

“ BENCH AND BAR OF WINONA COUNTY ”

BY

ARTHUR H. SNOW

FOREWORD

BY

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Arthur H. Snow had been a district court judge over 16 years before he edited a chapter on the “bench and bar” for a history of Winona County published in 1913. He is listed as the “editor” of the chapter, but comments in several of the one-paragraph biographical portraits of the “Territorial Lawyers” suggest that he wrote them too.¹ But did he?

Perhaps because he was a sitting judge, Snow took note of the locale of court sessions in the territorial era. He writes:

The first session of the district court of Fillmore county (then including Winona county), assembled at the old Winona house on Front street, in Winona, June 27, 1853...

....

The court was held [in 1853] in the upper part of the

¹ For example, the profile of Daniel S. Norton concludes: “In all my professional experience I never knew a lawyer who more thoroughly disdained anything like artifice or sharp practice in the management of a cause. He was a true man and a devoted friend.”

Viets House (the old Winona House), which was then unfinished, Squire Burns having adjourned the court from his office at his house to this place to accommodate all parties interested. ²

....

The second term of the district court held in what is now Winona county, and the first after the creation of the county was held in what is known as the old Hancock building, corner of Fifth and Walnut streets, in Winona in August, 1855, Judge Welch presiding; John Keyes, clerk; and John Iams, sheriff.

...

The last term of the territorial court in this county was held August 31, 1857, in the Huff House hall, situated on the second story of the hotel, immediately over the dining room, Judge Welch presiding, John Keyes clerk and Charles Eaton,

² A history of Winona County published in 1883 describes the “Viets House” as follows:

Having some surplus funds, Mr. Viets at once made arrangements to improve his town lots. He decided to build a house for the accommodation of the traveling public on lot 2, block 10, fronting on the levee. He brought up material and carpenters from La Crosse, and put up a building about 24 x 28, a story and a half high — a low porch extended across the front. It was afterward, in 1853, improved by the addition of a long one-story attachment in the rear for dining-room, kitchen, etc. This was at first known as “Viets Tavern,” then as the “Viets House,” but was better known to the early settlers as the “Winona Hotel,” and later as the old “Winona House.”

This house was built in August. The roof was the second on the prairie covered with shingles. The first was on the house of John Evans, on the Evans claim, the third was on the shanty built by Dr. Balcombe, and the fourth on the house built by Elder Ely, on the corner of Center and Second streets. In October the rooms in the lower part of the house were plastered. The first plastered rooms on the prairie were in the house of Elder Ely. Mr. Viets occupied this tavern for about two months, when he leased it to David Olmsted for a private residence, and moved his family down to La Crosse to spend the winter.

History of Winona County 287 (Chicago: H. H. Hill and Co. Pub., 1883).

sheriff.³

Judge Snow probably wrote these brief accounts in his chambers in the now famous Romanesque Winona County Courthouse that dominated the city landscape for decades after it was dedicated in 1889.⁴ They may instill in many readers a sense of progress, a look-at-how-far-we've-come attitude. But the relocation of the courtroom from the town's main hotel to a public building, designed by an architect, reflected more profound attitudinal changes within the bar about itself. These changes had developed in the seventeenth and eighteenth centuries, long before Minnesota Territory was formed. In one of the most original works of legal history published in recent years, *From Tavern to Courthouse: Architecture & Ritual in American Law, 1658-1860*, Martha J. McNamara makes this point:

³ The Huff House was described in the 1883 history of the county:

This house stands on the corner of Johnson and Third streets, and is the oldest as well as the largest hotel in the city. The original hotel, 60 X 90, was built by H. D. Huff in 1855, and opened to the public on June 5 of that year, with Willis & Hawthorne as proprietors. In the fall of that same year Messrs. F. M. Cockrell and Williams bought out Mr. Willis' interest, and business was conducted under the firm name of Cockrell & Co. until 1861, when Hawthorn's interest was purchased and the house became Cockrell & Williams. The property was purchased in 1863 by the lessees, by whom it was owned until 1872, when Mr. Williams was accidentally killed and Mr. Cockrell became sole proprietor and owner. The dining-room addition was built in 1857, and the brick addition ten years later. The lots upon which the hotel stands front 120 feet on Third street, and crossing the alley in the rear give a depth of nearly 200 feet. The hotel structure, as it now stands, is 60 x 140 feet, three stories in height, and has comfortable accommodations for 100 guests. The billiard hall is furnished with four tables, and special provision is made for the wants of commercial travelers. The house employs a force of thirty-five servants.

History of Winona County, supra note 1, at 651.

⁴ See generally, Greg Gaut & Marsha Neff, "Saving the Lady," 59 *Minnesota History* 317 (2006), describing steps to preserve and restore the Winona County Courthouse after much of it was destroyed in a fire in 2000.

For legal historians, who have been centrally concerned with the extent and timing of legal change in colonial North America and the connection of those changes to political, economic, and social structures, attention to the physical settings for legal proceedings can help to link shifts in court procedures with ideas about the relationship between law and commerce. The movement of jury deliberations from taverns—a central commercial space—to specialized rooms within a courthouse, for instance, enabled lawyers to represent law as removed from the taint of commerce. Legal historians have recently focused attention on the rising rates of civil litigation in the early eighteenth century, exploring the ways in which commercialization realigned credit/debt relationships, shaped methods of dispute resolution, and shifted the gender balance of legal experience; however, the physical settings for legal proceedings point to an ambivalence toward the coupling of law and commerce. Lawyers, struggling to gain legitimacy as “objective” and “disinterested” professionals, rather than celebrating the commercial activity that powered their increasing prosperity, had to define the practice of law as removed from the business of commerce. The creation of a specialized landscape for the conduct of judicial proceedings enforced the idea that law (and lawyers) occupied a sphere separate from other social, political, and economic activities.⁵

While McNamara’s study is restricted to courthouses in four counties in colonial Massachusetts, it provokes us to explore whether similar views were held by the bar in territorial and early statehood years.⁶ And that inquiry necessarily involves

⁵ Martha J. McNamara, *From Tavern to Courthouse: Architecture & Ritual in American Law, 1658-1860* 6 (Baltimore: Johns Hopkins Univ. Press, 2004)(citing sources).

⁶ On one level—the day-to-day effort to make a living—many lawyers in Minnesota Territory did not feel “the taint of commerce.” Because the practice of law was not enough

examining the design and building of courthouses in this state in the nineteenth century.⁷ All new courthouses stood alone, removed from the commercial activities occurring in hotels such as the Viets House or the Huff House that once served as makeshift courtrooms. When law libraries were installed, the county courthouse was marked as a special domain for the law (to be found in books) and for lawyers (who were trained bookworms). A new courthouse attracted nearby developments such as the county jail and lawyers' offices. McNamara's insights instruct those interested in the legal history of this state to acquire an appreciation of the importance of the physical place where judges and lawyers worked—that “specialized landscape for the conduct of judicial proceedings.”

In the style of most county histories of this period, Judge Snow takes special note of legal “firsts” in what would become Winona County—the first grand jury, first petit jury, the first session of district court, the first jury trial, and so on. He lists the names of the 24 petit jurors and 49 grand jurors who were called for the June 1853 term of the district court, and notes that two petit jurors and five grand jurors “could not be found.” Short profiles of 27 “territorial lawyers” are followed by brief descriptions of the formation and membership of the Winona County Bar Association and the Winona Bar Association. At the end of the chapter, he lists the name of every lawyer admitted to the Winona County District Court bar from 1859 to 1895, and

to maintain a family, most lawyers engaged in other business activities. They were land agents, journalists, insurance agents, and land speculators. These activities are discussed in §III of my article, “Lawyers and ‘Booster Literature’ in the Early Territorial Period,” posted previously on the MLHP.

⁷ There are several books of photographs of Minnesota county courthouses, but no history that even remotely resembles McNamara's social and intellectual study. See, e.g., Victor Gilbertson, *Minnesota Courthouses: Watercolors of Historic Structures* (Galde Press, Inc., 2005) (Gilbertson photographed all 87 county courthouses and then created paintings of them. He describes the evolution of courthouses from the 19th Century to the postmodern era); Douglas Ohman & Mary Logue, *Courthouses of Minnesota* (St. Paul. Minnesota Historical Society Press, 2006) (Photographs of the exterior of every county courthouse in Minnesota were taken by Ohman, and the text was written by Logue); see also Marion Cross, *Minnesota Courthouses* (National Society of the Colonial Dames of America, 1966).

the exact date of his admission. This is the sort of minutiae that puzzles modern readers, but likely impressed the judge's contemporaries as proof of the depth of his research.

The chapter following Judge Snow's is entitled "Biographical Review" and subtitled "Facts of the Early Career and Later Successes of the People Who Have Helped to Make Winona County." Twenty-seven lawyers and judges are profiled here, including Judge Snow. Almost certainly several of these men (and others whose profiles appeared in this chapter) funded the publication of the book. They were initial subscribers and, in consideration of their financial support, were granted more space to describe their accomplishments.⁸ Many of these longer profiles resemble self-portraits. In other words, they are short autobiographies which, to some researchers, may prove illuminating. To take an example, how Marshall B. Webber, the second president of the Minnesota State Bar Association, saw himself and his accomplishments can be found in a page-length portrait which he probably wrote himself.

"Bench and Bar" appeared first as Chapter XX, pages 260-275, and the excerpts from "Biographical Profiles" appeared first in Chapter XXI of the first of a two volume history of Winona County published in 1913. Though reformatted, the passages are complete, although ten engravings of lawyers in the "Biographical Profiles" are omitted. The original page breaks have been added. Several typographical errors have been corrected, but the authors' grammar and punctuation are unchanged.

The following article supplements "Courts and Officers of the Courts of Winona County," which appeared first as a chapter in *History of Winona County* 119-127 (Chicago: H. H. Hill and Co., Publishers, 1883). An obituary of Judge Snow that was

⁸ For a discussion of the popularity of local histories published via subscription, see Scott E. Casper, *Constructing American Lives: Biography and Culture in Nineteenth-Century America* 290-303 (Chapel Hill: Univ. of North Carolina Press., 1999). These types of histories were nicknamed "mug books" because subjects paid to have their engraved portraits published in them.

published in *The Winona Independent* on May 15, 1915, can be found in “Arthur H. Snow (1841-1915)” (MLHP, 2010).

**“BENCH AND BAR”
&
“BIOGRAPHICAL PROFILES”**

IN

**THE HISTORY
OF
WINONA COUNTY
MINNESOTA**

**COMPILED BY
FRANKLYN CURTISS-WEDGE
EDITOR-IN-CHIEF**

ASSISTED BY

**WILLIAM JAY WHIPPLE
Reviewer of Manuscripts**

**AND
A LARGE CORPS OF LOCAL CONTRIBUTORS**

ILLUSTRATED

VOLUME I

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CHAPTER XX.

BENCH AND BAR.

Early Courts and Judges—First Court in Winona, First Jury Called—Judges Who Have Graced the Winona County Bench—Territorial Lawyers—Winona County Bar—Admissions to the Bar—Other Lawyers—The Federal Courts—Edited by Judge Arthur H. Snow.

The real settlement of Winona county began in 1849. Previous to this there had been temporary occupation by fur traders, missionary workers and government farmers. The Indian title to the county was not extinguished until February 24, 1853. Therefore, though the vague boundaries of the judicial districts of the territories which at one time or another embraced this part of Minnesota, may be said to have included Winona county; such jurisdiction was purely nominal, and is of little vital significance to the history of the people of this county.

