

Judge Levi M. Vilas

(February 17, 1844 – August 25, 1889)

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February 15, 1889.

Minnesota Legal History Project
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Introduction

By

Douglas A. Hedin

Levi Madison Vilas and his family moved from Eau Claire, Wisconsin, to St. Paul in June 1887. Almost two years later Governor William R. Merriam appointed him to the Ramsey County District Court. He took the oath of office on February 18th. He died on August 25th, at age 45. He served only 189 days. In the annals of the district courts of this state Levi Vilas may be recalled for the brevity of his tenure, but there is more to his story than this.

At times in the 19th century lawyers influenced delegates at a political party's state convention to endorse a candidate for the state supreme court; and the bar dominated a party's judicial district convention, which endorsed a candidate for district court judge. Vilas, in contrast, was chosen by the county bar. In February 1889 the governor asked leaders of the County Bar Association for its recommendations to fill two judgeships for the Second Judicial District authorized by the 26th Legislature.¹ He selected Colonel Charles Deal Kerr and Vilas from a list of four lawyers endorsed by the Bar Association at a meeting on February 10th.

Before that meeting the *St. Paul Daily Globe* surveyed fourteen lawyers for their preferences for judge. They named twelve

¹ 1889 Laws, c. 150, §2, at 255 (effective February 14, 1889) (“Upon the passage and approval of this act, the governor of this state shall appoint two (2) additional judges for said district, each of whom shall hold his office until the next general election, and until his successor is elected and qualified.”). With these additions, the number of judges on the Ramsey County bench was six. *Id.* at §1.

lawyers, including Kerr and Vilas. The preference for a “younger” or “middle aged” man who could handle the heavy caseload was a constant refrain.

147 lawyers attended the meeting of the Ramsey County Bar Association. Their discussion—it was not really a debate—reveals almost nothing about the qualities they looked for in their judges. There was no political talk as the governor had made it clear he wanted candidates from each major party. Being a Democrat was, therefore, a considerable asset to Vilas. Moreover when he arrived in St. Paul he carried an outsized reputation for excellence at the bar, one that few local Democratic lawyers could match. It is not likely that during his two years of practice in St. Paul—largely an “office work” advising corporate clients²—that he had met many of the lawyers at the bar association meeting. So it surely helped that he was nominated by Charles E. Flandrau, a former Supreme Court justice, prominent Democrat and leader of the bar, and by John W. Willis, who was also mentioned for the post.

In its analysis of the appointments, the *St. Paul Daily Globe* observed, “Both of the new judges are in the prime of life, and exceptionally qualified in the possession of legal lore and physical strength to perform the arduous duties of the bench.” In fact Vilas was suffering from a fatal kidney illness. A history of the Wisconsin bar published in 1898 recalled that “disease, even at the time of his removal from Wisconsin, had laid hold of him.”³ He is not the only man to ascend to the bench unaware that he had a fatal sickness.⁴

² *St. Paul Pioneer Press*, February 15, 1889, at2 (“His practice was largely confined to office work, and while he has not been a familiar figure in the courts he has always been regarded as one of the ablest members of the Ramsey county bar, and his advice has been sought in many important cases.”).

³ John R. Berryman, 2 *History of the Bench and Bar of Wisconsin* 602-603 (1898). It is posted in the Appendix, at 41-42.

⁴ See “Judge William H. Donahue (1858-1909)” (MLHP, 2016), and “Judge Ralph J. Parker (1867-1922)” (MLHP, 2012-2018).

The appointments met with favor in the press. *Pioneer Press* editorialists predicted they would advance the laudable goal of a nonpartisan judiciary:

The appointments are not only excellent in themselves, but excellent in relation to the large public considerations which demand that the judiciary be lifted above the low plane of party politics. These gentlemen are not only exceptionally well-equipped in professional learning and training, legal ability and high character for the judicial office, but they are purposely selected from the opposing political parties in harmony with the popular sentiment which happily prevails in this judicial District and throughout the state that party considerations should not enter into the selection of judges whether by the executive or by the by a party convention.⁵

This optimism was premature to say the least. In 1891 the partisan election of judges was mandated by the 27th Legislature, which amended the election code to require a judicial candidate's party affiliation be printed next to his name on the ballot.⁶ In each

⁵ *St. Paul Pioneer Press*, February 15, 1889, at 4.

⁶ This change was part of a major revision to the election laws of the state by the 27th Legislature:

Sec. 33. *Form of Ballots.*—The form of the ballots shall be both in size and style substantially as printed in Exhibit "A.," hereto annexed and made a part of this bill, with such headings as shall be appropriate. The name of the candidate for each office shall follow the name of the office in capital letters, in the order in which they are handed in. *Before each candidate's name shall be repeated the name of the office for which he is running, and after his name his politics shall be designated.* Opposite to each candidate's name in the margin to the right shall be left a vacant space, in which the elector shall designate his vote by a cross (X) mark.

1891 Laws, c. 4, §33, at 39 (effective June 1, 1891) (emphasis added).

election from 1892 through 1910, official ballots listed the political party of each candidate.

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This study of Judge Levi M. Vilas is part of a series of biographical sketches of district court judges in the 19th and early 20th centuries posted on the Minnesota Legal History Project. In keeping with the experimental nature of this website, Judge Vilas' six months on the bench are told through contemporary newspaper accounts, a break from narrative portraits.

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The 28th Legislature, meeting in 1893, repealed the entire 1891 law, and enacted a new general law on elections. It maintained the requirement that the political affiliation of candidates be listed on the ballot:

Sec 25....The name of each candidate shall be printed in capital letters, preceded on the same line, the title of the office for which he is a candidate, the same being printed in capitals and small letters, or what are known as upper and lower case. *Each name shall be followed on the same line in upper and lower case letters by the party designation or politics of the candidate.*

1893 Laws, c. 4, §25, at 22 (effective June 1, 1893)(emphasis added). Section 200 of this legislation repealed the entire 1891 election law.

1. Speculation about Appointees.

From the *Globe*, February 1, 1889.

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WANTED AS JUDGES.

Legal Opinions on the Merits
of Several Proposed for
the Bench.

Young or Middle-Aged Black-
stones Must Be Physically
Endowed.

Now that the bill authorizing the appointment of two additional judges to the Second judicial district of Minnesota has passed the house and is in a fair way to reach the governor through the senate, members of the Ramsey county bar are agitating them-selves in the consideration of which of their number would be fittest to assume a judgeship. The general sentiment seems to be in favor of a younger middle-aged judge in preference to an old one. The work upon the bench is hard, and it not only requires a strong, well trained legal mind, but a physically vigorous and able man. The duties imposed are severe and constant, and members of the profession both young and old readily express them-selves to the effect that a man capable of doing service under the strains of the office must and ought to be a man of cultivated legal mind, broad and liberal experience and physically capacitated for the position. Some

define their choice as a man over thirty and under fifty years old and a canvass among a large number support the idea. A few think that since there are to be two new judges, one might wisely be an elder practitioner and the other a younger one. Others, associating politics as a requisite for judicial character, think that one might be a Democrat and the other a Republican. The trend of professional preference can be noted in the following expressions from members of the bar:

M. F. Propping—I think C. D. Kerr and H. F. Stevens would be a wise choice for the bench.

Otto K. Sauer—Willis would make a good judge; also H. F. Stevens. We ought to have young judges. If he is a good judge at thirty, he will be an excellent jurist at forty.

