

FILLMORE COUNTY BAR MEMORIALS

April 12, 1948

FOREWORD

BY

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This book is an attempt to rescue four men, who laboured valiantly in the service of the law during the infancy of Western Canada, from the twilight of history into which they have been allowed to fade.

So begins Roy St. George Stubbs's "Author's Note" to his *Four Recorders of Rupert's Land: A Brief Survey of the Hudson's Bay Company Courts of Rupert's Land*.¹ In publishing essays on the lives of the four recorders—Adam Thom, Sir Francis Godschall Johnson, Dr. John Bunn and John Black—Stubbs's "rescue" succeeded.

With a like ambition, the republication of a memorial service in Fillmore County District Court on April 12, 1948, to five members of the legal community who died in 1947 and 1948 — lawyers George W. Bartle, Samuel Carr Pattridge, J. C. White, and Henry A. Larson and clerk of court, Carl Johnson — may "rescue" their lives and achievements, which have faded into "the twilight of history."

Eight members of the county bar met in the courtroom of the county courthouse in Preston that Monday afternoon for a proceeding that lasted less than an hour. Presiding was Judge Martin A. Nelson,

¹ Roy St. George Stubbs, *Four Recorders of Rupert's Land: A Brief Survey of the Hudson's Bay Company Courts of Rupert's Land* (Winnipeg: Peguis Pub., 1967).

though he is not identified in the transcript. Nelson was the sole judge of the Tenth Judicial District. His biographical sketch appears in the 1949 *Legislative Manual*:

TENTH DISTRICT

Martin A. Nelson, Austin, born February 21, 1889, Hesper, Iowa. Educated in public schools, Hesper, Iowa, Mabel, Minnesota high school, and Mechanic Arts high school, St. Paul. Completed course in pharmacy 1912, fully registered same year. Graduate of St. Paul College of Law 1916. Served as aviator in World War I. Republican nominee for governor of Minnesota 1934, 1936. Practiced law at St. Paul, Minnesota 1916, to time of enlistment in World War I. Practiced law at Austin from 1919 to time of appointment as District Judge, February 2, 1944, by Governor Edward Thye. Elected without opposition for six year term at General Election, 1944. Married, two children.²

The four lawyers who were honored in this proceeding were a diverse lot. Samuel C. Pattridge was a beloved member of the bar and community. J. C. White, according to George Frogner, “was the type of lawyer who believed in settling cases,” an assessment shared by Judge Nelson. He found the law confining and had many other interests. It took a long time for Henry A. Larson to achieve his life’s ambition. He taught school to earn money to attend the University of Minnesota Law School but dropped out after only one year because he lacked funds to continue. In 1902, he became the clerk of Fillmore County District Court, a position he held for the next fourteen years. During that period, he continued to study law on his own and, in 1915, at the age of thirty-eight, he passed the bar. The next year, he resigned his clerk-

² *Legislative Manual* 395 (St. Paul: 1949).

ship and began practicing law. He also went into politics, and was elected and reelected to the State Senate, where he was still serving when he died in 1948. A great story. In contrast is the short, even tragic life of George W. Bartle.

Midway into the proceedings, Judge Vernon Gates appeared. It says a great deal about Judge Gates that he would travel from Rochester, where he sat on the bench of the Third Judicial District, to attend this brief service in Preston. Here is his entry in the *Legislative Manual*:

THIRD DISTRICT

Vernon Gates, Rochester, born in South Dakota; lived in Winona county, Minn., until 1901, then moved to Rochester; graduated Drake University, College of Law, 1914. Practiced at Rochester until entering army in 1917; returned to practice 1919; appointed Judge of Probate 1920; District Judge 1926. Re-elected each term since.³

He may have made that trip because he had fond memories of Sam Pattridge and Henry Larson, who he recalled, “were always prepared; they knew what they were doing, knew where they were going, and when they got through they finished and quit.” Many members of the trial bar would consider those words to be the highest compliment they could receive from the bench.

Like other bar memorials posted on the MLHP, the original transcript of the proceedings in Fillmore County District Court on April 12, 1948, is filed with the Minnesota Historical Society. Though reformatted, the following transcript is complete. Spelling and punctuation have not been changed. □

³ Id. at 392.

MEMORIAL SERVICES

At the opening of the General Term of Court for Fillmore County, Minnesota, April 12, 1948, at 2:00 o'clock P.M., memorial services were conducted as follows:—

THE COURT: Heretofore this Court has appointed the members of the bar of Fillmore County as a committee to arrange for memorial services to be held at this time for the deceased members of the bar of said county.

