

“ THE BENCH AND BAR OF ST. PAUL AND VICINITY ”

BY

HENRY A. CASTLE

FOREWORD

BY

DOUGLAS A. HEDIN

Editor, MLHP

Henry Anson Castle died on August 16, 1916, at the age of 75. The following day, the *St. Paul Pioneer Press* paid tribute to him:

REMEMBERED IN HIS DEATH.

It is his death that recalls Captain Henry A. Castle to the memory of most people in St. Paul, yet the time was when he was one of the most prominent figures in St. Paul life. In the onrush of growth and development only the active are kept in mind. A quarter of a century, has passed since Captain Castle was conspicuous in the group of men to whom, the, city looked for advice, and leadership and. in that time a new generation has sprung up, new leaders have appeared and the old pioneers have handed over the baton of office and dropped quietly into the background. As long as he was equipped with physical strength to match his mental vigor, Captain Castle was foremost among the representative men of the city and state, but retirement is equivalent to

oblivian and inaction is followed by forgetfulness. Few people turn the leaves of a city's story backward; the majority look for what is being done, and not for what has been done or who did it. But there are still large numbers of the people of St. Paul as well as the Northwest who will remember Captain Castle as the alert and aggressive citizen, foremost in whatever promised well for the city, ready with his tongue or pen to aid every move for the public welfare.¹

Once Captain Castle retired, the newspaper lamented, he became "inactive" and was forgotten: "retirement is equivalent to oblivian and inaction is followed by forgetfulness." His contributions to the city were forgotten because, according to the newspaper:

Few people turn the leaves of a city's story backward; the majority look for what is being done, and not for what has been done or who did it.

But Castle was one of those "few people who turn the leaves of a city's story backward," and devoted much of his retirement to writing history—an act, we may note, that suggests superior character and an admirable disposition.

Castle's three volume history *St. Paul and Vicinity*, published in 1912, is far longer than the dozens of other county histories published around the First World War, only a few of which span two volumes. Like most other county histories of this period, Castle included a chapter on "The Bench and Bar." It is a curious combination of borrowings from previously published reminiscences about the territorial period, observations about county and state bar associations, the state law library, the St. Paul College of Law, the local legal community in the year of the book's publication ("The city

¹ *St. Paul Pioneer Press*, August 17, 1916, at 6.

directory for 1912 gives the names and office locations of 259 lawyers practicing in St. Paul.”), lists of personnel of municipal, state and federal courts, and the dates their terms, etc. He provides information that may have been out-of-date even before his history was printed (“The St. Paul municipal court office is room 18; criminal court, room 11; civil court, room 6; all at the court house.”).

In his account of the territorial period, Castle borrowed, without attribution, from Charles Flandrau’s chapter on the “Bar and Courts of Ramsey County” that was included in a history of the county and state published in 1881.² A comparison of Flandrau’s profiles of three early lawyers with Castle’s sketches of them reveals the extent of the latter’s plagiarism:

Flandrau: “David Lambert was admitted to the bar of New York, and came from Madison, Wisconsin, to St. Paul in 1848. He was a man of fine ability, but his career was short. He was drowned from a steamboat on the Mississippi river, in November, 1849, aged about thirty years.”³

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Flandrau: “William D. Phillips was a native of Maryland, and was admitted to the bar of that state. He came to St. Paul in 1848, and was the first district attorney of the county of Ramsey. He

² Charles E. Flandrau, “The Bar and Court of Ramsey County” in Rev. Edward D. Neill, *History of Ramsey County and the City of St. Paul, Including the Explorers and Pioneers of Minnesota*, and J. Fletcher Williams, *Outlines of the History of Minnesota* 234-51 (Minneapolis: North Star Pub. Co., 1881). Flandrau’s chapter is posted separately on the MLHP.

³ *Id.* at 238.

was elected to this office in 1849. He continued in the practice of his profession at St. Paul until the election of President Pierce, under whose administration he received an appointment to a clerkship in one of the departments at Washington. He never re-turned to St. Paul and is supposed to have died many years ago.”⁴

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Flandrau: “Bushrod W. Lott was a native of New Jersey. He removed to Illinois when quite young, and was admitted to the bar of that state. He commenced the practice of law in St. Paul, in 1848. He has been a member of the house of representatives, in the legislature several terms, United States consul at Tehuantepec, and has held other public trusts. Mr. Lott is still a resident of St. Paul, but has not practiced his profession for many years.”⁵

Castle: “Bushrod W. Lott was a native of New Jersey, but removed to Illinois in his youth and was admitted to the bar of that state. He commenced the practice of law in St. Paul in 1848, was a member of the territorial house of representatives several terms and United States consul at Tehauntepec, and officiated in other positions. He did not practice his profession for many years previous to his death, which occurred at St. Paul in 1886.

⁴ Id.

⁵ Id.

Flandrau, who died in 1903, would have been pleased that parts of his 1881 chapter were reprinted but he would have been especially irate that Castle did not credit him by name. Flandrau was proud of his first county history and republished it three times, with few changes in different books and journals during his own lifetime.⁶

Flandrau was not the only early lawyer whose writings Castle generously helped himself to—he also quoted a long letter by former Chief Justice Aaron Goodrich about the first territorial courts but, this time, noted that it was published originally by the Historical Society in the initial volume of its *Collections* series.⁷

Castle was a lawyer, merchant, newspaper editor and owner, state legislator, real estate developer, postmaster of St. Paul, auditor of the post office department in Washington, D. C., and, in retirement, an amateur historian. His histories have conspicuous flaws and shortcomings. He relied heavily upon earlier publications, and when an earlier writer erred, Castle perpetuated that mistake.⁸

