

The Year End Banquet of the Stearns County Bar Association (1893)

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Foreword

By

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On the evening of Saturday, December 30, 1893, the Stearns County Bar Association hosted a banquet for the bar of the Seventh Judicial District at the Grand Central Hotel in St. Cloud, Minnesota.¹ “The Company was composed of the brightest and brainest (sic) attorneys of the Seventh Judicial district,” according to the *St. Cloud Journal*, “with a sufficient sprinkling of newspaper men to add tone and dignity to the occasion.”² To the *Saint Cloud Daily-Times*, the year-end gathering “was an occasion of unalloyed enjoyment. . . . the menu was beyond criticism. . . . the whole was a transcendent success.”³ But outside the banquet hall, there was little to cheer because the United States was suffering the worst depression in its short history. Professor Jackson Lears writes:

On MAY 5, 1893, four days after the opening of the World's Columbian Exposition, bad news spread on

¹ The Seventh District was composed of the counties of Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Pope, Sherburne, Stearns and Todd.

² *St. Cloud Journal*, January 4, 1894, at 1. The *Journal's* account of the banquet is longer than the *Daily-Times'* and included portraits of several lawyers and judges, but it is not posted here because several paragraphs of the microfilm copy of that account at the Historical Society are blacked out and unreadable.

³ *Saint Cloud Daily-Times*, January 2, 1894, at 3.

Wall Street soon after the Stock Exchange's opening bell. The National Cordage Company, the "rope trust," had gone belly-up—hanged itself, as wags said. In less than an hour, the *New York Times* reported, traders had embarked on a frenzy of selling: "the floor might have passed for a corner in Bedlam." Waves of financial panic broke throughout the economy: within weeks, hundreds of banks failed, and hundreds of thousands of men lost their jobs. The worst depression the country had ever seen enveloped the land for the next four years.

Few were spared hard times. For farmers it was more of the same: bad weather meant poor crops and low volume, good weather meant bumper crops and low prices. . . Out-of-work men took to hunting and trapping full-time, but there was only so much wild game to go around, especially in agricultural areas where habitats had been cleared for crops. With their families skipping meals and facing slow starvation, fathers struck out across the countryside in search of work. The ranks of the tramp army swelled.

The depression was a cross-country and cross-class catastrophe. Even the well-bred were pinched. . . . Economic collapse had a multiplier effect: creditors might fail when debtors could not meet their obligations.⁴

Although every celebrant at the banquet had experienced the effects of the Panic of 1893 in some way, it was not discussed or lamented by the speakers. The keynote speaker, however,

⁴ Jackson Lears, *Rebirth of a Nation: The Making of Modern America, 1877-1920* 169-170 (HarperCollins Pub., 2009).

offered an oblique explanation of the crisis while not mentioning it. The title of District Court Judge Dolson Searle's address was "The Bench and the Bar" but he began with some reflections on the fundamental laws of nature:⁵

Natural law is the principle through which nature acts upon and develops the universe. It is always right, though it is often merciless, and we are incapable of understanding its meaning. While it

⁵ This profile of Searle appeared in the 1893 Blue Book:

DOLSON B. SEARLE (Republican) was born at Franklinville, N. Y., June 4, 1841; came to Minnesota in 1871; resides in St. Cloud, and is married; graduated in high school and academy of native place. Then entered Columbian Law College, Washington, D. C., in 1865, graduating with highest honors in 1868. Enlisted in 1861 as private in Company I, Sixty-fourth New York Volunteers. Served about two years and was discharged by reason of disability. Then entered the war department at Washington, and was in charge of an important bureau until 1871, during which time he attended the law college. Then resigned and came to St. Cloud, Minn., and entered upon the practice of the law as a member of the firm of Hamlin & Searle. Has been city attorney of St. Cloud for six years, county attorney two years, being elected as county attorney in fall of 1891, by over 1,100 majority. Was appointed United States district attorney in April, 1882, and served till December, 1885, when he resigned voluntarily. Was a member of the state central Republican committee in 1886 and 1887, and took an active part in the Republican National campaign in fall of 1884, and in state in fall of 1886, making a good many speeches. Was appointed district judge of the Seventh Judicial district, Nov. 14, 1887, by Gov. McGill, and elected without opposition in fall of 1888, being indorsed by both parties, and the entire bar of the district. While in the war was engaged in the following battles: Yorktown, Seven Pines, Fair Oaks, Savage Station, Malvern Hill, Seven Days Fight before Richmond, Second Bull Run, Antietam and other battles, White Oak Swamp, Lee's Mills, Williamsburgh, etc.