We now pause for a few moments to commemorate the former members of the bar of said county who have departed this life. We do this to show our respect for those former members, who are with us no more.

Let the record show that the following members of said bar are present at these services:

Philip B. Gartner, Clarence Perkins, George O. Murray, John L. Brin, George E. Frogner, Clarence O. Fehling, Marvin J. Ohlrogg, Honorable Vernon Gates of Rochester, Daniel S. Prinzing.

The Court now calls upon Mr. Perkins.

MR. PERKINS: We pause in our daily endeavors to reflect upon, and to express in words, our memories of departed colleagues. Among those who have answered the call of our Great Master. Since our last Memorial Services was our friend and respected member of the Fillmore County bar, George W. Bartle, late of Chatfield, Minnesota. George, whose early boyhood home was at Roosevelt, Minnesota, graduated from the Baudette High School, attended Macalester

College, and finished his legal education at the St. Paul College of Law. He entered the Armed Services in 1942, and served with General McArthur's Headquarters Unit, first in Australia and then, progressing with the victorious Pacific Army, at New Guinea, New Netherlands and finally in the Philippines. Upon his discharge from the service in the fall of 1945, he opened a law office in the City of Chatfield, in the former location of the late E. J. Sutherland, in the Post Office Building. At that time he was only 25 years of age and perhaps one of the youngest members of the State Bar. A few days prior to his death, he was stricken with the dreaded poliomyelites which had reached an epidemic stage in that locality, and after a very short illness passed away at Rochester on August 14, 1946.

During his short time in Chatfield, he took an active interest in the business and community life of that city. He became a leader of the boy scout troops. Having a deep religious conviction he served as instructor of the Boy's Class in the Presbyterian Church of Chatfield. Just a week prior to his death his legion friends honored him by elevating him to the office of First Vice Commander of the Harold Bailey Post of the American Legion at Chatfield. George was regarded by his colleagues as a most promising young attorney. Brief as was his experience in his chosen field it indicated his devoted search for an equitable and honest determination of the many vexious problems that confronted the lives of those amongst whom he cast his lot and his work and deeds bespoke for him a glorious career in a dedication by him of his talents to the community which he so briefly served. Thus to his surviving mother, Mrs. Leo Bartle of Roosevelt, Minnesota, a sister Evelyn, a brother Donald, the legal fraternity and his many friends, far and wide, he left the memory of an exemplary life, a life that spoke well for itself.

“The good one tries to do
Shall stand as if ‘twere done;

God finishes the work
By noble hands begun.”

MR. PERKINS: Your Honor, I make a motion that [this memorial] become part of the record and filed with the Clerk of Court.

THE COURT: Thank you, Mr. Perkins. It is so ordered.

Mr. Fehling?

MR. FEHLING: Exactly seventy-six years ago this very day, April 12th, 1872, there was born to this world a man who came to be affectionately known to most all of us simply as “Sam.” Samuel Carr Pattridge was born that April day in Pleasant Grove Township, Olmsted County, this State, the son of Curtis Abel and Delila Carr Pattridge.

Sam received his elementary education in the Pleasant Grove public schools, He subsequently attended the University of Minnesota Law School and received his LLB degree from the Law School in 1895. That same year, on June 5th, 1895, he was admitted to the practice of his chosen profession, in which so nobly he distinguished himself as an eminent trial lawyer.

He taught school In Olmsted County in 1891 through 1893. Following his graduation from the University, Sam Pattridge practiced law at Graceville for a period of two years in the law firm partnership with Abys Wartner.

Subsequent to this period he then moved to Stewartville where he maintained his law office until 1897, when he then moved to Spring Valley and where he remained until his death.

Sam was a man of recognized talents and his community looked to him for counsel and leadership. He responded generously and gave of his time and talent despite the fact that the demands of his office were heavy. He served actively in many capacities in local civic matters. On occasions he served as an official in the fraternal organization of which he was a member and to which he was much attached. He also served as a local magistrate over a period of several years; and for many years as the Village Attorney for the Village of Spring Valley. It was particularly during the time that Sam Pattridge served this County as its County Attorney, that he distinguished himself. None who had cause to contest with Sam in a court of law will deny that he represented his client's interest with unswerving fervor, zeal and integrity. He was a resourceful, astute and tearless lawyer, but never without compassion. The records of this Court are replete with chapters of memorable cases in which he took a prominent part and which cases are having and will continue to have beneficial influence upon the members of this Court. Though a most vigorous prosecutor, Sam had a keen sense of humor. This was demonstrated many times even during the heat of legal battle. A question adroitly put or a sly remark frequently spelled the difference between the drab and sparkle or brilliant.

