

Judge Wescott Wilkin's Retirement Banquet

(January 3, 1891)

On Monday, January 5, 1891, Judge Wescott Wilkin retired. He was 67 years old and had served over a quarter century as a Judge of the Second Judicial District Court in St. Paul.

In the afternoon of Saturday, January 3, at a special session of the district court, the county bar association presented tributes and resolutions honoring Judge Wilkin and a banquet was held at the Metropolitan Hotel that evening. These events were reported at length in the *St. Paul Sunday Globe* on January 4, 1891, and they follow. They are of interest for several reasons.

These ceremonies reveal the closeness of the county bench and bar at that time. Wilkin himself remarks on his respect for the county bar and quotes an old adage, "A strong bar is apt to make a good judge."

In a short address at the end of the banquet, Wilkin described the responsibilities of a trial judge. One could look far and wide and not find a better description of how a conscientious trial judge works than Wilkin's. Long forgotten, his remarkable reflections deserve to be read, reread and remembered.

Finally, there are today residents of Ramsey County and, perhaps, even visitors to this website whose great-great-grandfathers and distant uncles tried cases before Wescott Wilkin. They will especially appreciate what follows.





January 4, 1891

Page 2

RETIRED IN HONORS.

The Magnificent Testimonial
Tendered Judge Westcott Wilkin
To Commemorate His Retirement to the
Rest of Private Life.

Resolutions Embalmed in the
Imperishable Records of
the Court.

Distinguished Guests Participate in the
Banquet Last Evening

The closing hours of the December term of the district court of Ramsey county yesterday afternoon were memorable, and they will be remembered as long as the history of that court is perpetuated, because of the exercises in honor of Judge Westcott Wilkin, who retired from the bench after a service of a little over twenty-five years.

At 2 p. m. Court Room No. 1 was filled with members of the bar, county officials, distinguished citizens and a large sprinkling of ladies. Sheriff Ed S. Bean, with a cordon of deputies, attended to the seating of the assembly. R. T. O'Connor, clerk of the court, sat at his desk, flanked on either side by a number of deputies. Among the prominent gentlemen in the room were Gov. William R. Merriam. ex-Gov. Ramsey, Mayor Robert Smith; Judge R. R. Nelson, of the United States district court; Judge Charles E. Flandrau; Chief Justice Gilfillan, of the supreme bench, and Associate Justice Dickinson; D. W. Lawler, J. J. McCafferty,

Judge Hicks, of Minneapolis; Judge Hooker, of Minneapolis; ex-United States Senator McMillan, Ambrose Tighe, Judge J. J. Egan, Judge John Twohy, John W. Willis, Dr. David Day, Comptroller Roche, City Treasurer George Reis, County Treasurer A. N. Nelson. J. C. Michael, Hon. William P. Murray, I. V. D. Heard, Hon. John M. Gilman, H. J. Horn, H. R. Bigelow, Hon. John B. Sanborn, Ald. W. H. Sanborn, Hon. H. F. Stevens, Hon. John B. Brisbin, Col. W. P. Clough. Judge Greenleaf Clark, Judge W. Lusk, H. L. Williams, W. P. Warner, C. N. Bell, George B. Young, J. D. O'Brien, C. D. O'Brien, James Smith Jr., counsel of Duluth road, one of the oldest members of the bar; Alfred S. Hall, S. P. Crosby.

At two o'clock Sheriff Bean escorted the six judges of the bench, led by the venerable Judge Wilkin, into the room. The entire audience arose and remained standing until the judges had taken seats on the bench and Sheriff Bean had announced that the district court for the Second judicial district of the state of Minnesota was in session pursuant to adjournment.



Judge Flandrau's Tribute.

Judge Flandrau took the floor and said:

"May it please your honors: I rise in the performance of a duty entirely foreign to such as usually calls us together in these halls of justice. Most of the events that assemble men together in the varied affairs of life partake either of joy or regret: but the occasion which unites us to-day includes them both. A retrospect of the past quarter of a century, during which Judge Wilkin has presided over the judicial department of this district, when viewed with an eye to his conduct of its affairs, can inspire but one sentiment in the minds of both professional men and citizens generally—that of pride and admiration for his urbane deportment under all circumstances; his exercise of an inspired wisdom, a profound learning, a stern impartiality and an even-handed justice, all softened by a tender sense of mercy, properly and judiciously bestowed—and to feel that our judicial treasury is to be robbed of these jewels causes us unspeakable regret.

