

“Judge Chatfield’s First Court Session in Winona County”

FOREWARD

BY

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This article is an excerpt from *History of Wabasha County*, published in 1884. The book has a subtitle, which appears almost as an after-thought: *Also a History of Winona County*. The article describes Judge Andrew Chatfield’s first court session on June 28, 1853, in what came to be known as Winona County, and also what happened to his aide-de-camp, Grove W. Willis. This article may be compared with slightly different version of Judge Chatfield’s first court session that appeared in the first volume of the two volume *History of Winona County*, published in 1913:

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 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. 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 Rollingsstone.¹

That history also tells us a bit more about Grove Willis:

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.²

¹ Franklyn Curtiss-Wedge & William Jay Whipple, eds., *I History of Winona County* 262-63 (Chicago: H. C. Cooper & Co., 1913).

² *Id.* at 266.

But the central figure in the story is Andrew G. Chatfield. A biographical sketch of him appeared in a *History of Dakota and Goodhue Counties* published in 1910:

Andrew G. Chatfield served from April 7, 1853, to April 23, 1857. He was born in Butternuts, Otsego county, New York, January 23, 1810. He was appointed territorial judge in 1853 by President Pierce, and his term expired as above. He was judge of the Eighth Judicial District at the time of his death, which occurred October 3, 1875.³

Four year judgeships formed the beginning and the end of Chatfield's life in Minnesota. He was a territorial justice for four years, practiced law in southern Minnesota for fourteen, and returned to the bench on January 1, 1871, as a judge in the Eighth Judicial District. He died in office on October 3, 1875. If the article that follows describes the first chapter in Chatfield's life on the bench, the last chapter appears in the *Chatfield Democrat* on Saturday, October 9, 1875:

A Great and Good Man has Departed.

Hon. A. G. Chatfield, the profound and able lawyer, the upright and impartial judge, the accomplished and noble gentleman, died at his residence in Belle Plaine, Minn., on Sunday morning last. The people of our village should ever cherish his memory, for it was for him this town was named.

Perhaps all that could be said of this great and good man in so brief a notice, will be found in the following from the *St. Paul Pioneer-Press* of Tuesday last:

“There are few men in Minnesota, of the dead or living, who have held a higher place in the esteem of its citizens

³ Franklyn Curtiss-Wedge, ed., *I History of Dakota and Goodhue Counties* 218 (Chicago: H. C. Cooper & Co., 1910).

than Judge Chatfield ; few whose death would be so generally regretted, or leave a wider gap in that superior order of men, too few in number, who are conspicuous above the crowd for their abilities, attainments and virtues and in that still smaller circle of those eminent and influential men who have been honorably identified with the history of Minnesota from its earlier days. He was a self-made man, who wrested for himself an excellent general and professional education from the adverse circumstance he was obliged to contend with in early life; and in the State of New York, where he was born and bred; his early career was marked by great successes, which show the high favor in which he was held by his fellow citizens. Though always an ardent democrat, he had little taste for political employments, always preferring the profession in which he won so high a reputation for learning and integrity. To get rid of politics he removed in 1848 to what is now Kenosha, (Wis.) to pursue his profession and in 1853 was appointed by President Pierce one of the associate justices of the supreme court of this State; a position which held till 1858, when Minnesota was admitted as a State.

The then territory of Minnesota was divided into three judicial districts, each presided over by one of the three judges of the Supreme court. Judge Chatfield's district embraced all the territory west of the Mississippi, and the first courts held in all the new counties organized in that extensive region previous to 1858, were presided over by him.

He will have no sincerer mourners among his wide circle of later acquaintances than the many thousands of early settlers with whom his duties thus brought him in contact, and who learned to admire his dignified but always courteous and genial bearing and esteem the elevation and uprightness of his character.