This was one of the longest profiles of a district court judge in the legislative manual that year. It shows how party politics infected the judiciary. Here Searle, the author of the profile, lists his party affiliation and his work for the Republican party.

frequently lays to waste and causes destruction in various ways, it usually tears down to build stronger, better and more beautiful. Social, political or civil law, is an evolution of an imperfect human intelligence, struggling blindly to accomplish its destiny, aiming forever to imitate nature in its methods, and generally growing perpetually, truer, better and more charitable, as the human race advances slowly and painfully up the rugged mountain side of civilization.

Searle was a Social Darwinist. Social Darwinism was the application of Charles Darwin's theory of evolution to human society and economy, which evolve and grow better through a rigorous selection-process. In its popular formulation, the theory held that society progressed through natural competition, the victors or survivors of which were superior persons, the "fittest." Searle was assuring his audience that the society that emerges from the ruins and misery of the depression will be "stronger, better and more beautiful."

After these philosophical ruminations, Searle heaped praise on the legal profession and the judiciary, staples of bar association speeches then and now. In one important aside, he "called attention to the lawyers of ancient Rome, who volunteered their services to those accused of crime. To-day this was quite reversed. It would be unprofessional to take a case without compensation."

The following article was published on page 3 of *the Saint Cloud Daily-Times* on January 2, 1894. It is complete, though reformatted. Word spellings are unchanged. The photograph of Judge Searle on page 7 is from *Men of Minnesota* (1902).

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BENCH AND BAR

**Are Handsomely Entertained
by the Stearns County Bar Association**

**The Saturday Evening Banquet
an Occasion of Rare and Enjoyment**

**Eloquent and Witty Speeches
Quartet Singing and Orchestral Music**

**Accompanied by the Popping
of Champagne Corks Created
Great Enthusiasm**

**Business Meeting Before the
Banquet - Eloquent Address
by Judge Searle**

The Stearns County Bar Association covered itself with glory Saturday evening, on which occasion its members were the hosts in a banquet tendered to the Bar of the Seventh Judicial District and its Judges. The Governor, Justices of the Supreme Court, and others of the State judiciary, were invited. That it was an occasion of unalloyed enjoyment all who were present will make affidavit. The menu was beyond criticism - indeed, Mine

Host, D. S. Hayward, eclipsed all previous efforts; the responses to the various toasts were eloquent, able and witty; the singing by Myron's Quartette was very fine; the music by the Union Band orchestra, as usual, was excellent; the musketry accompaniment by the popping of champagne corks was exillering - the whole was a transcendant success.

BUSINESS MEETING.

The members of the Association and their guests assembled in the parlors about 8:30, where a short time was spent in social converse. An elegant punch bowl was brought in, introduced in evidence, and admitted by both District and Supreme Court, without a single note of "exception" from counsel. Indeed the latter was unanimous in saying it could not be impeached.

President D. W. Bruckart then called the Association in order. Secretary J. E. C. Robinson, read the minutes of last meeting. Treasurer R. B. Brower submitted his report, showing a balance of \$17.70 in the treasury.

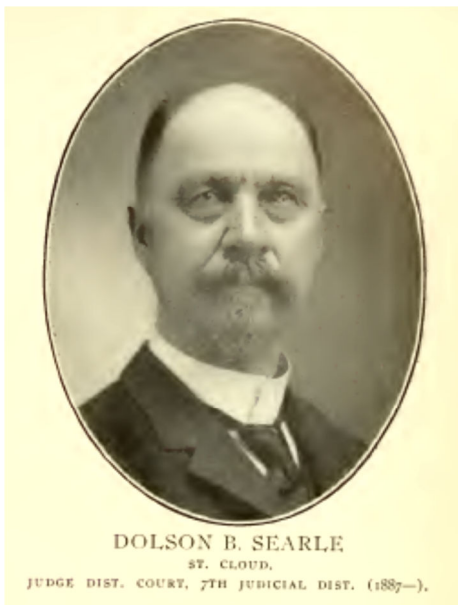
Mayor Bruckart said it was usual for the President to deliver an address, but owing to other duties, he had not had time to prepare one. Judge Searle, however, had kindly consented to fill his place.

THE BENCH AND THE BAR.