"When we cast our eyes forward we see our much beloved and revered judge and friend, relieved of the cares and responsibilities of the judicial office, busking in the sunshine of universal friendship, entering upon a new career of undisturbed happiness, sharing his garnered stores of culture, knowledge and experience with those fortunate enough to be numbered as his friends, and disseminating in another lighter and more pleasing field seeds which will doubtless produce a harvest as valued as that which has been reaped in the past.

"Such a prospect cannot fail to inspire us all with sentiments of pleasure, even when reached through the sacrifice that creates it.

"Judge Wilkin came of a high and honorable lineage. His earliest impressions were to be truthful, true and just, not for the applause of man or the aggrandizement of self, but for the sake of truth, right and justice; and this imperishable foundation, imbedded in the plastic mind of infancy, has been the sole basis of his long and useful life. Never has he been known to swerve the breadth of a hair from the straight and narrow path of rectitude.

"He received a classical and professional education in his youth, and at a very early period in his career he was called to an important judicial position in his native state of New York.

“In the early days of our territorial life he came among us full of the ambition of youth and practiced his profession with success. It would be impossible in a new country of disorderly habits, but with a sagacious population, for such a valuable acquisition as young Wilkin to remain long unrecognized. In 1865 he was called to the bench of this district, and for many years performed, unaided, all the functions of that very important and laborious position, which, by the growth of time and business, now occupies the time and exacts all the energies of six judges.

“When once seated in the chair of justice his peculiar qualifications for the judicial office became so apparent that from that day to this he has been elected and re-elected by the unanimous suffrages of his fellow-citizens, sometimes with his acquiescence and sometimes against his wishes and protest. What can my voice or pen add to the grandeur of such a history?

“Judge Wilkin on next Monday will retire from the bench of this district. He does so at his own desire and with the profound regret of all who know him. He will take with him into his dignified retirement and privacy of life, not only the respect and gratitude of all his fellow citizens for his past fidelity to duty, but their love and affection, not simulated or formal, but honest and sincere.

“That he may take a new lease of life, become rejuvenated and enjoy the blessings he has so well earned and so richly deserves, I think I can safely say is the wish of every man, woman and child in the commonwealth; and nowhere is that sentiment more deeply imbedded than in the heart of your speaker.

“If it may please you. I move you that the proceedings of this farewell meeting may be entered in the records of this court to serve as a beacon light for the future.”

Continuing, Judge Flandrau said:

"Now, if your honors please, those are the sentiments of the bar. The people and the heads of departments, desiring to testify to their respect and esteem, have had the resolutions adopted at the recent Democratic and Republican conventions engraved upon parchment and framed. They desire that they be presented to his honor, Judge Wilkin, as mementos.”

Judge Flandrau then read the resolutions, which expressed regret at Judge Wilkin's determination to retire from the bench and declining a re-nomination to office. Judge Flandrau concluded as

follows: "Let the young members of the bar hereafter cast their eyes on the calm, serene face of Judge Wilkin (he here pointed to a life-sized portrait suspended over the judges' bench) and strive to emulate his example and precepts."

I. V. D. Heard arose and seconded the motion of Judge Flandrau that the expressions of respect by members of the bar and citizens be recorded on the minutes of the court. He eulogized the character of Judge Wilkin as a just judge, and compared him to the sacred judge of the olden times. Other eulogies were pronounced by Judge J. W. Lusk, Gen. John B. Sanborn, W. H. Sanborn, H. F. Stevens, Henry J. Horn, James Smith Jr., Alfred S. Hall and S. P. Crosby. The manner of the older member of the bar showed: the feeling of regret; they felt at saying farewell to Judge Wilkin as a judge; on the bench and their voices were somewhat tremulous. The speeches of all bore testimony to the sterling qualities of the eminent jurist and his kindness as well as thoroughness on the bench.¹

¹ The *Minneapolis Sunday Tribune* in its account of the ceremonies paraphrased the speeches of the lawyers who followed Flandrau that were omitted in the *Globe's* account:

I. V. D. Heard followed. He dwelt briefly on the uprightness, honesty and integrity of Judge Wilkin.

J. W. Lusk said it was a great pleasure to join with others in paying honor where honor was due, and here when the one they honored was with them and heard what they had to say. Many a man and woman would have died happier had they heard one-tenth of the good things said after death, spoken before they died. Mr. Lusk told Judge Wilkin why the young and old alike honored and respected him. Mr. Lusk then referred to the time when Judge Wilkin was the only judge on the bench and the faithful way he had performed his duties. The speaker's remarks were touching, and his own as well as other eyes showed the depth of eulogy to which they were moved.