Of his personal achievements in the court room, a great deal more could be said or written, but we who knew Sam hesitate to tarry too long on this theme, knowing his own modesty and self-effacement.

Sam was what we love to term "a home man!" and those who came to know him best, became his fast and long time friends. He enjoyed the out of doors and to have been a member of one of his fishing parties is to enable that fortunate person to reminisce in rare delights. He loved and enjoyed his home, his garden and flowers. Every household pet of the neighborhood was a friend of Sam and to this day a frequent visitor at the Pattridge home. This is evidence even today of Sam's

kindliness.

But as it must come to all mankind, death overtook Samuel Carr Pattridge at his home in Spring Valley on September 25th, 1947. Death relieved Sam of a lingering illness that had confined him to his home for some months prior to his death. He is survived by his widow, Myrtle Miller Pattridge, who still resides in the old Pattridge home at Spring Valley.

It is hard to believe that Sam is dead; or shall we believe with the poet:

“There is no death
The stars go down to rise ‘upon another shore,
And bright In Heaven’s jeweled crown
They shine forever more.

And ever near us though unseen
The dear immortal spirits tread
For all the boundless universe is life
There are no dead.”

Samuel Carr Pattridge is no longer with us, but the shadow of his accomplishments, noble ideals and spirit of unselfishness, lengthens as time goes on and his memory grows ever richer in the hearts of us who still remain.

Your Honor, I move that this memorial be made a part of the records of this Court.

THE COURT: It will be so ordered. Judge Gates just came in. I will ask you to come up here and have a seat with the court. I might state for the record that the court had as lawyer a long association

with Sam Pattridge. I first knew him in, I think about 1908.⁴ I was frequently associated with him in lawsuits over the years, and know that everything that Mr. Fehling said was true as to his ability as a lawyer, his interesting personality, his integrity, his love of his profession, all of these were exemplified in Mr. Pattridge's life to a marked degree.

I will call upon Mr. Frogner at this time.

MR. FROGNER: May it please the Court, Judge Gates, members of the Bar: J. C. White was born at Chatfield, Minnesota, December 25, 1876. He graduated from the University of Minnesota Law School in 1898, and he was admitted to the bar on June 3, 1898. After having been admitted to the bar, he worked for a short time in a law office in Minneapolis, and thereafter for another short period of time in a law office at Chatfield. In October, 1900, he was married to Amy Tollefson, and in 1901 he and his wife made their home in Mabel, Minnesota. Since that time Mr. White has resided there at Mabel up until the time of his death on October 8, 1947. Mr. White did not practice law full time. I suppose that he practiced law the way many of us who are now practicing law full time would like to practice it. In other words, he practiced law part time, took care of other duties, some in connection with work at the First National Bank there at Mabel, and he enjoyed life. My personal acquaintanceship with Mr. White goes back to about twenty years ago when I met him and knew him as a lawyer at that time. I don't recall that he ever engaged in much trial work but I do know that during this period of time he practiced considerable law in his office, and I do know this also, that Mr. White was the type of lawyer who believed in settling cases. In other words, that a good settlement was better than a poor lawsuit any day, or even that a poor settlement was better than a good

⁴ MLHP: Judge Nelson likely meant 1918.

lawsuit. While he was not shall I say active in the practice of law, he was a member of our bar, and was interested in the law, and the practice of law as much as the active practitioners; he was a respected member of the community down there, active in civic affairs, and he has a family or left a family, two boys, whom are now living in Mable, and very respected members in that community, both working in the First National Bank of Mabel. I suppose the best mark that anyone can leave in this world is a memory behind him that he was loved, liked and admired, by those people who knew him, not only his family but his friends.

That, I believe Mr. White has achieved. If there is any other goal that a person wishes to attain in this world it probably is that he can raise a family of whom he can be justly proud. Again I say Mr. White has achieved that result,

In closing let me say that those of us who knew him will miss him, and I believe that Mr. White has left a mark on the bar, and in the bar here of this county, even though he wasn't as active as Mr. Pattridge, and not as active as some of the other members who have passed away heretofore. We members of the bar extend to his family our thoughts or our wishes that they may be happy in the memory which he has left to them.

Your Honor, I move that this memorial be made a record of the court.