Alexander Ramsey, first territorial governor of Minnesota arrived in St. Paul, May 27, 1849. June 1, of the same year, by proclamation, he declared the territory fully organized. June 11, he issued a second proclamation, dividing the territory into three temporary judicial districts

The first supreme court of the territory, appointed by the president, consisted of Aaron Goodrich, chief justice; and David Cooper and Bradley M. Meeker, associate justices. Each of these supreme court judges was to sit as district judge in one of the three judicial districts into which the territory had been divided.

David Cooper was assigned to the bench of the third district. This district had rather vague outlines, but in general took in all of the southern part of the state, its southern boundary being the northern boundary of Iowa; its eastern and northern boundary being the Minnesota river, and the Mississippi river

from the mouth of the Minnesota to the Iowa state line; and its western boundary being the western boundary of the territory.

Judge Cooper held the first court for the third district at Mendota, Aug. 27, 1849. Henry H. Sibley, afterward governor, was foreman of the Grand Jury. Judge Cooper, a gentleman of the old school, then but twenty-eight years of age, delivered a most scholarly and finished charge, which for many years was [261] quoted as an authority on the duties of jurors. He also delivered an address of a more personal nature to the lawyers assembled. No business was transacted by this court. It is said that of the members of the jury, only three could write their names, and that eleven could not understand the English language. The court was held in a large stone warehouse belonging to the fur company.

Before further terms of the court were held, the first territorial legislature convened. On October 27, 1849, the territory was divided into nine counties. Accordingly, the judicial districts were arranged to conform to the new county divisions. Under the new arrangement the first district was made up of the counties of Washington, Wabasha and Itasca, these counties then embracing the eastern border of the territory. Judge Cooper was assigned to this district. Wabasha county then included what is now Winona county.

Under this division, Judge Cooper held this second court at Stillwater, in Feb., 1850. At this court the first murder trial in was held, a thirteen-years-old boy being sentenced to ninety days in the guardhouse at Ft. Snelling for shooting a companion, the charge being manslaughter.

March 5, 1853, Fillmore county was organized, including, generally speaking, practically the present counties of Winona, Olmsted, Fillmore and Houston. The newly created county was assigned to Judge Cooper's district, but his term expired within a month of the time the county was created.

In the meantime Aaron Goodrich had been succeeded as chief justice by Jerome Fuller, who served from November 13, 1851, to December 16, 1852. Henry Z. Hayner, who served as chief justice December 16, 1852 to April 7, 1853, never presided at a term of the supreme court.

April 7, 1853, William H. Welch was appointed chief justice, and Moses G. Sherburne and Andrew G. Chatfield, associate justices. Andrew G. Chatfield was assigned to the district south of the Minnesota and west of the Mississippi.

The judicial history of what is now Winona county had its beginning with May 28, 1853, when a list of grand and petit jurors for the June term of the District Court of Fillmore county (then including Winona county), was drawn at Winona in the presence of John Iams, sheriff, and George M. Gere, a justice of the peace. This list has been preserved and is as follows: The following names were ordered to be entered as a grand jury: H. B. Stoll, James Toms, Myron Toms, Nathan Brown, Willard B. Bunnell, H. Carroll, Henry C. Gere, George M. Gere, Wm. T. Luark, George H. Sanborn, Harvery Hubbard, Isaac Hamilton, O. S. Holbrook, Wm. B. Gere, S. A. Houck, S. A. Putman, H. B. [262] Waterman, E. B. Drew, O. M. Lord, P. K. Allen, Egbert Chapman, A. A. Gilbert, Robert Taylor and A. P. Hall.

The petit jurors for the same court were Edwin B. Gere, John Evans, Erastus H. Murray, Edwin Hamilton, William H. Stevens, John C. Laird, Alex. Smith, John Emerson, Erwin Johnson, John Burns, Frank Curtiss, George W. Clark, J. Scott Clark, Allen Gilmore, H. K. Thompson, Isaac W. Simonds, Jeremiah Tibbetts, Asa Pierce.—Fortune, S. J. Burnet, H. J. Harrington, William E. Hewitt, Henry Herrick, Warren Rowell, James Kincaid, —Fletcher, Squire Day, A. T. Pentler, James Campbell,—Thompson, —Webster, Peter Gorr, O. H. Hock, J. S. Denman, Charles Bannan, S. E. Cotton, H. Stradling, Wm. H. Coryell, Hiram Hull, J. W. Bentley, D. Q. Burley, J. Nicklin, J. Wright, P. D. Follett, R. Thorp, Louis Krutzly, Henry W. Driver, C. B. Coryell and Alex. McClintock

The venire for the grand jury was issued to Sheriff Iams, June 11, 1853, and was returnable June 27, 1853. H. Carroll and Nathan Brown could not be found. The venire for the petit jury was issued to Sheriff Iams, June 11, 1853. Messrs. Fortune, Fletcher, Day, Campbell and Webster, could not be found.

The first session of the district court of Fillmore county (then including Winona county), assembled at the old Winona house on Front street, in Winona, June 27, 1853, but as the judge was not present an adjournment was taken until the next day, when a large party of men and women from St. Paul, including Judge Chatfield and Attorney L. A. Babcock and H. L. Moss, arrived by boat. June 28, 1853, the first court in Winona county organized, with Andrew G. Chatfield on the bench. It was officially known as the district court of Fillmore county. Andrew Cole was appointed district attorney and duly assumed the duties of the office. W. B. Gere was clerk. Sixteen grand jurors were present, and Franklin Blodgett and H. B. Stoll were summoned by the judge to make up the required eighteen.

L. A. Babcock, attorney for Erwin Johnson appeared and challenged the grand jury for the reason that the records did not show that the grand jurors were drawn in the presence of the officials designated by law. The court disallowed the challenge, and ordered that a certificate be signed by a justice of the peace and the sheriff, both of whom were present at the drawing of the panel. The grand jurors present were then drawn and sworn and retired for business. As there was no business before the court, the petit jurors in attendance were discharged and the court adjourned until the next day.

June 29, 1853, the court met and the grand jury came into courtroom at 2 o'clock in the afternoon. It made a presentment in the case of Erwin H. Johnson, for the shooting of Issac W. [263] Simonds and indicted S. M. Burns, of Mt. Vernon (Hall's landing), for selling liquor to the Indians. Having completed their business the jurymen were discharged by the court. Several of the grand jurors were missing at this session, and the judge

directed that an order be entered on the records of the court requiring them to appear at the next term and show cause why they should not be fined for absence. The court then adjourned. In the afternoon Judge Chatfield, with the party from St. Paul, visited Minnesota City and the valley of the Rollingstone.

The first writ of attachment in Fillmore county (then embracing Winona county) was served June 20, 1853, attaching 1,838 logs and a quantity of staves and spokes in the case of M. Sipple against John Kripps for \$500.00.

July 18, 1853, a writ of certiorari was issued in the case of G. Olson against Stephen M. Burns upon judgment in the case before T. K. Allen, J. P., July 2, 1853.

The first bills against Fillmore county (then including Winona county) for court expenses at Winona, were presented December 27, 1853. These were the first bills of any sort presented to the county commissioners of Fillmore county. One was that of Grove B. Willis, of Winona, to the amount of \$93.00 for "office rent, wood and the like." The other was that of W. B. Gere to the amount of \$40.13 for "services as clerk of the court and office rent and the like."

The first case appealed from the district court to the supreme court from Fillmore county (then including Winona county), case of Henry C. Gere, appellee vs. John C. Laird, appellant. The case was decided in favor of Mr. Laird.

It is interesting to note that the Gere-Laird case, when originally tried in a justice court, was the first jury case in what is now Winona county. The suit was over the possession of a claim on Wabasha prairie, now the site of the city of Winona.

There were at this time two justices in this vicinity, George M. Gere, Wabasha prairie, and John Burns, at the mouth of Burns valley. Jabez McDermott, of Wabasha prairie, was constable. In February, H. C. Gere sued John C. Laird before John Burns, for

trespass, to get possession of the claim. The trial by jury was held in March. This was the first jury trial ever held in this part of the territory—the first jury ever called in what is now Winona county. The court was held in the upper part of the Viets House (the old Winona House), which was then unfinished, Squire Burns having adjourned the court from his office at his house to this place to accommodate all parties interested.

Mr. Gere engaged the professional services of Attorney Flint, a lawyer living in La Crosse, and of Andrew Cole, of Wabasha [264] prairie. Mr. Cole was then the only practicing attorney living on the west side of the river. Mr. Laird had for counsel and management of his defense, a lawyer from La Crosse by the name of French. The jury impaneled to try the case was George W. Clark, J. Scott Clark, O. S. Holbrook, William Hewitt, W. H. Coryell and Hiram Campbell.

About two days were spent in the examination of witnesses and speech-making by the attorneys before the case was submitted to the jury. After due deliberation it was ascertained that there was no probability of the jury agreeing, and they were discharged. The court adjourned until the next Monday, March 14, at which time another jury was impaneled and the trial case repeated.

In the first trial the jury stood five for the defendant and one for the plaintiff. The one who stood out against his fellow jurors was Hiram Campbell. The jury on the second trial was John Iams, S. A. Houck, H. B. Waterman, Wm. L. Luark, S. D. Putnam, and Elijah Silsbee, all residents of Minnesota City except the last named. After about the same amount of time consumed as with the first trial the case was given to the jury, and at about 11 o'clock at night, March 16, the jury arrived at a unanimous decision.

The first action commenced after Winona county was organized was in September, 1854, by Squire J. Barrett, of La Crosse, against the proprietors of Minneowah, to enforce a lien material furnished to build a hotel.

February 7, 1854, Fillmore county (of which Winona was still a part), together with Goodhue, Washington and Chisago, was constituted the first judicial district, and assigned to Chief Justice W. H. Welch. February 23, 1854, Winona county was organized with its present boundaries.

The second term of the district court held in what is now Winona county, and the first after the creation of the county was held in what is known as the old Hancock building, corner of Fifth and Walnut streets, in Winona in August, 1855, Judge Welch presiding; John Keyes, clerk; and John Iams, sheriff. In the register of actions, it appears that eight indictments were found for selling spirituous liquor to Indians, or for introducing spirituous liquor into the Indian country—seven against Stephen M. Burns of Mt. Vernon and one against Asa Hedge of Winona. The principal case of the term—that of the United States vs. Elijah Silsbee, for shooting H. D. Huff in the spring of 1854—was continued owing to the illness of the defendant, and was never brought to trial. The last term of the territorial court in this county was held August 31, 1857, in the Huff House hall, situated on the second story of the hotel, immediately over [265] the dining room, Judge Welch presiding, John Keyes clerk and Charles Eaton, sheriff. This was the first term at which any considerable business was transacted. The minutes are recorded in excellent shape in the handwriting of C. N. Waterman, deputy clerk. The term lasted some ten days, but no cases were tried of any special importance.

Judge Welch served as chief justice of the supreme court, and as judge of the district embracing this county, until May 24, 1858.

Since the admission of the state, May 11, 1858, Winona county has been in the third judicial district. The district originally included Houston, Olmsted, Fillmore, Wabasha and Winona counties. Since January 1, 1873 the district has included Winona and Olmsted counties.