Gen. J. B. Sanborn said all the traits that go to make up a model judge, Judge Wilkin possessed. He, too, referred to the long and faithful career of Judge Wilkin.

W. H. Sanborn joined in the adulations, referring like the other speakers to Judge Wilkin's patience, legal knowledge, kindness, etc.

H. F. Stevens spoke on behalf of younger generations at the bar. That edifice, he said, would not hold the audience that would go to honor Judge Wilkin, did they not know their representative would do him the honor he deserved. He was glad they were not to say farewell, but to welcome him again among them. He invoked heaven's choicest benedictions. Hon. R. J. Horn spoke of the elevating influence Judge Wilkin had exercised on the bar of Ramsey county, which compared favorably with that of any in the United States—a matter due largely to the retiring jurist. He also referred to the devotion Judge Wilkin had always shown to his work. He added his farewell as an individual, with the hope that their friendship would be more firmly cemented, if possible, than it has heretofore been.

James Smith Jr., counsel of the Duluth road, followed very briefly in a like strain.

Alf. S. Hall told his personal experience and feeling when he went before Judge Wilkin to try a case. He always felt, he said, when he had finished his case, that he was a more polished lawyer than he was before he began it.

Judge Brill's Ruling.

Judge Hascal R. Brill, as the presiding justice, responded to the motion, and addressed the members of the bar as follows:

“It is well, at the close of a just man's life, to rehearse his good deeds, but it is better to recognize his worth while he is still alive, before his ear is too dull to hear and his heart too cold to respond. It is fitting, therefore, when the judge who has presided in this court with so much grace and dignity for these many years sits upon this bench for the last time, that we should express to him—

"The kindly, earnest man.
Dreading praise, not blame"

our appreciation of his work and character, and it is fitting that the records of the court should forever hence bear witness to his worth.

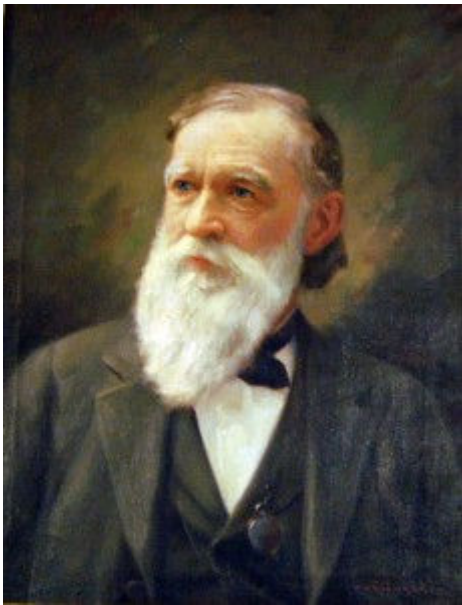
“His brethren of the bench desire to emphasize all that has been said of Judge Wilkin upon this occasion by his brethren of the bar. The relations between Judge Wilkin and his brother judges have always been most happy. The resources of his mind have been open to every requisition we might make upon them, and many times the failure of justice in causes not heard by him has been avoided by his wise and timely counsel. We regret that the relations which so long and pleasantly have existed between us are now to be severed, but we rejoice that as a member of this bar he will still be our friend.

“In this connection it is not improper to call attention to another fact. Without disparaging others, and without flattery, I wish to say that the bar of this county is an exceptional body of men—exceptional in learning, in ability, in character. A few unworthy men are there, as in every calling, but the men are not a few who are the peers of members of the profession anywhere. The standing of this bar is far above the average. And the bench and bar have always maintained the most cordial relations. Mutual respect, each for the other, has bound us close together. Lawyers have sought not merely to win a case, but they have been anxious

S. B. Crossley was the last speaker and like these before him highly eulogized Judge Wilkin.

to vindicate the right. The judges have felt that they had an honorable, trained corps of advisers, counselors of the court, assisting them in their search for the truth. We have felt that we were all, bench and bar, equally interested in the purpose for which courts and lawyers exist—the administration of justice.