Judge Searle, was introduced and delivered an excellent address, subject: "The Bench and the Bar." He said in part:

"Natural law is the principle through which nature acts upon and develops the universe. It is always right, though it is often merciless, and we are incapable of

understanding its meaning. While it frequently lays to waste and causes destruction in various ways, it usually tears down to build stronger, better and more beautiful. Social, political or civil law, is an evolution of an imperfect human intelligence, struggling blindly to accomplish its destiny, aiming forever to imitate nature in its methods, and generally growing perpetually, truer, better and more charitable, as the human race advances



slowly and painfully up the rugged mountain side of civilization. Religion is the twin sister of civil law, because the spiritual instinct has taught mankind, that the spirit of revenge, hatred and force, has no place in society, and that the world grows stronger, better and is more easily governed, through the application of love, rather than fear. The system of civil and criminal law, as we know and

apply it today, has come down to us through periods, so remote that the earliest history of our different races and countries may be traced to their principles, principles as well known and beneficent, I have no doubt, as are the laws of today.

Gentleman and friends of the Bar, we are members of the oldest fraternity known among men. Through the efforts, largely of our professional ancestors, savage cruelty has been changing to comparative benevolence, while justice and goodness has taken the place of selfish tyranny crowned by infamy. The mile-posts on the highway of the

history of European nations are living testimonials to our honored predecessors of the bar and bench.

Our profession guided the rude barons of England in procuring the great *Magna Charter* to be executed by the hand of King John. The members of our profession have been constantly foremost in every revolution or change of government, from our earliest history, which has had for its object the welfare and good of mankind.”

Continuing, Judge Searle said he would not, however, have his friends think that his imagination had created in the profession of law a perfect temple of justice in viewing the historical epochs of their vocation, and called attention to the lawyers of ancient Rome, who volunteer their services to those accused of crime. To-day this was quite reversed. It would be unprofessional to take a case without compensation.

No man in modern civilization could possess the qualities of a good lawyer and be a bad citizen. There were occasional examples of brilliant men ignored by their colleagues and suspected by the bench because of some taint of character. The surroundings of the profession as a profession were wholesome, beginning with the education of the young student when he first seizes his Blackstone, and absorbs the full meaning of that profound, sententious and dignified sentence:

“Time wereof the memory of man runneth not to the contrary.”

These lessons of fairness were forever the basis of the great lawyer’s character. To him, more than the numbers of any other than the members of any other class, does

the social and political world continuously present its unfinished side.

Speaking of the bench, Judge Searle said they had reason to congratulate themselves upon the character of the judges who adorn the highest courts. They carried great burdens of moral obligation than any other class of men. Upon them rested the fate of the republic, for if social chaos come to everything else, still, if the courts did their duty, there was safety. The judiciary was a sheet anchor of the State and nation.

He then referred to the Bench and Bar of the Seventh District, saying that the latter, as a rule or not excelled in point of ability, or otherwise by any other district in the State.

He then paid a deserved eulogy to the late Judge James M. McKelvey, sketching his career as a citizen, a soldier, and Judge, in which position "he was incorruptible, honest, able and fearless." The late H. M. Atkins, of Elk River, was referred to as a lawyer of ability, who "enjoyed the respect, confidence and esteem of all who knew him." Elegant tribute was also paid to the memory of the late Edwin M. Wright, Fergus Falls, "one of the foremost members of the bar."

Judge Searle said that it seemed but yesterday since he came to St. Cloud, and that during the years he had lived here the public duties imposed upon him had constantly grown more dear and important to him. He earnestly spoke of his duties as Judge, saying: "In this position I strive to and must always of necessity learn the lesson of charity. The Judge upon the bench can see more clearly than others, how much so-called good may be evil, and he also sees, as in a vision like the profit of old, so many

islands of good there are in the ocean of evil; and hence he soon learns that this is a very imperfect world, the threads of which are often so inextricably entangled that the order Justice and Virtue, which God loves and which the welfare of the people demands - can only be brought out of the chaos of conflicting human interests by long patience and unswerving rectitude, guided not by passion and prejudice, but by a perfect clear charity, this strives to see all sides, in the full free light of noon-day.”

Judge Searle was warmly applauded at the close of his excellent address.

The following officers were then elected for the following ensuing year:

President, J. D. Sullivan.
First Vice President, N. H. Miner.
Second Vice President, J. R. Bennett, Jr.
Treasurer, J. E. C. Robinson.
Secretary, Jas. A. Martin.

Mr. William Russell then presented the following resolutions which were adopted:

WHEREAS, It has pleased the Great Judge to remove from their sphere of labor and usefulness “to that bourne from whence no traveler returns,” two who were once members of this Association: Edwin M. Wright, Fergus Falls, and H. M. Atkins, Elk River; and,

WHEREAS, We recognize in their demise that their families have lost the support and comfort of their lives, and the Bar two worthy members, who, by their honesty, integrity and devotion to every trust reposed in them,

have won the respect, confidence and esteem of the Bar and people; therefore,

Resolved, That we express our sincere sympathy with the members of their bereaved families, and that a copy of these resolutions be forwarded to each thereof.