W. U. Mead—I prefer a young judge. A man who is right in practice, with strong mind and able to stand the strain of official duty rather than a man past his best days, with set ways, feeble mind and still feebler in body. C. E. Otis, W. D. Cornish and W. H. Lightner are good men.

H. J. Horn—have heard the names of C. D. Kerr, C. E. Otis, H. F. Stevens, H. L. Williams and W. D. Cornish mentioned. They are all good men. I concur in the sentiment in favor of middle aged men. They are more active in the discharge of their duties, and will serve us in an earnest, able and vigorous manner.

R. B. Galusa—I will leave it to the Bar association. One might be a Democrat, the other a Republican. Middle-aged judges would be best.

C. D. O'Brien—Gov. Merriam will act in the matter, and I do not doubt that his choice will be a wise one.

Judge O'Gorman—I prefer a middle-aged man to an old one.

Thomas O'Brien—We ought not to prejudge it, yet I am in favor of a young judge.

Henry C. Wood—A. B. Ovitt and W. Lusk are my choice, and both would make excellent judges.

George H. Gorman—Ovitt and Lusk.

A. A. E. Boyeson—Kerr and Ovitt.

J. E. Markham—L. M. Vilas, J. W. Lusk or H. H. Norton. I think the practice of not appointing a judge unless he is past his prime is a mistake.

M. H. Albin—M. Vilas and Mr. Lusk.

J. F. Davis—Lusk would make a good judge, and Mr. Vilas would administer justice with rare ability.⁷

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2. The Bar Association's Recommendations.

From the *Globe*, February 10, 1889.

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TRIED AND TRUE MEN

—

Names of Four Eminent Lawyers Sent to Gov. Merriam.

—

Two New District Judges Will Shortly Don the Ermine.

—

Party Lines Will Not Be Closely Drawn on This Question.

—

⁷ *St. Paul Daily Globe*, February 1, 1889, at 2.

The Bar Association Selects
Messrs. Kerr, Egan, Vilas
and Sanborn.

In response to a general invitation to the members of the Ramsey county bar, about 150 gentlemen were present in the United States court room yesterday afternoon. The meeting was called for the purpose of extracting from the bar preferences to be recommended to Gov. Merriam for the positions of district judges, two offices created by the bill providing for that number of additional district judges for the Second judicial district. Chairman Williams, of the bar association, presided; and A. M. Ozmun acted as secretary.

The first step taken was to adopt a motion inviting every member of the profession present to vote, since the meeting was held under the auspices of the bar association. Judge Flandrau made his report as a member of the committee appointed by the bar association a few days ago to confer with the governor and ascertain his views upon the appointments about to be made. He stated that the governor had expressed a desire to the committee to receive the recommendation of the

RAMSEY COUNTY BAR

upon the matter of the judgeships. The speaker then nominated as one of the candidates Col. C. D. Kerr, and closed by urging that it be made unanimous. C. E. Otis stated that the governor was anxious to ignore party lines, and his opinion was that there should be a Democrat and a Republican appointed.

He moved that eight names be selected, which a committee should present to the governor from which to choose the two judges. This motion was heartily

seconded all over the house and seemed for a moment to solve the problem to the satisfaction of a large number present.

Gen. Sanborn moved to take an informal ballot of every man's choice, and those receiving the greatest number of votes should be voted down to the required number to be presented to the governor.

It was conceded that Col. Kerr should receive one of the nominations. Some wanted the secretary to cast the ballot for him as the meeting's choice. Amendments to Mr. Otis' motion were offered changing the eight names to only two who were

TO BE RECOMMENDED.

Gordon E. Cole expressed himself to the effect that the bar should not, now that it had the privilege to suggest, dictate to the governor whom he should appoint. Two names presented to him would give him no opportunity of exercising his own discretion. The bar should not take upon itself to prescribe an imperative appointment to a public office. He thought that the motion for eight names should prevail.

C. D. O'Brien suggested that a general nomination be made, which would be more in harmony with the idea of a non-partisan appointment. If both were Democrats or Republicans it made no difference—ability, character and learning of the individual should be preferred.

Cries for question prompted Mr. Bramhall to offer an amendment to the original motion, making four the number of names to be presented to the governor. This was unanimously carried, and the original motion being put was carried as amended. Gen. Cole and Judge Young were appointed tellers; and the meeting proceeded to take an informal ballot upon the first candidate: Out of

147 votes cast, C. D. Kerr received 65, L. M. Vilas 15, W. H. Sanborn 20, J. J. Egan 14, John W. Willis 8, H. P. Williams 8, Mr. Ovitt 8, and the remainder were scattered among four or five others. By unanimous consent the secretary was instructed to cast the formal ballot for Col. Kerr.

Tranquility being restored, Judge Flaudrau, in fitting terms, reviewed the professional career of Hon. Levi M. Vilas and placed him in nomination. John W. Willis, in eloquent terms, seconded the nomination. Mr. Vilas' name as the ideal for

THE JUNIOR REPRESENTATIVE

was the signal for vigorous applause. Abreast with Mr. Vilas, the names of Judge Egan and Walter H. Sanborn were proposed.

Of the former, Mr. Heard recalled what a public servant Judge Egan had been; how he had worked in the midst of his fellows for the past twenty odd years, crowning himself with that glory which comes to him who labors faithfully, diligently and effectively. Judge Egan had occupied the position of county attorney several years He is learned in the law, an able advocate, and a fit and worthy person for the highest honor that could be bestowed upon him.

Mr. Markham and D. W. Lawler seconded the nomination in erudite speeches.

C. E. Otis offered the name of Walter H. Sanborn.

C. N. Bell earnestly seconded the nomination.

C. D. O'Brien paid each candidate an eloquent tribute and seconded all the nominations. Formal ballots were then taken upon each nominee separately: and the names of Hon. Levi M. Vilas, Judge J. J. Egan and Walter H. Sanborn were added to that of Col. Kerr and the four

names, without distinction as to the two favorites, will be presented to the governor. The meeting had been a long and earnest one, and the courtroom clock chimed the hour of 6 o'clock when a motion to adjourn emptied the seats, and the satisfied barristers left the building perfectly happy at their choice.⁸

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3. Governor Merriam's Appointments.

From the *Globe*, February 15, 1889.

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WILL DON THE ERMINE

—

Gov. Merriam Appoints Two
Capable District Court Judges.

—

An Equitable Distribution So
Far as Politics Is Concerned

—

Recommendations by the Bar
Association Induce Executive Approval.

—

Your Honor Fitly Applied to
Messrs. Kerr and Vilas.

—

Gov. Merriam yesterday appointed M. Vilas and C. D. Kerr judges of the Ramsey county district court in conformity with the act recently passed by the legislature creating two additional judgeships for the Second

⁸ *St. Paul Daily Globe*, February 10, 1889, at 3.

judicial district. The commissions were signed late last evening. In making these appointments the governor has been guided not only by the ability of the gentlemen themselves, but largely by the hearty support accorded them by the bar association and the legal fraternity generally.

Mr. Vilas was specially recommended for the position, his legal acumen being warmly testified to by Senator Spooner and many prominent politicians of Wisconsin, where he spent many years of an active professional life. He was not less warmly indorsed by the members of the bar of this state.