“The high character and standing of this bar, and the happy relations existing between bench and bar, may be due to several causes, but to no one cause more than to the presence upon the bench of this district, at an early day and through these formative years, of Judge Westcott Wilkin. His great learning his simple dignity, the conscientious impartiality of his mind, his kindness to the new practitioner, his hostility to trickery and sharp practice



have contributed largely to elevate the profession and dignify the court.

“I take great pleasure in announcing that, at the request of the bar association and his associates of the bench. Judge Wilkin has presented this fine portrait of himself, which will be hung upon the walls of this room.² The address presented by the bar association will be spread upon the minutes of the court.”

Sheriff Bean now proclaimed that the court had adjourned sine die, and members of the bar and others pressed forward to shake hands with the man who had just stepped down from the bench he had so long and ably occupied to become for the remainder of his life a private citizen from mere choice.

THE LEGAL BANQUET,
In Which Judge Wilkin Was Honored
in Toast and Talk.

² This is the portrait of Judge Wilkin presented to the District Court at his retirement ceremonies on January 3, 1891. It is on display at the Ramsey County Law Library.

The banquet given by the St. Paul bar to Hon. Westcott Wilkin was the occasion of the assembly last night of high rank in legal and business circles.

The banquet was held at the Hotel Metropolitan. It was an occasion long to be remembered aside from the fact that it commemorated an epoch in the life of a distinguished jurist. There were 135 plates laid, and the gentlemen who sat at the table, comprised a number whose history is prominently interlaced with that of the state since its formation, gentlemen who were Western pioneers not only in settling the state, but in building up the principles of the law of the state, as well as applying the supreme rule of action for the betterment of the body politic. Last night's banquet, like the afternoon exercises in the district court, was a fitting tribute to a beloved and able man, and will be remembered as an era of good will from which an inspiration for a more noble life was seized.

The guest of the evening, Judge Wilkin, sat at the head table. At his right were Judge Lochren, of Minneapolis; Judge Charles E. Otis. Judge Hooker, of Minneapolis; Judge Hascal R. Brill, Judge William Louis Kelly and Judge C. D. Kerr. At the left were Judge Charles E. Flandrau, Judge Gilfillan and Judge Dickinson, of the supreme court; Judge R. R. Nelson, of the United States district court; Judge W. D. Cornish and Judge-Elect James J. Egan. Other members of the bar, court officials, and prominent personages from St. Paul, as well as a few from Minneapolis, were grouped around three tables arranged at right angles to the head table. Among those were:

W. H. Sanborn, President of the Ramsey County Bar association, H. L. Moss, Henry L. Williams, C. J. Thompson, Omer Bushnell, F. E. Chipman, A. R. Capehart, Judge J. T. Avery, G. W. Lewis, W. L. Chapin, O. K. Sauer, James King, Jacob Manizer, Otto Kueffner, T. T. Fantleroy, Judge Twohy, James Smith Jr., M. P. Murray, H. J. Horn, John M. Gilman, Judge elect Thomas Canty, of Minneapolis, W. D. Grover, W. H. Yordly, H. E. Bigelow Jr., John H. Ives, J. W. Willis, H. P. Heath, E. Hadley, Thomas Fitzpatrick Jr., John W. Best, Richard T. O'Connor, clerk of the district court, Sheriff Ed. S. Bean, Bazil W. Armstrong, J. M. Redding, Harry W. Wack, F. G. Ingersol, F. C. Stevens, C. A. Severance, J. M. Jones, A. H. Comfort, Charles Butts. F. M. Stanton, C. P. Goodnow, W. L. Kelly Jr., C. D. O'Brien, D. W.

Lawler, John Jaques, C. E. Lambert, J. W. Puich, M. Heim, Frank Ford. W. C. Goforth, O. G. Clay. A. E. Boyesen, A. B. Ovitt, Mr. Willet, W. W. Williams, C. G. Lawrence, T. D. O'Brien, J. E. Markham, E. H. Ozmun, O. E. Holman, O. M. Metcalf, M. H. Albin, T. K. Merrill, Harvey Officer, E. S. Chittenden. J. L. Macdonald. C. P. Sanborn, W. E. Hawthorne, M. D. Munn, W. H. Durment, J. L. Townley, J. J. McCafferty, A. B. Galusha, Mark Costello, W. E. Bramhall.

