

“The Legal Profession of Steele County”

By

Wesley A. Sperry

— —

Foreword

By

Douglas A. Hedin

Editor, MLHP

In 1887, a joint history of Steele and Waseca Counties was published. In keeping with the format of local histories of that period, it had a chapter on lawyers and judges as well as profiles of individuals who contributed money to finance the publishing project. Among the profiles was one of a forty year old lawyer who had spent the last eight years in Steele County:

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.¹

Almost a quarter century later, Sperry contributed a chapter on “The Legal Profession” of Steele County, where he continued to reside, to another joint history, this one of Rice and Steele Counties. This chapter has two parts: “The Bench” which has profiles of the three district court judges who served in the county during its first fifty years; and “The Bar” which has profiles of fifty-one lawyers who lived or practiced at one time in the county. It was a small bar, which grew slowly. Of the fifty-one, twenty-seven had moved out of the county, usually to Minneapolis. Eighteen were dead. Unable to make a living at the law, many went into business or farming.

A trial judge held court in the seats of the counties within the Fifth Judicial District. Travel to these towns in the sixties was frequently arduous, as can be seen from Sperry’s description of how the first district court judge, Nicholas Mills Donaldson, who served from 1858 to 1871, trudged to each county seat to hold court:

Railroads were things of the future and public highways, as we know them now, were not known and oftentimes as he went from one county to another to hold the terms of the court, after paying his fare on the stage Judge Donaldson was compelled to walk many miles and sometimes also to carry poles or levers to help the stage out of the mud, or the snow drifts.

This passage does not describe judicial “circuit riding.” Judges never “rode circuit” during Minnesota’s territorial period or after statehood. In other words, Minnesota did not have a counterpart to Illinois’s famous Eighth Circuit when, during the 1850s, Judge David Davis and the circuit bar which included Abraham Lincoln rode in the same coaches, ate in

¹ *History of Steele and Waseca Counties, Minnesota* 99-100 (Union Pub. Co., 1887). For the complete chapter, see “The Courts, Cases, District Judges and the Bar of Steele County.” (MLHP, 2008).

the same inns and taverns, and sometimes shared the same beds during the spring and falls terms, which lasted a month or more.² Henry C. Whitney, a lawyer who practiced in the Eighth Circuit in the 1850s, later wrote of those times:

The county seats were located at small and primitive villages, and the business of the court was meager and uninteresting...

If the business on our Circuit was meagre, the good cheer and conviviality were exuberant: and if we did not make much money, our wants “were few and our pleasures simple,” and our life on the Circuit was like a holiday...

At the tavern the lawyers slept two in a bed and three or four beds were located in one room: at meals, the Judge, lawyers, suitors, jurors, witnesses, Court officers, and prisoners out on bail, all ate together and carried on a running conversation all along the line of a long dining-room.

When one Court was through, the Judge and lawyers would tumble into a farmer’s wagon, or a carryall, or a succession of buggies, and trundle off across the prairie, to an other court; stopping by the way at a farm-house for a chance dinner.³

² There are many studies of Lincoln’s law practice which include colorful descriptions of his practice on the circuit. An interesting account of circuit life from a different perspective appears in Willard L. King’s *Lincoln’s Manager – David Davis* 70-98 (Harvard, 1960).

³ Henry C. Whitney, *Life on the Circuit with Lincoln* 41-2 (Law Book Exchange, 2003)(first ed., 1892). Only pages 39-71 of Whitney’s 601 page book cover this period. Whitney held a low opinion of Judge Davis – very low.

For a description of how U. S. Supreme Court justices rode circuit until the practice was formally abolished in 1911, see David R. Stras, “Why Supreme Court Justices Should Ride Circuit Again,” 91 *Minn. L. Rev.* 1710 (2007). When he wrote this article, Stras was an Associate Professor at the University of Minnesota Law School. He now is an Associate Justice on the Minnesota Supreme Court.

Unlike Judge Davis, Judge Donaldson was not accompanied by and did not live with a retinue of lawyers, when he traveled by stage coach to various county seats within his district.⁴

Sperry provides a glimpse of one aspect of trial practice in the nineteenth century in this description of Amos Coggsell, who was a prominent lawyer in Southern Minnesota from the late 1850s to his death in 1892:

As a debater he never had an equal at this bar, and he had that remarkable power possessed by but a few attorneys of being able to discuss a question for almost an indefinite length of time and at the same time talk upon some phase of the questions under consideration. This at times was a very great advantage to him if he wanted additional time to get a witness, he could delay the trial by discussing some question which he himself had raised till the witness could be subpoenaed and produced in court.

Coggsell might have been forced to filibuster to buy time to subpoena a witness who had reneged on a promise to appear or, more likely, because there was almost no pretrial discovery at this time, he was surprised by some witness's testimony and needed time to subpoena someone who would provide contrary evidence.

Not one of the three judges who served in Steele County in the nineteenth century graduated law school. But Wesley Sperry did. He graduated from the University of Michigan Law Department two years after he was admitted to the bar. Even by the standards of the day, this was an odd chronology. Sperry arrived in Owatonna in April 1871, clerked for the

⁴ Occasionally a judge traveled to a town to open court for the first time, and on that occasion would be accompanied by a festive party of friends, family and lawyers. For examples, see my Foreword to Parker McCobb Reed, "Charles Dunn" (MLHP, 2008); and "Judge Chatfield's First Court Session in Winona County" (MLHP, 2008-2009).

Wheelock & Coggsell firm, and was admitted to the bar in December of that year.⁵ He then attended Michigan law

⁵ Because it would have been unusual for someone, even at that time, to be admitted to the bar before attending law school or after apprenticing less than a year, there is some confusion as to whether Sperry was admitted to the bar in December 1871, or December 1873. Sperry's obituary in *The People's Press*, which was published on the same day as the *Journal-Chronicle*, quoted in the text above, stated: "In April, 1871, Mr. Sperry came to Owatonna and entered upon the study of law in the office of Wheelock and Coggsell, and was admitted to the bar in December 1871. Subsequently going to the State University of Michigan and graduating from the law department of that institution in March 1873, after which he returned to Owatonna...." However, the following entry on Sperry in a book published in 1907, lists the date of his admission as December 1873:

SPERRY, Wesley A., lawyer; born at Farmington, Mich., March 15, 1847; son of Harvey S. and Betsey E. (Winslow) Sperry; educated in public and select schools; commenced study of law in office of Judge Wheelock, April, 1871; admitted to bar, Dec., 1873; entered Law Department, University of Michigan, fall of 1872, and graduated, degree of LL.B., March 26, 1873; completed studies with Judge Wheelock until Jan. 1, 1874. Began practice at Mantorville, Minn., Jan., 1874, and continued there for 6 years; returned to Owatonna, Nov., 1879, and entered into partnership with Judge Wheelock, as Wheelock & Sperry, which still exists (said to be the oldest law firm in the state), entitled to practice in all courts of Michigan and Minnesota, and has tried cases in U. S. district court, circuit court of appeals and U. S. supreme court. Director and secretary Owatonna Building & Loan Association; director Owatonna Opera House Co.; vice president Sperry Mfg. Co. County attorney 9 years; president board of education, 12 years; State senator, 4 years. Republican. Methodist. Member Royal Arcanum. Married at E. Bloomfield, N. Y., Dec. 25, 1878, to Miss Julia A. Steele. Recreations: Farming and driving good horses. Address: Owatonna, Minn.

Albert Nelson Marquis ed., The Book of Minnesotans: A Biographical Dictionary of Leading Men of Minnesota 482 (A. N. Marquis & Co., 1907). Explaining how he compiled the entries, the editor writes:

All who were considered eligible [for inclusion in the book] were solicited in a respectful way to furnish dates. . . Accuracy has been most carefully and earnestly sought. Not

school, graduating in 1873. After a brief stop in Owatonna, he moved to Mantorville where he practiced for six years. Returning to Owatonna in 1879, Sperry entered into a partnership with Lewis Lorenzo Wheelock that lasted twenty-nine years, an exceptionally long time given that most law firms, then and now, live only slightly longer than a mayfly.

The stability and success of his firm gave Sperry time to participate in the affairs of the community. He was Steele County Attorney from 1887 to 1891, State Senator from 1895 to 1899, and a member of the Owatonna Board of Education for thirteen years. One attribute of many lawyers who practiced in towns in the nineteenth century was their public service. Indeed Sperry mentions this at the beginning of his chapter on “The Legal Profession.” He epitomized this commitment.

