

"Three Veterans of the Ramsey County Bar"

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Foreword

By

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On Sunday, November 5, 1899, the *St. Paul Globe* published a story on the three oldest members of the Ramsey County bar: William Pitt Murray, Henry J. Horn and John B. Sanborn. Rather than profiling the men, the writer simply recorded their recollections. The old days at the bar to these three were good indeed, the present not so much.

They arrived in St. Paul full of energy and the optimism of youth. Murray settled in St. Paul in 1849 when he was twenty-four years old; Sanborn was twenty-eight when he arrived in 1854; and Horn was thirty-four when he came in 1855. They have only fond memories of the territorial period and do not mention the hardships of life on the frontier. "The pioneer bar of Minnesota has never been surpassed in legal ability or learning," Murray boasts. Sanborn recalls that the bar and bench in the 1850s were probably "as strong as at the present time," and, oddly, "the law as well defined as in the present day." In fact, the 1850s were tough times for lawyers; few lived only on their earnings from lawyering; most had sidelines such as selling insurance, surveying, acting as land agents, etc. While many *Globe* readers may have been entertained by these nostalgic veterans, more than a few members of the county bar must have been incredulous at Horn's sarcastic reference to "the glittering generalities of the new fangled followers of Blackstone."

The title of this story has been changed slightly by the MLHP. A few errors have been corrected (i.e., Murray was born in 1825, not 1827, as printed in the newspaper). It has been reformatted. It is complete.

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VETERANS OF THE BAR

SKETCHES OF THE THREE OLDEST MEMBERS OF THE RAMSEY COUNTY BAR

ONE OF THEM WAS A '49-ER

William Pitt Murray Was Here Before
Any of the Lawyers Now Living
Here — Henry J. Horn Is Another
Pioneer, as Is Gen. John B. Sanborn,
Both of Them Coming in the '50's.

Among all the members of the Ramsey county bar who have aided in earning for the bar a leading position in the country, three men stand out with more than ordinary prominence, William Pitt Murray, Gen. John B. Sanborn and Henry J. Horn, all whom may be termed the Nestors of the Ramsey county bar. Away back in the times when St. Paul consisted principally of mud with a population of Indians and traders, these three commenced the practice of law, and all are still engaged in active practice.

WILLIAM PITT MURRAY.

William P. Murray was born in Ohio in 1825. He was admitted to the bar in 1849, and in December of the same year came to St. Paul and engaged in the practice of his profession. He was a member of the territorial house of representatives in 1852 and 1853, of the council in 1854 and 1855; president of the house in 1857, president of the constitutional convention in the same year; member of the house in 1863, and the senate in 1866 and 1867, of the house again in 1868 and of the senate in 1875 and 1876, making eleven sessions in all as a member of the legislature. He was also a county commissioner and a member of the city council, and for many years was city attorney. Murray county is named after him.

Despite his years Mr. Murray is in active practice, a sound logician and a good talker. He smiled out from under his gray eyebrows when asked if he remembered any of the incidents attending the early formation of the Ramsey county bar. Then he grew reminiscent.



WILLIAM PITT MURRAY.

"Well, it is of the old attorneys of territorial days that you want information," he said. "Many have been called and but few are left. Of the 'forty-niners' Henry L. Moss, Gen. George L. Becker and me are all that remain to tell the tale. Neither of the others are in active practice. If I remember correctly the first term of the district court for Ramsey counts was held on April 8, 1850. All of the men officially connected with that term of the court are dead, save Henry L. Moss, who was district attorney, and the clerk, James K. Humphrey. There was but little civil business. The principal industry at that term, and for several succeeding terms, was the finding of indictments against old citizens for gambling and selling liquor without a license. The license was \$10 per year, payable semi-annually, and it would perhaps be amusing for a later generation to look over the

court records and note the names of the pioneers who were indicted. They generally came into court, pleaded not guilty, had their cases continued, and then before the next term of court "arranged the matter," and that was the last ever heard of the indictment. It may have been a question of fees as in later times.

"Within the next few years a host of young lawyers located in St. Paul, among whom were William Hollingshead, R. R. Nelson, Michael E. Ames, John B. Brisbin, Henry J. Horn, Charles E. Flandrau and Gen. John B. Sanborn. Hollingshead and Horn came from Philadelphia, and it was said in these days that what a Philadelphia lawyer did not know wasn't worth knowing. I am inclined to think the saying correct. I sometimes think when I read Judge Flandrau's pioneer sketches in the Globe that he is an older man than I am, and must have come to the territory before Gov. Ramsey, who claims that when he first came to Minnesota the population consisted of Frenchmen, half-breeds, Indian traders, Indians and a few speculative Yankees.