Danz's orchestra rendered a splendid programme of popular airs in its most approved manner while the company partook of an excellent menu of nine courses. Sprightly conversation and shafts of wit and humor kept the entire gathering in the utmost good humor until 11:30, when the cigars were brought in. Judge Flandrau, acting as toastmaster, then arose in his happiest mood and soon had the company in roars of laughter by his humorous allusions.

He proposed the health of the guest of the evening. Judge Wilkin, in the following sentiment:

"I would tell thee what'twere to be a judge.
"His life is paralleled, even with the stroke
And line of his great justice."

Judge Wilkin's Address.

When Judge Wilkin arose to respond the cheers and hand-clapping continued for several minutes. He spoke in a clear, distinct voice as follows:

"I regret, gentlemen, that after the fatigue incident to several weeks of incessant labor, in disposing of the business which had accumulated upon my hands, I am unable to do justice to the sentiment connected with the toast to which I am called to respond.

"I wish I could find fitting language in which to tell you what 'twere to be a judge.' but the task is one that requires more eloquent tongue than mine and more time than this occasion allows. Few outside of the legal profession appreciate, and many even of that profession do not appreciate to its full extent, the importance of the judicial office and the great power vested in those who are charged with the performance of its duties.

“A judge must, of course, be learned in the law. He must have the ability to apply that learning to the numerous and various conflicting interests that come before him for adjudication, that he may hold the scales of justice even, and may administer justice under the law, without fear, favor, reward, or the hope thereof. He must be patient of research, evenly balanced in temper, so that his mind may be unclouded by prejudice or passion. He must hear argument, when the occasion warrants it, he must be stern where sternness is required, and must temper justice with mercy when circumstances permit. He must be firm and decided, without obstinacy or discourtesy, and be careful to maintain good order and the dignity of the court, without the unnecessary exactions of the martinet. He must listen carefully and respectfully to those older members of the bar whose learning, ability and long experience are a guaranty of the value of their suggestions, yet maintain a cautious reserve of his own ultimate right of judgment.

“To the younger members of the profession, who, with industrious ardor and laudable ambition are struggling with the intricacies of the law, the difficulties of practice, and the embarrassments of inexperience, he owes a charitable consideration of their mistakes and a kind encouragement of their honest efforts towards their professional duties.

“He must be an industrious student for, however great his experience, and however well versed he may be in the general principles of law, it is nevertheless the fact that new modes of life, new inventions, new discoveries of powerful agents in the transactions of human affairs, the immense growth of material interests, and the enlarged applications of old agencies to new conditions of things, as well as new and sometimes carelessly worded and conflicting statutes are constantly giving rise to novel and complicated questions that task the learning and require the close and laborious study of the judge for their proper determination. He must not be swayed by popular clamor, and yet must not unnecessarily flout the intelligent opinion of the community. He must be close and severe in logic, and yet be able to see where strained logic leads to absurd or unjust results. I cannot avoid some reference to the cares and responsibilities of the judge. His discharge of official duties brings him into relation with all the different phases of social, domestic and business life, and into such relation as to seriously affect the rights of property, of

reputation, of personal liberty and the comfort and applies of the community.

“Delays, too, there will sometimes be in the determination of important litigation, for judges (if I may be permitted to use the homely but expressive phrase) ‘sometimes bite off more than they can chew,’ and are sometimes loaded down with more business than they have the physical or mental ability to dispose of properly with desirable promptness. And hence delays arise that are exasperating, if not sometimes almost ruinous to suitors, harassing to counsel, and so painful to the judge as to seriously interfere with his comfort and enjoyment of life. The discretion of the judge, too, though wisely limited by law, is frequently to be exerted under painful circumstances, where disastrous results may arise from mistaken action, and where he has not the satisfaction of knowing, as in ordinary cases, that his mistakes will be remedied by higher authority.

“The power of the judge is far reaching. It extends into the business affairs of the community and to the most sacred relations of life. It may interfere between husband and wife. It may take the young child from its mother's arms. It may protect the poor and the weak against the rich and the strong, or, if unwisely exerted, may aid the grasping, the heartless, and the unjust. It may aid the government in the punishment of crime, and it may shield the innocent from the improper exercise of official power: It may control charities and interfere with the most extensive and important business transactions.

“Gentlemen, I have no occasion, at the close of my official life, ‘to unduly magnify mine office,’ but these considerations are proper to be impressed upon the community and to be regarded by them in determining on whom to place these responsibilities and whom they will intrust with this great power. When these powers and responsibilities are so faithfully and wisely exerted and borne as to exclude the errors incident to humanity, you may have the ideal judge, a judge whose life is paralleled even with the stroke and the line of his great justice.