Hon. Levi M. Vilas was born at Chelsea, Vt., Feb. 17, 1841. He is the second son of William Vilas, and a brother of Hon. W. F. Vilas, secretary of the interior. At the age of ten years his family moved to Madison, and he entered the University of Wisconsin from which he graduated in 1865. A year after he was admitted to practice at the bar of states of New York and Wisconsin. Between these two states he practiced his profession, and held

VARIOUS HONORABLE POSITIONS

until 1868, when he left the scenes of his youth and sought a prosperous future on the frontier, going far beyond St. Paul, to which place he returned a short time after. When he arrived in St. Paul he intended to go back to New York and settle down to practice at the bar of that state, where his former career and that of his brother, Hon. William F. Vilas, ranked him among the prominent practitioners. He changed his mind, however, and the last day of his sojourn in St. Paul he decided to go to Eau Claire, Wis., where he was known as one of the leading young attorneys of the state. Here he sowed

the seeds for a wide practice gaining success upon success, until he was esteemed an indispensable pillar off the community and an able and learned lawyer.

Shortly after making his home in Eau Claire (1869), he married Miss Ella Schlenger, with whom he became



the head of one of the brightest and happiest homes of the then humble metropolis. The home of the loyal, public spirited and generous-hearted Mr. Vilas became the hub of a large circle of friends, and his genial and brilliant wife shed a ray of light and dignity upon his home which consummated its hospitality and attractiveness. The result of

this happy union was a bright and cultured family of four pretty daughters, and a superb adornment to his cheerful home. He practiced his profession with marked ability and success and gathered about him a clientele extending all

OVER THE NORTHWEST.

In 1878 his wife died. Retaining his old home, he practiced and lived in Eau Claire, serving the community as their first city attorney and holding the office of mayor three consecutive terms. In October, 1885, he married Miss Lizzie Stewart Ludlow, of Chicago, a lady of culture and refinement, and beloved by all who knew her as a charming hostess.

In May, 1887, Mr. Vilas left a regretful and sorrowing city and came to St. Paul, taking up his residence at 409 Ashland avenue. He brought with him the litigation of his many clients in the sister state, besides attracting a large and higher order of practice in this state. While in Wisconsin he was twice tendered the supreme judgeship of that state, declining the honor in each case for the love of his practice, which for many years has consisted largely of great corporation cases of long standing and complication. In these he has won especial eminence as a deep, thorough and effective thinker possessing those mature characteristics which especially fit him for the honor just conferred.

When the governor announced the appointment last evening Mr. Vilas was engaged in trying a suit at Eau Claire, where he has been for the past week. He is expected home Saturday evening.⁹

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4. The *Globe* and *Pioneer Press* Laude the Appointments.

From the *Globe*, February 15, 1889.

⁹ *St. Paul Daily Globe*, February 15, 1889, at 1 (paragraphs on C. D. Kerr omitted).

The *St. Paul Dispatch* reported: "Hon Levi M. Vilas paused this morning in the midst of an oratorical flight before a circuit court jury to read a telegram announcing his appointment as district court judge by Gov. Merriam. Mr. Vilas is much gratified, but not surprised as the appointment was expected. He is engaged here for the defense in a \$180,000 suit for attachment of a brewery." *Dispatch*, February 15, 1889, at 3.

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THE NEW JUDGES.

Gov. Merriam is to be congratulated upon the wisdom of his appointments for the two additional district Judges provided for by the bill which recently passed the legislature. It is no disparagement to the two other distinguished gentlemen who were, named for these positions that Col. Kerr and Mr. Vilas were selected.

The governor doubtless had a wrestle in his own mind to select two from the four names presented to his consideration by the bar association, but as only two could be chosen, there is no room to find fault with the governor's judgment. Col. Kerr's long residence in this city as well as the prominent position he had held at the bar and the active part he had taken in public affairs, had contributed to single him out as one of the judicial appointees. For the same reasons there was a popular impression that Judge Egan would be Col. Kerr's associate on the bench. But Mr. Vilas was chosen; and, although comparatively a newcomer to this city, he did not come as a stranger to the profession, for his reputation as a lawyer had preceded him. For many years Mr. Vilas has been recognized as one of the foremost lawyers in the state of Wisconsin, and could have held the highest judicial positions in that state if he had expressed a willingness to accept them.

In congratulating the governor upon the wisdom of his choice in the selection of judges, we are likewise impelled to congratulate the citizens of the Ramsey county district upon their good fortune in securing the services of two such capable judges.¹⁰

¹⁰ *St. Paul Daily Globe*, February 15, 1889, at 4.

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From the *Pioneer Press*, February 15, 1889.

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Excellent appointments

Gov. Merriam has shown excellent judgment in filling the two additional judgeships of the district court of Ramsey county, created by a recent act of the legislature, by the appointment thereto of C. D. Kerr and Levi M. Vilas. In these appointments the governor wisely followed the deliberately expressed preferences of the bar association of Ramsey county, as indicated by the record of votes on the four names selected for submission to him. For the general opinion of the bar on the question of this character is a far safer guide than any personal views which the governor himself might happen to entertain on the subject. No class of the community is so directly interested as the lawyers in having their cases tried before good judges, and no class is so well-qualified to exercise a sound discrimination as to the qualifications of candidates for this position. The appointments are not only excellent in themselves, but excellent in relation to the large public considerations which demand that the judiciary be lifted above the low plane of party politics. These gentlemen are not only exceptionally well-equipped in professional learning and training, legal ability and high character for the judicial office, but they are purposely selected from the opposing political parties in harmony with the popular sentiment which happily prevails in this judicial District

and throughout the state that party considerations should not enter into the selection of judges whether by the executive or by the by a party convention. Mr. Kerr is a practitioner of long standing at the bar of this state and has been prominent for many years in the bar of Ramsey county. The fact that he was the nearly unanimous choice of the bar is testimony enough to his high qualities as a man and a lawyer. Mr. Vilas is a more recent addition to the bar of Ramsey county, having come here three or four years ago from Wisconsin. In that state he held a rank at the bar just as high, and perhaps higher, than that of his politically more distinguished brother, the present secretary of the interior. With these two notable additions to the strength and capabilities of the bench of Ramsey county there is not likely to be any further complaint of delays in the administration of justice. ¹¹

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5. VILAS ON THE BENCH

Vilas took the oath of office before Judge Hascal Brill on February 18th, and began work.¹² Accounts of seven cases follow. The terms of the Second Judicial District were set by the legislature:

There shall be nine (9) general terms of said court in each year for the transaction of such business as shall properly come before it, and said terms shall commence

¹¹ *St. Paul Pioneer Press*, February 15, 1889, at 4 (Editorial).

¹² *St. Paul Daily Globe*, February 19, 1889, at 2 (“Hon. Levi M. Vilas appeared before Judge Brill yesterday afternoon and took the oath of office as a judge of the Second judicial district of Minnesota. Judge Vilas will set court cases tomorrow.”).

on the first (1st) Monday of each month in the year except July, August and September.¹³

During the summer months the District Court was not in session; judges did not preside over trials or hear motions and other matters at special term. It was sometime in July or early August that Vilas travelled to Madison to rest at the family homestead. And that was where he died on August 25th.