Thomas Wilson took his seat on the bench May 24, 1858. July 1, 1864, having been appointed to the supreme court, he resigned, and Lloyd Barber was appointed to fill the vacancy. Judge Barber served until January 1, 1872, when he was succeeded by C. N. Waterman. Judge Waterman died February 18, 1873, and after a brief interval in which F. M. Crosby of the First District was on the bench, John Van Dyke was appointed to fill the vacancy. William Mitchell took office January 8, 1874. The session of the legislature of 1881 increased the number of supreme court judges in this state from three to five, and Judge Mitchell was appointed to fill one of the two judgeships then created. Charles M. Start was accordingly appointed to the bench of the third district. He served from March 14, 1881 to January 7, 1895. O. B. Gould served from January 7, 1895 to January 5, 1897. A. H. Snow took office January 5, 1897 and is still serving.

TERRITORIAL LAWYERS.

Andrew Cole. The first attorney to locate in Winona county, and indeed in southern Minnesota, was Andrew Cole, who came a from La Crosse in the fall of 1852. He was active in public affairs, and was prominent in the courts of such justices as John Burns, S. K. Thompson and George H. Sanborn. Mr. Burns had the greatest confidence in Mr. Cole, and the decisions rendered in the Burns court showed much dependence upon Mr. Cole's legal opinions. But between George H. Sanborn and Mr. Cole was the bitterest difference, and it is said that Mr. Sanborn resigned his position as justice, for the express purpose chastising Mr. Cole. But the encounter never took place. In 1857, Mr. Cole moved to Poughkeepsie, New York.

In 1853 C. F. Buck, Grove W. Willis, John Keyes and M. [266] Wheeler Sargeant arrived and located in this county—Willis, Sargeant and Keyes in Winona, and Buck in Homer.

Grove W. Willis came to Winona city in June, Wisconsin, where he was admitted to the bar in 1848. He was appointed clerk of

the court for Fillmore county, and removed to Chatfield in the spring of 1854. Later he entered the practice of the law in Fillmore county. He returned to Winona in 1873, and died August 22, 1897, at the age of 86 years.

C. F. Buck originally from Erie county, New York, came to Winona city in September, 1853, from Kane county, Illinois where he had been admitted to the bar. He engaged for a time in the practice of his profession, and was elected the first district attorney in 1854. His long subsequent career is related elsewhere.

John Keyes came to Winona in 1853 and settled on lower end of the prairie. He was engaged in the practice of law at first alone, and subsequently and successively as a member of the firms of Sergeant, Franklin & Keyes, Franklin & Keyes, and Keyes & Snow, until his death in December, 1876. Born in Windom county, Connecticut, in 1818, he removed at an early age to Michigan, where, with the exception of three years spent in California, he lived until he came to Winona. Mr. Keyes was of great integrity of character, of positive views, but courteous to everyone, and respected by all who knew him. Not an orator, although a man of ability and learning, he shunned the contests of the court room and preferred work in his office, where he was always to be found a safe counselor.

M. Wheeler Sargeant, who had been engaged with William Ashley Jones during the fall in a surveying party, came to Winona in December, 1853, and from that time until his death in March, 1866, was, with the exception of the time he was in the army as a paymaster, continuously engaged in the practice of his profession, first alone and then as a member of the firms of Sargeant & Wilson, Sargeant, Wilson & Windom, Sargeant & Windom, Sargeant & Franklin, and Sargeant, Franklin & Keyes. Born in Danville, Vt., in 1822, and educated at Dartmouth college, in general information and range of reading and study Mr. Sargeant had few equals in the state. Though possessing certain eccentricities of manner and habit, he was the sole of

honor and integrity. Proud in spirit, undemonstrative, extremely sensitive and sympathizing but little with the outward conventionalities of society, he was often misunderstood. To those not penetrating through the crust of his character he might at times cold and almost unfeeling. On the contrary he was at heart exceedingly tender and sensitive.

In 1854, there appear to have been no additions to the Winona county bar. [267]

The year 1855, however, brought numerous accessions, some of whom became eminent in the history of the state and nation.

Thomas Wilson, a native of Ireland, whose boyhood was spent in Pennsylvania, where he also received his education came to Winona in April, 1855. His services in the constitutional convention, on the district bench, as chief justice of the supreme court, in the state legislature and in the halls of congress, and his achievements in the practice of his profession, are familiar to all.

C. H. Berry settled in Winona in the early summer of 1855 and was followed in the early fall of the same year by C. N. Waterman, his old law partner in Corning, N. Y. They continued the partnership of Berry & Waterman, which was for many years one of the most prominent law firms in the state, until Mr. Waterman was elected to the district bench in the fall of 1871. The firm was, at the time of its dissolution, probably the oldest law firm in the state. General Berry's successful career in his profession and his valuable public services as attorney general of the state, as a member of the state legislature and of various educational and charitable boards in the state, are familiar. In his latter years he was appointed associate justice of the Supreme court of Idaho.

C. N. Waterman, born in Rome, N. Y., in 1823, a graduate of Hamilton college and Harvard law school, was a ripe scholar as

well as an able lawyer. He was considered the best read, most thoroughly informed lawyer at the Winona bar. He was a wide reader and proficient linguist. He was thoroughly informed in all the best literature of the times, being one of the very few lawyers who kept up their general reading after engaging in the active practice of their profession. Being not only learned in the law but of quick, clear perception and of an eminently fair and judicial frame of mind, when he was elected to the bench in the fall of 1871, all his friends looked forward to a brilliant career for him in his new position. He was on the bench just long enough to prove that they were not mistaken in him when his career was cut short by sudden death in February, 1873.

William Windom, then of Mt. Vernon, Ohio, was in Winona in the summer of 1855 looking over the ground, but did not permanently settle here until December, 1855, when he became a member of the law firm of Sargeant, Wilson & Windom, of which and of the subsequent firm of Sargeant & Windom he continued a member until his election to congress in the fall of 1859. Mr. Windom, although then comparatively young, was already an able lawyer and an eloquent advocate. His subsequent career as a [268] statesman in congress and the United States senate and as secretary of the United States Treasury gave him more than a national reputation.

Thomas Simpson, then a young man and a surveyor by profession, became a citizen of Winona in December, 1855, and was for several years engaged in the management of his large landed and moneyed interests in this part of the state. Although not then a lawyer he is entitled to a place in the territorial bar, having been admitted in April, 1858, about a month before the admission of Minnesota as a state. His public and professional career and his liberal public spirit, which made him active in every good work for so many years, require no eulogium.

Samuel Cole. In 1855 there came from Meadville Pa., a native of Green county in that state, a man who was one of the historic characters of early Winona—Samuel Cole, so many years justice of the peace in this city Anecdotes and amusing incidents in his

court, if written, would fill a large book. Tall, but of rather slender build, his bald head and long, heavy beard gave him a very dignified and venerable appearance. It is said that some Sunday school children who met him on the Street on one occasion thought it must be the Apostle Paul. Of limited natural ability and rather superficial acquirements, he had a remarkable faculty of looking wise. With just enough knowledge of the law to make him familiar with its technical words and phrases, he was accustomed to make a show of learning by parading them on all occasions. But with all his foibles he made a good justice and notwithstanding his weakness he was good-natured and kind-hearted. Like many an early settler in a new country, when business settled down to more methodic habits, he lost his hold and moved to Missouri. There he became at one time so reduced in circumstances as to be compelled to work on a railroad as a section hand. A gentleman, principal of the public schools in St. Louis, who had known Cole in Pennsylvania, found him on one occasion in absolute want and destitution. This gentlemen furnished him with some clothing and gave him temporary employment in teaching a negro evening school. Soon after he was taken sick and died in a hospital in that city.

Samuel S. Beman. There also came to Winona county in 1855, another lawyer whose name should not be passed without mention. This was the fiery, impulsive, eloquent, generous, chivalric Samuel S. Beman, who settled first in Saratoga, but afterwards in St. Charles, where he died in May, 1882. Born in Georgia in 1822, and a half brother of the equally fiery William L. Yancey, Beman was in temperament a thorough southerner. He could flay an opponent with the biting sarcasm and invective of his burning eloquence, but he was the soul of honor, generous [269] and magnanimous to a fault. Weighed down by physical infirmities from his birth, his body was too frail a tenement for the bright intellect within, and poor health did not permit of the regular practice of his profession. Although Beman came to Winona in territorial days, he was not strictly speaking a territorial lawyer for he was not admitted to the bar of this county until the fall of 1869.

John Ball came to Winona in 1855, although not admitted to the bar until 1860. He never engaged in the practice, for soon afterwards, enlisted as a private in Company K, First Min. Vol. Inf., in which he served with signal and marked distinction and bravery, as he also did in the Eleventh Minn. Vol. Inf., of which he was most of the time acting colonel. At the close of the war Colonel Ball, impaired in health, returned to Winona, where he resided until his death in 1875. The bravest of the brave, his remains rest peacefully in Woodlawn.

Eugene M. Wilson came to Winona from Virginia just before the land sale in the fall of 1855, and during the year 1857 was the senior member of the law firm of Wilson & Mitchell. In 1858, he removed to Minneapolis, of which he became one of the most prominent citizens. His professional and political career is widely known.

E. A. Gerdtzen settled in Winona in October, 1855. Although he had studied law in the universities of Kiel and Berlin in the old country, he was not formally admitted to the bar here until 1864. His seventeen years' service as clerk of the district court was the longest tenure of office in Winona county except that of Judge Story, who held his office of probate judge for over twenty-two years.

A. J. Olds came to Winona in 1855. He afterwards settled in Quincy, Olmsted county, but subsequently removed to St. Charles, of which he became an honored citizen for many years.

Edwin M. Bierce came from Meadville, Pa., to Winona in 1855, and was for a time a law partner of Judge Lewis. He was elected district attorney of the county for one term, and also served in the legislature of 1857, but left the state soon afterwards.

The addition to the Winona county bar in 1856, were H. H. Johnson, Daniel S. Norton, H. W. Lamberton.

Harvey Hull Johnson was born in Rutland county, Vermont, September 7, 1808. He was admitted to the bar in 1833; practiced law in Ohio; was a representative in Congress in 1853-55; came to Minnesota in 1856 (some have given the date as 1855) and settled in Winona. He was president of the old Winona & St. [270] Peter railroad during its construction from Winona to Rochester. In 1865 he moved to Owatonna, in this state.

Daniel S. Norton came west in 1855 from his native Mt. Vernon, Ohio, with his old law partner William Windom and located at first in St. Paul, but moved to Winona in the spring of 1856. In his day Mr. Norton was one of the most prominent men of the state. Having been twice elected from this county to the state senate and once to the lower house of the legislature, he was in January, 1865, elected to the United States senate, in which he served until his death in Washington in July, 1870. To be appreciated he had to be intimately known, and the highest eulogium that could be passed on him is that he was held in the highest esteem by those who know him best. Naturally reticent and reserved, and entertaining an honest contempt for those tricks by which demagogues pretend friendship for his people; he was never particularly popular with the great mass of men. His strength lay in the strong attachment and loyal devotion of his personal friends. As a lawyer he was the soul of honor, true alike to his client and the court. In all my professional experience I never knew a lawyer who more thoroughly disdained anything like artifice or sharp practice in the management of a cause. He was a true man and a devoted friend.

Henry Wilson Lamberton was born in Carlisle, Pa., March 6, 1831, and died December 31, 1905. He settled in Winona in 1856; became president of the Winona Deposit Bank in 1868; was elected president of the Winona & Western Railway Company in 1894. He was one of the state capitol commissioners from the organization of that board to his death.