“Gentlemen, I am profoundly grateful for the appreciation of my official conduct which you have shown upon this occasion. It is now twenty-six years since, with hesitation and much misgiving, I took my seat upon the bench of this judicial district. The bar of this county was then, as it has always been, adorned by

gentlemen of much learning, of great ability, high honor, and great professional courtesy. There was very little 'sharp practice' known in those days, and I am happy to say that there has been little of it since. Sharp contests there have been over technical points, for technicalities are to some extent necessary in the practice of the law, and have their uses in the administration of justice. But favors were freely granted, verbal agreements were respected, and kindly feelings prevailed. Strong passions have sometimes been roused, and exciting passages have occurred amid the conflicts of the forum; but it is with much satisfaction I recall the fact that never during my lone experience has there been a personal collision in the courts of this district.

"Many of the distinguished ornaments of the bar of these early days have passed away. Some still remain to grace this occasion by their presence, while many who were then but in the but of promise have grown into a noble maturity; young men there are too well equipped and with honest ambition, who bid fair to keep up an honorable, succession. It is with much pleasure that I recall to mind the early members of the bar, for to their learning, eloquence and ability I feel much indebted for whatever success may have attended my discharge of official duty. No judge can, unaided, amid the continual pressure of judicial duties, give just and full consideration to all the points of complicated cases. It is the duty and province of the lawyer to aid and instruct the judge, and a strong bar, as is well said, is apt to make a good judge.

"Gentlemen, it must need be that in severing, my connection with the bench, after so long a term of service, and official association with the members of the bar, an association marked by such kind support and courtesy upon their part, sad feelings will arise and strong emotions prevail, But your generous appreciation of my efforts, as this day shows, has done much to make this occasion one of pleasurable interest. And you may be assured, that if the time ever comes to me as it has to others, when little of life is left but the memory of the past, the recollection of this event will sweeten my declining years."

During the response the speaker was frequently interrupted with enthusiastic applause.

W. E. Bramhall here arose, and, after referring to the reputation of Judge Wilkin in the home of his boyhood in New York, and for a long period of years Minnesota, said the hosts of the evening had

preserved the original manuscript of some of Judge Wilkin's decisions while on the bench, and they had been bound in two volumes and inscribed: "Wilkin's Nisi Trius Decisions of 1890, Volumes I and II.;" and he was authorized to present them to the judge. As they were excellent imitations of books done in clay, the presentation was enjoyed as a pleasantry.

The toast "The Judiciary" was proposed with the following sentiment:

The intellectual department of the government —
"co-ordinate" in name only.
To conserve the rights the people have, and to
remedy the wrongs they suffer. The most grateful
and important office discharged by man.

Judge R. R. Nelson, of the United States district court, made an eloquent response, in which he referred to his intimate acquaintance with Judge Wilkin for over thirty years, and bore testimony to his being a correct judge.

The Ramsey county bar was proposed in the following sentiment:

"We do as adversaries do in law,
Strive mightily but eat and drink as friends."

O. E. Holman responded in a speech that was fitting to the subject. The farewell sentiment,

"A word that must be and hath been.
A sound which makes us linger -- yet farewell"

was responded to in a number of short speeches. And the guests and entertainers left for their homes with regrets that an actual good bye must be said.

HIS FINAL WORK.

Judge Wilkin Leaves the Bench
With a Clear Account.

Judge Wilkin has completely cleared up his business as district judge, and leaves the bench with a record as clear as when lie

entered it. He has worked very hard during the past six weeks, even spending the early hours of the nights at his desk, in chambers, in order to complete the work. He finished the last of his official duties late yesterday afternoon, and filed in the clerk's office three orders which concluded the work.