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Case # 1.
From the *Globe*, March 22, 1889.

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THROWN OUT OF COURT.

Judge Vilas Dismisses a Case
Involving Many Legal Complications.

The case of the St. Louis Dalles Improvement company against the C: N. Nelson Lumber company, an action involving about \$40,000 for boomage on defendant's logs which destroyed plaintiff's boom in floating down the St. Louis river, was dismissed by Judge Vilas, late last evening. The case, a very complicated one, involving a point in law which heretofore has baffled both judge and counsel, was before Judge Vilas three days. It hung upon the interpretation of the term "to drive" logs in plaintiff's charter granted in 1872, and Judge Vilas,

¹³ Laws 1889, c. 144, §1, at 251 (effective May 1, 1889); Laws 1889, District Court Appendix, at 537.

eminent authority on lumber and logging terms and prominent as an experienced logger, construed the meaning and spirit of the phrase as only a man of his knowledge of such technicalities can, and upon motion of Attorney Castle, dismissed the action.

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Case #2.
From the *Globe*, April 11, 1889.

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AN IMPORTANT RULING.

In granting defendant's motion to dismiss in the case of D. A. Monfort against J. L. Mabon and S. B. Mabon, his wife, Judge Vilas made a ruling yesterday which is of particular interest to all members of the bar. C. E. Otis, representing the plaintiff, and S. F. Markham, the defendant, were before the court yesterday morning to try the suit, which is brought to recover certain mining stock in the possession of Mrs. Mabon upon a judgment secured against her husband. Plaintiff brought suit on the old judgment against the judgment debtor and his wife, to whom said debtor is alleged to have deeded \$10,875 worth of Gold King mining stock while he was insolvent, and, as is alleged, to defraud his creditors.

Defendant's attorney moved to dismiss on the ground that the proceeding was improper and that plaintiff could not, as creditor, directly sue the third party for property it held not proven to have been by it obtained from second party under the circumstances of fraud, as

alleged. Judge Vilas granted the motion and dismissed the case, virtually declaring the proper remedy to be what defendants' counsel argued: That in order to bring the property referred to within the control and for the benefit of the creditors, the mode of practice should be supplemental proceedings upon execution, and the appointment of a receiver, he to bring the action against the party holding property proven to have been obtained from the debtor for the purpose of fraud. The ruling is contrary to that heretofore practiced in this state, and therefore is of extreme interest to attorneys, who will note its validity as it is tested in the appellate court, to which counsel says he will take the question.

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Case #3
From the *Globe*, April 20, 1889.

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THE WIDOW'S MITE.

Judge Vilas Finds That Mrs.
Mintzer Has a Life Estate in
a Valuable Tract.

In the matter of the appeal of Anna R. Mintzer from the decision of the probate court, which decreed to her a certain portion of a tract of land containing thirty acres, and lying on the Westside flats and within the corporate limits of the city, Judge Vilas reverses the order and grants to Mrs. Mintzer the prayer in her appeal. The will of the late William L. Mintzer was

probated last November, and the St. Paul Trust company appointed as the administrator.

In the will the deceased had bequeathed to his wife, Anna R. Mintzer, along with other property, a life estate in the homestead upon which the deceased and family lived before his death. The property that was enjoyed as a homestead was a piece of unplatted land, containing about thirty acres, upon one corner of which stood the house inhabited by the Mintzer family. The probate court defined the area of the homestead lot as a piece of land about 100 by 150 feet, with all the hereditaments and appurtenances thereto belonging—such as the house, barn, etc. The property was adjudged to constitute the homestead and was vested in the widow. The remainder of the tract was declared subject to the administration of the estate, and should revert to the other devisees named in the will. Mrs. Mintzer appealed from this order and sued to recover the whole of the homestead tract.

After hearing the arguments and testimony, the court finds and decides “that the homestead of the deceased, William L. Mintzer, which descended to Anna P. Mintzer as widow, and in which she was entitled to a life estate and interested, included the (entire tract and dwelling house thereon; and she was not required to select a part thereof for a homestead, nor was the probate court authorized, upon the facts stated and found, to make the order appealed from. The order must be reversed and the judgment of this court entered, assigning to Anna R. Mintzer, widow of the deceased, all the land mentioned and described, to be held during life, and upon her death the fee to the property to be vested in the persons named in the will.”

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Case #4.
From the *Globe* April 23, 1889.

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REYNOLDS' REGRETS.

—

He Blames His Wife's Mother
for All His Marital Mishaps.

—

Judge Vilas Takes the Long-
Drawn Divorce Case Under
Consideration.

—

The Reynolds divorce case bobbed up again yesterday before Judge Vilas. The hearing of closing arguments having been continued from last Friday until yesterday morning, the judge heard Hon. C. D. O'Brien for Mrs. Reynolds, who brings the suit, and Judge Flandrau, who represents Mr. Reynolds, who is making an earnest contest of the case.

The case has now occupied over three days in its trial, and has proved to be the most complicated case of the kind that has held the attention of the court for the past three years. Mrs. Reynolds, as has been stated, charges her husband with cruel and inhuman treatment and habitual drunkenness. She wants a divorce about as badly as any woman ever did, and has spared neither money nor pains to secure the best legal talent of the city. To prove her charges, she has relied upon the testimony of her sister, with whom she is now living in

this city, her mother and herself. Mr. Reynolds, to refute his wife's charges and escape the disgrace of a decree for divorce being entered against him, has offered to the court the testimony of Eastern parties, who were intimate friends of the Reynolds family.

This evidence was all in the form of depositions, which took a day and a half to read them to the court. They made Mrs. Reynolds' allegations certainly appear as groundless, but Judge Flandrau's motion to dismiss the case in favor of Mr. Reynolds, did not meet with the entire approval of the court, which, however, made the remark that Mrs. Reynolds had a very slim case. Mrs. Reynolds' counsel argued long and interestingly yesterday morning and cleverly endeavored to show where Mrs. Reynolds' charges were true and corroborated.

On the other hand, Judge Flandrau, Mr. Reynolds' attorney, argued at great length and long into the afternoon, and reconciling circumstances to reason, tried to convince the judge that the whole proceedings were the result and outcome of the mutual dislike of Mr. Reynolds' mother-in-law and the balance of Mrs. Reynolds' family. As both parties are quite prominent New Yorkers, the progress and conclusion of the case has evoked considerable interest all through the East where both parties are well known. At 3 o'clock yesterday afternoon the case was submitted to the court, which has taken it under advisement.

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Case #4 continued
From the *Globe*, April 24, 1889.

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DENIED A DIVORCE.

—
Judge Vilas Upsets the Plans of
Mrs. Etta C. Reynolds.

A death-like silence prevailed about and within the district court rooms yesterday, all the judges except Wilkin having adjourned court the day before until Saturday. Judge Vilas, who was busy the three previous days trying the Reynolds divorce case, filed his decision. George W. Reynolds, the defendant in the suit, comes off the winner, the court deciding that his wife, Etta C. Reynolds, failed to prove or substantiate the allegations in her complaint.

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Cases # 5 & 6
From the *Globe*, May 10, 1889.