After Judge Chatfield's retirement from the territorial supreme bench in 1858, he held no public position until he was elected Judge of the eighth judicial district in the fall of 1870, having devoted himself in the meanwhile to his profession in which he enjoyed a very high reputation. If his party had been in power in Minnesota he would undoubtedly have been selected for its highest honors, certainly for its highest judicial honors. For his character had that broad base of probity which is characteristic of the highest judicial mind. With a noble presence and the courteous and dignified demeanor of a cultivated gentleman, he fulfilled in all externals, as well as in his intellectual accomplishments, his learning and integrity, the ideal of a judge. With the bar and the people of his judicial district his loss will be profoundly felt, and the place adorned will be hard to fill. Irreproachable in all his relation as a citizen, a kind neighbor and a warm friend he endeared himself to the people of the beautiful town of which he was the founder, and they will mourn him with the sorrow of children bereaved of a beloved father."⁴

Strangely, almost all of this tribute in the newspaper of the town named after the decedent is taken from another city's paper.

In the original book, the story that follows was not a separate chapter. It did not have a title; that has been added by the MLHP. It appeared first on pages 354-355 of *History of Wabasha County...Also A History of Winona County*, published in 1884. It has been reformatted. The author's spelling and punctuation have not been changed.

This article is supplemented by John Fletcher Williams's "Memoir of Judge Andrew G. Chatfield." which is posted separately on the MLHP.

⁴ *Chatfield Democrat*, October 9, 1875, at 2. Chatfield died in Belle Plaine. Unfortunately the Minnesota Historical Society does not have copies of that town's newspapers for October 1875.

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IN

HISTORY

OF

WABASHA COUNTY

TOGETHER WITH

BIOGRAPHICAL MATTER, STATISTICS, ETC.

GATHERED FROM MATTER FURNISHED BY INTERVIEWS WITH OLD SETTLERS,
COUNTY, TOWNSHIP AND OTHER RECORDS, AND EXTRACTS FROM
FILES OF PAPERS, PAMPHLETS, AND SUCH OTHER
SOURCES AS HAVE BEEN
AVAILABLE.

ALSO A

HISTORY OF WINONA COUNTY.

CHICAGO;
H. H. HILL & COMPANY, PUBLISHERS.
1884.

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The time set by Judge A. G. Chatfield for the first session of a district court in what was then Fillmore county was at Wabasha prairie, on Monday, June 27, 1853, but the judge failed to reach Winona on that day. On Tuesday, June 28, he arrived with quite a large party of ladies and gentlemen from St. Paul, among whom were two attorneys, L. A. Babcock and H. L. Moss. He opened court in the Winona House. Wm. B. Gere was appointed clerk of the court. The petit jury was dismissed. The grand jury was organized and held a sitting on that day. On Wednesday, June 29, the grand jury made a presentment in the case of Erwin H. Johnson, for the shooting of Isaac W. Simonds, and indicted S. M. Burns, of Mt. Vernon (Hall’s landing), for selling liquor to the Indians. They were dismissed at noon on that day and the court adjourned. This was the first district court held in southern Minnesota. In the afternoon Judge Chatfield, with the party from St. Paul, visited Minnesota City and the valley of the Rolling Stone.

John Iams was the sheriff in attendance on the court. It is said that the sheriff brought his dinner with him from home each day. On the first day, as he approached the crowd assembled around the Winona House, he was greeted by W. T. Luark, who, with a laugh cried out, “Here comes the great high sheriff of Fillmore county with his dinner pail on his arm!” At noon the same crowd saw the sheriff and Mr. Luark sitting on the bank of the river eating their dinner from the dinner-bucket of the sheriff, and washing it down with river water.

Grove W. Willis came to Wabasha prairie about the first of July of this year. Before coming here he had been promised the position of clerk of the court by Judge Chatfield, but on account of his failure to arrive in time to attend to the duties of the office, the judge was compelled to appoint Wm. B. Gere to the place. When Judge Chatfield was notified that Mr. Willis was at Winona awaiting his order, he revoked the appointment of Gere and gave the position to Mr. Willis, who was appointed clerk of the district court about the 7th of July.

Mr. Willis brought his family here and rented the building on Front street built by Dr. Balcombe (the Ranney building), where he lived during the winter. He used the lean-to of the building as his office. The same room was also used as a schoolroom for a select school kept by his daughter, now Mrs. Gillett, living in the village of Chatfield. This school is really entitled to be called the first fully established school taught in Winona. It was kept three or four months with about twenty-five pupils.

Mr. Willis lived at Winona during the winter and moved to Chatfield in the spring of 1854. About ten or twelve years ago he returned to Winona, and has since made it his home.

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