He was also a reader. In his 1887 profile, quoted above, he boasts that he “is one of the best read lawyers in the county.” This may explain why he began his chapter with a definition of law:

Law is a rule of action laid down for the guidance of the citizens in their relation to each other and the body politic, and is based upon the eternal principles of right. More correctly speaking, law, as commonly understood in the forum, is the human interpretation of the Divine will as applied to mankind. This interpretation is complete or

only have the facts been procured wherever possible, from first hands, but the completed sketches have been submitted for correction and verification, giving to each the force of autobiographical sanction, with few exceptions.

Id. at 5-6. However, this entry is trumped by Sperry’s autobiographical sketch published at the end of his chapter on “The Legal Profession” where he writes that he was admitted in December 1871. Sperry personally compiled the data for this sketch, and then proofed and approved it. Conclusion: he was admitted to the bar in December 1871.

faulty, according to the ability of the interpreter to read the Divine will.

This definition, probably gleaned by Sperry from his reading, is founded on natural law principles taken in part from the writings of St. Thomas Aquinas.

On January 25, 1914, eight days after suffering a stroke during a discussion about holding revival meetings at his church, Wesley Atwell Sperry died.⁶ *The Owatonna Journal-Chronicle* carried the story on its front page:

The Owatonna Journal-Chronicle

Owatonna, Minnesota Friday, January 30, 1914

TRULY EMINENT CITIZEN PASSES

Hon W. A. Sperry, One of County's
Most Respected Citizens, Suc-
cumbs to Paralysis

A Self-Made Christian Gentleman
Whose Talents and Character
Meant Much to Community

Hon W. A. Sperry passed away shortly after noon Sunday, after surviving but about a week the stroke of paralysis which laid him low while attending a church meeting the preceding Sunday, as related in last week's Journal-Chronicle. At no time did he

⁶ *The People's Press*, January 30, 1914, at 1.

regain more than the slightest degree of consciousness after the stroke.

The passing of this upright and eminent citizen is regarded with the deepest regret by the entire community in which he was recognized to be a man of exceptional probity and a great influence for good.

Mr. Sperry's life-story is that of a self-made man. He was born in Oakland county, Michigan, on March 15, 1847, and when only eleven years of age commenced the battle of life, hiring out to work on a farm during the summer months for the remarkable wage of four dollars a month. For seven years he worked on a farm summers and attended school during the winter months. Then for two years he worked miscellaneous jobs, spending one year in the oil-regions where he began as a roustabout on a flat boat and finally became engineer of a stationary engine. Then he commenced teaching school. Mr. Sperry had meantime acquired a good common school education in the graded and select schools of Michigan.

It was in April, 1871, that Mr. Sperry first came to Owatonna. Here he entered upon the study of law in the office of Wheelock & Coggsell, and in December, 1871, was admitted to the bar. Then he went to the University of Michigan law department from which he was graduated in March 1873.⁷ He

⁷ The University of Michigan Law School's *Alumnus Magazine* for 1914 carried the following "biography" of him:

Wesley Atwell Sperry was born on March 15, 1847, in North Farmington, Mich. For seven years, from the time he was eleven years old until he was eighteen, he worked on a farm, attending school during the winter months. For two years following he worked in various positions, spending one year in the oil regions, where he became the engineer of a

returned to Owatonna after graduation and continued his law studies until January the next year, when he opened an office in Mantorville. Ten days later he was appointed county attorney of Dodge county and was subsequently reelected to that office for two terms.

In 1879 Mr. Sperry returned to Owatonna, accepting the invitation of Judge L. L. Wheelock to enter into partnership with him. This partnership

stationary engine. From 1867 to 1871 he taught school, coming to Owatonna, Minn., in April of 1871. Here he entered upon the study of law in the offices of Wheelock & Cogswell, and in December of that same year he was admitted to the bar. The next fall he entered the Law Department of the University, graduating in March, 1873, with the degree of LL.B. Returning to Owatonna, he continued his law studies until January of the next year, when he opened an office in Mantorville. Ten days later he was appointed county attorney of Dodge County, and was subsequently reelected to the office for two terms. In 1879, Mr. Sperry returned to Owatonna, entering into a partnership with Judge L. L. Wheelock, which lasted for twenty years. In 1886, Mr. Sperry was elected county attorney, holding the office for two terms, and in 1894 he was elected to the state senate. For thirteen years he was a member of the Board of Education, during twelve of which he acted as president of the Board. He had more to do with the building up and developing of Owatonna's public school system than any other one man. On Christmas Day, 1878, Mr. Sperry was married to Miss Julia A. Steele, of New York State, by whom, with their two daughters, Mrs. R. S. Benham,, of Minneapolis, and Miss Olive Sperry, and four grandchildren, he is survived. Mr. Sperry was a lifetime member of the Methodist Episcopal Church, and was prominent in the councils of both the local church and the conference to which it belongs. He died on January 25, 1914, of a stroke of paralysis suffered on the preceding Sunday, and was buried in Forest Hill Cemetery, Owatonna.

20 *Michigan Alumnus* 348 (1914). This sketch obviously is taken from the front-page obituaries published in *The People's Press* and *The Owatonna Journal-Chronicle* on January 30, 1914.

endured for twenty-nine years and when it was terminated by the death of Judge Wheelock it was the oldest law partnership in southern Minnesota, if not in the state, and the oldest partnership of any kind in Owatonna. The operations of the firm were on the highest plane of the profession and according to its best ideals. Both Judge Wheelock and Mr. Sperry were admitted to practice in all the state courts in the United States District Court, and the firm was prominent in many of the important law cases in this part of the state for many years.

Mr. Sperry was elected county attorney in 1886 and held the office for two terms. In 1894 he was elected to the state senate for four years. It was, however, in connection with the public school system that Mr. Sperry rendered his most conspicuous services to his community. He was a member of the Board of Education for thirteen years, for twelve of which he was president of the board. He unquestionably had more to do with the building up and development of Owatonna's public school system than any other one man.

On Christmas Day, 1878, Mr. Sperry was united in marriage with Miss Julia A. Steele of New York state, by whom, with their two daughters, and four grand-children, he is survived. The daughters are Mrs. R. S. Benham of Minneapolis and Miss Olive Sperry who is a student at Hamline University.

Mr. Sperry was a life-time member of the Methodist Episcopal church and was prominent in the councils of both the local church and of the conference, to which it belongs. His life throughout was that of an earnest, Christian gentleman who practiced as well as preached the principles of his faith.

To the bereaved wife and daughters the deepest sympathy of the entire community is extended, in their loss of a kind and noble husband and father.

. . .

Sperry's "The Legal Profession" appeared first as Chapter VII on pages 716-735 of the first volume of a joint history of Rice and Steele Counties published in 1910. It has been reformatted; it is complete. Page breaks have been added.

Related articles are: "The Courts, Cases, District Judges and the Bar of Steele County (MLHP, 2008), a chapter in a joint history of Steele and Waseca Counties published in 1887, and "The Judicial History of Rice and Steel Counties During the Territorial Period" (MLHP, 2011), another chapter in the joint history of Rice and Steele Counties published in 1910. Histories of the early courthouses and jails of each county, taken from the first volume of their 1910 joint history, are also posted on the MLHP. □

“The Legal Profession”
IN
HISTORY OF
RICE AND
STEELE COUNTIES
MINNESOTA

COMPILED BY
FRANKLYN CURTISS -WEDGE

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Illustrated

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1910

THE LEGAL PROFESSION.

Biographies of All the Practitioners of Law in Steele County by
the Hon. W. A. Sperry—the Bench—Hon. N. M. Donaldson
—Hon. Samuel Lord—Hon. Thomas S. Buckham—Life,
Education and Services of Scores of Distinguished Men.

My only regret in writing this history is that the lot had not fallen to one better able or more worthy to chronicle in miniature the biographies of the members of the bench and bar of this county.

