

THE FORMATION OF THE WINONA COUNTY BAR ASSOCIATION

(1873)

The first bar association in the United States was formed in New York City in 1870. Within a few years, the bar association movement in this country was in full gear. It reached the river town of Winona in 1873, as reported in the *Daily Republican*, February 24, 1873:

ACTION OF THE BAR.

A meeting of the bar was held at the office of Thomas Wilson, Esq., this morning, Monday, to take action in regard to the successor of the late Judge Waterman. An organization was effected by calling John Keyes, Esq., to the chair, and electing O. B. Gould, Esq., Secretary. After a brief discussion in regard to the manner of procedure, and other matters, the meeting unanimously resolved to recommend the name of Thomas Simpson, Esq., to the Governor for appointment. The appointment will hold until the general election next Fall. On motion of H. W. Jackson, Esq., a copy of the proceedings of the meeting, signed by the President and Secretary, was ordered to be sent to Geo. P. Wilson, Esq., to be by him presented to the Governor. A. E. Bissell, Esq., moved the appointment by the Chair of a committee of five to prepare articles for a Bar Association. Carried. The Chair appointed Messrs. A. E. Bissell, Thomas Wilson, Wm. Mitchell, Wm. Gale, C. H.

Berry. The meeting then adjourned to meet at the call of the committee.¹

On March 17, 1873, an organizational meeting was held in the law office of Thomas Simpson and Thomas Wilson. Two committees were formed at the initial meeting, the three-member Executive Committee and the five-member Committee on Admissions and Grievances.

The first act of the Executive Committee was to arrange for the draping of the courthouse to honor Judge Chauncey N. Waterman who died on February 18, 1873. Waterman had been a partner of Charles H. Berry before he was elected district court judge in 1871. He assumed office in January 1872, and died thirteen months later.

The second Committee was on Admissions and Grievances. From the start the local bar took steps to oversee who would be admitted to practice, and who would be disciplined.

The immediate impetus for the lawyers to confer was to pass resolutions in honor of the late Judge Waterman. Such an action fulfilled one of a social functions of county bar associations, which was to increase pride in what was then more of a trade than a profession by honoring deceased members.²

¹ *The Winona Daily Republican*, February 24, 1873, at 3.

² E.g., the Benton Bar Association, later renamed the Lincoln County Bar Association, in its inaugural meeting in March 1882, resolved to honor a recently deceased member:

On motion, the chair appointed Chas. Butts and C. W. Stites as a committee to draft resolutions on the death of Fred. W. Randolph; said committee to report at 12 o'clock m. on Monday the 13th, to which time the Association, stood adjourned.

The next chapter in the history of the county bar association was published in *The Winona Daily Republican* on March 18, 1873:³

FORMATION OF A BAR ASSOCIATION.

A meeting of the bar of this city was held at Messrs. Simpson & Wilson's office, on Monday evening [March 17], Judge Jackson, chairman.

A. H. Bissell, Esq., chairman of the Committee on Constitution and By-laws, made a report, which, after some discussion and amendment, was adopted.

C. H. Berry, Esq., was unanimously elected first President of the association, and, on taking the chair returned thanks in a brief and well timed speech, pledging his efforts to further and strengthen the organization. The following officers were then

See "Benton Bar Association" (1882) (MLHP, 2008).

³ *Winona Daily Republican*, March 18, 1873, at 3. The rival *The Winona Herald* carried a shorter report on March 21, 1873:

BAR ASSOCIATION.

The legal fraternity of this city organized a Bar Association, on last Monday evening. C. H. Berry was unanimously elected President of the Association. The following additional officers were also elected:

Vice President, Norman Beck; Secretary, O. M. Williams; Treasurer, E. A. Gertzen; Executive Committee; C. H. Berry, Wm. Mitchell, A. H. Bissell; Committee on Admission and Grievances; A. H. Snow, Thos. Simpson, Wm. Gale, Wm. H. Yale, Jas. E. Robinson.

On motion of Wm. Mitchell, it was ordered that the Executive Committee make arrangements for draping the Court House at the next term of the District Court, in memory of the late Judge Waterman.

elected: Vice President, Norman Buck; Secretary, O. M. Williams; Treasurer, E. A. Gerdtzen; Executive Committee, C. H. Berry, Wm. Mitchell, A. H. Bissell; Committee on Admissions and Grievances, A. H. Snow, Thos. Simpson, Wm. Gale, Wm. H. Yale, Jas. E. Robinson.

It was then, on motion of Wm. Mitchell, ordered that the Executive Committee make arrangements for draping the Court House, in memory of the late Judge Waterman, at the next term of the District Court; and it was also voted that the President of the Association, C. H. Berry, Esq., present to the Court the resolutions adopted by the bar upon the occasion of Judge Waterman's death.

Speeches were made by Messers. Wm. Mitchell, Thomas Simpson, W. H. Yale, and others, after which the meeting was adjourned.