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Lizzie Kehl Liberated

—
Judge Vilas Discharges Her From
the House of Good Shepherd
—

The charges that Miss Jessie Schley, matron of the Young Girls' home, had detained Miss Kehl were conclusively proven before Judge Vilas yesterday to be unfounded, and the writ of habeas corpus against the Young Girls' home availed Mr. Kehl, the Cottage Grove farmer and father of the girl, nothing. Disappointed and baffled before the court yesterday morning, Mr. Land, the attorney, directed his crusade against the House of Good Shepherd. The writ against Miss Schley was

dismissed and the matter against the House of Good Shepherd granted. At 4 o'clock yesterday afternoon the writ was returned before Judge Vilas, and the much talked about Lizzie Kehl, accompanied by her father and other relatives, appeared before the court. Mother Mary, of St. Bernard, superioress, upon oath, informed the court that the girl was never detained, but would have been permitted to leave if she cared to do so. The whole matter was briefly ended by an order from the court discharging Lizzie Kehl from the custody of the House of Good Shepherd. Lizzie Kehl is a nineteen-year-old, buxom girl, and her own mistress. The girl is now free and can do as she pleases, as she did when she voluntarily went to the sisters at the Good Shepherd.

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DR. DENSLow DEFEATED.

The case of Horace R. Bigelow against LeGrand N. Denslow was heard and decided by Judge Vilas in the district court yesterday. The case is one where Dr. Denslow, who was indebted to Bigelow in the sum of \$975 for the rent of a dwelling house, offered and did deliver to Bigelow a deed to property upon which there was an incumbrance of \$8,500 as security for the rent, until the same should be paid by Denslow. In drawing the deed and in that portion of it which related to the incumbrance, the wording was to the effect that Bigelow assumed and agreed to pay the same. This was not the intention of either Bigelow or Denslow and the suit was brought to have the deed declared a mortgage, foreclosed and the property, sold for the benefit of Bigelow's claim of \$975. Judgment was ordered for Bigelow as asked.

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Case #7

From the *Globe*, June 2, 1889.

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ROCHE FAILS TO GET RELIEF.

—

"Honest John" Roche finds no relief in his appeal for a new trial in the Roche-McCardy case, and his motion to set aside the proceedings upon which the original writ of mandamus was issued as incomplete and irregular was wholly denied.

The case was argued before Judge Vilas a week ago yesterday by H. J. Horn for Mr. Roche and Mr. Fauntleroy, for Mr. McCardy. As then stated in the *Globe*, the judge stated from the bench the court saw no objection why the judgment should be set aside because the court minutes were slightly incomplete and hardly showed a record of any formal trial.

The facts of a case are not altered in any way by their history, be that correct or incorrect, and it being the proceedings of the court which caused the making of the writ upon a petition properly argued and submitted and due cause shown to the court why such a writ should issue against Roche, the same was then and there ordered by the court. When the motion for a new trial was argued there was nothing new in the case which caused the court to withhold its decision, save the question of the power to go back and upon the findings of fact at the original trial, order the minutes corrected. The court notes in its decision:

It is ordered that the motion of the relator be granted, and that the formal written findings of the court be allowed and filed nunc pro tunc, as of March 27, 1889; that the judgment heretofore entered, be amended nunc pro tune to conform to the written decision of the court, so that said relator have judgment therein against said defendant for said peremptory writ of mandamus, and that the same issue to said relator against said defendant as city comptroller, and that said alternative writ be made peremptory in addition to the judgment already entered. The clerk of the court is ordered to modify and amend the record of the judgment and the docket of the judgment to conform to this order: and that he attach this order to the judgment roll filed herein as so modified.

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6. Obituary and Memorials

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From the *Globe*, August 26, 1889.

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JUDGE VILAS IS DEAD.

—

The Silent Messenger Suddenly
Summons a Wise and Just Judge.

—

After Months of Suffering
He Passes Away at His
Mother's Home.

—

A Vacancy on the Ramsey
County Bench Difficult to Fill.

—

Special to the *Globe*.

Madison, Wis., Aug. 25.—Judge Levi M. Vilas, of St. Paul, died at 7:20 this morning of inflammation of the kidneys at the residence of his mother in this city. He had been ailing for some time and came to Madison in the hope that a change of climate might benefit him.

But it was of no avail, and during the last few weeks he has declined rapidly. His wife and children, his mother and brothers, Edward P. of Milwaukee, and Charles H. of Chicago, were at his deathbed. Ex-Secretary William F. Vilas is now in Northern Wisconsin, and has been telegraphed for.

Judge Vilas was born at Chelsea, Vt., Feb. 17, 1844. His father, Judge Levi B. Vilas, moved West with his family when Levi M. was ten years of age, settling in Madison. Judge Vilas grew up here, was educated at Wisconsin university, graduating in 1863. A year later he was admitted to practice law in the Wisconsin and New York courts, he having graduated from the Albany law school in 1864. He located at Eau Claire, Wis., in 1868, practicing law in that city until 1887. He was the first city attorney of Eau Claire, and was elected mayor in that city three times.

In June, 1887, he moved to St. Paul, and in February last was appointed one of the judges of the district court of Ramsey county, which position he held at the time of his death. While in Wisconsin Judge Vilas was considered to be one of the ablest lawyers of the state and had several times been suggested for the supreme court.

He was a Democrat in politics. Judge Vilas leaves a widow and four daughters, three by his first wife and one by his second, he having been married twice. The funeral will take place here Thursday at 2 p. m. The remains will be laid beside those of his father in Forest Hill cemetery, Madison.

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GRIEF IN ST. PAUL

Over the Death of One Loved as a Man,
Honored as a Judge.

Information of the death of Judge Vilas was not widely circulated through St. Paul yesterday, but wherever the tidings became known the expressions of

grief and loss were sincere and heart felt. For nearly a month past his many friends in this community had been anxiously inquiring for news from Madison of the condition of the bed-ridden jurist, and the belief had become general that his health was growing better and the danger averted. The intelligence of his death will produce not only the shock natural to the death of an esteemed citizen high in public life, but will be received in deep grief by hundreds of warm and sincere friends made during Judge Vilas' two years of life in St. Paul. In this comparatively short time he had won the respect and admiration of the many who recognized in him the high qualities of head and heart displayed as a man and an attorney, and had added to this the love and confidence of the few who had been permitted to know him more intimately.

In spite of his brief residence, he had been the unanimous choice for one of the new positions created on the bench of the district court, and when, on February 14 last, Gov. Merriam made the appointment, it was indorsed without a word of other than commendation. His short career on the bench was a complete vindication of this high esteem, and gave promise of a long life of public usefulness, in the difficult and trying position on the woolsack. A meeting of the bar of Ramsey county will be held to take suitable action.¹⁴

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¹⁴ *St. Paul Daily Globe*, August 26, 1889, at 1.

From the *Globe*, August 27, 1889.

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The Bar Will Eulogize Judge
Vilas and Talk of a
Successor.

—
THE BAR TAKES ACTION.

—
On the Death of Judge Vilas—
Talk of His Successor.

—
At 3 o'clock yesterday the bar association held a special meeting for the purpose of taking appropriate action relative to the death of Judge Vilas.