There is no class of men in any community that takes a more vital interest in the affairs of the public, or that is so well equipped to render valuable service to the public, as the trained lawyers. Nor is there any class upon which the public lays greater claims, or that it has a right to expect more from. Law is a rule of action laid down for the guidance of the citizens in their relation to each other and the body politic, and is based upon the eternal principles of right. More correctly speaking, law, as commonly understood in the forum, is the human interpretation of the Divine will as applied to mankind. This interpretation is complete or faulty, according to the ability of the interpreter to read the Divine will. Hence the study and practice of law necessarily draws one to the study and application of the principles of right living and acting, and demonstrates the absolute folly of any other course. The lawyer is almost daily brought into contact with the penalties men have to pay, both in the business, physical and moral world, for the lack of obedience to law, that is to the principles of right. The axiom of law that "ignorance of the law excuses no man," can be justified only upon the principle that law is based upon right and that every man knows intuitively what is right.

The honesty of lawyers is often the subject of jest, but I aver without fear of contradiction that no men in any community, as a class, have a higher moral standard or live closer to

it, or are more respected and trusted by the community, or are more worthy of it than the lawyers. I am not speaking of them in their relation to the state, but in the narrower field of their relation to their fellow citizens as citizens. In the broader field of their relation to the state, they stand without rivals, and that [717] too, whether considered from the standpoint of the framers of the constitutions or the expounders and preservers of them. There is no field of labor that tends more to strengthen one's mental and moral grasp, or broaden one's vision than the practice of law. A practitioner must look upon all sides of a question; if he does not his opponent will, and will at once have him at a disadvantage. In a lawyer, more perhaps than in any other class of men, are honesty, sincerity and character essential. Men will excuse mediocrity, will overlook mistakes, forgive blunders, but they never forget or forgive dishonesty. Let it once become known that a lawyer is dishonest with his clients and his capital is gone, his friends disappear and his office becomes vacant.

The lawyer's life is a strenuous one; he must not only carry his own burdens and sorrows, but must share and lighten so far as possible his clients. The poet says,

"The lawyer leads a harassed life,
Much like a hunted otter;
Between his own and other strife,
He's always in hot water."⁸

The philosopher says, "A lawyer works harder, lives better and dies poorer than any other class of men."⁹

THE BENCH.

Hon. N. M. Donaldson, the first judge of the district court of this county was born at Cambridge, Washington county,

⁸ J. J. Baker, "The Farmer." (1841)

⁹ Probably a variation of a speech in 1847 by Daniel Webster in which he said, "I can give it as the condensed history of most, if not all good lawyers, that they lived well, and died poor."

New York, November 12, 1809. His parents were James and Christy Mills Donaldson. His father was from the north of Ireland and his mother from Scotland. At the age of four the subject of this sketch lost his father and went to live with his mother's brother. At the age of sixteen he began to teach school in winter, working on the farm summers. He taught for four years, one of which was in the state of New Jersey. He then attended school at Salem academy. In 1840 he went to the then west, Haysville, Richland county, Ohio, where he continued teaching school and took up the reading of law with Thomas W. Bartley, who afterwards became supreme judge of Ohio. Judge Donaldson was admitted to the bar in 1843 at Mansfield, Ohio and in 1846 when the county was divided, he removed to Londonville, Ohio, and was elected prosecuting attorney for the new county. In 1849 he again migrated westward, going to Waupun, Wisconsin, where he at once became active in politics. He was soon elected chairman of the board of supervisors and was a member of the legislature from 1851 [718] to 1855. In the year 1856 he came to Owatonna and continued the practice of law till the autumn of 1857, when he was elected judge of the fifth judicial district. He was re-elected again in 1864, holding the office for the term of fourteen years, when he was succeeded on the bench by Hon. Samuel Lord, of Mantorville, Minnesota. At the time Judge Donaldson was elected judge, the district was composed of the following counties, viz: Dodge, Mower, Freeborn, Steele, Waseca, Rice, and Scott.

Railroads were things of the future and public highways, as we know them now, were not known and oftentimes as he went from one county to another to hold the terms of the court, after paying his fare on the stage Judge Donaldson was compelled to walk many miles and sometimes also to carry poles or levers to help the stage out of the mud, or the snow drifts.

At one time, on his way home from Austin, after a bitter cold trip, the party in which he was included arrived at the usual dinner place to find nothing but boiled corn beef and dried

apple sauce. But even that was better than cold air, so they thought. After eating heartily they started out to complete the trip, only to find the snow banks rolling mountain high, in imitation of old ocean. Soon all on board were paying the tribute to Mother Earth, that usually goes to old Neptune and the historian suggests the question of whether or not the large apple orchards and herds of stock of southern Minnesota may not have sprung up from these seeds scattered by the way-side. The passengers were all like the old man in the sad rhyme,

"There was a young man of Ostend
Who hoped to hold out to the end,
But when half way over
From Calais to Dover,
He done what he didn't intend." ¹⁰

The convention that nominated Judge Donaldson's successor was probably the longest and the most hotly contested of any that ever took place in southern Minnesota. It lasted for several days and several hundred ballots were taken with practically the same results, the contestants being Judge Donaldson, Samuel Lord, and a man by the name of Case from Rice County. The contest was continued until Judge Donaldson withdrew and Samuel Lord of Mantorville was nominated.

At the close of Judge Donaldson's fourteen years of service on the bench, the bar of the district gathered at a banquet at the Arnold House of this city to pay tribute to his sterling character, to his large fund of common sense and to his absolute impartiality. Judge Donaldson would hardly be called a great lawyer [719] as we understand the term today, but his absolute honesty, his desire always to do the right thing, his broad common sense, made him not only a model, but a successful judge. The writer will never forget one tribute paid him by Gen. Gordon E. Cole at the banquet. He said, "If cases affirmed by the highest tribunal in the state is the touchstone of success, then Judge Donaldson has indeed

¹⁰ Anonymous.

been successful, for no judge in the state has had, proportionately, more cases affirmed and fewer reversed than he." After his retirement from the bench, he took up the practice of law though he never became very active in it, in Owatonna, where he continued to reside, participating in any movement that had for its object the betterment of the city, up to the time of his death which occurred in this city on February 7, 1879. His widow, Mrs. Emily S. Donaldson and one daughter, Mary R. Donaldson, survive him and have for many years been residents of Oakland, California.

Hon. Samuel Lord. The next judge of this district, Samuel Lord, was admitted to the bar at Rochester, Minn., in 1856, was elected judge of this district in 1871 and re-elected again in 1878, holding office to the time of his death at Mantorville, Minn., February 12, 1880. He was a son of Enoch and Eleanor Warren Lord, and a descendant of an old Connecticut family, now scattered throughout the New England, middle and most of the western states. He was born at Meadville, Penn., July 26, 1831, and continued there until his majority, his father, a farmer, dying when Judge Lord was fourteen years of age. He received his education at the local college, taking special studies without graduation and teaching school for one or two years. After reading law with Joshua Douglas, in his native place, Judge Lord came to Minnesota in 1856, practiced in Marion, Olmstead county, for three years, and represented that county in the legislature in the session of 1857-58. In the following year he removed to Mantorville, Dodge county, continuing to practice, except when on the bench, until 1876, when he removed to Faribault. He was the state senator from Dodge and Mower counties in 1866, 1867, 1870 and 1871, serving as chairman of the judiciary committee of that body during three of these sessions. In 1871 he was elected judge for seven years, and was re-elected in November, 1878. He died at Mantorville February 12, 1880.

Hon. Thomas S. Buckham. At the death of Judge Lord, Hon. Thomas S. Buckham of Faribault was appointed to fill

the vacancy by Governor Pillsbury on February 21, 1880. He was elected to the same office in the fall of 1880 and again in 1886, 1892, 1898, and 1904. It will be seen that this district has had but three judges.