The organization starts out under very favorable auspices.

On December 9, 1873, the Bar Association held its first annual meeting, as reported in *The Daily Republican*:

WINONA COUNTY BAR ASSOCIATION

The first annual meeting of the Winona County Bar Association was held at the office of the County Attorney yesterday afternoon. There was a good attendance and much interest manifested. The following officers for the ensuing year were chosen:

President—Hon. C. H. Berry.

Vice-President—Norman Buck, Esq.

Treasurer—E. A. Gerdtzen.

Secretary—O. M. Williams.

Executive Committee—A. H. Bissell, Wm. H. Yale, Geo. P. Wilson.

Committee on Grievance and Admission—A. H. Snow, O. B. Gould, Thomas Simpson, J. E. Robinson, Wm. Yale.

The following new members were admitted: Messrs. Donaldson, Barkley, Noe and Briggs.

The meeting then adjourned until next Monday night.⁴

The new Association rounded out the year with a meeting on December 27. From *The Daily Republican*:

There was a fair attendance at the meeting of the Bar Association on Monday evening. Several changes in the practice were discussed, and several committees appointed to draft new bills to be introduced in the Legislature. Among the committees was one to report a bill to amend the law of last Winter exempt-

⁴ *The Daily Republican*, December 10, 1873, at 3. An announcement of this meeting was circulated in late November:

The first annual meeting of the above named association, will be held at the Court House in this city, on Tuesday the 9th of December. The circular accompanying the call says: "It is believed to be one object, at least, for fixing the annual meeting in December, to enable the members, each year, before the assembling of the Legislature, to discuss the subject of needed reforms in legislation. The reasons are obvious. Each member is therefore requested to attend and to be prepared to suggest whatever he may deem for the common good, and to enforce, and defend his suggestions. The usual business of the annual meetings will also be done."

The Daily Republican, November 28, 1873, at 3.

ing laborer's wages from garnishment. A change is proposed to protect boarding-house keepers.

A committee previously appointed to suggest amendments to the present chapter relating to costs in the Supreme and District Courts, reported progress and asked further time.

The meeting then adjourned until Friday evening next, when it is hoped and expected that all the members will be present.

At a meeting held last week they adopted a bill for an act establishing a Court of Common Pleas for the county of Winona, and Senators and Representatives from the county were earnestly requested to secure its passage.

The meetings of the Association have thus far proved very pleasant and practical, resulting in the discussed and preparation of several important bills.⁵

Several of the founders later served on the bench most prominently, William Mitchell, a district court judge from 1874 to 1881, and associate justice from 1881 to 1900. Arthur H. Snow was a district court judge from 1897 to 1915. Thomas Wilson, in whose offices the initial meeting was held, had completed his service on the bench. He was a Third Judicial District judge from 1858 to 1864, when he was appointed to fill a vacancy on the supreme court; he was elected to a full term as associate justice in 1864, appointed chief justice the next year, and resigned in 1869.

The fledging organization had ups and downs. Fifteen years after its founding, the following story was published in *The Daily Republican*:

⁵ *The Winona Daily Republican*, December 30, 1873, at 3.

THE BAR ASSOCIATION RECEIVES A COMPANY OF NEW MEMBERS

An adjourned meeting of the Bar Association was held at the offices of Messers. Berry & Morey. The committee on membership reported favorably on twenty-four new members, and they were duly admitted. Some routine business was transacted, intermingled with the usual sallies of wit—for the sparks will fly when a host of lawyers get together—and the meeting then adjourned.⁶

In 1883 a one volume *History of Winona County* was published; A chapter was devoted to the “Bench and Bar” of the county but there was no mention of the county bar association, notwithstanding that it had been formed a decade earlier. In 1913, 40 years after the county bar association was formed, a two volume history of the county was published and a lengthy section on judges, the bar, and the county and city bar associations written and compiled by Judge Arthur Snow, one the founders, was included. It follows:

THE WINONA COUNTY BAR ASSOCIATION.

The organization of the Winona County Bar Association had its inception immediately after the death of C. N. Waterman. A meeting of lawyers was held at the office of Thomas Simpson, northeast corner of Center and Second streets, February 24, 1873, to consider the adoption of resolutions of respect in Judge Waterman, and at that meeting it

⁶ *Winona Daily Republican*, January 18, 1888, at 3.

was decided that an association of lawyers would be of much benefit to the bar of the county. O. M. Wilson was clerk of the meeting. The committee appointed to draw up a constitution and a set of by-laws consisted of A. H. Bissell (chairman), Thomas Wilson, C. H. Berry, William Mitchell and William H. Yale. At a second meeting held March 14, 1873, George P. Wilson presided, and A. H. Snow made the motion for the acceptance of the committee's report. March 17, 1873, H. M. Jackson presided, and William Mitchell made the motion for the acceptance of the amended constitution and by-laws.