George E. Bemis. It is not certain whether George H. Bemis, for a time the law partner of Judge Lewis, came to Winona in 1856 or 1857. He remained here only two or three years, when he returned east.

John M. Cool, so long a prominent and honored citizen of St. Charles, where he died in September, 1875, came to this country in 1856, but was not admitted to the bar until subsequent to 1858.

In 1857 there were several additions to the bar of Winona county among whom may be noted William H. Yale, William Mitchell, Morris A. Bennett, Philip S. Cottle, Henry C. Lester and Abner Lewis.

William Hall Yale was born in New Haven, Conn., November 12, 1831. He came to Winona in 1857, and remained here many years. He was state senator in 1867-68; lieutenant governor, 1870-74; and a member of the legislature in 1899. He removed to [271] St. Paul in 1900, and was appointed marshall of the State Supreme Court.

William Mitchell was born in, Stamford, Welland county, Ontario, November 19, 1832 and died near Alexandria, Minnesota, August 21, 1900. He was graduated at Jefferson college, Pennsylvania, in 1853; studied law; came to Winona in 1857; here spent the remainder of his life. He was a member of the legislature in 1859-60; judge of the third judicial district 1874-81; and associate justice of the supreme court, 1881-90.

Abner Lewis, born in Rutland county, Vermont, in 1801, came to Winona from Chautauqua county, New York, where he had spent most of his previous life, from where he had been elected to Congress in 1844, and in which he served many years as county judge. He died in Winona in October, 1879, at the ripe age of seventy-eight. The writer of his obituary notice truly said of him:—"His honest, upright life left a memory that speaks a

eulogy in itself. A man of fine attainments, a gentleman of kind heart and genial manners, modest and unostentatious, he was universally beloved.”

Morris A. Bennett. The first death in the Winona county bar was that of Morris A. Bennett, who died April 23, 1861. Morris was born in Rome, N. Y., in 1833, and hence was only about twenty-eight years old at the time of his death. Finely educated, of a high order of natural talents, endowed with a splendid physique and genial, pleasant manners, he had before him a bright promise of a splendid career.

Henry C. Lester, a man of fine education and varied accomplishments, was admitted to the bar in New York upon coming west, but never engaged in the practice in this state. Elected the first clerk of the district court under the state organization, he resigned in April, 1861, and enlisted in the First Minnesota Volunteer Infantry, in which he was commissioned captain of Company K. His previous brilliant military career during which he attained the rank of colonel of the Third Minnesota Volunteer Infantry was brought to an unfortunate close at Murfreesboro in July, 1862. The criticism to which he was subjected on account of his surrender on that occasion cast a cloud over his future life which he felt very keenly. Proud in spirit, he said little, but felt he was unjustly censured, and sought earnestly, but in vain, for a court of inquiry. Soon after the war he took up his residence in New York.

After the state was admitted, the influx of lawyers to Winona was somewhat slow. The most notable acquisition of the early sixties was Mark H. Dunnell. Others who began practice here about that period were ____ Haswell, B. Franklin, Thomas H. Peabody, Norman Buck, and ____ Plummer.

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 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. Lamberton, 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 [273] 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 Asso-

ciation 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.

The bar of Winona is now represented as follows: William [274] D. Abbott, L. L. Brown, Burr D. Blair, H. L. Buck, Lloyd Barber, William Burns, Herbert M. Bierce, William Codman, William A. Finkelnburg, Karl Finkelnburg, James J. Fitzpatrick, H. M. Lamberton, Robert E. Looby, Edward Lees, B. A. Man, A. H. Snow, R. A. Randall, Earl Simpson, W. J. Smith, S. H. Somsen, J. A. Tawney, D. E. Tawney, D. E. Vance, S. M. Vance, W. T. Valentine, M. B. Webber and J. M. George (in private practice). The only other lawyers in the county are at St. Charles. Eugene Miller and William H. Markham have represented the fraternity there for some time. Allen Richardson is a newcomer in that village.

The law firms of Winona are: Brown, Abbott & Somsen; Finkelnburg & Finkelnburg; Webber & Lees, Buck & Fitzpatrick; and Tawney, Smith & Tawney.

ADMISSIONS TO THE BAR.

The records of the district court give the names of many young men admitted to the bar in this county who became prominent members of their profession. Among them may be mentioned the following:

Thomas E. Bennett, February 22, 1859; Arthur Chambers, December 1, 1859; John Ball, June 18, 1860; John C. Davidson, June 18, 1860; Charles Adams, March 26, 1866; Charles Allen, March 28, 1866; J. E. Atwater, May 13, 1868; H. M. Burchard, September 15, 1869; Samuel S. Beman, September 23, 1869; Lyman Cowdry, March 27, 1867; E. H. Donaldson, September 20, 1866; George Franklin, March 28, 1864; John Fraser, March 27, 1865; Asahel Finch, October 23, 1865; Ernst A. Gerdtzen, April 28, 1863; F. A. Utter, March 22, 1869; Francis Windson, January 28, 1863; A. H. Bissell, September 11, 1871; R. B. Briggs, April 11, 1873; David Barclay, October 17, 1873; J. L. Bloomingdale, October 13, 1874; J. P. Bowditch, April 11, 1876; William A. Bryan, April 27, 1878; James W. Dyckson, September 13, 1870; H. A. Eckholdt, April 10, 1873; William Fullerton, April 2, 1872; Dennis H. Flynn, October 16, 1873; W. H. Farsworth, October 13, 1874; O. O. Falkner, November 2, 1877; John C. Noe, October 16, 1873; John F. Pope, October 16, 1873; M. B. Webber, November 2, 1877; O. M. Williams, April 1, 1872; C. H. Myers, April 9, 1877; George Parsons, September 13, 1870; James O'Brien, March 29, 1871; John H. Prentiss, September 30, 1870; Joseph H. Prentiss, September 30, 1870; John P. Pope, October 16, 1873; George Gale, Jr., March 25, 1869; William Gale, March 29, 1870; S. W. Graham, March 29, 1870; John H. Hopper, September 14, 1865; Alfred C. Hills, October 23, 1865; Prosper A. Hurd, September 15, 1868; [275] L. C. Jacoby, February 16, 1859; E. W. Keightly, April 17, 1867; John C. Morris, March 27, 1866; Alvah K. Potter, September 11, 1865; Jacob Story, February 26, 1859; A. S.

Seaton, June 21, 1858; John M. Sheardown, June 21, 1860; Thomas Simpson, July 7, 1860; William D. Story, March 25, 1861; J. D. Peregrine, March 27, 1865; Jacob Range, November 25, 1870; J. E. Robinson, April 9, 1873; C. F. Rowell, December 12, 1874; A. H. Snow, March 28, 1871; Nelson Seaver, Jr., April 11, 1876; David E. Vance, April 27, 1878; Charles S. Butts, April 2, 1879; Judd R. Buck, November 8, 1879; Fred S. Bell, March 22, 1880; H. L. Buck, July 10, 1882; James A. Tawney, July 10, 1882; H. S. Lord, July 10, 1882; Hobart J. Barton, November 27, 1882; Lloyd W. Bowers, November 24, 1884; Spencer C. Coe, October 11, 1882; W. A. Finkelnburg, December 26, 1885; Myron B. Gibson, October 11, 1882; John B. Hagarty, October 21, 1883; Charles W. Main, April 2, 1879; Charles A. Morey, November 8, 1879; John J. Myers, March 22, 1880; Riley H. Marden, April 14, 1882; Lars M. Rand, January 28, 1884; Timothy G. Turner, March 11, 1884; Charles B. Yale, March 22, 1880; William Burns, June 29, 1887; Burr D. Blair, September 24, 1890; John Gleason, April 28, 1886; B. F. Heuston, Jr., April 28, 1886; Conde Hamlin, August 27, 1888; O. Johnson, October 28, 1887; H. M. Lamberton, October 28, 1887; Edward Lees, December 1, 1887; A. T. Rock, June 29, 1887; W. J. Smith, December 27, 1887; Theodore Smith, May 27, 1889; A. W. Tierney, May 15, 1890; William Codman, September 7, 1897; John A. Cashel, January 9, 1905; George T. Simpson, June 11, 1895; Arthur Claggett, June 11, 1895. In recent years but few lawyers have been admitted by the local court.

OTHER LAWYERS.

Other lawyers who have had offices in Winona who are not mentioned in this article are: A. N. Bentley, W. W. Billson, S. L. Pierce, W. B. Phelps, C. F. Rowell, W. A. Bryan, Alfred Wallin, and William H. Averill.

District Court of the United States. The district of Minnesota was divided into divisions by the act of April 26, 1890, which act was in force on August 1, 1890. The first term to be held in Winona was opened December 2, 1890. The regular terms of

court were held on the first Tuesdays of June and December until the year 1894, when they were changed to the third Tuesday of May and November. The following named judges have been on the bench here: Rensselaer R. Nelson, William Lochren, John E. Carland, Charles F. Amidon, Milton D. Purdy, Page Morris and Charles A. Willard.

MLHP Editor: Profiles of two dozen Winona County lawyers are contained in the next chapter, Chapter XXI, beginning on page 276 and running through page 298. It follows, reformatted and with page breaks, but without photographs of Henry W. Lamberton, William Mitchell, C. A. Morey, Charles H. Berry, Lloyd Barber, Thomas Simpson, and Burr D. Blair.

CHAPTER XXI.

BIOGRAPHICAL REVIEW.

Facts of the Early Career and Later Successes of People Who Have Helped to Make Winona County. Names Which Will Long Live in the Memories of the People of This Locality. Stories of Well Known Families.

Henry Wilson Lamberton was born March 6, 1831, in Carlisle, Pa., where he received his early education. He studied law and completed his course under the tuition of his brother, Robert A. Lamberton, a prominent attorney, and was admitted to the bar in 1852. He then engaged in the practice of his profession in Franklin, Pa., until the spring of 1856, when with his brother-in-law, Samuel Plumer, he came to Winona, where they continued together the practice of law. At the first municipal election of the city of Winona, in the spring of 1857, he was elected city

attorney, defeating Daniel S. Norton, who was later a United States Senator from this state. Business engagements caused Mr. Lamberton's removal, temporarily, from Winona to Faribault, thence to St. Peter, where he was residing at the time of the Indian uprising of 1862. In 1863 he returned to Winona, where he continuously resided to the date of his death. In 1864, Mr. Lamberton was the Democratic candidate for Congress in the Winona district, which at that time embraced a territory of nineteen counties. He was defeated by William Windom, later a United States Senator from Minnesota, and still later treasurer of the United States under James A. Garfield. In 1866 he was appointed land commissioner of the Winona & St. Peter Railway Company. In 1876, the Winona & St. Peter Land Company was organized and purchased 500,000 acres of land which had been granted to the railway company by the United States government. Mr. Lamberton was elected commissioner of this land company, and held the position to the time of his death. In 1868 he organized the Winona Deposit Bank, of which he became president, an office which he continuously held. It was through his business sagacity and financial ability that this bank became one of the strongest and safest banking institutions in the state. Mr. Lamberton was elected a school director from the first ward of the city of Winona in 1880, serving one term as a member of the board of education. In 1880 he was elected to attend the Democratic National Convention [277] at Cincinnati. At this convention he was appointed one of the committee to notify Winfield S. Hancock of his nomination for the presidency. He was elected mayor of the city of Winona in 1881, reelected in 1882, and declined the Democratic nomination in 1883. It was under his administration as mayor of Winona that the present excellent system of waterworks was inaugurated and constructed. He believed a public office a public trust, and during his mayoralty he gave much of his time and personal supervision toward the welfare of the city's interests. In 1888 he was chosen chairman of the Democratic State Convention which nominated Eugene Wilson for governor. In 1893 he was appointed by Governor Knute Nelson as one of the Capitol Commission for the erection of the present state capitol building.