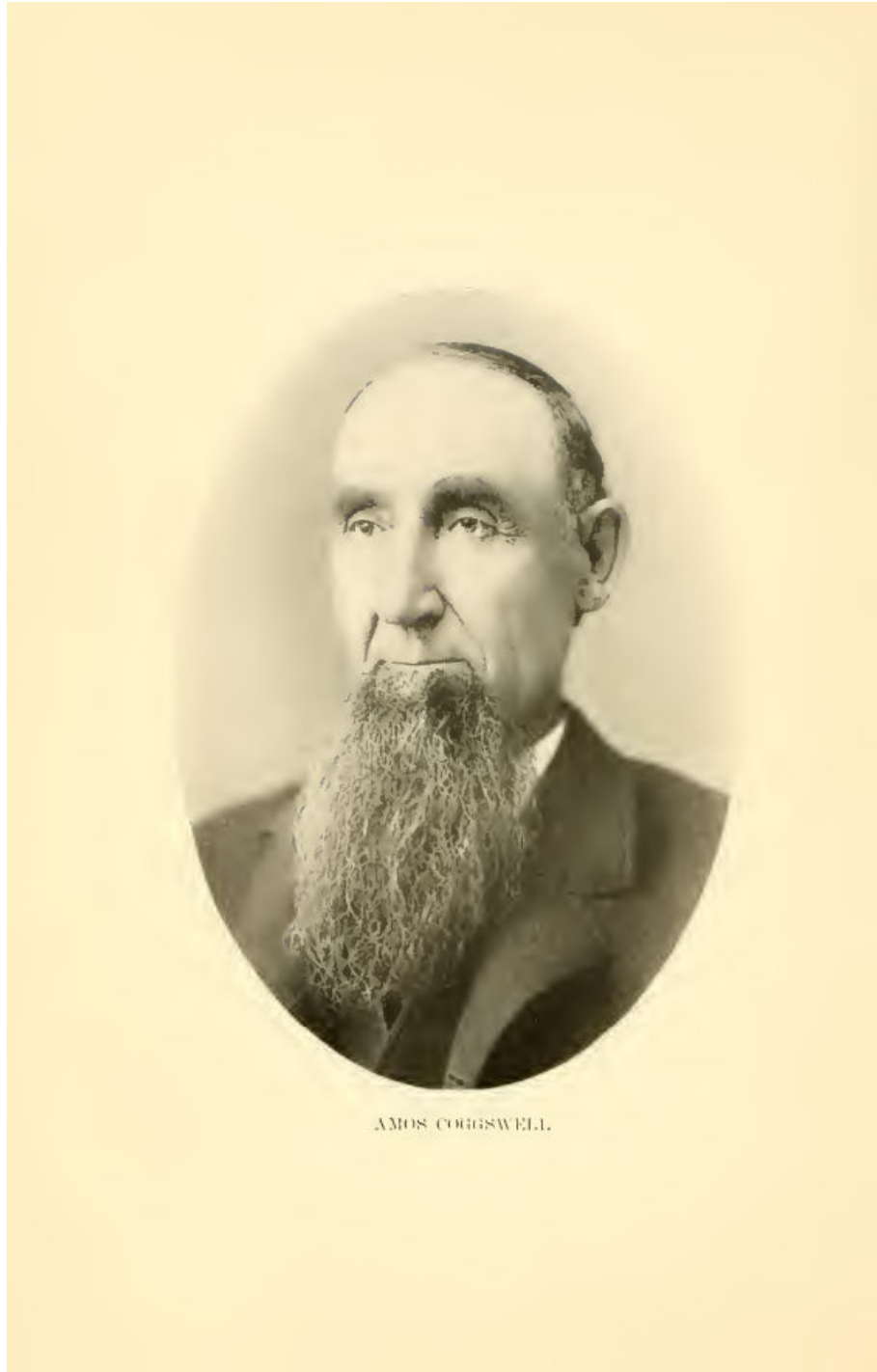
Thomas S. Buckham was born in Chelsea, Orange county, [720] Vermont, January 7, 1835. He was the son of a clergyman who fitted him for the university of Vermont. In this institution he took a full classical course and graduated in August, 1855, many years later receiving the degree of LL. D. He came to Minnesota in September, 1856, and was admitted to the bar in Rice county in the spring of 1857. Subsequently formed a partnership with Hon. Geo. W. Bachelder and entered upon the practice of law in the city of Faribault, continuing the practice and the partnership up to the time of his appointment as judge in 1880. Judge Buckham has just completed thirty years on the bench of this district, a period that covers most of the important litigation of this county and that has witnessed the passing from the field of active practice here of most of the members of the bar of this county that were such when he went upon the bench. Messrs. W. F. and J. A. Sawyer, M. B. Chadwick, H. E. Johnson, and the writer are the only ones left so far as I remember. These thirty years on the bench have given Judge Buckham an experience that comes to but few men and that, coupled with a trained and absolutely impartial legal mind and combined with a tireless energy that never permits any matter before him to hang fire, has made him one of the foremost judges of the state.

THE BAR.

Hon. George W. Green. The first lawyer to settle in Steele county and commence practice here was doubtless Hon. George W. Green. He came from Wisconsin and settled in Owatonna, in 1854, afterward locating at Clinton Falls on a farm. Subsequently in 1857 he bought the Clinton Flouring Mills. Judge Green, as he came to be generally known throughout Steele county, obtained his title from holding the

office of county judge in Dodge county, Wisconsin. After purchasing the mill at Clinton Falls he divided his time between running the mill and his farm, and practicing law. He was a man of great energy and perseverance and much above the ordinary man in ability. He was a forcible debater and the man that met him in the trial of a law suit had to be on guard every moment. The scattering of his forces between farming, milling and practicing law soon took him out of the list of active practitioners, as his attention to other matters soon made it impossible to so study the questions which came before him as to be able to maintain himself in the contests of the forum. He learned what many another man has learned, that there is only one way to succeed as a lawyer, and that is to give one's undivided attention to the study and practice of the profession. His opponents of the legal profession were Hon. Amos Coggsell and W. R. Kinyon. Judge [721] Green was a candidate for the nomination of judge at the organization of the bench in this district in 1857, but the nomination was won away from him by Judge Donaldson. He and Amos Coggsell represented this district in the legislature and made a very strong delegation there. It is questionable whether any other district in the state, then had or since has had a stronger delegation or one better equipped than they were to debate the many intricate questions before the legislature. Mr. Coggsell was made speaker of the house. Judge Green did very little practice in Steele counties after the seventies, giving most of his time to his farm and mill. In 1880 he moved to Salinas, Cal., where he remained until the time of his death some years later.

Hon. Amos Coggsell. The next attorney to locate in Steele county was Hon. Amos Coggsell, who was born September 29, 1825, in New Hampshire, where he was educated in the common schools and in Gilmanton Academy. After leaving school he entered the law office of Hon. Franklin Pierce at Concord, N. H. and was for a short time the private secretary of Franklin Pierce when president. He was admitted to the bar in 1847 at Concord, N. H., from which



place he migrated to McHenry county, Illinois, where he commenced the practice of his profession, remaining there until 1853 when he received an appointment in the general land office at Washington, which he held up to the time he came in August, 1856, to Steele county, where he at once

entered upon the active work of his profession and soon became known as one of the ablest lawyers of all Southern Minnesota. It is no disparagement of the other members of the bar to say, that Amos Coggs well had the greatest native ability of any lawyer that ever practiced before the bar of Steele county, and had he have combined with that ability the systematic business principles and the studious habits of some other lawyers of less mental attainments, he might have become one of the ablest attorneys that have ever graced the bar of this state. Mr. Coggs well was chosen in 1857 as a member of the constitutional convention which drafted the constitution of this state, and was elected to the house of representatives in the fall of 1860, becoming speaker of the house. From 1872 to 1875 he was state senator from Steele county. He also held the office of judge of probate of Steele county one year under appointment from Gov. Cushman K. Davis. He was several times candidate for county attorney but so far as I recall was never elected to that office. He was at one time attorney of the city of Owatonna and also postmaster of this city. He remained in active practice up to a short time before his death. During all his residence in this county, but very few cases of [722] great importance were ever tried that he was not upon one side or the other. As a debater he never had an equal at this bar, and he had that remarkable power possessed by but a few attorneys of being able to discuss a question for almost an indefinite length of time and at the same time talk upon some phase of the questions under consideration. This at times was a very great advantage to him if he wanted additional time to get a witness, he could delay the trial by discussing some question which he himself had raised till the witness could be subpoenaed and produced in court. Mr. Coggs well died in this city on November 15, 1892.

M. A. Dailey. Mr. Dailey located in Owatonna in 1856, but while admitted to the bar. He never entered into the active practice of law, giving himself almost entirely to office work. He was elected to the state senate from this county in 1862 and enlisted and went in the service in the spring of 1863.

After the close of the war he remained and lived for many years on his block where the court house now stands, which he owned and of whom the county purchased it, subject to a good many tax titles held by other parties. He left here somewhere about 1880 and moved to Minneapolis where he since died.