The third volume of his *History of St. Paul and Vicinity* contains

⁶ Compare Flandrau, “The Bar and Courts of Ramsey County,” supra note 2, with Charles E. Flandrau: “History of the Bench and Bar of Ramsey County: Part I,” 7 *Magazine of Western History* 328-336 (January 1888), and Charles E. Flandrau: “History of the Bench and Bar of Ramsey County: Part: II,” 8 *Magazine of Western History* 58-69 (May 1888), and with Charles E. Flandrau, “Lawyers and Courts of Minnesota Prior to and During Its Territorial Period.” 5 *The Minnesota Law Journal* 1, 42-48 (March 1897), which was republished under this title in 8 *Minnesota Historical Society Collections* 89-101 (St. Paul: Minnesota Historical Society, 1898) (this is a printed version of an address Flandrau gave to the annual meeting of the Minnesota Historical Society on January 13, 1896). These articles are posted separately on the MLHP.

⁷ Aaron Goodrich, “Early Courts of Minnesota,” 1 *Minnesota Historical Society Collections* 77-80 (St. Paul: Minnesota Historical Society, 1902).

⁸ E.g., Castle’s list of the dates of the terms of the territorial justices, infra at 17, is taken verbatim from Flandrau’s list, supra note 2, at 247-48. Most of Flandrau’s dates are wrong, including his own start date.

biographical sketches of many prominent men. The longest is of the author himself. Typically, much of Castle's sketch consists of quotations from correspondence of others—flattering letters about his government service. According to this self-portrait, he led a very active and productive life which, contrary to the suggestion of the *St. Paul Pioneer Press*, did not end in retirement.

Following the publication of *History of St. Paul and Vicinity*, Castle's three volume *Minnesota: Its Story and Biography*⁹ appeared in 1915. Curiously, the *Pioneer Press* does not mention "these annals," as Castle called his histories, but it is because of them that he is not forgotten.

Castle's chapter on "The Bench and Bar" is posted below. It appeared first on pages 316-326 of the first volume of his *History of St. Paul and Vicinity*. Following this chapter is the biographical portrait of Castle that appeared on pages 1199-1203 of the third volume. The MLHP has reformatted them. Page breaks have been added. Castle's punctuation and spelling have not been altered. A photo of the Lowry Building has been stricken from page 320; otherwise they are complete.

Castle's chapter on the city and county "bench and bar" supplements Charles E. Flandrau's various writings on the subject¹⁰ as well as Hiram Stevens's "The Bench and Bar of St. Paul," which appeared in *History of St. Paul, Minnesota*, edited by C. C. Andrews, and published in 1890.¹¹ ■

⁹ Henry A. Castle, *Minnesota: Its Story and Biography* (Chicago & N.Y.: Lewis Pub. Co., 1915) (3 Vols).

¹⁰ Charles E. Flandrau, *supra* notes 2 and 6.

¹¹ Hiram Stevens, "The Bench and Bar of St. Paul" in C. C. Andrews ed., *History of St. Paul, Minnesota* 247-298 (Syracuse, N. Y.: D. Mason & Co., 1890).

History of St. Paul and Vicinity

A Chronicle of Progress and a Narrative Account of the
Industries, Institutions and People of the City
and its Tributary Territory

BY

HENRY A. CASTLE

VOLUME I

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CHAPTER XXX

THE BENCH AND BAR

PIONEER LAWYERS AND JUDGES — LETTER OF CHIEF JUSTICE GOODRICH—FIRST TERRITORIAL DISTRICT COURT—FIRST SUPREME COURT— EARLIEST MINNESOTA LAW FIRMS—THE ST. PAUL BAR—TERRITORIAL AND STATE SUPREME COURT—DISTRICT COURT AND LIBRARY—PROBATE AND MUNICIPAL COURTS—UNITED STATES CIRCUIT COURTS AND JUDGES—TERMS OF THE UNITED STATES COURTS— COLLEGE OF LAW AND BAR ASSOCIATIONS

The legal profession in St. Paul owes its enviable distinction for great learning and high character to the exalted standards established by its pioneer representatives and to the fact that a continuous line of worthy successors have been developed here or attracted hither, by the exceptional facilities for instruction and practice. As a commercial and financial emporium it furnished a large variety of lucrative business. As the capital of the territory and state and the seat of the Federal tribunals, there were opportunities for constant development by observation and experience such as few localities afforded. These favorable accessories to the practitioner which, for Wisconsin were divided between Milwaukee and Madison, for Illinois between Chicago and Springfield, for Missouri between St. Louis and Jefferson City and for Ohio between Cincinnati and Columbus, were for Minnesota concentrated in St. Paul from the very beginning of the history of its jurisprudence.

PIONEER LAWYERS AND JUDGES

When the territory was organized June 1, 1849, there were three attorneys resident in St. Paul—David Lambert, William D. Phillips

and Bushrod W. Lott. Three others—Henry H. Sibley of Mendota and Henry L. Moss and Morton S. Wilkinson of Stillwater—afterwards became residents of St. Paul.

David Lambert was admitted to the bar of New York and came from Madison, Wisconsin, to St. Paul in 1848. He was a man of fine ability, but his career was short. He was drowned from a steamboat on the Mississippi river in November, 1849, aged about thirty years.

William D. Phillips was a native of Maryland, and was admitted to the bar of that state. He came to St. Paul in 1848, and was the first district attorney of the county of Ramsey, having been elected to that office in 1849. Under the administration of President Pierce he was appointed to a clerkship in one of the departments at Washington and never returned to St. Paul.

Bushrod W. Lott was a native of New Jersey, but removed to Illinois in his youth and was admitted to the bar of that state. He commenced the practice of law in St. Paul in 1848, was a member of the territorial house of representatives several terms and United States consul at Tehautepec, and officiated in other positions. He did not practice his profession for many years previous to his death, which occurred at St. Paul in 1886.