This position he was filling at the time of his death. For some time he was president of the Winona & Southwestern Railway Company and in 1894 was elected to a similar position with the Winona & Western Railway Company. This is the line which extends from Winona to Osage, Iowa, a distance of 117 miles, now operated by the Chicago, Great Western. Mr. Lamberton's political affiliations were with the Democratic party, and his influence in the councils of the party extended beyond the borders of the state. Such is the summary of the more notable achievements attained in business and public affairs by a noble man. He came to Minnesota in the pride of his young manhood, and for nearly five decades was an influential and prominent citizen of the beautiful city of his adoption. Mr. Lamberton was married, May 4, 1852, to Margaret J. Plumer, second daughter of Arnold Plumer, of Franklin, Pa. She died April 21, 1902. Their long wedded life was one of uninterrupted domestic happiness. Their children are Arnold Plumer, now deceased, Charles Harkness, of Aiken, S. C.; Mary Ella, wife of John R. Mitchell, president of the Capitol National Bank, of St. Paul; Henry McClelland, attorney-at-law of Winona; and Margaret Plumer, wife of C. A. Boalt, of St. Paul.

The Lamberton Family. The family name of Lamberton is of pure Scottish origin. The name occurs as early as the reign of Edgar, (1097-1107). John de Lamberton appears on the rolls of Scottish nobles and others invited to accompany King Edward into Flanders, May 24, 1297. Perhaps the most famous one of the name in early histories was William de Lamberton, Bishop of St. Andrews, from 1296 to 1328. He was one of the three bishops who crowned King Robert, of Bruce, March 27, 1306.

General James Lamberton, a lineal descendant of Bishop de Lamberton was born in 1755. He came to America toward the close of the Revolutionary War, and settled in the Cumberland Valley, in Pennsylvania. In 1783 he settled in Carlisle, and engaged in mercantile pursuits. January 4, 1785, he married Jane [278] McKeehan, daughter of Alexander McKeehan, who came from north of Ireland in the eighteenth century.

Major Robert Lamberton, son of James and father of Henry W. Lamberton, was born March 17, 1787, at Carlisle, Pa., was educated at Dickinson College in that place. He was college mate, and a close personal friend of James Buchanan, later president of the United States. He studied for the law but when the War of 1812 was declared he was appointed paymaster in the service of the United States. After retiring from the service he returned to Carlisle, engaged in the mercantile business and served as postmaster many years. He died at Carlisle, August 9 1852, at the age of sixty-five years. He married Mary Harkness, daughter of William Harkness, of Cumberland county, Pennsylvania. She was born April 20, 1815, and survived her husband many years

Rear Admiral Benjamin P. Lamberton, of the U. S. Navy, who took a prominent part in the late war with Spain as Admiral Dewey's Chief of Staff in the Battle of Manila Bay, May 1, 1898, is a nephew of H. W. Lamberton and grandson of Major Robert Lamberton.

Henry M. Lamberton, a prominent attorney of Winona, was born at St. Peter, Minn., September 12, 1861, son of Henry W. and Margaret J. (Plumer) Lamberton. After attending the public schools at Winona, he went to the West Philadelphia Academy, of Philadelphia, Pa., from which school he was graduated in 1881. He then entered Princeton University, taking the classical course and was graduated from Princeton University in 1885, receiving the degree B. A. He then returned to Winona and entered the law offices of Wilson & Bowers where he remained two years was admitted to practice law in 1887. He has been in the active practice of law in Winona since 1887, in which city he has lived since 1863. Mr. Lamberton is a member of the Minnesota Capitol Commission, having been appointed by Governor John A. Johnson. He is United States Court Commissioner, a member of the American Bar Association and a Director of the Deposit Bank of Winona. Mr. Lamberton was married at Winona, Minn., in January, 1892, to Jeanette McKain. They have two children: Henry M. Jr., a student at Princeton University and Margaret E.

Charles Monroe Start was born in Bakersfield, Vt., October 4, 1829. He was admitted to the bar in 1860. He served a short time in 1862 in the Tenth Vermont Regiment. He came to Minnesota in 1863, settling in Rochester. He was attorney general of the state of 1880 and 1881. He was judge of the Third Judicial District from 1881 to 1895. Then he became chief justice of the Supreme Court of Minnesota.

Chauncey N. Waterman was born in Rome, N. Y., in 1823, and [279] died in Winona, Minn., February 18, 1873. He was graduated from Hamilton College, New York, in 1847. After taking the law course at Harvard University he practiced with Charles H. Berry in Corning, N. Y., and with him came to Winona in 1855. The partnership continued until 1872, when Mr. Waterman was elected judge of the Third Judicial District. Thirteen months later he died of pneumonia.

David Cooper was born in Frederick county, Maryland, July 2, 1821, and died in Salt Lake City, Utah. He was admitted to the bar in 1845, was appointed one of the first associate justices of the Supreme Court of Minnesota territory, 1849. He retired from the bench in 1853 and practiced law in St. Paul until 1864 when he moved to Nevada.

Andrew Gould Chatfield was born in Butternuts, Otsego county, New York, January 27, 1810, and died in Belle Plaine, Minn., October 3, 1875. He was associate justice of the Supreme Court of Minnesota territory from 1853 to 1857. He was one of the founders of the city of Belle Plaine, and practiced law there from 1857 to 1871. He was judge of the Eighth Judicial District from 1871 to 1875.

William Mitchell, distinguished jurist, was born on a farm in Stamford, county of Welland, in Ontario, not far from Niagara Falls, November 18, 1832, his parents being natives of Scotland. His elementary education was obtained in private schools in Canada, and in 1853 he graduated from Jefferson College at Canonsburg, Pa. For two years following he was a teacher in the

Academy at Morgantown, Va., where he studied law, being admitted to the Virginia bar in 1857. That same year he came to Minnesota and settled in Winona. The citizens early learned to appreciate his worth and ability, and as a consequence his practice rapidly grew. He was elected to the second state legislature of Minnesota, and was also county attorney for Winona County for one term. During the years of his practice in Winona, he was successively in partnership with Eugene M. Wilson, Daniel S. Norton, afterward United States Senator, and W. H. Yale, afterward lieutenant governor. His first term as judge of the Third Judicial District in this state began in 1874 and he was reelected in 1880. When the membership of the Supreme Bench of state was increased from three to five, Judge Mitchell was, in 1881, appointed by Gov. John S. Pillsbury as a member of that court. At the succeeding election, as the nominee of both political parties, he was chosen to that office, and by the same non-partisan unanimity he was re-elected in 1888 and again in 1894. Unfortunately for the state, at the election of 1898 judicial offices had been dragged into politics. Judge Mitchell was renominated by the Democratic party, and also received 300 votes in the Republican convention, but failed to secure the nomination of the latter party, and at the election that followed, Minnesota lost its greatest judge. As a young man, Judge Mitchell had been a Republican, but becoming dissatisfied with the reconstruction measures of that party he joined the Democrats, and while never a radical politician, continued to affiliate with them until his death. No name is more intimately associated with the development of law in the state of Minnesota than that of William Mitchell. No name suggests more pleasant recollections or inspires greater pride in the judiciary of the state. For twenty-six years, from 1874 to 1900, Judge Mitchell sat upon the Minnesota bench, and during that time no man contributed more to elucidate the principles which are the foundation of our jurisprudence. With true instinct as to what the law ought to be, with deep knowledge of its history and reason, with a firm grasp of the facts in the case before him, with love of justice as his ruling passion, with close and logical thought, he framed his decisions

and clothed them in clear language, which demonstrated his conclusions. Physically, Judge Mitchell was tall and slight, with thin, clear cut face illuminated and distinguished by deep-set dark eyes. In manner he was kind, gentle and unassuming, but always dignified. His charity and courtesy were unailing, and his hand ever ready to succor the weak or to encourage those who were trying to rise. These traits were noticeable not only in his private life, but also in his relation to attorneys, particularly the inexperienced, practicing in his court. Perhaps the most characteristic quality of Judge Mitchell's mind was his power to illuminate the subject under consideration. In his opinions, neither the ultimate facts nor the legal premises and conclusions were ever left in doubt. He saw, and unlike many other prominent judges, he was able to make others see and understand the turning and distinguishing points in the ease before him. Epoch-making cases like those which have frequently engaged the attention of the federal supreme court are rarely brought before a state court, and it is the uniform high standard of Judge Mitchell's opinions in clearness, logic and learning, rather than any supremely great decisions that made him famous. The subject of this sketch was married at Morgantown, Va., in September, 1857, to Jane Hanway Smith. She died in 1867. In 1872 he married Mrs. Frances M. Smith, of Chicago, a daughter of Jacob D. Merritt of Dubuque, Iowa. The children of the first marriage are: Mrs. J. K. Ewing, Pittsburgh; Mrs. Henry L. Staples, Minneapolis; Mrs. Frank A. Hancock, Evanston, Ill. The only surviving child of the second marriage is William D. Mitchell, a member of the firm of Butler & Mitchell, attorneys at law, St. Paul.

William De Witt Mitchell, a prominent attorney of St. Paul, [281] who claims Winona as his natal place, was born September 9, 1874, son of William and Francis (Merritt) Mitchell, the former one of Minnesota's distinguished jurists. The subject of this sketch, after attending the Winona common schools, was graduated from Lawrenceville Academy, in Lawrenceville, N. J., in 1891. Then he entered Yale, and there took a two years' course from October, 1891, to June, 1893. Subsequently he

entered the University of Minnesota, took an academic and law course combined, and was graduated with the degree of A. B. in 1895 and of LL.B. in 1896. He was admitted to the bar of Minnesota in 1896, and has since been engaged in the practice of law in St. Paul. He is now a member of the law firm of Butler and Mitchell. Mr. Mitchell is a member of the American, Minnesota State and Ramsey County Bar Associations. During the Spanish-American war he served as second lieutenant in Company B, Fifteenth Minnesota Volunteer Infantry. He belongs to the Minnesota, the University, the Town and Country Clubs and the White Bear Yacht Club. His residence is at 5 Crocus Place, St. Paul.

William H. Welch was born in Connecticut about 1812. He was graduated from Yale College and later from the Yale Law School. He settled in Minnesota in 1850, and resided in St. Anthony. Afterward he practiced law in St. Paul. He was judge of probate Ramsey county after 1852. He was chief justice of Minnesota from 1853 to 1858. He removed later to Red Wing where he died, January 22, 1863.

Ozro Barnes Gould was born in Canada, in 1840, and died in Minneapolis, January 16, 1907. He came to the United States when five years old. He served in the Fifty-fifth Ohio regiment through the Civil War, attaining the rank of captain. He was graduated in law from the University of Michigan, in 1867. He settled in Winona, Minn., the same year. He was representative in the legislature in 1881. He was judge of the Third Judicial District from 1895 to 1897. Later he was a member of the state board of control.