Hon. W. R. Kinyon. The next attorney to take up his residence in Owatonna was Hon. W. R. Kinyon, who came here in May, 1858, and has the honor of being the only one of the members of the bar here prior to 1860 that are still living here. Mr. Kinyon was born at Mansville, N. Y., February 3, 1833, and was educated in the Union Academy, Belleville, N. Y. and Union College, Schenectady, N. Y. He was admitted to the bar in Steele county, Minnesota, December, 1858, and continued in active practice here for about eight years, when he organized in 1866 what is now the First National Bank of this city and gave his attention to the banking business. He was the president and manager of the bank from the time of its organization up to January 1, 1904, and is still one of its directors and active in all its management. Mr. Kinyon represented this district three terms in the house of representatives, two terms of which he was speaker. He was also chief clerk of the house for two terms and has always been active in the management and building up of the interests of this city. For ten years or more last past. Mr. Kinyon has traveled more or less every year, visiting all sections of this country and Mexico and Cuba on this continent, also Spain, Italy, Switzerland, Austria, Germany, Holland, France, England and Scotland, Madiera Isles, Nice, Rivera, Algiers, Greece, Constantinople, Palestine and Egypt. All will be seen by the date of his birth, he is now past seventy-seven years of age, but hale and hearty. His family consists of one son, George R. Kinyon, who has succeeded him as president of the First National Bank of this city.

P. J. Nordeen was a member of the bar of this county, locating here in 1859, but remaining but a short time. He has since died; more than this we are unable to learn of him.

James Thorn, also a member of the bar of this county, locating here in 1861. He subsequently removed to eastern Nebraska and has subsequently died.

A. A. Harwood located in this county in 1863 or 1865, coming here from Wisconsin. Mr. Harwood was a man of a good deal of determination and did quite a business here for quite a time, holding the office of judge of probate of this county. He afterwards was a candidate for the office of state superintendent of public instruction. He left here in the seventies and removed to Austin, where he went into the newspaper business. He was afterwards appointed post-master, and finally secured an appointment for a clerkship in Washington, where he subsequently died.

E. H. Kennedy was born in Oacone, Ind., in 1833, was admitted to the bar at LaCrosse, Wis., and subsequently came to Owatonna, Minn., where he died in May, 1872. He was a prominent member of the Knights Templar and had one of the largest funerals the writer has ever attended in this city. He never engaged actively in the practice of law here.

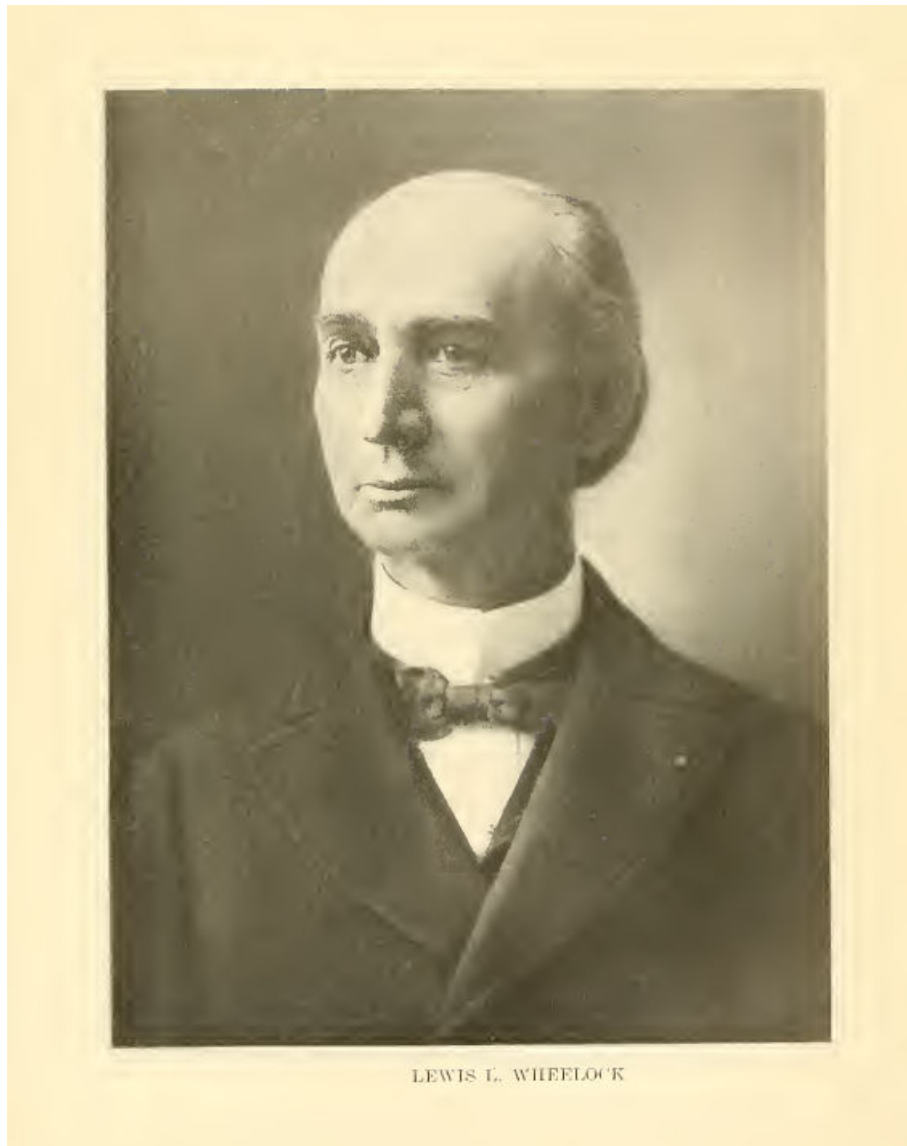
Hon. A. C. Hickman, was born in Columbia county, Ohio, April 30, 1837, was educated in Allegany College, Meadville, Pa., studied law in Ohio State and Union Law College, Cleveland, Ohio, and was admitted to the Federal Courts in June, 1863, at Cleveland, Ohio, and to the State Courts in September the same year at Akron, Ohio, October, 1864. Judge Hickman came to Owatonna where he immediately entered into the practice of law, so far as there was any law to practice. In 1866 he was elected superintendent of the public schools of Steele county, held that office for two years, was subsequently elected judge of probate in this county in 1869, held that office for four years, was elected senator from this county in 1883 and served the full term of

four years. About 1887 he moved from this city to St. Paul where he continued the practice of law up to the time of his appointment as law lecturer at the State University, which position he now holds and where he is recognized as one of the authorities on law and is looked up to by all the students of that department of the university, on account of his genial manners and unquestionable character. While in practice in this county he was among the foremost members of the bar, and was employed very largely upon one side or the other of the litigated cases for many years. The judge still has a large list [724] of friends in this city. Among some of the more important cases in which he participated were the defense of two men charged with murder in the first degree; one the State vs. Murry and the other the State vs. Von Ruden.¹¹ In both these cases he was associated with the Hon. Amos Cogswell, and in both cases the defendants were saved from the death penalty.

Hon. Lewis L. Wheelock was born at Mansville, Jefferson county, New York, November 12, 1839, and was educated at the Macedan Academy in Wayne County, New York and at the University of Albany. In 1862 he enlisted in the 160th New York Volunteer Infantry and was mustered out as captain of one of the companies of that regiment at the end of a little over three years. After his return from the army he read law at Albany, N. Y. with the colonel of his regiment, Colonel Dwight, came to Owatonna in 1866 and was admitted to the bar in 1867. Subsequent to his admission to the bar he went south connected with the Freedman's Bureau. In 1868 he returned to Owatonna and opened an office in the old First National Bank Building situated on the lot now occupied by the First National Bank Building. Subsequently he erected a building and moved one door west. Afterwards he joined in the erection of another building, now the post office and again moved one door west. After the erection of the

¹¹ There is no record that either case was appealed to the state supreme court suggesting that these prosecutions resulted in acquittals or convictions with a sentence less than death.

present bank building he returned to that building and occupied it to the time of his death. Mr. Wheelock enjoyed



the distinction of having been in active practice of law in this city for nearly forty years and longer than any other man. Judge Wheelock was at one time partner of Amos Coggsell, the firm was known as Wheelock & Coggsell. In November, 1879, he associated with him, the writer, and from that time till his death the firm of Wheelock & Sperry.

He has been judge of probate, state senator, president of the board of education and city attorney. In 1887 he was elected

department commander of Minnesota of the Grand Army of the Republic and has always been one of the prominent members of that order. During all the years of his life in this city he was known and recognized as one of the foremost lawyers and public spirited citizens of the city. Few men now in the city have done more towards its growth and moral development. He was a public speaker of more than ordinary force and ability but especially excelled as an after dinner speaker, in which line he had no equal.