Gen. Sanborn presided, and appointed a committee consisting of John H. Ives, C. K. Davis, C. E. Flandrau and C. E. Otis to draft resolutions of condolence to be submitted at a subsequent meeting of the association. Chairman Sanborn then named the following gentlemen to represent the association at the funeral to-day: Judges Brill and Kerr, James J. Egan, J. W. Lusk, John H. Ives, John W. Willis, W. H. Lightner, J. M. Hutchinson, B. M. Armstrong, W. Pitt Murray, S. L. Perrin and E. H. Ozman. Charles N. Bell, W. D. Cornish and C. J. Thompson were made a committee to invite additional delegates. The representatives of the bar association left for Madison last night in a special car over the Omaha road.

THE VACANT SEAT.

Gov. Merriam will not consider or take any action towards filling the vacant judgeship until the interment of the late Judge Vilas. Local attorneys are very reticent as to their predictions of a successor to Judge Vilas. E.

E. Mac Donald was the only one out of many interviewed yesterday, to boldly strike his flag upon Judge Egan, "I suppose the judgeship will go to a Democrat, and, that being the case, I strongly advocate Judge Egan." A meeting of the bar association will be called after the interment of the late judge when the names of two gentlemen will be selected for submission to Gov. Merriam. If a Democrat is to be selected, and following upon the lines laid down by Goy. Merriam himself, there is every reason to believe that a selection of that character will be made, in addition to Judge Egan, the names of C. D. O'Brien and Judge Flaudrau are freely mentioned.¹⁵

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From the *Globe*, August 28, 1889.

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L A I D T O R E S T .

—————
Funeral of the Late Judge Levi
M. Vilas.
—————

Special to the *Globe*.

Madison, Wis., Aug. 27.— At 2 o'clock this afternoon the last sad and impressive funeral services over the remains of the late Hon. Levi M. Vilas, district judge of the second judicial district of Minnesota, were solemnized at the residence of his mother, Mrs. Levi B. Vilas,

¹⁵ *St. Paul Daily Globe*, August 27, 1889, at 2.

Langdon and Henry streets, in this city, Rev. Dr. Durlin, of the Episcopal church, officiating. The friends and former associates of the dead jurist were gathered about his bier to a large number. Fame and distinction, position and station, all paid tribute to the beloved man who had lived in Madison as a boy, who grew with it into the respect and esteem of its people, and who returned but a few months ago to the city of his childhood to lay down the wand of his already brilliant and now promising career, and found a sad peace and resting beside the tomb of his father, the late Hon. Levi B. Vilas, and that of his deceased brother and sister, Henry Vilas and Esther Vilas. The floral offerings were numerous, rich and beautiful, and the casket containing his remains lay buried in a bower of floral sentiment. Early this morning the delegation of the Ramsey County Bar association arrived, represented in the persons of Judges Kerr and Brill, Gen. J. B. Sanborn, John W. Willis, County Attorney J. J. Egan, James W. Lusk, B. W. Armstrong, James M. Hutchinson, S. L. Perrin and the two former law pupils of the deceased, John B. Fleming and Henry W. Wack. These were met at the depot by Dr. Charles H. Vilas, of Chicago, and escorted to a

PLACE OF CONVENIENT MEETING.

The Madison bar turned out in a body and attended the cortege to the grave. A large contingent from Chicago and Eastern cities, as well as many friends from Eau Claire paid a last visit to the Vilas home and viewed the remains of the widely lamented jurist. The pall bearers were Judge J. B. Cassidy, of the supreme court of Wisconsin; Judge Romanzo Bunn, of the United States court; Judge Ed. E. Bryant; Hon. J. C. Gregory and Col. George W. Bird, of Madison; Peter Baldy, Judges Bull and Kerr,

Hon. J. W. Lusk and Dr. D. W. Day, of St. Paul. Hon. William F. Vilas, late secretary of the interior, arrived shortly after his brother's death last Sunday morning, and made whole the immediate family, which anxiously watched the life tide ebb from the flesh of its member. Besides him all the family were present, composed of Hon. William F. Vilas. Edward P. Vilas, of Milwaukee; Dr. A. F. Vilas, of Chicago, Mrs. Levi B. Vilas, mother of the deceased, and Mrs. Levi M. Vilas and four daughters, Jessie, Elizabeth, Kate and Margaret. As the long train of carriages wound its way to Forest Hill cemetery, the concourse was augmented by a voluntary escort from the citizens of Madison. The entire city is in mourning, and many places of business and the places of court and capitol were deserted. The grief-stricken community is but too sensible to the loss it has sustained in an untimely dissolution of a life so noble, so conspicuously grand and so honored.¹⁶

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From the *Globe*, August 28, 1889.

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HIS BROTHER ALUMNI

Adopt Resolutions Eulogizing the
Late Judge Vilas.

The Twin City Alumni Association of the University of Wisconsin held a meeting in St. Paul on Monday evening

¹⁶ *St. Paul Daily Globe*, August 28, 1889, at 1.

and adopted the following resolutions touching the death of Hon. L. M. Vilas, the first president of the association.

That in the death of our distinguished brother there has been removed from our membership one to whom largely was due the formation of our association, and one who had at heart the interests and welfare of our Alma Mater, and who by his marked ability and integrity had made rapid advancement to prominence to the honor of both.

That we review with pride the career of our deceased-brother, whose course has always made him prominent in whatever community he has resided, and placed him at the head of his profession, and whose late promotion to the bench in this state, with a residence of less than two years, had been granted him as a just honor to his sterling worth, and marked the success of his talents and his exemplary life, and in which position he was so highly esteemed for his qualities as a judge.

That these contemplations, and the fact that in years he was still young, deepens the sadness of his departure from among us, which leaves us, and all who knew him, to mourn the loss of a noble man, a leading citizen, an able and just judge, a genial associate, an affectionate husband, a fond father, a kind son and brother at a time when we were expecting him to gain new rewards on earth, and that we still had many years in the future to enjoy his presence and the benefit of his counsel.

That we deeply sympathize with the wife and children of our deceased brother and with his mother and brothers in their deep grief at the death of one who was so able to guard, protect and honor them.

The resolutions were engrossed, signed by the committee, Messrs. S. W. Betkin, F. N. Henkryx and A. H. Noyes, and ordered transmitted to Judge Vilas' family.¹⁷

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From the *Globe*, September 10, 1889.

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HONORS TO THE DEAD.

The Ramsey Bar Feelingly Eulogizes the Late Judge Vilas.

A largely-attended meeting of the bar association was held in one of the district courtrooms yesterday morning. Resolutions on the death of Judge Vilas were adopted as follows:

Resolved. That by the death of the Hon. Levi M. Vilas, one of the judges of this court, the bar has been deprived of a member in whose character were presented the mental and moral traits of an eminent lawyer: and that the bench has lost, in the very beginning of his usefulness as a judge, a magistrate whose clear perceptions of right, whose judicial temperament, whose unvarying courtesy, whose abundant learning, and whose great experience at the bar had given to the bar, to his associates and to the public the assurance of a wise, just, and upright judge.

¹⁷ *St. Paul Daily Globe*, August 28, 1889, at 2.

Resolved. That the court be moved to direct that those resolutions be entered in the records of this day's proceedings, and that it order the clerk to transmit to the widow of Judge Vilas a copy thereof, as an attestation of the esteem in which he was held by his brothers of the legal profession and by his associates on the bench, and of their condolence with her in her irreparable bereavement.