Morton S. Wilkinson practiced law for many years in various Minnesota towns, achieved much distinction in political life and held many high offices. His career is elsewhere noted.

Henry L. Moss was appointed United States district attorney for the territory of Minnesota under the organic act approved March 3, 1849, entitled “an act to establish the territorial government of Minnesota,” and held the office during the administration under which he was appointed, at one time practicing his profession with Lafayette Emmett, who was the first chief justice of the state. Mr.

Moss was not in active practice during his later years, but devoted his attention to real estate and insurance.

Among the pioneers of the bar, Henry H. Sibley was probably the first person who announced himself attorney and counselor-at-law in Minnesota, having put up his professional sign at Mendota in 1835. He was also the first judicial officer who executed the functions of a court of law within the boundaries of the present state, having been commissioned a justice of the peace in 1836, with a jurisdiction extending from a point below Prairie du Chien on the south to the British boundary on the north, and from the Mississippi river on the east to the White river on the west. After the organization of the territory General Sibley was duly admitted to the bar, but was immediately called to the exercise of high civil functions and never afterwards practiced his profession.

By the organic act the judicial power of the territory was invested in a supreme court, three district courts, probate courts and justices of the peace. Aaron Goodrich was appointed chief justice, and David Cooper and Bradley B. Meeker, associate justices. The first district, embracing St. Croix county, which then included all of St. Paul lying east of the Mississippi river, was assigned to chief justice Goodrich, and the first term was opened at Stillwater August 13, 1849.

James K. Humphrey, who was the first clerk of the supreme court, still resides at St. Paul. He is a native of Hudson, Ohio, where he attended Western Reserve College. He was admitted to the bar at Canton in that state in December, 1846, and came to St. Paul in 1849. He was a clerk of the first supreme court ever held in Minnesota, as well as the first district court. He also held various responsible positions under the United States government.

LETTER OF CHIEF JUSTICE GOODRICH

The following letter from Hon. Aaron Goodrich, the first chief justice of the territory, to the secretary of the Minnesota Historical Society, printed in Vol. 1 of the Society's Transactions, gives an account of the first judicial organization, etc.:

“Hon. C. K. SMITH, Secretary of the Minnesota Historical Society—

Sir: I have the honor to acknowledge the receipt of your letter of the 25th of December, 1850, requesting of me something statistical for this [318] society. Previous to a compliance with this request, permit me to congratulate you upon the prosperous condition of this institution, much of which is the result of your untiring energy in faithfully chronicling passing events.

“You have left but little for me to say. Minnesota is not regarded by the world as classic ground. I know of no spot here which has been rendered immortal, either by song or story. We have not the fields of Marathon, Pharsalia, or Actium, nor yet the valley of Idumea within our borders. None of these, save those to which the Red man points us as the Golgotha of his fathers. We now daily behold and within but a short distance of our dwellings, the smoke of the Indian wigwams, curling upward amid nature's forest trees, from the place where it arose at a period of antiquity beyond which Indian tradition 'runneth not to the contrary.' On this very spot, which has been for centuries, and almost to the present hour

‘Alike their birth and burial place,
Their cradle and their grave;’

our ears are greeted by the 'sound of the church going bell,' while the spires of our churches are glittering in the beams of the morning sun.

"If we have not the tattered banner, borne at the head of victorious legions in deadly conflict in the wars of freedom; if we have not the sabre, the battle axe, the triumphant eagle, or the 'dyed garments of Bozrah' to deposit in the archives of this society, as mutely eloquent remembrances to call up associations of devoted heroes and gallant patriots—

'Names that adorn and dignify the scroll,
Whose leaves contain their country's history,'

yet we have something to write that will be interesting to the generations that are to come after us. It will be pleasing to them to trace the history of a powerful state back to its present territorial existence; with pride will they point to the record of our time, and say, these are the names of our ancestors; this is no Delphic oracle; this is not a doubtful translation of the inscriptions upon the Pyramids upon the plains of Gish, or the Statues of Nineveh—this is history.

"On the 19th of March, 1849, President Taylor appointed the following named persons judges of the supreme court for this territory, to wit: Aaron Goodrich, of Tennessee, chief justice; David Cooper, of Pennsylvania and Bradley B. Meeker, Kentucky, associate justices.

"Responsive to the call of the president, the undersigned bid adieu to Tennessee and embarked for St. Paul, at which place he arrived on board the steamer 'Corah,' Captain Gormand, on Sunday, the 20th of May, 1849.

“On the Sunday following, His Excellency, Governor Alexander Ramsey, reached St. Paul, and on the 1st day of June he proclaimed the organization of this territory, recognized its officers and required obedience to its laws. On the 11th of June, 1849, the governor issued his second proclamation, dividing the territory into three judicial districts as follows: The county of St. Croix constituted the first district, the seat of justice at Stillwater; the first court to be held on the second Monday of August, 1849. The seat of justice for the second district was at the Falls of St. Anthony; the first court to be held on the third Monday [319] in August. The seat of justice for the third district was at Mendota; the first court to be held on the fourth Monday in August.

FIRST TERRITORIAL COURT

“The chief justice was assigned to hold the courts in the first district, which duty he performed in accordance with the governor’s proclamation. This was the first court held in this territory; it remained in session six days; sixty cases upon the docket. The clerk of the court of this district was Harvey Wilson. The following is a list of the members of the bar, who were in attendance at the court: C. K. Smith, M. S. Wilkinson, W. D. Phillips. P. P. Bishop. John S. Goodrich, John A. Wakefield, H. L. Moss, A. M. Mitchell, Edmund Rice, James Hughes and L. A. Babcock.