S. M. Yearly located here in 1856 and was county attorney for this county for at least one term. He resided on a farm just southeast of the city, which was for many years known as the Yearly farm. Mr. Yearly was a great lover of a good horse and for years he gave his attention to breeding horses and built [725] a track on his farm on which to train them. He owned one very good horse for his time, his endurance was something wonderful, the longer he was driven, the faster he seemed able to go. Every old resident here that ever attended the county fairs remembered how proud the white haired old man used to look as he pulled the ribbons over "Black Hawk Chief" in every race that he could get into. Mr. Yearly moved to Wasioja and went into the hotel business in the early seventies, where he subsequently died.

W. H. Crandall was born March 1, 1848, in Florence, Erie county, Ohio. He was educated in the country schools of Oberlin and at Hiram College, Hiram, Ohio, subsequently studied law in the offices of Watson & Strong, Norwalk, Ohio, was admitted to the bar at Owatonna in 1871, and commenced practice at Austin, Minn. where he remained till 1878. In 1879 he formed a co-partnership with J. M. Burlingame at Owatonna and remained here in the practice until 1884 when he gave up the practice of law and entered the insurance business as agent and adjuster of the Merchants Insurance Company of Newark, N. J. He remained such agent until the fall of 1909, when he removed to California, where, as he says, all sensible people fetch up, and is now engaged in cultivating oranges at Linsey in that state.

Hon. James M. Burlinghame was born in Sterling, Windom county, Connecticut, was a student at Plainfield Academy, Connecticut and a graduate of the law department of the Michigan University, graduating from that institution in 1861. He came to Owatonna in April, 1867, where he entered upon the active practice of law. He was city attorney of this city for nine years and county attorney for ten years. He represented this district in the state legislature and had the honor of introducing the bill for the establishment of the state public school which was subsequently located in this city. Mr. Burlinghame left this city and located in Mankato about 1888, subsequently moving to Minneapolis and from there to Great Falls, Mont., where he now resides although he is not in the active practice of his profession.

Hon. H. H. Johnson was born September 7, 1808, in Rutland county, Vermont, graduated from Rutland Academy and was admitted to the bar in 1833, when he moved to Akron, Ohio, where he was in practice until 1846. He then moved to Ashland county of the same state from whence he was elected to represent the fourteenth congressional district of that state in congress, and had the honor to serve in that body with many men who have since become known throughout the United States, among them R. P. Banks, Reuben E. Fenton, Preston S. Brooks, Alexander H. Stevens, Joshua R. Giddings, John C. [726] Beckenridge, William R. English, Thomas A. Hendricks, Elihu Washburn, Long John Wentworth, Richard Yates, Thomas H. Benton, and Henry M. Rice, who was a delegate from the territory of Minnesota. The question before congress at this time doubtless contributed very largely to making the names hereinbefore mentioned famous, as it was during the discussion of the celebrated Kansas-Nebraska Bill. In 1855 he was appointed Indian commissioner and settled in Winona. He was subsequently president of the Transit Railroad, now the Northwestern. Colonel Johnson came to Owatonna in 1865. entering into partnership with W. R. Kinyon and afterwards J. M. Burlinghame. He was mayor in this city in 1870-71, later city justice. He died in this city in the fall of 1896 at the age of

eighty seven years. Colonel Johnson was the father of Robert Johnson, Mrs. Clark Chambers and Mrs. Sawyer of this city.

J. B. Searles was one of the practitioners here in the early seventies. He was at one time in partnership with Hon. A. C. Hickman. I have not been able to find anything about his place of birth or where he was educated. During his stay in this city he laid out one of the fine homes of the city, taking great pains to beautify it by planting many shade and ever-green trees. It afterwards became and is now known as the Amos Cogswell home on South Cedar street. Mr. Searles subsequently moved from this city to Nebraska where he has since died.

F. B. VanHosen was at one time a practitioner in this county in its early history but remained but a short time, removing to Alexandria, Minn., where he now resides and is president of the bank of Alexandria, a position which is doubtless much more lucrative if not more enjoyable.

C. W. Hadley was born February 11, 1844, in Rumney, N. H. He came West with his father's family in 1849. He received his education at Maquoteka Academy and Cornell College, Mt. Vernon, Iowa. He left the latter place to enlist in the 14th Iowa Infantry. He was taken prisoner in the "Hornet's Nest" of the battle of Shiloh. After the war he read law in the office of his father, R. S. Hadley. He located in Owatonna in 1866, resumed the study of law, and was admitted to the bar at Waseca, October 18, 1866. He never became an active practitioner here, but used his legal acquirements to aid him in his business life. He was for a number of years engaged in the real estate business in this city. Of late years he has been engaged in inducing emigration to Bear River valley, Utah. where he is said to have large interests and where he now lives.

M. B. Chadwick was born in Venago, Pa., in 1843. He graduated from Allegheny College in 1867, and from the Ohio State and Union School at Cleveland, Ohio, in 1869. He came

to Owatonna in 1870 where he at once became associated with A. C. Hickman in the law business. In 1878 he was elected county auditor and held that position for eight years. He was subsequently elected judge of probate of this county, which position he held for four years. He is still a resident of Owatonna but not engaged in the active practice of law.

Howard E. Johnson was born at Geauga, Ohio, in 1844. He was educated in the common schools of Ohio and the River Falls academy, Wisconsin. He studied law and was admitted to the bar at Red Wing, Minn., in August, 1873, and the same year located in Steele county where he has since resided. He has held the office of city attorney for two years. Mr. Johnson has always given his attention to commercial law and has never engaged in contested law questions.

W. F. Sawyer was born in Warner, Merimac county, New Hampshire, on October 26, 1850, and came to Steele county in May, 1856. He was educated in the public schools of this county and at Carleton college, Northfield. He studied law in this county and was admitted to the bar in Owatonna in 1876. Subsequently he went into partnership with his brother, J. A. Sawyer, under the firm name of Sawyer & Sawyer. During this partnership they established a branch office at Waseca where a portion of their time was spent, the office afterwards passing into the hands of W. M. Abbott who had previously studied law with them in this city and is a brother-in-law of J. A. Sawyer. Mr. Sawyer has held the office of county attorney for six years and city attorney ever since one can remember. He is at present the senior member of the firm of Sawyer & Sperry and still enjoys the confidence and patronage of a large clientage.

J. A. Sawyer is a brother of W. F. Sawyer, was born in New Hampshire, in 1846, and came to Minnesota in 1856. He was educated in the schools of this county and at Carleton college, Northfield. He studied law and was admitted to the bar in Steele county in 1880, and entered into partnership with his brother, W. F. Sawyer, under the firm name of

Sawyer & Sawyer. He has held the office of county attorney for four years, and has enjoyed a very large practice, covering Steele, Waseca and Freeborn counties. He has probably had more cases in the Supreme court than any other attorney in the city. He is noted for a great memory and as being a great worker and is always seeing possibilities in his cases that other attorneys are unable to discover but for which he is always able to give reason and generally to find authority to substantiate. He is still in the practice of law having associated with him his son A. W. Sawyer. [728]

E. W. Richter studied law in the office of Judge Start, now chief justice of the supreme court, at Rochester, Minn., and was admitted to the bar at Owatonna in 1881, subsequently becoming associated in the law practice with Hon. Amos Cogswell. Since the dissolution of this firm he has continued in the practice of law by himself. He became city attorney in 1883, held that position for three years, and was county attorney for four years. About two years ago he moved his law business to Minneapolis where he is now engaged in practice.

A. D. Ingersoll is a native of Wisconsin where he was born in November, 1842. He studied law in Wisconsin and was admitted to the bar in June, 1877, at Port Washington, Wis. Soon after he came to Minnesota and located at Blooming Prairie where he continued to practice law for a number of years when he removed somewhere in the northern part of this state but just where I am unable to ascertain.

A. G. Ingersoll was born in Wisconsin and is a brother of A. D. Ingersoll who studied law in the office of Wheelock & Sperry. He was subsequently admitted to the bar about 1885, and continued in the practice of law and the dealing of real estate up to the time of his death at Blooming Prairie which occurred on December 25, 1897.