At 1 o'clock the resolutions were presented in court and spread upon the records. Senator Davis, Hon. John H. Ives, Judges Brill, Flandrau and Lusk eulogized the lamented magistrate.¹⁸

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7. Biographical Profiles from County and Bar Histories

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a. From Parker McCobb Reed, *The Bench and Bar of Wisconsin* (1882).

LEVI M. VILAS, Eau Claire, was born in Chelsea, Orange county, Vermont, February 17, 1844. He was the third son of Levi B. Vilas, elsewhere commemorated in this volume. Graduating from the University of Wisconsin in 1863, he immediately entered the Albany Law School, from which he was graduated in 1864. He was thereupon admitted to the bar by the supreme court of New York. In 1868 he removed to Eau Claire, Wisconsin, where he still resides, engaged in active practice.

¹⁸ *St. Paul Daily Globe*, September 10, 1889, at 2.

His rank is acknowledged among the leaders of the bar of northwestern Wisconsin. An extensive business and large clientage from the prominent and energetic men, who have developed the great interests on the Chippewa river and its tributaries, attest the confidence and appreciation in which he is held in that community. The writer of this sketch well knows the estimate placed upon Mr. Vilas by his professional brethren. By them he is universally regarded as well forward in the front rank of the lawyers of the state; clear and accurate in judgment, thorough in learning. conscientious and painstaking in the preparation of causes, and strong and vigilant in trial. He has a gift of expressing his views in a terse, lucid and forcible style, admirably adapted to legal argument. His mind is strongly judicial, and his qualities are commonly accepted as prophetic of distinction on the bench in due season. A genial address and manner, an open bearing, a kindly, sympathetic nature, grounded upon a character of sterling integrity, render him deservedly popular in his community, and with his profession.

Although too thorough a lawyer to be active in politics, and adhering to the party in minority in his city and county, marks of popular favor have come to him unsought, and in spite of party prejudice. He was elected city attorney of Eau Claire in 1872, its mayor in 1876, district attorney of Eau Claire county in 1877, and was reelected to that office in 1879.¹⁹

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¹⁹ Parker McCobb Reed, *The Bench and Bar of Wisconsin* 336 (1882).

b. From John R. Berryman,
2 History of the Bench and Bar of Wisconsin (1898):

LEVI M. VILAS.

Levi Madison Vilas, formerly of the Eau Claire bar, and at the time of his death judge of the district court for Ramsey county, Minnesota, was born February 17, 1844, at Chelsea, Orange county, Vermont. He completed his general education in the university of Wisconsin, from which he was graduated in 1863. His graduation from the Albany law school occurred in 1864, in which year he was admitted to the bar in New York. Returning to Madison, the residence of his father's family, he engaged with his brother, William F., in the practice of the law for about a year, after which he went into the quartermaster's department of the army as chief clerk, remaining in that position two years. In 1868 he removed to Eau Claire, Wisconsin, where he built up and maintained a large practice. While in Eau Claire he was elected to the offices of city attorney, in 1872; mayor, in 1876; district attorney, in 1877 and 1879.

In June, 1887, Mr. Vilas removed from Eau Claire to St. Paul, Minnesota. His reputation as a lawyer had preceded him, and it was not long until he was entrusted with all the business he could attend to. Less than two years after becoming a resident of St. Paul Mr. Vilas was selected by the governor (a republican) for judge of the district court for Ramsey county, which appointment was accepted and the duties of the office entered upon. But the worthy recipient of that honor was not long permitted to hold the scales of justice; disease, even at the time of his removal from Wisconsin,

had laid hold of him, and on August 25, 1889, he passed away at the family home in Madison.

Levi M. Vilas was an excellent lawyer. His standing in the profession was such as any member of the bar might envy; such as cannot be reached otherwise than by the diligent application of a trained and strong mind. His manner of expression was marked; his style was his own—clear, terse and strong. His voice was strong, but musical. His appearance was prepossessing, and indicated great strength. His mind was eminently judicial, and had his life been spared his record as a jurist could but have been equal to that he made as a lawyer; indeed, he would, in the opinion of the writer, have excelled as a judge. His merit in this direction was recognized by a large number of his professional brethren some years before he left Wisconsin, by asking him to become a candidate for associate justice of the supreme court. No doubt that position would have been in accordance with his taste; but he declined to become a candidate for it.

In politics Mr. Vilas was a democrat; but he was not a politician. He did not forget that the law is a jealous mistress; he paid diligent court to her, and was rewarded accordingly. His personal character conformed to his professional; another illustration of the fact that the really good lawyer must be a good man.²⁰

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²⁰ John R. Berryman, *2 History of the Bench and Bar of Wisconsin* 602-603 (1898).

c. From *The History of Eau Claire County: Past and Present* (1914).

Levi M. Vilas, formerly of the Eau Claire bar, and at the time of his death judge of the district court of Ramsey county, Minnesota, was born February 17, 1844, at Chelsea, Orange county, Vermont. He completed his general education in the University of Wisconsin, from which he was graduated in 1863. His graduation from the Albany law school occurred in 1864, in which year he was admitted to the bar in New York. Returning to Madison, he engaged with his brother, William F., in the practice of law for about one year, after which he went into the quartermaster's department of the army as chief clerk, remaining in that position two years. In 1868 he removed to Eau Claire, Wis., where he built up and maintained a large practice.

He was elected to the office of city attorney in 1872, and mayor in 1876; district attorney in 1877 and 1879. Mr. Vilas removed from Eau Claire to St. Paul, Minn., in June 1887. In less than two years after becoming a resident of St. Paul he was selected by the governor for judge of the district court of Ramsey county, which appointment was accepted and the duties of the office entered upon. But the worthy recipient of that honor was not long permitted to hold the scales of justice; disease even at the time he left Wisconsin had laid hold of him, and on August 25, 1889, he passed away at the family home at Madison.

Levi M. Vilas was an excellent lawyer. His standing in the profession was such as any member of the bar might envy; such as cannot be reached otherwise than by diligent application of a trained and strong mind. His manner of expression was marked; his style was his own

– clear, terse and strong. His voice was strong, but musical. His appearance was prepossessing and indicated great strength.²¹

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d. From Hiram Stevens, editor, 1 *The History of the Bench and Bar of Minnesota* (1903):

Judge Levi M. Vilas, of St. Paul, was born at Chelsea, Orange county, Vermont, February 17, 1844. He was the fourth son of Levi B. Vilas and Esther G. Smilie, his wife, and both of his parents were of families well known in Vermont for strong characteristics, prominence and success.

In 1851 his father removed to Madison, Wisconsin, for the purpose of educating his family of boys under his own care at the state university. He was for many years among the most prominent and representative citizens of the city and state of his adoption, and there he finally ended his days and lies at rest.

Other children were William F., four years older than Levi, who was a member of President Cleveland's first cabinet, and afterwards senator from Wisconsin; Charles H., a surgeon of Chicago, late president of Hahnemann college, and Edward P., still in active practice at the bar in Milwaukee.

²¹ Judge William F. Bailey, *The History of Eau Claire County, Past & Present* 277-78 (1914). This profile was lifted from John R. Berryman, 2 *History of the Bench and Bar of Wisconsin* 602-603 (1898), posted above.