Charles Anson Morey died in the prime of life, with more than a man's usual work already accomplished, and at a time when he was entering upon still wider fields of usefulness and opportunity. He was born in Vershire, Vt., August 8, 1851, and in 1851 came with his father, Royal Morey, to Chester, Wabasha county, this state. His father was of Scottish birth. His mother, Jeanette Felton Morey was a native of Strafford, Vt. On both his

father's and his mother's side he was of Scotch-English descent. His great-grandmother on his mother's side was Sarah Putnam, niece of General Israel Putnam, of Revolutionary fame. The removal of the family to Minnesota from Illinois, where they at first temporarily located was conducted in the covered wagon so [282] common in those days of movement to the West. Omitting many details of interest, it may be stated that the young pioneer after his arrival in Minnesota attended the winter terms of the village school at Chester, Wabasha county, and worked upon a farm or as a joiner and millwright when opportunity offered, until when, though still in his teens, he was engaged to teach the school at Gopher Prairie, near Lake City. The following year, in company with several young men of his neighborhood, he came to Winona, and entered the State Normal school, to prepare himself more thoroughly for what he had at that time determined be his life-work. On May 22, 1872, he graduated. In September of that year he entered the Massachusetts Institute of Technology in Boston, as a special student in the scientific department. In the spring of 1874, Mr. Morey was elected professor of natural science in the State Normal school at Winona. Under his direction laboratories were established and the new experimental method of teaching the sciences was put in operation. A large amount of valuable apparatus for use in his department was made by himself and by his pupils under his direction. In 1876 came a crisis in the affairs of the normal schools of the state, then located at Winona, Mankato and St. Cloud. The legislature neglected to make any provisions for their support. The normal board met and decided to close the schools. But as the result of the hard work of Thomas Simpson, who for many years was resident director, the board stipulated that any normal school might, with the advice and consent of the president of the board, be kept open by the resident director, providing that the school should not run in debt or involve the state in any obligation whatever. William F. Phelps, who was at the head of the Winona school, resigned. Mr. Simpson, by various makeshifts and by paying a considerable sum from his own pocket, kept the school alive on his own responsibility. In this juncture he was ably

seconded by Mr. Morey, who assumed charge of the school. This was the beginning of Mr. Morey's three years at the head of the school. Under his administration, the institution took many important steps in advance. The course of study was rearranged upon the basis of a year instead of a term. The advanced course and the professional course were established. In 1877, the legislature again made an appropriation, and the school took on new life. In 1878, the valuable collections of the normal school, gathered from various sources, were classified and arranged by Mr. Morey, a most notable service. In 1879, Mr. Morey resigned his position at the school, and being admitted to the bar, commenced the practice of law, with his father-in-law, Charles H. Berry. The firm of Berry & Morey was for a quarter of a century one of the best known law concerns in the state. The range [283] of Mr. Morey's activities were wide. For many years he was president of the Winona Savings Bank, succeeding William Windom in that position. For about twenty years he was secretary of the Winona Building and Loan Association. He was a member of the city council for four years, and of the board of education for six years. While in the former body he was an enthusiastic advocate of the plan then proposed by W. A. Finkelnburg, for the creation of Riverside park, and to his wise foresight is largely due the splendid results that have followed. Similarly, as a member of the board of education he was an active and influential backer of the project for the erection of the present high school building. He was a trustee of the public library, resident director and treasurer of the State Normal school here, and a member of the state normal board from 1883 until his death. He was a United States court commissioner for many years and was selected by the government authorities to hear the famous Minneapolis census case. As an organizer and member of the state board of control he rendered valuable public service. At the time of his death he was a member of the Winona charter commission appointed by Judge Arthur Snow, and was one of its most intelligent and influential members. He was also president of the Arlington Club. Politically he was a Republican throughout his mature years, and as a member of the state committee for four years, as a public speaker and as a

general advisor, rendered his party very great and honorable service. Mr. Morey's latter life was clouded by the result of an accident which nearly cost him his life, and from which he never fully recovered. As a member of the newly organized board of control in whose act of organization he had been a leading factor, while in the discharge of his duties at the state capitol in the spring of 1901, he was descending a narrow staircase from the attic with an armful of books, when he lost his footing and fell to the floor below. The effects were so serious that for weeks his life was despaired of, his eyesight was nearly destroyed, and his whole system so completely shocked that complete recovery was never fully attained. He died September 26, 1904. Thomas Simpson said of Mr. Morey: "He was one of the most enthusiastic friends and advocates of public education that we have ever had in our state. He had strong and forceful intellectual ability and power. He was a teacher, a lawyer, a good business man, but he will be remembered not so much for prominence in these lines as he will for his splendid executive and administrative abilities in educational affairs, for his organizing power and fruitful suggestions as to managing and legislating in regard to public education, and especially as to the normal training schools. Upon this will rest his enduring fadeless fame in Minnesota." Mr. Morey was a man [284] of many sided ability and versatile tastes. He applied himself to the performance of various tasks and duties, both private and public, and in all of them it can be truthfully said, he was master. His clear comprehension, sound judgment and logical cast of mind made him a safe counselor. His study of the law, which he began early in life and which he practiced for over a quarter of a century, served to discipline still more strongly a mind naturally prone to investigation and the marshaling and analysis of facts. Though not pretending to a gift of oratory, he was yet a most effective public speaker, and was often in demand on public occasions. Possessed of a broad vocabulary he was nevertheless sparing of his words, and whether in the use of tongue or pen never wasted a single syllable. He always spoke from conviction. The sincerity of such views on public questions as he gave utterance to could never justly be

assailed. Tenacious of his own opinions in matters of principle, he was yet tolerant of those of others, and never could he be provoked into treating his opponent with discourtesy. In educational matters he was a rigid censor, but his criticisms were in due time admitted by those to whom they were addressed to be merited and just and left no sting behind. Socially, Mr. Morey was a general favorite. His cheerful disposition, his keen sense of humor, and his excellent conversational ability rounded out and illuminated a character whose strength was tempered with grace. While not a religious devotee in the ecclesiastical application of the word, Mr. Morey had a deep and abiding respect for religious training, and confidence in the moral efficacy of the Christian faith. His range of reading was wide and extended to the ancient philosophies as well as to the various expositions of the general principles of recent science. From both of these sources he drew assurances, in particular, of the immortality of the soul of man. Mr. Morey was married November 28, 1877, to Kate Louise Berry, daughter of Charles H. and Frances E. Berry. This union was blessed with four children: Jeanette, now Mrs. J. B. McConnon; Charles B., deceased; Frances, now Mrs. R. A. Kent, and Bertha Louise.

Charles Henry Berry was born in Westerby, R. I., September 12, 1823, son of Samuel F. and Lucy (Stanton) Berry, and grandson of Samuel Berry, who held the office of justice of sessions in the county of Kings, Rhode Island, dating from May 7, 1774. The family is descended from Huguenots who fled from France during the Massacre of St. Bartholomew. In 1828 Charles H. accompanied the members of his family in an emigrant wagon to Steuben county, New York, which was at that time a dense wilderness. It is now difficult to realize the toil and privations of life in the then western country, but they were an inspiration to the spirit of the hardy pioneers who were laying the founda-
[285]-tions our institutions. It was with such an environment that the subject of this sketch was reared and grew to manhood. His education was of the best that the schools of that day could afford, and after his graduation from the Canandaigua Academy in 1846 he devoted himself to the law. After he had

been admitted to the bar, he opened an office in Corning, N. Y., among the friends of his boyhood. In 1851 he took as a partner, Hon. C. N. Waterman. The firm of Berry & Waterman continued, first at Corning, N. Y., and then at Winona, Minn., until 1871, when the junior partner was elected to the district bench. Judge Waterman died in 1872. In 1879 another partnership was formed, this time with C. A. Morey, under the firm name of Berry & Morey. Judge Berry was one of Minnesota's sturdy pioneers, and the state owes to him no small debt, not only of gratitude for the faithful performance of his arduous public and private duties, but for the unselfish interest he always manifested in matters that pertained to its material and moral progress. The normal schools owe their existence to his unremitting toil and persistent efforts. He was largely instrumental in securing the first state normal school at Winona, and in the legislature he succeeded in defeating the attempt made in 1874 to eliminate normal schools from the state educational system. But he was most devoted to the law, and during his lifetime maintained a foremost place at the bar of the state and particularly of Winona county, until his appointment by President Grover Cleveland to the federal bench of Idaho in 1888, which position he held until the admission of Idaho as a state. Judge Berry was attorney of record in the first judgment docketed in Winona county, that of Frederick S. Barlow vs. Charles S. Hamilton, for \$1,544.60, rendered and docketed August 7, 1855. Though an attorney, his desires were always for peace and not for controversy, and he rarely allowed a suit to be litigated if it were in his power to secure a settlement. Judge Berry was a life-long Democrat, but never a seeker of political office, though it is true that he held various public positions at various times. He was twice a state senator, and the first attorney general of the state. He took a keen interest in educational matters, and for many years was president of the board of education in Winona. He was also for several years resident director of the normal school at Winona, and a member of the state board of corrections and charities. In works of internal improvement of the state, as well as in things pertaining to the benefit of the city and county, he took a great interest, and gave active and efficient aid. While upon the

federal bench in Idaho, several of his decisions pertaining to irrigation and the Mormon church were of national importance. They were in every case sustained by the supreme court of the United States. It is difficult in this [286] brief sketch to do full justice to the career of Judge Berry, but a few of the characteristics of the man may be noted. While in early life he devoted considerable time and energy to politics, and later on occupied various public positions, yet, in all that he did, or tried to do, he was inspired by a broad public spirit of the highest order. His ambitions were honorable; his methods were free from even a taint of fraud or corruption; and in the discharge of his official duties he was devoted to the public welfare. He had none of that flashing and oft times superficial brilliancy which characterizes many men who strive for public favor. He was a plain unassuming man, without pretensions of any sort, or any of the tricks or arts that are sometimes used by public men to win popular applause, and which pass for personal magnetism. He made his way by sheer strength of character and upon his merits as a man. A prominent characteristic was his independence of thought and judgment. He never surrendered his purpose or convictions to any man. He had a marked individuality, and absolute truthfulness and a sense of integrity that nothing could swerve. In his long career, both public and private, no breath of scandal ever touched him; no suspicion of dishonor ever followed him; no suggestion of unlawful gains was ever laid at his door. He was high minded and clean handed, always true to every trust reposed in him and honorable in all his relations with men. Others have held higher official positions, possessed greater wealth, exercised more power, but none have lived up to a higher standard of manhood and citizenship, or died with a cleaner record. Judge Berry passed away, ripe in years and wisdom, August 21, 1900. The subject of this sketch was married on November 14, 1850, to Frances Eliza Hubbell, of Corning, N. Y. Their daughter, Kate Louise, married C. A. Morey.

William Windom, born in Belmont county, Ohio, May 10, 1827; admitted to the bar, 1850; elected to the thirty-sixth, thirty-sev-

enth, thirty-eighth, thirty-ninth and fortieth congresses; appointed to the United States senate, 1869; elected to the United States senate, 1871; re-elected, 1877; appointed secretary of the United States treasury by James A. Garfield; re-elected to the United States senate in 1881; appointed secretary of the United States treasury by Benjamin Harrison in 1889; died in New York city January 29, 1891; buried in Washington, February 2, 1891. Thus briefly is told the life of Winona's most distinguished resident. He came to Winona in 1855, and maintained his legal residence here until the time of his death. The story of his life is a part of the nation's history, and has been so many times published that it will not be repeated here.