S. T. Littleton located in this city in the fall of 1900, coming here from Kasson, Dodge county. He located and com-

menced his practice in Concord, Dodge county, in 1866, subsequently removing to Kasson where he remained until 1900. During his residence in Dodge county he was mayor of Kasson for two years and also represented that county in the lower house of the legislature for two terms in the sessions of 1895-97. Judge Littleton, as he was commonly called, was born in Chariton, Mo., December 3, 1858. He was the ninth child of a fast increasing family and claims to have been neglected on that account. He was educated in an old log school house built on the plan of a tobacco barn where the children had the privilege of coming in by the door or crawling through the cracks of the logs. He generally preferred the latter. Subsequently he entered the North Missouri academy and graduated at the age of sixteen years, started out in life as a teacher, subsequently taking up the study of medicine and then switching to law. He completed his studies with Eugene Wilson, of Minneapolis, where he was admitted to the bar in 1885. During his legal career he has been connected with many important cases both in this and Dodge counties. He thinks the most important one in his experience was the case of Sparrow vs. Pond in the 49 Minnesota, the main question being, whether blackberries growing on bushes being the result of annual cultivation is [729] real estate or personal property.¹² The court holding against the protest of Mr. Littleton that they were a part of the realty and not subject to levy. The judge assured us, however, that he still believes he was right and the court wrong, and we may remark in passing that this is quite liable to be the result when the court disagrees with our contention.

¹² *Sparrow v. Pond*, 49 Minn. 412, 52 N.W. 36 (1892), was a collection case. Wiseman A. Sparrow won a judgment against Cephus H. Pond for \$364.04. He entered Pond's homesteaded land and began picking blackberries from bushes Pond had planted, with the intent of selling them to satisfy the judgment. Pond resisted and litigation resulted. For the Court, Justice Mitchell held that blackberries, while growing on bushes, are not personal property subject to levy by a judgment creditor.

H. E. Leach, whose office is in the Lorence Block, came to Steele county in June, 1896, and has since been a resident and active practitioner in this county. During all the time of his residence here, up to January, 1908, he has also been court reporter for the fifth judicial district. Mr. Leach was born in Mower county, Minnesota on November 8, 1866, and was educated in Spring Valley and at the State University. He was admitted to the bar in St. Paul in June, 1894. He was elected county attorney of this county in the fall of 1898 and held the office for four years. During his residence here he has been connected with a number of important cases, the most important of which in his judgment is the case of the City of Owatonna vs. Rosebrock, generally known as the Owatonna Kindergarten case and the case of Minnesota vs. Nelson Brothers.¹³

R. S. Hadley was born in Hudson, N. H., December 27, 1822. He received his education at Hebron Academy and Newbury Seminary, both of New Hampshire. At the age of fourteen he commenced High school, paying his way by working in the hay field, at which he was an expert. While in the High school, he conceived the idea of "Outline and Subdivision Maps" of the world. He constructed a set himself and teaching this and writing school, he paid his way through the academy and seminary. He studied law under Thomas J. Whipple. He was admitted to the bar at Concord, New Hampshire, in 1845. One of the committee that examined him was Franklin Pierce, afterwards president. In 1849 he came west, locating first in Rockton, Ill., afterwards removing to Iowa, finally locating in Owatonna in 1872. On account of his health he later removed to South Dakota. He was mayor of Brookings and was mayor of Redfield at the time of the county seat war. Still in search of

¹³ *City of Owatonna v. Rosebrock et al*, 88 Minn. 318, 92 N.W. 1122 (1903), was a dispute over control of the corpus of a trust established by a testator to aid and maintain a kindergarten in the city. For the Court, Justice Charles Lewis ordered a judgment for the city which had sued the individual administrators to recover and take control of the trust funds.

health he located in Ogden, Utah, where he died November 3, 1905.

Albert L. Sperry was born at Stockton, Chautauqua county, New York, on August 3, 1873, and came to Steele county in March, 1884. He received his education in the High school of this city and Carleton college of Northfield, Minn. He studied law with the firm of Sawyer & Sawyer, was admitted to the bar at St. Paul in 1896 and is now the junior partner of the firm of Sawyer & Sperry, whose office is in the National Farmers Bank. The firm of Sawyer & Sperry ranks among the best in the city. [730]

Arthur W. Lane was born in Parma, Ohio, December 12, 1859. He was educated in the common schools of Steele county and at Pillsbury academy of Owatonna; studied law with A. C. Hickman of this city and was admitted to the bar here in December, 1884. He moved to Lincoln, Neb., in March, 1885, and opened a law office with W. A. Selleck, also of Owatonna, under the firm name of Selleck & Lane. The firm continued up to 1890 when the firm became Abbott, Seileck & Lane. In 1896 Selleck retired, and in 1901 the firm was dissolved. Mr. Lane is now practicing alone at that place. He has been a member of the Nebraska legislature for two terms. His practice extends into the United States District and Circuit courts and United States Supreme court. Mr. Lane has recently been appointed assistant United States district attorney for the Lincoln district.

W. A. Selleck, a Steele county boy who received his education largely here, studied law with Judge Hickman and was admitted to the bar on December 4, 1884. The spring following he removed to Lincoln, Neb., entered into a partnership with Arthur W. Lane and continued in partnership and the practice of law till 1896, when he retired from the firm and went into the hardware business in that city. He is still in that business so far as I am able to learn.

B. F. Hood was municipal judge of this city for two years. He was born in Orleans county, New York, December 4, 1836. Judge Hood came to this county in 1899 from Dodge county, Minnesota, where he located the year previous. He had been admitted to the State courts of Iowa, South Dakota and Minnesota, and to the United States District, Circuit and Supreme courts. He was also one of the regents of the State University, of Vermilion, S. D., during his residence in that state. Mr. Hood died in this city on December 3, 1906.

Hon. John L. Gibbs was born in Bradford county, Pennsylvania, in 1838. He was educated in the common schools, LeRaysville Academy and Susquehanna Collegiate Institute. He graduated from the Ann Arbor Law school in 1861, was admitted to the bar in Freeborn county, September, 1861, and was elected county attorney in 1862. He soon gave up the practice of law and went to farming, in Geneva township, Freeborn county, having one of the best farms in that section. He was in the house of representatives in 1863, 1864, 1875, 1876, 1884 and 1894; was speaker in 1877 and 1885; railroad commissioner from 1887 to 1891, and lieutenant-governor in 1897 and 1899. He came to Owatonna in 1898, where he died November 28, 1908.

W. C. Hadley was born in Maquoketa, Iowa, December 12, 1856. He came to Owatonna in 1876 and commenced the study of law with his brother, C. W. Hadley. He practiced but two [731] years when he took up the study of medicine and in 1885 received his diploma from the Rush Medical College of Chicago. In 1886 he removed to Ogden where he died July 24, 1891.

F. A. Dunham is one of the younger members of the Steele county bar. He was born on March 1, 1875, at Faribault, Minn., removing to this county the same year. He graduated in the Owatonna High school in 1897 and was admitted to the bar in St. Paul in September, 1901. He commenced his professional practice in his office in the Kelly block on December 1, 1903. He was raised on a farm in the southern

part of Steele county and is now the municipal judge of this city.

James M. Burlinghame, Jr. was reared and educated in this county where he studied law with J. M. Burlinghame, Sr., and was admitted to the bar in 1889. Soon after this he went west and located in Great Falls, Mont., where he has ever since resided and is now holding the position either of register or receiver of the government land office in that city.

W. D. Abbott was raised in Steele county and received his education in the schools of the county, studied law with Messrs. Sawyer & Sawyer and was admitted to the bar on June 9, 1884, afterwards locating in Waseca, where he became a member of the firm of Sawyer, Abbott & Sawyer. Subsequently he removed to Winona where he now resides and is a member of the firm of Brown & Abbott of that city. Messrs. Brown and Abbott are the attorneys for the Chicago & Northwestern Railroad.

Eugene Rice was born at Sparta, Wis., August 14, 1863. Received his education in the schools of this city and in the law department of the University of Madison, Wis. He located in the practice of his profession in St. Paul, Minn. He became the governor's clerk during the administration of Governor Lind, subsequently removed to Seattle, where he was in practice for two years, and afterwards removed to this city and in the fall of 1904 was elected judge of probate, which position he held for four years.

E. W. Hauck is a graduate of the law department of the University of Minnesota and practiced in this city for about a year, subsequently removing to Minneapolis, where I understand he still is and has gone into the newspaper business.