“Judge Meeker was assigned to hold the courts in the second district, which duty he performed. There was no cause pending in this court.

“Judge Cooper was assigned to hold the courts in the third district, which duty was performed by him. No cause pending in this court.

“There were at that period fifteen lawyers in the territory. Up to this time we have had two trials for murder; the accused was in one case acquitted by the jury, and in the other, found guilty of manslaughter, and imprisoned in Fort Snelling for the period of one year.

FIRST SUPREME COURT

“The first term of the supreme court in this territory was held at the ‘American House,’ in the town of St. Paul, on Monday, the 14th of January, 1850, Judges Goodrich and Cooper being present.

“There is at this time, but one court house in the territory; this is at Stillwater.

“Having been specially assigned by Governor Ramsey for that purpose, the undersigned repaired to Sauk Rapids, in the county of Benton (this place is situated on the left bank of the Mississippi, seventy-six miles above the Falls of St. Anthony) and on the 11th day of June, 1850, opened and held the first court at that place. There was no business of importance at this term.

“The county of Ramsey now constitutes the first judicial district. St. Paul is the seat of justice; it is also the capital of the territory. The clerk of the court, Mr. Humphrey, informs me that there are now one hundred cases upon the docket. The chief justice was assigned by an act of the first territorial legislature to hold the courts in this district.

“Stated terms of court, second Mondays of April and September.

“There are now thirty lawyers in Minnesota.

“I am sir, respectfully yours

“AARON GOODRICH.”

“ST. PAUL, MARCH 4, 1851.”

EARLIEST MINNESOTA LAW FIRMS

The first law firm established in Minnesota was formed by Henry F. Masterson and Orlando Simons, who arrived in St. Paul June 20, 1849. They were both from New York and were admitted to the bar of that state. They remained in practice until 1875, when Mr. Simons [320] was appointed by the governor one of the judges of the court of common pleas. He was transferred by statute to the district bench and subsequently reelected to the same position. Judge Simons was possessed of common sense, sound judgment and clear insight; he was courageous and impartial, of stern and inflexible fidelity, and not at all scrupulous in denouncing fraud or imposition. Mr. Masterson continued the practice of his profession until his death, which occurred March 18, 1882.

The second law firm that was established in the county was composed of Edmund Rice and Ellis G. Whitall and was also formed in 1849. Later in the year George L. Becker entered the firm. Mr. Whitall soon after removed to St. Anthony and left the territory about 1852. He was succeeded in the firm in 1854 by William Hollinshead, who came from Philadelphia to St. Paul in 1850, and who for several years was regarded as at the head of the bar. He died at St. Paul December 25, 1860.

Rensselaer R. Nelson, a son of Judge Samuel Nelson of the supreme court of the United States, arrived in St. Paul in 1850. He had been admitted in New York, and forming a partnership with Captain

Wilkin, practiced his profession in this city until he was appointed associate justice of the supreme court of the territory, in 1857. He held this office until the admission of Minnesota into the Union, when he was appointed United States district judge for the district of Minnesota, which position he held until retired by age shortly before his death. His administration was characterized by impartiality, fearlessness and vigor, and few magistrates ever possessed to a like degree the confidence and respect of the bar and the people.

THE ST. PAUL BAR

It would require a volume to enumerate and adequately portray the careers of the members of the bar who have resided in this city during the period embraced in these annals. Many of them have been eminent in their profession and at the same time active in other spheres of [321] corporate or financial or political life. Their work has impressed itself on the city and the state at many points; their illustrious careers have become an essential part of public history. Others, mere strictly adhering to professional lines, have made their mark in celebrated trials, involving momentous questions of law and immense sums of money, or have been promoted to judicial positions where they have acquired enduring fame. As a whole, the record of the St. Paul bar has been in the highest degree honorable. The standing which the pioneers established for it has been steadily maintained. Integrity and professional honor have been recognized and rewarded, while the meretricious arts which distinguished the “shyster” from the lawyer have received condign reproach.

The city directory for 1912 gives the names and office locations of 259 lawyers practicing in St. Paul.

The legal profession is held responsible for legislation. It furnishes the leading legislators and all the judges. The senators, the lawyers and the judges, between them, make our laws. The science of

pleading abhors a negative pregnant. If the modest and magnetic type artist succeeds in getting the evidence of her common-law marriage to a wealthy employer, deceased, on straight, and this irregularity puts on regularity by a course of the courts, post mortem—thus and then it may be fulfilled that was spoken by the cynics saying “any proposition that is boldly asserted and successfully maintained is sound law.”

The bench has deserved and received the respect of the bar, and through the vicissitudes which have marked the growth of our city from a frontier trading post to a metropolis, the bar has stood shoulder to shoulder in the common cause of advancing her interests. Many a generous act, unheralded to the world, has found expression in the intercourse of its members, who have well maintained and advanced the usefulness of their noble profession.

As previously stated, the organic act lodged the judicial power of the territory of Minnesota in a supreme court, district courts, probate courts and justices of the peace. The constitution has preserved this repository of the judicial authority with the addition of the words “and such other courts, inferior to the supreme court as the legislature may, from time to time, establish by a two-thirds vote.”

TERRITORIAL AND STATE SUPREME COURT

Although the supreme court is not a court of Ramsey county, yet, as it has always been held in this city, we will give its organization from the beginning. In the days of the territory it was composed of a chief justice and two associate justices, a clerk and a reporter, and its organization remained the same after the admission to the state until 1881, when two additional associate justices were provided.

The chief justices during the territory were: Aaron Goodrich, June 1, 1849 to November 13, 1851; Jerome Fuller, November 13, 1851, to

December 16, 1852; Henry Z. Hayner, December 16, 1852 (never presided); William H. Welsh, April 7, 1853, to May 24, 1858.

