices, the lawyers began to represent larger companies and interests through their loan and collection business. Other interests with the older regions aided them in giving their environments the aspects of older more settled ones.

Although pioneers with the pioneer spirit, the early frontier lawyers linked the outlying and new West with the old and settled East through their personal contacts, through the economic influence. The direction of frontier progress was

94. Nirsch, "Effects of the Grange" in Mississippi Valley History Review. 15:482

probably the frontier lawyers' greatest contribution to American society. The appearance of a lawyer's shingle in a newly settled village was one of the first indications that the frontier was passing.

Appendix

Place of birth

	N.Y.	Vt.	N. H.	Mass.	Conn.	R.I.	Me.	Pd.	Ohio	Ind.	Ill.	Mich.	Wise.	Kent.	Ger.	Br.	Ariz.	Nor. Sw. Den.	Br. Isles
-1865	26	12	4	4	5	1	4	5	2	3	1			1	1	1			2
1865-1880	17	8	2	3			4	3	8	3	2	2	4		1	6	2	2	1

Education

	Common School only	Academies or High School only	College (One year or more)	Law School
-1865	5	32	20	6
1865-1880	2	14	27	16

Preparation for law

	Within Minn.	Outside Minn.
-1865	12	48
1865-1880	23	30

Settlement in Minnesota

	1858	1859-1864	1865-1869	1870-1874	1875-1880	Reg'd Minn.
	62	11	24	17	7	11

War record

	From Minn.	From Other States	Commissioned Officer
	15	19	15

Office-holding

	County Attorney	Probate Judge	Legislator
	In early years	In late years	Early, Late, Unknown
	50	16	17 3 6 38

Special interests

	Newspapers	Banking	Railroads
	19	12	14

Relation to schools

	Taught School	Supt. of County Schools	Definite Interest in Schools
	38	9	20

The above tables were compiled from a biographical study of one hundred thirty-five lawyers who were practicing in Minnesota between 1865 and 1880, and who had been near the frontier at the beginning of their practice. Seventy-one were practicing in the state in 1865 and sixty-four entered the state between 1865 and 1880. The tables must be used with care because they are necessarily based upon those lawyers who were more successful than many of the frontier lawyers.

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