The following charter members are named in the constitution adopted March 17, 1873: C. H. Perry, John Ball, S. S. Beman, A. H. Bissell, C. F. Buck, Norman Buck, H. M. Burchard, J. M. Cool, James W. Dyckson, Ernst A. Gerdtzen, George Gale, Jr., William Gale, O. B. Gould, E. Hill, H. W. Jackson, John Keyes, H. W. Lambertson, Abner Lewis, William Mitchell, A. J. Olds, G. I. Parsons, John H. Prentiss, J. A. Prentiss, John E. Robinson, Thomas Simpson, J. M. Sheardown, Jacob Story, A. H. Snow, Thomas Wilson, George P. Wilson, O. M. Williams, William Windom and William H. Yale.

Those of this number who signed the constitution were: Norman Buck, James W. Dyckson, Ernst A. Gerdtzen, Jr., George Gale, Jr., William Gale, O. B. Gould, E. Hill, H. W. Jackson, Abner Lewis, William Mitchell, James E. Robinson, Thomas Jacob Story, A. H. Snow, Thomas Wilson, O. M. Williams, and William H. Yale.

Signatures affixed to the constitution at a later date are: C. H. King, R. R. Briggs, Robert Taylor, James T. Bowditch, S. W. Brown, W. A. Allen, W. B. Webber, C. A. Morey, Lloyd W. Bowers, W. B. Anderson, Lloyd Barber, Frank Randall, H. L. Buck, J. A. Tawney, D. E. Vance and W. F. Schoregge.

The officers elected on March 17, 1873, were: President, Charles H. Berry; vice-president, Norman Buck; secretary, O. M. Williams; treasurer, E. A. Gerdtzen; executive committee, Charles H. Berry, William Mitchell and A. H. Bissell; committee on admissions and grievances, A. H. Snow, Thomas Simpson, William Gale, W. H. Yale and J. E. Robinson.

Late in 1876, O. M. Williams having died, E. A. Gerdtzen was appointed secretary. December 18, 1876, J. P. Bowditch was elected secretary and E. A. Gerdtzen, treasurer. Mr. Gerdtzen, however, continued to serve as secretary pro. tem.

Matters drifted along for over a decade, few meetings being held.

January 17, 1888, a meeting was called, and C. H. Berry, J. W. Dyckson, William Gale, E. A. Gerdtzen, O. B. Gould, Thomas Simpson and A. H. Snow responded. E. A. Gerdtzen acted as secretary.

Applications for membership were received from the following: James A. Tawney, Frank L. Randall, C. A.

Morey, Seymour W. Brown, William T. Valentine, W. A. Finklenburg, John A. Keyes, W. A. Allen, L. L. Brown, H. L. Buck, Lloyd Barber, Lloyd W. Bowers, William Burns, John Gleason, Patrick FitzPatrick, A. T. Rock, D. E. Vance, M. B. Webber, B. F. Heuston, Jr., Edward Lees, W. J. Smith, W. B. Anderson, Henry M. Lamberton and W. T. Schoregge.

THE WINONA BAR ASSOCIATION.

The first steps toward the incorporation of the Winona Bar Association, a reorganization of the Winona County Bar Association were taken January 26, 1888, when a committee of the last named association consisting of Thomas Simpson, A. H. Snow and J. W. Dyckson was appointed to investigate the matter.

The Winona Bar Association was incorporated January 2, 1889. It was constituted as follows: Officers—William H. Yale, president; Lloyd Barber, vice-president; W. B. Anderson, secretary; M. B. Webber, treasurer. Directors—William Gale, Frank L. Randall, Thomas Simpson, A. H. Snow, Patrick Fitzpatrick. Members—B. A. Mann, James A. Tawney, William Gale, Thomas Simpson, L. L. Brown, Edward Lees, H. L. Buck, C. A. Morey, W. F. Yale, O. B. Gould, D. E. Vance, Frank L. Randall, William B. Anderson, Seymour W. Brown, Henry M. Lamberton, W. A. Finkelnburg, P. Fitzpatrick, W. A. Allen, M. B. Webber, A. H. Snow, Lloyd Barber, Lloyd W. Bowers and James W. Dyckson. Provisions

were made for the establishing of a law library, but these provisions were never carried out.

Following William H. Yale, Thomas Simpson became president of the association. A. H. Snow acted as chairman of a number of the meetings, however. H. L. Buck also served at various times as secretary pro tem. March 2, 1906, A. H. Snow became president in place of Thomas Simpson. January 17, 1907, W. B. Anderson having removed from the county, Richard A. Randall became secretary and treasurer.⁷



⁷ Arthur H. Snow, "Bench and Bar of Winona County" in Franklyn Curtiss-Wedge & William Jay Whipple, eds., *1 The History of Winona County, Minnesota* 260-275 (1913).