Associate justices during the territory: David Cooper, June 1, 1849, to April 7, 1853; Bradley B. Meeker, June 1, 1849, to April 7, 1853; Andrew G. Chatfield, April 7, 1853, to April 23, 1857; Moses Sherburne, April 7, 1853, to April 23, 1857; R. R. Nelson, April 23, 1857, to May 24, 1858; Charles E. Flandrau, April 23, 1857, to May 24, 1858. [322] Clerks during the territory: James K. Humphrey, January 14, 1850, to 1853; Andrew J. Whitney, 1853 to 1854; George W. Prescott, 1855 to May 24, 1858.

The supreme court of the state consists of one chief justice and four associate justices, elected by the people and holding office for six years, and until successors are elected and qualified. Two terms of court are held in each year, commencing on the first Tuesdays of April and October, at the capitol in St. Paul. This court has original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity.

The chief justice is Hon. Charles M. Start; associate justices, C. L. Brown, C. L. Lewis, D. F. Simpson and George L. Bunn; clerk, I. A. Caswell; reporter, H. B. Wenzel; marshal, W. H. Yale.

St. Paul has always had distinguished representation in the supreme court of Minnesota. Of the judges of that tribunal, since the organization of the state, the following have been, before or after their service, permanent residents of this city: Chief justices Lafayette Emmett, Thomas Wilson, James Gilfillan and S. J. R. McMillan; Associate justices Chas. E. Flandrau, George B. Young, Greenleaf Clark, W. B. Douglas, E. A. Jaggard and George L. Bunn.

Within the walls of the capitol epoch-making cases have been argued and decided, and the course of history of some of the most powerful corporations of the country changed, the effect of which has been felt

in every part of the United States. Men engaged in these celebrated cases, litigants, lawyers and judges have obtained national reputations. Decisions, first rendered here, and sustained by the higher courts, have modified the law of the land in many particulars.

DISTRICT COURT AND LIBRARY

The district courts are created by the legislature, the state being divided into nineteen judicial districts, with one or more judges in a district, as the exigencies of business may require, and the judges are elected for six years. The district courts have original jurisdiction in all civil cases, both in law and equity, where the amount exceeds \$100, or the punishment shall exceed three months' imprisonment or a fine of more than \$100. Also, in criminal cases where presentments are made by grand juries.

The district court, second judicial district, Ramsey county, is located at St. Paul. It holds general terms on the first Monday in each month, except in July, August and September. Special terms every Saturday, except during the months of July and August. Court rooms in court house.

An element not to be overlooked in the efficiency of the legal machinery of this district is the splendid law library in the state capitol, and which, as the property of the state, is naturally located at the seat of government. The stimulus of a fine library, with the most complete and comprehensive reports embracing the oldest, as well as the latest, decisions of all American jurisdictions, together with invaluable original state records, cannot be overestimated in its effect upon the lawyer.

At the first state election, E. C. Palmer was elected, and presided from May 24, 1858, to December 31, 1864. He was succeeded by Westcott Wilkin who held the position by successive elections until his death in 1897. In 1867 the court of common pleas of Ramsey

county was [323] created and William Sprigg Hall was appointed its first judge. He served until his death, which occurred February 25, 1875, when he was succeeded by Hascal R. Brill. The same year an additional judge of the court of common pleas was provided, and Orlando Simons was appointed to the position. In 1876 the court of common pleas was merged in the district court and Judges Brill and Simons were transferred to that court, to which positions they were reelected at the expiration of their respective terms. In 1887 an additional judge was provided and William Louis Kelly was appointed to the position and elected for the term of six years at the state election held in November, 1888. By act of the legislature of 1889 two more judges were added and Charles D. Kerr and Levi M. Vilas were appointed to the positions thus created.

The judges of the district court of Ramsey county now in service are H. R. Brill, William L. Kelly, Grier M. Orr, O. B. Lewis, Oscar Hal-lam and F. N. Dickson.

PROBATE AND MUNICIPAL COURTS

The probate courts are created by authority of the constitution, one for each county, the judges to be elected by the people for two years. The courts are governed by a code adopted by the legislature of 1889. The probate court has jurisdiction over the estates of deceased persons and persons under guardianship, and the examination and commitment of insane persons to the asylums. The probate court of Ramsey county is presided over by Judge E. W. Bazille, with F. W. Gosewisch as clerk. The court room and offices are at 51 court house. The general term is held on the first Monday of each month; special terms are held daily.

The municipal courts have the power of disposing of all criminal cases for infraction of city laws, and of hearing and committing for trials on arrests for violation of state laws, under Chapter 146,

General Laws of 1891: "An act relating to cities and villages of over 3,000 inhabitants, and providing for municipal courts therein." By the provisions of this act a municipal court has jurisdiction in civil actions where amount does not exceed \$500; also, in all cases where a justice court has jurisdiction, and over certain criminal actions. Its jurisdiction is co-extensive with the limits of the county where located.

The St. Paul municipal court office is room 18; criminal court, room 11; civil court, room 6; all at the court house. Regular terms for trial of civil actions are held every Tuesday at 10 A. M. Criminal trials are held daily from 9 A. M. to 12 M. and from 2 to 5 P. M. Judges: John W. Finehout and Hugo O. Hanft.

The municipal court has largely superseded justices of the peace, but the county still has several of those judicial officers. Among those who have thus administered the law in past years are the following: B. W. Lott, John A. Wakefield. Orlando Simons, Nelson Gibbs, Joseph LeMay, Truman M. Smith, Fleet F. Strother, Thomas Howard, H. M. Dodge, B. A. M. Froiseth, Archibald McElrath, Oscar F. Ford, E. C. Lambert, Eugene Burnand, Theodore F. Parker, E. H. Wood, S. V. Hanft, Frederick Nelson, F. C. Burgess, W. H. R. McMartin, Henry L. Mills and Joseph Smith.