David Benton Johnson studied law in this city and was admitted to the bar of this county February 16, 1876. He remained here till some time about 1880, when he removed to Minneapolis, and continued in the practice of his

profession, subsequently becoming one of the leading Democratic politicians of that city. I learned something over a year ago he became a paralytic and is unable to attend to any business. [732]

Frank G. Bohri is a native of Wisconsin and came to this city and studied law with A. C. Hickman. He was admitted to the bar here on June 8, 1878, subsequently removed to Clark, S. D., where he was the last I knew of him.

R. H. Taylor is a son of Robert Taylor of Kasson, Dodge county, Minnesota, where R. H. was born. Mr. Taylor was in practice about a year in this city, subsequently removing to Minneapolis and later to Cedar Rapids, Iowa, where he now resides but is not in the practice of his profession.

Edwin K. Burch is a native of the state of Michigan. He came to this city and studied law in the office of Judge Wheelock and was admitted to the bar December 16, 1876. He subsequently removed to Denesen, Iowa, where he still resides in the practice of his profession.

George L. Carey was born in Steele county, Minnesota, and studied law in the office of Wheelock & Sperry in this city, and I think was admitted to the bar in this city, although I have been unable to find the record of his admission. Subsequently he moved to Duluth and went into practice with William J. Leary. After several years practice in that city he went into the banking business in the northern part of the state and later moved to Livingston, Mont. He became cashier of the First National Bank of that city. Later he disappeared and his present whereabouts are unknown.

William J. Leary was born in McHenry county, Illinois, March 24, 1865, and was educated in the public schools of this county and in Pillsbury Academy. He was admitted to the bar on June 10, 1887; subsequently moved to Duluth and entered into partnership with George L. Carey. He remained

in Duluth until a short time before his death, which occurred in this city January 31, 1891.

F. L. Farley is a native of Michigan. He studied law here in the office of Wheelock & Sperry, subsequently taking a course in the law university. Located in the practice of his profession in Waseca, he remained there till about 1904, when he removed to Red Lake Falls, Minn., where he now resides.

C. J. O'Brien was born February 8, 1857, near Faribault, Minn. He was reared on a farm, received an academic education, taught several years in the public schools, finished his law studies in the office of Hon. G. W. Batchelder, of Faribault, and was admitted to the bar in November, 1886. During the two succeeding years he was principal of the New Prague public schools, formed a copartnership with Hon. M. M. Shields, now deputy revenue collector, and established the "Faribault Pilot" in August, 1888. He sold out his interest in October, 1889, and moved to Owatonna, where he was engaged in the practice of [733] law up to the time of his death, October 30, 1903. He held the office of municipal judge from March, 1893, to March, 1895. He was for three terms city attorney of this city.

Delos Higby was a native of New York, from which state he moved to Minnesota in 1865, coming directly to Owatonna. He was admitted to the bar prior to his coming west but never actively engaged in the practice of law. For a time he was in the mercantile business in this city in partnership with his wife. He was a large owner of real estate and gave most of his attention to loaning money and looking after the interests of his farms. Mr. Higbie died in Chicago, January 15, 1905.

A. W. Sawyer was born at Owatonna, Minn., May 10, 1883, son of Joseph A. Sawyers with whom he is now associated in the practice of law in this city. He was educated in the country schools, the city High school and Pillsbury academy,

studied law in his father's office, took the state bar examination and was admitted October 1, 1906.

Charles I. Reigard was born in Cambria, county, state of Pennsylvania, on February 8, 1862, removed to Benton county, Iowa, in 1869, was educated in the public schools of that county, and at Tilford academy, Vinton, Iowa, and Cornell college, Mt. Vernon, Iowa. He completed a law course at Drake university at Des Moines, Iowa, where he was admitted to the bar during the month of May, 1896. He commenced the practice of law at Spirit Lake, Iowa, immediately upon his admission to the bar and continued in his profession at that place until September, 1906, when he removed to Owatonna, at which place he has ever since been in the practice of his profession. In 1907 he entered into partnership with Harlan E. Leach and is now junior member of the firm of Leach & Reigard. The firm has been engaged in some very intricate litigation both in the state and in the United States courts. In 1908 Mr. Reigard was elected mayor of Owatonna, which office he held for the period of one year.

Fred A. Alexander was born at Kasson, Minn., January 8, 1881, son of Charles J. and Amelia (Niles) Alexander. His earlier education was received in the common schools and Kasson High school. He graduated from Kasson High school in 1900 and attended Steinman's Business College, Dixon, Ill. Later he attended the University of Minnesota, spending one year in the academic department and three years in the college of law, graduating from the college of law and receiving the degree of LL. B., June 3, 1904. He began the practice of law at New Ulm, Minn., August 15, 1904, was appointed city attorney of New Ulm and acted as such six months before removing to Owatonna, on September 1, 1905, at which time he formed [734] a partnership with Hon. S. T. Littleton under the firm name of Littleton & Alexander, continuing in such partnership until the death of Mr. Littleton on April 20, 1908. He was elected to the office of county

attorney in November, 1908. Mr. Alexander is a member of the Alpha Tau Omega fraternity.

I find the following persons who have been at some time members of the bar of Steele county, but of whose education or time or place of admission I am unable to find any data: A. B. Cornell, W. D. Webb, J. A. Aiken, R. A. Ambler, Fredrick C. Parsons and Edward Brown. Mr. Brown I learn was a cousin of John Brown, whose "soul goes marching on." Edward Brown afterwards became a minister and subsequently removed to South Dakota.

These were among the early residents of the county and, with the exception of A. B. Cornell and J. J. Aiken, remained here but a short time and did not actively engage in the practice of law.

Besides these, Hon. Mark H. Dunnell was long a resident of our city. He was a member of the bar though he never enrolled among the Steele county bar. The same is true of Hon. Carton E. Rice, who for many years has been a resident of this city but never engaged in the practice of law here. He was formerly a partner of Judge Bunn, recently retired from the United States district bench of Wisconsin, and died about a year ago.

W. A. Sperry. The writer of this sketch was born in Oakland county, Michigan, on March 15, 1847. In 1858 he commenced the battle of life on his own hook, hiring out to work on a farm through June, July and August of that year for the magnificent sum of \$4 per month. On July 4 he, with other boys of the neighborhood, went to a celebration nine miles away, catching a ride or going on foot as best they could. Of all great days that was doubtless the greatest in the life of the writer. He had asked for 25 cents, but because his employer had no change he was given a \$2 bill. This fact soon got noised about! No prince of the royal blood ever had a more loyal following, or stood on a higher pedestal, or was more talked about or more envied among his fellows. For one day

at least he was a Rothschild and Vanderbilt combined in one: he reveled in wealth. The Rubicon of want had been forever banished. Oh halcyon days of youth, who would not wish for their return! For seven years the writer worked on a farm summers and went to school winters; then two years of miscellaneous work, one of which was in the oil regions, where he worked at everything from a roustabout on a flat-boat to an engineer of a stationery engine, and then he



commenced to "keep school." He was educated in the common, graded and select schools of Michigan and Wisconsin. In April, 1871, the writer came to Owatonna and entered upon the study of law in the office of Wheelock and Cogswell, and was admitted to the bar of this county in December of that year, subsequently going to the State

University of Michigan and graduating from the law department of that institution in March, 1873, after which he returned to Owatonna, continuing the study of law here till the January following, when he located in Mantorville, Dodge county, Minnesota. Ten days afterwards he was appointed county attorney and was subsequently elected to the same office for two succeeding terms, returning to Owatonna in the fall of 1879 on the invitation of Judge Wheelock to go into partnership with him. A partnership was formed which lasted for nearly twenty-nine years and up to the death of Judge Wheelock. In 1886 he was elected county attorney of Steele county and held that office for four years. He was elected to the state senate in 1894 for four years, and was member of the board of education of Owatonna for thirteen years, twelve years of which time he was president of the board. Mr. Sperry is still in active practice with office over the First National Bank, is the attorney of that institution and the Owatonna Manufacturing Company and the local attorney of the Chicago & Rock Island Railroad, besides having a large general clientage.

The firm of Wheelock & Sperry at the time of the judge's death was the oldest law firm in southern Minnesota, if not in the state and the oldest partnership of any kind in the city. Both partners were admitted to practice in all the courts of the state and the United States District, Circuit and Supreme courts and were connected with most of the important cases in this county for the past thirty years. ■



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