"The pioneer bar of Minnesota has never been surpassed in legal ability or learning. R. R. Nelson, within a short time after his arrival in Minnesota, was appointed as one of the district judges of the territory; later on appointed a judge of the United States district court for the state of Minnesota, from which he was recently retired, after over forty years' service, on account of the age limit. No one

was ever retired from the bench with a purer or better record. Judge Flandrau, after a term as Indian agent, professor of law at the Redwood agency, one of the associate judges of the district court of the territory, afterwards elected one of the supreme court judges of the state at the first election in 1857, afterwards resigned and went to Idaho. There he ran a mining camp in connection with Judge Isaac Atwater, of Minneapolis. The venture was not a success, however, and he returned to St. Paul. He resumed the practice of law, and today is one of our most eminent lawyers and a distinguished citizen of St. Paul.

"Hollingshead, Ames, Brisbin and Horn; the three first now dead, they were the peers of any who came later on in the profession. 'Harry' Horn, as the older members of the bar call him, is still in active practice. Gen. John B. Sanborn, warrior and politician as well as lawyer, a one of the old fellows who has made his mark. He is still on deck, raising the Old Harry in the chamber of commerce and elsewhere, in regard to high taxes and the extraordinary expenses of the board of education. It might be possible that if the general was in accord with his party, that if the Republicans were ever elect another mayor, when Kiefer goes to congress, the general would make a fairly good mayor.

"There are many other attorneys of territorial days who made their mark of whom I would like to make mention, but if you would like an old fellow like myself to tell the story of a lifetime in twenty minutes, you are mistaken."

HENRY J. HORN.

If he chose, Henry J. Horn could detail the history of the bar from 1855 for it was



in that year that he came to St. Paul and commenced the practice of law. He was born in Philadelphia in 1821 and read law with Henry D. Gilsin, attorney general of the United States. He was a partner with Reuben Galusha and W. W. Billson for a time. In 1857 he was city attorney, afterwards county attorney and a member of the school board.

"Mr. Horn is a gentleman of the old school, courteous to the last degree and in the practice of his profession exemplary painstaking. As it has been expressed he belongs to the old school of common-sense lawyers and does not deal in the glittering generalities of the new fangled followers of Blackstone."

JOHN B. SANBORN.

John B. Sanborn studied law in the office of A. C. Fowler, at Concord, N. H., and was admitted to the bar at the July term of the superior court at New Hampshire in 1854. He opened law offices at Concord, but in the same year, recognizing the opportunities offered by the then undeveloped West, removed



JOHN B. SANBORN.

with his partner, Theodore French, to St. Paul and commenced the practice of law Jan. 1, 1855. Their first law offices were in a building known as the Rice house, which stood on a part of the site occupied by the Metropolitan hotel at present. His next office was in the same block, but over Mackubin & Edgerton's bank. In 1857 the firm was changed to Sanborn, French & Lund by the addition of Charles C. Lund, a brother-in-law of Theodore French, who came out from New Hampshire. Afterwards, on the death of French in February, the firm became Sanborn & Lund, which continued until Jan. 1, 1862, when Mr. Sanborn entered the United States army as colonel of the Fourth Minnesota volunteer infantry. After about four years of service he emerged from the war a brigadier general with the brevet of major general. Resuming once more the practice of his

profession he associated with him W. H. Sanborn, and afterwards, E. P. Sanborn, both of whom were nephews. John B. & E. P. Sanborn is the present style of the firm. Despite his years Gen. Sanborn is hale and hearty, with a large and lucrative practice, to which he devotes all his time.

"When I first came to St. Paul," says Gen. Sanborn, "the town was a typical Western frontier town with a population estimated at between 4,000 and 5,000. The streets were full of Indians most of the time, and the principal trade was in furs. This was prior to the great change that took place in commerce in 1856 and 1857. At that time the bar and bench were probably, if anything, fully as strong as at the present time. Cases were well tried, the decisions of the judge's were clear and the law as well defined as in the present day. If there were crudities they were before my time. Our principal business was with the land offices at Red Wing, Minneapolis, Winona and Faribault, all of which we reached by the river with the exception of Faribault, where we had to drive.

"Our judges then were Moses Sherburne, Andrew G. Chatfield and William H. Welch who, sitting en banc, constituted the territorial supreme court. The principal firms of practicing lawyers were Rice, Hollingshead & Becker, Ames & Van Edden, Wilkinson, Babcock & Brisbin. William P. Murray was then city

attorney, and I think that Judge Flandrau was practicing law somewhere up in the country. Of all that I have enumerated only Gen. Becker, Judge Flandrau and W. P. Murray are living, and Gen. Becker no longer practices." ■

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