The subject of this sketch possessed the distinctive traits of character, mental brilliancy and power that characterize the family. He entered the University of Wisconsin as a freshman at fifteen years of age, was graduated with honor at the age of nineteen; began his studies at the Albany law school in 1863, was graduated in 1864, and admitted to practice in the supreme courts of New York and Wisconsin the same year. One year and a half were spent by him in government service in the west, and he then began his active professional work in the city of Eau Claire, Wisconsin, in 1868. The city in which he located was at that time rapidly expanding under the stimulus of the vast lumbering interest of the state, and the work of a lawyer was fraught with responsibility, requiring courage and careful business judgment, as well as legal learning. Although Mr. Vilas was a scholar with all a scholar's instincts, he had the peculiar mental grasp which enabled him to deal with vexing business problems, which he handled with certainty and success.

His residence was in a republican city and county, and his political faith and associations were democratic and always openly avowed, and yet his fellow citizens freely marked their estimate of his trustworthiness by bestowing upon him such offices and honors as were in their gift, and throughout the state he was regarded as destined to high preferment. He was the first city attorney of Eau Claire, chosen upon the city's organization in 1872. In 1876 he was elected mayor; in 1877 he was elected district attorney of Eau Claire county, and re-elected in 1879. His most signal honor in Wisconsin, however, he received from his professional brethren, always the most reliable in just appreciation. In 1885 the State Bar Association of Wisconsin, contem-

plating a probable change in the supreme court, passed resolutions requesting him to become a candidate for the supreme bench. His elevation to the office would have been received with universal approbation by the lawyers of Wisconsin, but learning soon after the nomination that the then incumbent of the office, Judge Taylor, was not expecting to retire but desired to stand for re-election, Mr. Vilas declined the nomination in a letter to the committee of the bar association which, by its dignified tone and elevation of sentiment, did him great honor and showed his remarkable fitness for the place itself. Speaking of the office of supreme judge, he said: "No one could accept it without a sense of awe in view of the grave responsibilities it imposes. Professional learning, practical experience, great capability of labor, sincere honesty of thought and purpose and fearlessness in conviction are not only to be demanded of the incumbent, but his usefulness must require a generous popular confidence and the united respect and support of the bar. It can, therefore, never be justifiably accepted as the reward of skillful self-seeking, in fact, and hardly less so, if candidacy were to be charged with that appearance." The whole letter, declining a candidacy to judicial place which would involve the strife of self-seeking, is one which so commends itself to the moral sense of the legal profession that it ought to be preserved and studied as a continuing object lesson to all who are desirous of judicial exaltation. It was the general feeling at the time of his removal to Minnesota that had he remained in the state of Wisconsin and his life been spared, he would inevitably have been called by the unanimous voice of the Wisconsin bar to that dignified position for which his ability and worth so well fitted him.

During his eighteen years residence in the Wisconsin city he developed not only his legal and intellectual powers, but the genial character and wide knowledge of men which distinguished him in the few years in which he became known to the Minnesota public. He is remembered in Eau Claire by many men with whom he was personally and professionally associated as a fearless, capable advocate and strong lawyer, and a genial, devoted, steadfast friend.

In the "Bench and Bar of Wisconsin," published in 1882, it was then said of him by a professional brother who was capable of a true and just discrimination of his character, parts and estimation:

"His rank is acknowledged among the leaders of the bar of northwestern Wisconsin. An extensive business and large clientage from the prominent and energetic men, who have developed the great interests on the Chippewa river and its tributaries, attest the confidence and appreciation in which he is held in that community. The writer of this sketch well knows the estimate placed upon Mr. Vilas by his professional brethren. By them he is universally regarded as well forward in the front rank of the lawyers of that state; clear and accurate in judgment, thorough in learning, conscientious and painstaking in the preparation of causes, and strong and vigilant in trial. He has the gift of expressing his views in a terse, lucid and forcible style, admirably adapted to legal argument. His mind is strongly judicial, and his qualities are commonly accepted as prophetic of distinction on the bench in due season. A genial address and manner, an open bearing, a kindly, sympathetic nature, grounded upon a character of sterling integrity, render him deservedly popular in his community, and

with his profession. Although too thorough a lawyer to be active in politics and adhering to the party in minority in his city and county, marks of popular favor have come to him unsought, and in spite of party prejudice."

In 1886 he moved with his family to St. Paul and began his professional work in that city, and the same gifts which had rendered him so valuable to friends and clients in his former home soon brought him a large and rapidly increasing clientage. After two years' residence and practice in St. Paul the creation of two new district judgeships in Ramsey county afforded an opportunity to conspicuously mark the esteem which his character and ability had so quickly won. While absent from the city and without his knowledge, or a single effort, direct or indirect, on his part, his brethren of the bar joined in recommending him to the governor of Minnesota for the appointment, and disregarding his political opposition, perhaps even more willingly for it, Governor Merriam ratified their choice. His acceptance was a satisfaction to all and his performance of his judicial duties during the short time he was spared to the bench manifested the admirable fitness of the selection. The strength and clearness of his mind, his incorruptible integrity, his high moral courage and fine balance of powers eminently fitted him to adorn the bench. His brethren of the bench and bar recognized him as a man whom they delighted to honor.

Senator Davis said of him: "He was a man of sterling integrity. He possessed a robust and manly intellect, and was always distinguished by his frankness."

Hon. James V. Lusk said of him: "There never has been a lawyer to whom a client could entrust his case

with more certainty of knowing that it would be looked after. He was thorough almost to a fault."

Judge Brill said: "One could not remain in his association long and fail to discover the qualities of mind and heart which make men great. His books were his familiar companions. He regarded them almost as one regards his friends, but his learning was not mere pedantry. He digested cases into principles; and learning in the crucible of his intellectual processes became wisdom. His uniform courtesy, his unselfishness, his wide information, his gifts of conversation and his quaint humor made him the most companionable of men. No man can be what I have already said he was and not be a good neighbor, a true friend and a wise and tender husband and father."

Judge Vilas possessed an unusually genial and affectionate nature which especially endeared him to his family and his personal friends. It would be difficult to think of him without associating him in mind with his family. In 1869 he was married to Ella C. Slingluff, of Eau Claire, daughter of the Hon. Levi Slingluff and Eliza Ann Fore. She died in 1879, leaving three daughters, Jessie C, Elizabeth D., and Kate P. Vilas, all of whom are living.

In 1885 he married Lizzie Stuart Ludlam of Chicago, Illinois, who accompanied him to his home in the city of St. Paul, and by this marriage was born to him his daughter, Margaret. It is pleasant to consider what might have been accomplished had life been spared to such a nature for a greater length of years. Perhaps for himself he attained life's best gifts—professional success, the respect and confidence of his fellows, the regard of his friends and the tender affection of his

family. He was courteous and considerate of all. His younger brothers in the profession found him just and generous, even as an opponent, and his equals in years and experience knew his fairness and his strength. Longer years would have been only years of service to others. The bench early lost that best of all its possessions, a capable, honest and upright judge.

He died August 25, 1889, at the family homestead in the city of Madison, Wisconsin, then the residence of his mother, Mrs. Esther G. Vilas. It seemed especially fitting that his life should end at his old home and that he should lie in the cemetery of the beautiful city which still remembers him as one of her best beloved children, and in a state which regarded him as one of her honored citizens.²²

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²² Hiram F. Stevens, editor, *History of the Bench and Bar of Minnesota* 106-110 (1904).