THE BANQUET.

The strains of the orchestra which had previously been stationed in the hallway, were now heard in the dining room, a signal that the festive board was spread, and hosts and guests proceeded downstairs and were soon engaged in discussing the following dainty yet substantial

MENU.

. . . [list of multicourse lobster dinner omitted] . . .

Toastmaster Barto, who performed his duties exceptionally well, read letters of regret from Gov. Nelson, Justices Gilfillan, Mitchell, Vanderburg and Buck, of the Supreme Court

Previous to leaving the parlors, and because he had to leave on the Great Northern 10:40 train, Mr. Reynolds welcomed the guests of the Association to a short address, interrupted with anecdotes.

Judge Collins, in responding to "The Supreme Court" gave a brief history of that tribunal, mentioning the names of its early members, the growth of its business,

the kindly relations ever existing between its members – between whom no f[r]iction ever existed.⁶

E. S. Smith, of Little Falls spoke of “The District Court” in a semi-humorous way, yet sustaining the dignity of the subject.

“The Bar of the Seventh Judicial District” was eloquently eulogized by Chas. A Wheaton, Elk River.

C, M. Hertig, of St. Cloud, handled “The Lawyer Who Lost his Case” with a rare humor, continually provoking laughter, especially when he described the young woman who appealed her case to the court of last resort.

Mr. Waite not being present, “The Retired Members of the Bar,” were certified to the court above.

F. W. Lyon, Little Falls, eloquently paid tribute to “The Ladies.” His speech was worthy of a subject dear to every lawyer’s heart. It was a recognition of the tribunal from whose decision no appeal can be taken yet, before which every attorney loves to practice.

During the banquet the orchestra rendered many fine selections, and between the toasts Myron’s Quartette gave a number of beautiful songs.

John Boobar gave a pantomime representation of Col. Westerman, shooting ducks in Clearwater Lake Pass, which created a sensation. It was almost equal to Little Eva (John Coates) “Climbing the Golden Stair” (step ladder) at the Charity Concert.

⁶ This likely was an early version of a paper he was still writing when he died on September 27, 1912. That paper— “An Incomplete History of the Establishment of Courts in Minnesota” — is posted in the “19th Century Courts” category in the archives of the MLHP.

As it was now 10 minutes to twelve (legislative time) Gov. Barto announced that the case for the plaintiff was closed, and the guests united with Jamie in singing "Oh, He's a Jolly Good Fellow!" and "Good Night."

Those present were:

Judge L. W Collins, Judge D. W Searle, A. Barto, Wm. Westerman, Wm. Russell, F. E. Searle, Geo. H. Reynolds, H Hansen, J. R. Bennett, Jr., L. A. Evans, J. P. Hammeral, D. W. Bruckart, C. M. Hertig, J. J. Donohue, E. P. Burnham, R. B. Brower, Geo. S. Spencer, H. S. Locke, T. S. McClure, M. D. Taylor, G. W. Stewart, D. T. Calhoun, Jas. A. Martin, Alvah Eastman and C. F. McDonald, all of St. Cloud.

N. H Miner, Sauk Center.

John A. Senn, R. J. Bell, Thomas Van Etten, Sauk Rapids.

C. A. Wheaton, Elk River.

F. W. Lyons, A. P. Blanchard, E. S. Smith and C. A. Lindberg, Little Falls.

C. F. Hendricks and F. E. Barnum, Sauk Center

For the complete success of the banquet, great credit is due the committee, D. W. Bruckart, J. E. C. Robinson and A. Barto. They handled their case so excellently that when the evidence was all in the jurors gave a verdict in their favor without leaving their seats.

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Appendix

The next decades of the county bar association were described by James E. Jenks in “Bench and Bar of Stearns County,” chapter 29 of William Bell Mitchell, ed., 1 *History of Stearns County* (1915):

From 1895 down to December, 1914, no regular meetings were held. The association was called together on the occasions of the death of members and a few times for social occasions, most notable among these being the banquet tendered to Judge Taylor upon the occasion of his retirement from the District Bench to become Commissioner of the Supreme Court. Aside from these occasional meetings the association was inactive, though the regular organization was kept up for many years by George H. Reynolds.

On December 23, 1914, at the suggestion of Judge Roeser, the association was resuscitated. E. B. Brower was elected president and James E. Jenks secretary.⁷ •

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⁷ The entire chapter can be found in the “Stearns County” category in the archives of the MLHP.