UNITED STATES CIRCUIT COURTS AND JUDGES

St. Paul has always been the headquarters of the highest grade of federal courts outside of the national capital. Prior to the admission [324] of the state, all the federal judicial power was vested in the territorial courts and administered by them. The organization of these courts has been heretofore given. When the state was admitted on May 11, 1858, it was constituted a judicial district of the United States with a district court possessing circuit powers. By the act of July 15, 1862, it was made part of the Ninth circuit; and by the same act the district court was deprived of its circuit powers, and circuit

courts were appointed to be held in the district by the associate justice of the supreme court of the United States, who was assigned to the Ninth circuit, together with the district judge of the district, either of whom made a quorum. Hon. R. R. Nelson was appointed judge of the United States district court on the admission of the state, and held the position for forty years. He appointed George W. Prescott clerk of the court, and W. B. Gere having been appointed United States marshal of the district, and Eugene M. Wilson United States district attorney, the court was fully organized. Justice Samuel F. Miller of the supreme court of the United States, having been assigned to the Ninth circuit, presided at the first circuit court ever held in the district in October, 1862, assisted by Judge Nelson. At this term H. E. Mann was appointed clerk of the circuit court. He filled the position until July 1, 1883, when he was succeeded by Oscar B. Hillis.

The business of the federal courts having increased with the growth of the country beyond the power of the judicial force to cope with it, a circuit judge was added to each circuit by act of April 10, 1861, with the same powers as the supreme judges when doing circuit duty. In pursuance of this act, Hon. John F. Dillon, of Iowa, was appointed to this circuit, and filled the position to the end of the June term of 1879, about which time he resigned to accept the law professorship of Columbia College in New York. Judge Dillon was succeeded September 1, 1879, by George W. McCrary, who held the position until 1886, when he was succeeded by David J. Brewer of Kansas. In 1892 the United States circuit court of appeals was created by act of congress, and Walter H. Sanborn of St. Paul was appointed by President Benjamin Harrison as the presiding judge.

TERMS OF UNITED STATES COURTS

The organization and term-times of the United States courts are as follows: Terms of circuit court of appeals—first Monday in December

at St. Louis, Missouri; first Monday in May in St. Paul; first Monday in September at Denver, Colorado or Cheyenne, Wyoming, and at such other times and places as may be designated by the court.

Terms of circuit and district courts are held, for the first division, Winona, on the third Tuesday in May and the third Tuesday in November; for the second division, Mankato, on the fourth Tuesday in April and the fourth Tuesday in October; for the third division, St. Paul, on the first Tuesday in June and the first Tuesday in December; for the fourth division, Minneapolis, on the first Tuesday in April and the first Tuesday in October; for the fifth division, Duluth on the second Tuesday in January, and the second Tuesday in July; for the sixth division, Fergus Falls, on the first Tuesday in May and the second Tuesday in November.

Judges: Associate justice of the United States supreme court, Hon. Willis Devanter; circuit judges—Hon. W. H. Sanborn, St. Paul, Minn. [325]-nesota, Hon. Wm. C. Hook, Leavenworth, Kansas. and Hon. Elmer B. Adams, St. Louis, Missouri; clerk circuit court, Miss L. B. Trott, St. Paul; United States commissioner, C. L. Spencer; district judges—Hon. Page Morris, Duluth, and Hon. C. A. Willard, Minneapolis; clerk district court. C. L. Spencer, St. Paul; district attorney. C. C. Houpt; assistant district attorneys—J. M. Dickey and E. S. Oakley, St. Paul; United States marshal, W. H. Grimshaw; referee in bankruptcy, Gideon S. Ives, St. Paul.

United States circuit court of appeals law library, 431 Federal building; I. L. Mahan, librarian.

COLLEGE OF LAW AND BAR ASSOCIATIONS

No commentary upon the legal profession of St. Paul would be complete without reference to the College of Law. Although a private institution, its relation to the public is as important as any

educational institution in the city. It was organized in 1900 by some lawyers, "whose incentives to the work involved were their interest in the advancement of their profession and their ambition to establish in St. Paul a creditable law school." Started thus in a small way by men who were actively engaged in practice, it has grown in influence and reputation until it is the equal of any law school in the country. It has already between two and three hundred alumni. Its course covers three years and its graduates are admitted without further examination to the bar of Minnesota.

A very large proportion of the lawyers and judges of St. Paul belong to the Ramsey County Bar Association, organized in 1898 "for the purpose of forming and preserving a more perfect union of the members of the bar of the Second judicial district of the state of Minnesota." The annual meeting of this association is held on the anniversary of the birth of Hon. Wescott Wilkin, for many years a judge of the district court of Ramsey county, in order to honor the memory of a man whose ability and probity entitle him to the grateful recollection of all of the members of this association. This organization of a semi-social character, meeting several times during the year at banquets and on other occasions, preserves and augments the fraternal spirit of the profession.

The State Bar Association is a much larger body, embracing not alone the lawyers and judiciary of this district, but of the entire state. Their annual meetings covering several days, are notable events, and the reports of the standing committees often have an important influence on subsequent legislation. These meetings close with a banquet at which addresses by distinguished guests or members of the association give the function a permanent interest.