Marshall Bailey Webber, of the law firm of Webber & Lees, was born in Raymond, Racine county, Wis., August 2, 1850, son [287] of Samuel and Sabra Amelia (Bailey) Webber. He was reared on the farm, attended the common schools, and subsequently entered the Racine high school. After finishing the high school course he took a preparatory course of two years in Rochester Academy, a Baptist institution at Rochester, Wis. Then he went to Michigan and matriculated in Hillsdale College, from which institution he was graduated June 17, 1875, with high honors. That fall he came to Winona, and entered the law offices of W. H. Yale as a law student. In the fall of 1877 he was admitted to the bar. A short time later he became a member of the firm of Yale & Webber for two years. In 1880 he was elected county attorney and severed his business relations with Mr. Yale. After his term of office had expired he pursued an independent practice until September, 1895, when he entered into partnership with Edward Lees, thus forming the present well-known firm of Webber & Lees. Mr. Webber's professional career has, from its beginning, been characterized by gratifying freedom from reverses. Alike in his partnerships and as an individual practitioner, he has prospered by a slow and sure progression until today he is recognized by the city of Winona as one of the leading members of the bar and a prominent citizen of the state. In 1902 he was elected president of the Minnesota State Bar Association. For many years he has played an important part in

the litigation of the great bulk of the important civil cases in southern Minnesota; and as a trial lawyer in cases of a corporate character he has had a wide experience and signal success. He is at present counsel for both the Chicago, Milwaukee & St. Paul and the Chicago, Burlington & Quincy railroads. In politics, though never controlled solely by partisan sentiment, Mr. Webber has always been identified with the Republican party. He has held a prominent place in the councils of the party, being for several years a member of the state central committee. He has occupied all chairs in Winona Lodge, No. 21, K. of P., and is one of its oldest members. He also belongs to the Order of Good Samaritans, the Meadow Brook Golf Club, the Arlington Club, the Winona Association of Commerce, and is interested in athletics of all kinds. Mr. and Mrs. Webber are regular attendants of St. Paul's Episcopal Church, of which he has for many years been vestryman. They are prominent socially, and both are loyal in their support of all worthy movements. Mr. Webber was married January 2, 1879, to Agnes M. Robertson, daughter of John and Matilda (Goheen) Robertson, both natives of New York state.

The Webber Family. The Webbers are among the oldest families in Massachusetts, the founders of the family in America having come to what is now the Bay State in the earliest days. Loring Webber, a prominent member of the family, became the [288] founder of the western branch of the line. He was born in Massachusetts, February 16, 1791, and married Sarah Upham, who was born in Brimfield, Mass., January 18, 1794, and died on March 21, 1886. Loring Webber was a Puritan Baptist of the strictest type, and governed his household in a manner consistent with his rigid faith. In 1837 he came to Wisconsin, and secured from the government a large tract of land in Raymond township, Racine county, where he farmed until twenty years before his death, which occurred on January 1, 1885, at the age of ninety-three years. While the Colonial Webbers were settling in Massachusetts, the Bailey family found its way into New Hampshire, where the name became prominent in the early annals. Descended from this Bailey family

was Jonathan Bailey, born in Ware, N. H., January 19, 1792. He was a farmer and teacher. He married Sarah Marshall, a descendent of the celebrated Marshall family, who was born in Deerfield, N. H., January 28, 1790. Jonathan Bailey came from New Hampshire to Wisconsin in September, 1841, bringing his wife and six children. He died in Clifton, Pierce county, Wis., June 11, 1866. His wife died in the same place, January 17, 1865. Samuel Webber was born in Holland, Hampton county, Mass., July 11, 1822, son of Loring and Sarah (Upham) Webber. As a boy he worked in the cotton factory at Sturbridge, Mass. In 1837 he came to Raymond township, Racine county, Wisconsin, and assisted his father in breaking the virgin land. He became a prominent citizen, lived to be the oldest resident in Racine county, and was held in universal esteem. He was married October 2, 1842, to Sabra Amelia Bailey, who was born in Unity, Sullivan county, N. H., July 13, 1826. She died September 28, 1910, at the residence of her son, Marshall P. Webber, in Winona, Minn., leaving surviving, her husband, Samuel Webber, still living with his son, and now in his ninety-first year.

Lloyd Barber, jurist, was born in Bath, Steuben county, N. Y., January 11, 1826. His father, Nehemiah, a native of New York, was in early life a talented school teacher and afterward became a noted physician. His mother, Calista Seamans, was a native of Providence, R. I. Lloyd Barber lived his boyhood days for a time in the village of his birth, but when he was ten years old his parents took up their residence in Orange township, in the same county, where he lived until he was twenty years old. In 1846 he started for the west. After a visit at Galena, Ill., which place did not especially appeal to him, he went to Elgin, in the same state, for a while. There he was taken ill, after which he returned to New York state, where he remained until 1852. In that year he again sought the west, and visited in St. Paul.⁹ That city then had a population of 1,500 people. At Minneapolis [289] he found that many settlers had staked out

⁹ MLHP: At this point in the original, several sentences were transposed and the wording garbled. We have reconstructed these sentences with the hope of making them intelligible and fulfilling the author's original intent.

claims, but that it was impossible to actually purchase land there, for while the Indian treaties had been signed they had not yet been proclaimed, and Minnesota, west of the Mississippi was not opened to settlement. Not just satisfied with the opportunities presented, Mr. Barber again returned to the East. This time he remained at home six years, taught school and studied law. He took his law books to his rooms at night, and the little oil lamp burned far into the hours of the morning as he read Blackstone. In 1857 he was admitted to the bar, and practiced in Bath, N. Y. In 1858 he came west for the third time. He had school acquaintances in La Crosse, Wis., and Rochester, Minn., and after due deliberation he decided to locate in the latter place, then a village of some 300 inhabitants. He was appointed county attorney of Olmsted county in 1862, and became prominent in the legal circles of Rochester. September 12, 1864, he was appointed judge of the Third Minnesota Judicial District, to succeed Judge Thomas Wilson, who had been appointed to the state supreme bench. In the fall he was elected. Judge Barber was the second man to act as judge of this district. The district at the time of Judge Barber's appointment consisted of Wabasha, Winona, Houston, Fillmore and Olmsted counties. Judge Barber retired from the bench December 31, 1871, after seven years and four months continuous service. In 1874 he came to Winona, which was then one the most prosperous cities along the river, having a population of nearly 10,000. He opened an office here, which he maintained for more than thirty-four years, mostly in the Morgan Block. He has resided in his present home at 415 Washington street, opposite the state normal school, for nearly thirty years. Of Judge Barber it has been said: A jurist of the old school, an attorney made out of the whole cloth, who received his training through long hours of diligent and lonely study after his days in the schoolroom as schoolmaster, is Judge Lloyd Barber, retired, who has been a conspicuous and picturesque figure, dominating as the presiding officer over a leading branch of the judiciary of the state of Minnesota. At one time he was one of the most prominent men of the bar in the Northwest, and his decisions were widely quoted and served as references for a large number

of young attorneys. His career in the legal profession, especially as the judge of the district court, has brought him into almost every conceivable angle of court procedure and he has presided over a variance of cases which have involved the most important cases, calling for the law's maximum penalties as well as the most trivial matters. In describing the early days of Minnesota legal procedure the venerable jurist recalls that in those times there was no court reporter. Court proceeded slowly and the court made certain citations which were used in case of appeal. Hotel [290] accommodations were very poor in the early days, many unique ways being devised for the care of the patrons of the landlord, sometimes as many as twenty sleeping in one room when court was in session. Since Judge Barber first came to Minnesota, he has taken a great interest and active part in agriculture. While living in Rochester he owned two farms, one out six miles the country consisting of 240 acres, and one within a mile of the city limits of Rochester, containing 160 acres. After disposing of his farms in Olmsted county, he purchased, in 1880, a large tract of 1,400 acres in Richmond township, Winona county. This eventually emerged into a stock farm. Judge Barber erected on this tract two comfortable and roomy barns, an excellent farm residence, and many outbuildings. Aside from this, he equipped it in every way possible for the conduct of successful stock raising. At one time he had over 1,100 sheep and a herd of 160 cattle. From his sixty-five milch cows he furnished butter for fifty of the leading families in Winona. The farm is fenced and excellently adapted to its purpose. One of its notable improvements is a sheep shed 300 feet long. He rents the farm for cash, for while his interest is still in the place, his four score and seven years prevent his active participation in its management. Although Judge Barber has been residing in Winona slightly less than forty years, he has been in touch with the Gate City for more than half a century, making many regular trips here while he was in Rochester. Transportation was an item of some speculation in the early days, and he recalls some interesting trips made before the advent of the railroads. In fact, he has a wide fund of information relating to the early times, and possibly no man in

Winona has so rich a store of pioneer experiences. Mr. Barber was first married in 1862 to Mary J. DeBow, of Almond, N.Y., and by this marriage was born one daughter, Grace, who died in Winona, September, 1881, aged 18 years. Mrs. Mary J. (DeBow) Barber died in January, 1867, and on February 6, 1868, Mr. Barber married Lucy Storrs, of Long Meadow, Mass. They had three children, all of whom died in infancy. Mrs. Lucy (Storrs) Barber was born at Amherst, Mass., April 29, 1829. She was a daughter of Eleazar William and Lucy (Colton) Storrs, natives of Long Meadow, Mass. For many years her father was a prominent merchant. Mrs. Barber graduated from the Andover Academy, of Andover, Mass., after which she taught school many years. She first taught in the academy from which she graduated, later in the female academy at Buffalo, N. Y., and still later in a private school at Long Meadow, Mass. Two adopted children, Rose W. and Harry Storrs Barber, entered the Barber home in 1882 at the ages of eight and six years, respectively. They are both married. [291]

Thomas Simpson, one of the leading pioneers of southeastern Minnesota, was born in the north of England, of Scottish ancestry, May 31, 1836, son of Anthony and Elizabeth (Bonson) Simpson. He was brought to America when a few months of age, and was reared and educated in Dubuque, Ia. During his younger days he engaged in mining, smelting and farming. At the age of sixteen he finished a course of study in civil engineering under the Rev. E. S. Norris, who had formerly been state surveyor in the state of Maine. In the winter of 1853, Rev. Norris was given the contract by the United States surveyor general at Dubuque, for running the guide meridians and standard parallels in the territory of Minnesota, as a preliminary to the government survey of townships and sections. He took Mr. Simpson as one of his assistants. Soon Mr. Simpson took entire charge of the work, which he completed in 1855. In the latter part of that year the subject of this sketch was sent to Green Bay, Wis., to determine the boundaries of the Menominee Indian Reservation, and protect the Indians in their lumber and timber interests. While there he also did some surveying of public lands for the