One of these orders was in the case of James K. Humphrey against C. W. Carpenter et al, denying the application to file an amended complaint and dismissing the order to require the plaintiff to show cause why he should not file an amended complaint. The other two orders related to the estate of E. H. Briggs. One of which authorized the assignee to accept a bid of \$50 for a strip of land four feet wide. The other order allowed a small claim against the estate.³



The *Minneapolis Tribune* reported the banquet in its Sunday, January 4, 1891, edition. It was shorter than the *Globe's*. It also had a drawing of Wilkin. It concluded with a biographical sketch of the judge, which follows:

The Hon. Westcott Wilkin was born at Goshen. N. Y., Jan. 4, 1824. The Wilkin family is of Welch origin, but in the 17th century certain of the members emigrated to Ireland, from whence, in time, the ancestors of the subject of this sketch came to America, locating on a tract of land now embraced within the boundaries of the counties of Ulster and Orange, New York state. The grandfather of Judge Wilkin was Gen. James W, Wilkin. He was an ardent supporter and an intimate friend of Hon. DeWitt Clinton, and was prominent in public life. He held various important offices and positions in his own state, and at one time was member of congress. Judge Wilkin's father, Hon. Samuel J. Wilkin, deceased, was distinguished as a lawyer, and like his father was quite prominent in the political affairs of his native state. He too, held many important State offices, and was a

³ *St. Paul Sunday Globe*, January 4, 1891, at 2.

representative in congress from New York, during the administration of President Jackson. His wife, the mother of Westcott Wilkin, was Sarah Galo Westcott, a daughter of David Mandevillo Westcott, who, in his day, was a well known Jeffersonian Democrat of southern N. Y. Mrs. Wilkin was a lady of gentle and womanly nature, but possessed a strong mind and many other intellectual and personal graces. She was a friend and adviser of the poor and afflicted, was honored in the church and revered and loved for her many good works.



Judge Wilkin received his early education in the schools of his native town of Goshen, and of these schools it may truthfully be said, that they were much inferior to those now open, all over the land, to the humblest and lowliest among the boys of America. After a brief experience under private tutors, he was sent to the Grammar school of Columbia College, then under the direction of that celebrated author and scholar, Prof. Anthon. From this school

he entered Princeton College, where both his father and grandfather had been educated and from which they received their collegiate degrees. Princeton was then far inferior in resources, but Judge Wilkin and his associates remember their alma mater with gratitude and affection. He pursued a full course and was duly graduated from the institution.

Soon after leaving college he engaged to the study of law in his father's office. The latter was then associated with Joseph W. Gott. Three years of assiduous office study were supplemented by a course in the Yale law school and his admission to the bar followed.

He then commenced practice at Monticello, Sullivan county, N. Y., but in a few years was elected county judge of that county, an office to which, in addition to ordinary civil and criminal jurisdiction, were attached the duties of probate judge. While in this position his name was presented by his friends in connection for the nomination as candidate for representative in congress from the district composed of Orange and Sullivan counties, but he failed of the nomination by a very close vote. At the close of his term as county judge he was nominated for re-election, but the circumstances were unfavorable for his candidacy. The "Know Nothing" excitement was then prevailing. A large number of his former political associates had joined the now party and he refused to follow them. After an exciting contest he was defeated by Henry R. Low by a small majority.

In the spring of 1856, at the solicitation of his brother, the late Col. Alexander Wilkin, who for several years had been a resident of Minnesota, and in response to an offer of partnership with I. D. V. Heard, Judge Wilkin came to St. Paul where he has since resided. He witnessed the boom of 1856, the memorable financial disaster of 1857 and underwent the succeeding years of trial and disaster, so well remembered by all old settlers of Minnesota. In 1861 he was nominated, for the office of district judge of the Second judicial district of Minnesota and, after an animated and exciting contest, he was elected, defeating J. P. Kidder by about 300 majority. Since then he has been constantly re-elected, without opposition, at the close of his several terms and has now served 25 years on the bench. At one time, against his expressed wishes, he was nominated as the Democratic candidate for chief Justice of the supreme court of the state, in opposition to S. J. R. McMillan,

but was defeated. During his residence in Minnesota Judge Wilkin has not taken an active part in partisan politics. While belonging to the Democratic party, he is not a strenuous partisan and controls his action with the freedom dictated by intelligent discrimination.⁴

Related Articles

“Judge Dillon’s Farewell (1879)” (MLHP, 2014).

“The Bar’s Banquet to Honor Myron D. Taylor on his Appointment as Commissioner of the Supreme Court (1913)” (MLHP, 2019).



Posted MLHP: January 12, 2021.

⁴ *Minneapolis Tribune*, Sunday, January 4, 1891, at 3 (“Judge Wescott Wilkin Honored by Ramsey County Bar. Speeches Are Made in Court During the Afternoon. At Night a Banquet to the Retiring Judge is Given”).