The following tribute to the judiciary of the state, uttered at a recent banquet, is well worthy of repetition: "No greater compliment can be paid the bar of Minnesota than to speak of the excellence of its judiciary, which has always occupied high rank in comparison with her

sister commonwealths and against which the faintest suspicion of dishonesty or lack of the highest type of integrity has never been directed. The judiciary of our proud state has contained the names of many of the men whose memories are closely associated with the marvelous growth and development of the great northwest, and who were conspicuous factors not only in the moulding and enactment of our superior [326] code of laws and in putting our courts on a praiseworthy and enviable basis, but in influencing and directing public sentiment and in many ways aiding in our progress and achievements. This is true, of the district as well as the supreme bench, for the latter usually comprises those who have attracted attention by faithful service on the former. ■



BIOGRAPHICAL SKETCH OF CASTLE

From III *History of St. Paul and Vicinity* 1199-1203

HENRY ANSON CASTLE * is the son of a New England family, but a native of Illinois, born at Columbus, Adams county, August 22, 1841. His parents, Timothy Hunt Castle and Julia (Boyd) Castle, were born in Vermont. His four great-grandfathers, Timothy Castle, Abram Boyd, Jonathan Hastings and Ozias Dix, as well as one of the preceding generation, Zephaniah Hatch, were Revolutionary soldiers. His elementary education was supplemented by a course at McKendree College, from which he graduated in 1862, the honorary degree of A. M. being subsequently conferred upon him. Close upon his graduation, the Civil war being in progress, he enlisted as a private in the Seventy-third Illinois Infantry Regiment. Four months later he was promoted to the post of sergeant major. With his

* Compiled from the "Encyclopedia of Minnesota" Century Publishing Company.

regiment, which belonged to Sheridan's division of the Army of the Cumberland, he participated in some stirring service, which included the Perryville campaign, the advance on Bowling Green and Nashville and the battle of Stone River (Murfreesboro). In the latter encounter he was so seriously wounded as to necessitate his discharge from service. Upon his recovery, however, he proceeded to raise a company for the One Hundred and Thirty-seventh Illinois. He was unanimously elected captain of this company, which he commanded throughout its service.

As a congenial field of professional activity Captain Castle adopted the law. He was admitted to the bar by the supreme court of Illinois and began to practice at Quincy. He was at later dates admitted to practice by the supreme court of Minnesota, and by the supreme court of the District of Columbia. In connection with his legal studies and practice he also, at intervals from 1864 to 1866, wrote editorially for the Quincy *Daily Whig*. But his army experience had undermined his health, and the appearance of the serious symptom of lung hemorrhage determined him to give up his professional work and seek the bracing air of Minnesota. In July, 1866, he arrived at St. Paul, where he resolved eventually to make his home and engage in business. His period of recuperation, however, he spent in Anoka and St. Cloud, during most of which time he was connected as an editorial writer with the Anoka *Union*.

It was in 1868 when he settled permanently at St. Paul, with arrangements already consummated for opening a wholesale stove depot for the [1200] firm of Comstock, Castle and company, of Quincy, of which he had become a member. His connection with the Anoka *Union* he retained for three or four years after leaving St. Cloud, and for six years he successfully conducted the stove enterprise. In 1874 he resumed his chosen profession of the law, with his office at St. Paul.

In 1878 a stock company was organized which effected a purchase of

the St. Paul *Dispatch* from H. P. Hall. The *Dispatch* was made a Republican organ, and Captain Castle, having become known as an earnest exponent of that party, was made president of the company and editor of the paper. With the exception of a short time in 1880, he maintained this dual relation to the *Dispatch* until 1885; indeed, during the last four years of that period he was its sole proprietor as well as its editor-in-chief. Meantime he had become much interested in real estate, and in favor of this line of enterprise he abandoned his journalistic career, in 1886, turning his whole attention to his new interests, which were chiefly in suburban property.

Captain Castle has held a large number of public offices. Few men have come into touch with their community through more numerous and varied avenues. He was a member of the Minnesota state legislature in 1873, and figured prominently as the champion of Hon. C. K. Davis in the campaign which resulted in his election as governor. Two years later Governor Davis appointed Captain Castle adjutant general of Minnesota. In 1883 he was appointed oil inspector by Governor Hubbard. The latter position he held for four years.

In February of 1892, President Harrison appointed him postmaster of St. Paul, and such was the general recognition of his party claims as a Republican that no other candidates opposed themselves to him. He held this office until November 1, 1896, although this date was eight months later than the expiration of his four years' term, and four-fifths of his service had been under a Democratic administration. His able and devoted service as postmaster paved the way to his appointment by President McKinley, on May 17, 1897, as auditor for the post office department at Washington. He removed to the national capital where he remained in charge of this important bureau for nearly seven years. He was the head of an office with seven divisions and a force of 600 clerks. Its functions embrace the accounting and settlement of the financial transactions of the vast

national and international postal system—these transactions aggregating three billions of dollars annually.

After holding this position longer than any of his predecessors, Auditor Castle resigned in October, 1903, but retained the office until the appointment of his successor, Hon. J. J. McCarty, of St. Paul, January 23, 1904. On his retirement the comptroller of the treasury, who presides over the appellate tribunal of the entire governmental accounting system, sent the following official tribute to his efficiency.

TREASURY DEPARTMENT

Office of Comptroller of the Treasury.

Washington, January 26, 1904.

Hon. Henry A. Castle,
Washington, D. C.

My dear Mr. Castle:

I am in receipt of your esteemed favor of the 22nd instant, announcing your retirement from the office of Auditor for the Post Office Department. I note your kindly expression relative to the intercourse [1201] between us both officially and personally, during your long incumbency of the office of Auditor.

It was with the most profound regret that I learned several months since that you had tendered your resignation to take effect upon the appointment and qualification of a successor.

If the President had known, as I know, the difficulties with which you have been surrounded during your term of office, and the fidelity and integrity with which you have performed the many arduous duties thereof, I feel confident that it would only have been for a consideration of your health that he

would have consented to your resignation. Good Auditors for the Post Office Department are not made but must be born. Even though one could be made the process would be long and in the making public interests would necessarily suffer more or less.