government. On January 1, 1856, Mr. Simpson came to Winona, and there-after continued to make his home in this city. He began business as a loan agent, also selling land-warrants and dealing in land. In 1858 he was admitted to the bar. During these early days he formed inspiring friendships with Rev. George C. Tanner, Rev. Edward Eggleston, and many other prominent people. He began his public office holding as a justice of the peace soon after attaining his majority, and from that time until his death, he was honored with many public positions. He was the first president of the Winona board of education, and for many years served as president or member of the Normal School Board of Minnesota. For a time he served in the legislature, and for several years was a useful alderman of Winona city. He was one of the organizers, and for many years president of the Second National Bank of Winona. He was one of the charter members of Prairie Lodge, No. 7, I. O. O. F. His social, political, educational, financial and business interests were large, and his influence as a citizen was great. He died April 23, 1905, and is laid at rest in the Woodlawn Cemetery at Winona, Minn. Mr. Simpson left three sons, George T., James K. and Earl. The subject of this sketch was married October 30, 1860, to Isabella Margaret Holstein, daughter of George and Elizabeth (Black) Holstein, natives of Pennsylvania. She was born in Lewisburg, Penn., March 25, 1837, and died in Winona, Minn., December 21, 1888. She received a Christian training at home, attended a private school, then entered the Lewisburg University, and finished in the Wesleyan Female College, of Wilmington, Del. Then she taught public school several [292] years. During the Civil War, as secretary of the Soldiers' Aid Society of Winona, she ministered to the ill and wounded. Of her it has been said: "At the time of her death, an article widely published, entitled 'A Living Epistle' was a fitting tribute to her life and work. When the State Soldiers' Orphans' Home was located in Winona, she was appointed a director, and proved a mother to the little ones whom war left desolate. She was an inspiration to the hundreds of state normal students with whom she came in contact, and for twenty-four years taught a large Sunday school class, mostly normal pupils, through whose life

her influence is still widely felt. In various missionary societies, in temperance and charitable work, she was a leader, working in organized bodies, and herself performing many acts of which none knew save the recipient of her kindness. In all her public life, her home was not neglected, and it was there, perhaps, that her best qualities of love, tenderness and helpfulness were displayed. She was a woman of vigorous intellect, of sound judgment, and wonderful skill and tact, as well as a woman who possessed the tenderer qualities. Her character made the world better for her living.” Both Mr. and Mrs. Simpson were ardent members of the Methodist Episcopal Church, and Mr. Simpson, aside from filling many church offices, was superintendent of the Sunday school for many years.

The Simpson Family. Nathan Simpson was born in the north of England, of Scottish ancestry, and devoted his life to mining. He married early in life and had a goodly family. His son Anthony was born in the same locality, and married Elizabeth Bonson, whose father, Robert Bonson, a physician, came to America in 1825 and established lead furnaces at Galena, Ill., and Dubuque, Ia., later returning to England, where he died. Anthony Simpson was superintendent of a mine in Sweledale, Yorkshire, for some years. About 1837 he came to America and located in Dubuque, Ia., where he engaged in mining and smelting for many years. He also carried on farming. He died in 1866 at the age of fifty-seven. His wife passed away in 1871 at the age of sixty-one. In the family were ten children, Thomas Simpson, the Minnesota pioneer surveyor, being one of the number.

Earl Simpson, county attorney, was born in the city where he still resides, September 24, 1872, son of Thomas and Isabella Margaret (Holstein) Simpson. He attended the Winona graded schools, was graduated from the Winona high school, completed the academic course in the University of Minnesota, and was later graduated from the law department of the same institution. Since then he has been in active practice in Winona. He has been county attorney since January 1, 1907, and has held other public [293] positions. He is connected with the Winona Motor

Company. At college he was a member of the Phi Delta Theta. He is a thirty-second degree Mason and a Shriner, and a member of the Elks and the United Workman.

George Thomas Simpson, formerly attorney general of the state of Minnesota, now a practicing attorney of the law firm of Powell & Simpson, at Minneapolis, Minn., was born in Winona, September 27, 1867, son of Thomas Simpson and Isabella Margaret (Holstein) Simpson. From the beginning he attended the normal school at Winona and graduated therefrom in 1885. He then entered the academic department of the University of Wisconsin and was graduated in 1890. Subsequently he attended the law department of the same institution. He was admitted to the bar in Wisconsin in 1894, and to the bar of Minnesota in 1895. He at once began the practice of law in Winona in 1895, and his progress was most rapid. He was city attorney of the city of Winona from 1897 to 1899. He was county attorney of county from 1900 to 1904. From 1905 to 1909 he was assistant attorney general of the state. In 1908 he was elected attorney general, leading the state ticket, and was re-elected in 1910. He served the state faithfully, with credit to himself and honor to the bar of the commonwealth, and on January 1, 1912, voluntarily resigned the office to go into private practice.

Mr. Simpson is a thirty-second degree Mason, and also a member of the Mystic Shrine. While at college he was initiated into the mysteries of the Phi Delta Theta. He was a member of the 'Varsity baseball team for three years, won the Lewis oratorical prize and was the leader of the Glee Club. The subject of this sketch was married at Winona, December 26, 1897, to Elizabeth Ludwig. They have one child, a daughter, Margaret.

Leslie Leonard Brown, attorney of Winona, member of the firm of Brown, Abbott & Somsen, was born in Dakota, Minn., in 1859, son of Nathan Brown. He attended the common schools. Later he entered the Galesville University, at Galesville, Wis. In 1882 he received the degree of B. A. from the University of Wisconsin.

He was admitted to the bar in Winona in 1884. Attorney Brown is a member of the American, Minnesota and Winona County Bar associations. He has been mayor of Winona, and has done excellent work on the school board. In 1900 he was Democratic candidate for congress. He is a thirty-second degree Mason and a Shriner. He also belongs to the Knights of Pythias and the Elks. His club affiliations are with the Arlington, Meadow Brook and Philharmonic clubs.

William D. Abbott, of the firm of Brown, Abbott & Somsen, attorneys, was born in Clinton Falls, Minn., July 13, 1859, son Asa J. and Mary H. (Piper) Abbott. After attending the [294] common schools, he entered Pillsbury Academy at Owatonna Minn., from which he graduated in 1879, and then went to Carleton College, at Northfield Minnesota, from which he graduated in 1883. Subsequently he read law with Sawyer & Sawyer, at Owatonna, and was admitted to the bar in October, 1884. He practiced law in Waseca, Minn., for a while and came to Winona in 1892. From 1893 to 1900 he was a member of the firm a Brown & Abbott. Since 1900 he has been a member of the firm of Brown, Abbott & Somsen. At one time he was county attorney of Waseca county, and he has figured in many important cases. He belongs to the Minnesota State Bar Association, and to the Winona County Bar Associations. Fraternally he affiliates with the Masons and the Knights of Pythias. Socially he is connected with the Arlington and the Minne-o-wah clubs.

Stephen Herbert Somsen, of the firm of Brown, Abbott & Somsen, attorneys, was born in Howard county, Iowa, May 29, 1877, son of G. J. and Emma H. (Gleason) Somsen. He came to Minnesota in 1889. After attending the public schools, he entered the Minneapolis high school, from which he graduated in 1893 with credit. In 1898 he received the degree of LL.B. from the College of Law of the University of Minnesota. He was admitted to the bar at St. Paul in June, 1898, and soon thereafter came to Winona, where he has since resided. He has been connected with the firm of which he is now a member since 1900. Mr. Somsen has done the city of Winona good

service as judge of the municipal court since 1909. He was resident director and member of the state normal school board in 1909-1913, and was reappointed December 20, 1912, for the term of 1913-1917. Fraternally he is a thirty-second degree Mason, an Elk and a Shriner He is also a member and director of the Masonic Benefit Association. He has been president of the Arlington Club and director of the Meadow Brook Club, and is a member of the Philharmonic Society. In religion, Judge Somsen is of Unitarian sympathies. He is a member of the Minnesota State and Winona County Bar associations.

Arthur H. Snow, jurist, was born in Clinton, Mich., September 20, 1841, and there attended the district schools. He graduated from the literary course at the University of Michigan in 1865, and then entered the law office of G. V. N. Lothrop, Detroit, a former ambassador to Russia. Later he studied law at the Albany Law School, Albany, N. Y., graduating in June, 1867, in the same class with William McKinley, afterward president of the United States. Mr. Snow was admitted to the bar in New York, and then returned to Michigan, where he was married August 28, 1867, to Martha A. Wescott, of Homer, in that state. November 1 of that year he left with his bride for San [295] Francisco, making the journey by the so-called Nicaragua Route. He practiced law in San Francisco until the close of 1870. In January, 1871, he came to Winona and engaged in the practice of law with his uncle, John Keyes, who had an office at the corner of Second and Lafayette streets. Mr. Keyes died in December, 1876, and Mr. Snow became a partner of O. B. Gould, this partnership continuing for eighteen years. Then O. B. Gould was elected to the bench of the court of the Third Minnesota Judicial District to succeed Judge C. M. Start, who had been elevated to supreme bench. Then Mr. Snow continued practice alone until 1896. He was county attorney from 1875 to 1879; he was city attorney for three terms and drafted the charter which, with amendments, is still in force in Winona; he was mayor in 1885 and 1886; he was president of the board of education for a considerable period, and a member of the state board of bar examiners for a time. In 1896 he was elected judge of the Third

Minnesota Judicial District. Since then he has continued on the bench and in that period has heard over a thousand cases. His residence is at 427 West Sanborn street, where he has lived since May 1, 1877. Mr. Snow has two living children, Harold and Clinton, who are engaged in the dairying business at Scanlon, Carlton county, Minn.

Welcome J. Smith, attorney-at-law, of the firm of Tawney, Smith & Tawney, was born in Galesville, Trempealeau county, Wis., January 17, 1864, son of George H. and Caroline C. (Johnson) Smith, natives of New York state, who, in an early day, settled in Trempealeau county on a farm, the father dying in 1892 and the mother in 1899. The subject of this sketch received his early education in the graded and high schools of his native place, after which he entered Galesville University, in the same town. From 1881 to 1882 he was a cadet at the United States Naval Academy at Annapolis. After that he again attended school at the Galesville University. Thus equipped he taught school two winters. Then he was a bookkeeper for a while. Subsequently he entered the University at Ann Arbor, Mich., and was graduated from the law department of that institution in 1887. Thus prepared, he came to Winona, and associated himself with the law firm of Tawney & Randall, consisting of James A. Tawney and Frank L. Randall. In 1889 Mr. Randall retired from the firm, and James A. Tawney continued the practice alone until 1890, when the present firm of Tawney, Smith & Tawney was formed. Mr. Smith has taken an active part in the affairs of the community. A Democrat in politics, he served as municipal judge for four years dating from 1901. He has been a director the Park Brewing Company since its organization, and for many years has been a stockholder in what is now the Deposit [296] Bank of Winona. Socially he has allied himself with the Arlington Club. In Masonic circles he is well liked, and is an officer in the Scottish Rites bodies, as well as a member of the Blue Lodge and Chapter. The subject of this sketch was married at Winona, June 11, 1890, to Ida Gerlicher, and they have one daughter, Esther L., who graduated from the Winona high school and is now studying music at Ann Arbor, Mich.

Burr D. Blair, lawyer and banker, Winona, was born in Saratoga, Winona county, Minn., May 11, 1858, son of George W. and Melissa (Deuel) Blair, pioneers. He was educated in the public schools of Winona county, the Ann Arbor (Michigan) high school, and at the University of Michigan. His early life was spent at home, on his father's farm. He taught school for some time; read law, and was admitted to the bar at Albany, N. Y., and began the practice of law in that city in 1889. He came to Winona in 1890, and has practiced his profession here. He is a member of the State and American Bar associations. He is vice president of the Winona Savings Bank. He is president of the board of municipal works and of the Winona Free Public Library board, and was, for several years, a member of the board of education of Winona, and for a time president of the board. He is a public spirited citizen in every respect, and has many activities in city, county and state. The subject of this sketch was married at Winona, Minn., March 2, 1898, to Clara Gerdtzen. They have three children, Alice, Ernst and Burr. ■



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