I shall always recall with pleasure your intelligent zeal for the institution and carrying out of real reforms in your office, and the cheerful assistance you have always given me in any matter connected therewith. There is no officer in the Government service who is possessed of more information as to your true worth to the Government, nor one who will realize the loss of its being deprived of your services more keenly than myself.

I trust your successor in office, who is I understand, your personal friend, will possess the same qualities of head and heart which have endeared you to those with whom you have come in contact.

With my best wishes for a happy and successful future which ought to be in store for you, I subscribe myself,

Your true friend,

R. J. TRACEWELL.

Thus, for a period of nearly twelve years, Captain Castle occupied positions of great responsibility in connection with the mail service, and was brought into relations with all its numerous branches. He thus acquired a theoretical and practical knowledge of its operations, which has caused his services to be in constant demand since his resignation from office, both as an advocate and a writer. He has appeared frequently before the department and before committees of Congress, since 1904, as the representative of associations or individuals having matters to urge for consideration. He has also written voluminously on live postal subjects for all the leading

magazines, including *The North American Review*, *Harpers' Weekly*, *The Independent*, *The Saturday Evening Post*, *World's Work*, *McClure's Magazine* and *Collier's Weekly*.

During the past six years Captain Castle has been principally engaged in developing suburban property at North St. Paul, of which he was one of the founders, and where he maintains, on the shores of Silver Lake, his summer home.

Apart from remunerative offices, Captain Castle has been prominent in many public organizations, and in all has done valuable gratuitous service. He has officiated as president of the Library Association of St. Paul, of the Minnesota Editorial Association and of the Chamber of Commerce. He has been commander of the Loyal Legion of Minnesota, department commander of the G. A. R., secretary of the State Home for Soldiers' Orphans, and for twelve years president of the board of trustees of the Minnesota Soldiers' Home. With the various organizations over which he has presided he has long been identified as member or director and continues to be so identified with most of them. He is, [1202] in 1912, a vice president of the Minnesota Society, Sons of the American Revolution, and vice president of the National Society of the Army of the Tennessee.

In politics Captain Castle has long been a recognized and respected force throughout the state. His executive ability makes him a fine organizer, and for nearly ten consecutive years he was the most active agent of the Republican state central committee, on which he served as chairman in 1884, during the memorable Blaine and Logan campaign. His vigorous and aggressive work, both on the stump and in the press, has been a potent influence, determining, for good or ill the fortunes of many men. Among those to whom he rendered notable service may be mentioned Senator Davis, Senator Washburn, Senator Nelson and Governor Hubbard.

As an orator his services have been in demand in every political cam-

paign since 1866. His addresses on Memorial Day, Independence Day, etc., as well as on occasions of dedicating buildings and monuments, editorial and educational conventions, have been delivered in all parts of Minnesota and in many other states.

He enjoys wide personal acquaintance with the newspaper fraternity and it is not too much to say that he is universally regarded by its members with esteem and affection. Of the G. A. R. and Loyal Legion, also, he is a cherished comrade. In 1897 Captain Castle published "The Army Mule and other War Sketches"—a series of humorous papers which he had written some time previously, and which had been read at meetings of the Loyal Legion. This book has been highly approved by literary critics and has had a large circulation.

On April 18, 1865, at Quincy, Illinois, Captain Castle was married to Miss Margaret W. Jaquess. Seven children were born of this union. Of the three sons, the eldest, Charles W. Castle, now Captain in the Infantry, U. S. A., graduated in 1894 from the West Point Military Academy, and rendered efficient service as aide-de-camp to Major General Brooke during his terms of duty as governor general of Porto Rico and Cuba. He also saw active service in the Philippines, and for three years, ending August, 1912, was on duty as paymaster at army headquarters, St. Paul. The second son, Harry J. Castle, died in 1901, and the third son, James T. Castle, died in 1903. Mrs. Margaret Jaquess Castle died in St. Paul, November 12, 1908. Of the daughters, Helen S. and Mary J. Castle reside with their father at St. Paul; Margaret married Captain E. R. Stone, U. S. A., present station Fort Lincoln, North Dakota; Anne married Frederick C. Christy, of Phoenix, Arizona.

When Captain Castle was appointed postmaster in 1892 the St. Paul *Globe*, the Democratic organ, made this editorial comment:

There is no criticism to be passed on the President's selection of Henry A. Castle for the St. Paul Postmastership, and he will add one more to the number of very satisfactory incumbents of that important office. Captain Castle in the old days used to be a newspaper man, and he generously gave many of the best years of his life to the education and enlightenment of the public in the ranks of the craft whose members labor not for their own profit, but for the welfare of others. When he felt that he had made all the sacrifices that could be reasonably be expected of him, and that his duty called him elsewhere, he went into bigger things here again his abilities have won him success and he is counted among the first men of this community in character, attainments, capacity and acquisitions. Added to this he has many charms of manner and mind. He is an agreeable companion, an effective and graceful speaker, either on the rostrum or at the dinner table, and at all times a courteous and interesting gentleman. He will bring to his new position the fruits of a long training and experience in just those departments which will be of value to him now. He has been closely identified with almost all the movements for the past decade or two for the advancement of St. Paul, and is in keen sympathy with the spirit which has animated them. He is as ambitious as is anyone to see the city among the foremost, not only in material prosperity but also whatever makes for the comfort and convenience of its people. An efficient mail service is one of these things, and with his business skill and energy he will secure it for us if anyone can. The *Globe* congratulates Captain Castle on his promotion and our citizens on the very wise choice which has been made. ■



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