THE COURT: It will be so ordered. I perhaps knew Mr. White better than many of the members of the bar here who have been placed upon this committee. I knew him while I was a boy in school at Mabel. There were two lawyers there at that time, Mr. Hammer who died some years ago, and Mr. White. White never, as has been said by Mr. Forgnier, entered into the trial of cases. He practiced law; he

had outside interests which he took care of; he was a fine citizen, raised a very fine family, was a very fine friend to have and a very interesting character and citizen. He took a lot of interest in civic matters and in public life, and I remember on many occasions that I was with him during campaign periods when I was only a young fellow in that community. He was a son of Milo White of Chatfield, who was at one time a member of Congress from the First District. Mr. White came to court here occasionally but after I ascended the bench he presented some matters that he handled, but as has been said he was never an active lawyer in a trial capacity, or ever assumed or tried to be. He was largely an office lawyer, and did most of his practice in the office when representing the banks in that community, He has left a mark in that community as a man and citizen that will be long remembered, I am sure.

Mr. Gartner?

MR. GARTNER: Your Honor, and Fellow Members of the Bar. It is a privilege for me today to pay tribute to the memory of my late uncle and partner, Henry A. Larson. It is the more a privilege because I think he deserves to be remembered.

We all start out in this life, and most of us have the chance to make something of ourselves, if we want to. Many of us do not. Many of us become a liability to society. Some who do console themselves by thinking that they didn't have the opportunity that someone else had.

But, the fact remains that anyone who wants to can so lead his life that he makes something of himself and is an asset to society. And I believe that the story of Mr. Larson's life shows this to be so.

He was born on a farm just east of this village. He attended country school. He went through high school at Lanesboro. In those days, a

country boy was a country boy, and he suffered some on that account. But, he finished. He wanted to go to law school, but didn't have the funds. He taught country school for several terms and saved his money. Then he went to the Minnesota Law School for one year. The funds he had saved up ran out, so he was unable to complete law school.

In 1902, when he was 25 years of age, he was elected Clerk of this Court. While he was clerk, he continued studying law. He took the bar examinations in the spring of 1915 and passed them.

The following year, he resigned as clerk, to practice law, and formed a partnership with the late John W. Hopp, which continued until Mr. Hopp's death on May 30, 1931. Thereafter he practiced law alone until the fall of 1932, when the partnership of Larson & Gartner was formed. This partnership continued until January 1, 1947, when he retired.

In 1926, he was elected to the State Senate, and he was serving his sixth term when his death occurred on March 12, 1948. During his service in the senate, he was chairman of the committee on banks and banking. He served upon numerous other committees. During the 1939 session, he was president of the senate.

There was no one backing him when he started out as a young man. He made up his mind what he wanted to do, and he did it. Without the benefit of attendance at a law school, he learned enough law to be admitted to the bar.

During his whole life, he abided by the laws, he treated others with kindness. He was honest. He was good. Now that his life is over, and we look back on it, we are aware that he was a credit to society. To my mind that is the most that any man can accomplish; to make the world a little better because he was in it.

I will move Your Honor that this memorial be made a part of the services today.

THE COURT: Thank you, Mr. Gartner, and it will be so ordered. Is there anyone else, members of the bar, who have something they wish to say, wish to be heard from in connection with these memorials? Mr. Gartner has very fully covered the life of Senator Larson. He was close to most of us. We knew him well, knew his ability, his services as an official, that is as Senator for this District, and as a lawyer over a long period of years, and prior to that as Clerk of Court. He will be missed in the community.

I will ask Mr. Gartner to say a few words regarding the late Mr. Johnson, Clerk of the District Court. I think that he served here a long time, and certainly it would be proper to give some recognition to his services by the bar at this time.

MR. GARTNER: Your Honor, Carl Johnson was Clerk of this Court as we all know for many years. I am not sure just what term he was in when his death occurred but I would say that it was either his fifth or sixth term. At any rate I can say this certainly, that he was clerk of this court for many years. While he was clerk of court he ran his office very efficiently; he never made a lot of noise but when you wanted something it was there. He was a very self-effacing man who didn't want any fuss made over him, but he took very good care of the lawyers, and if there was any information that was wanted from his office he was very glad to assist in every way he could to give it to any lawyer who might want it.

It is too bad indeed that during the last years of his life his physical condition was such that it was very painful for him to carry on his duties of being clerk. Notwithstanding that, he was in his office whenever he possibly could be. He leaves a widow who is now the

acting clerk of this court, and he leaves a very fine young son who is about to graduate from our high school, and I know that to both of them, as well as all of the members of the bar, and to his good helper in his office, his memory will always be held dear.

THE COURT: Thank you, Mr. Gartner, and this will be filed with the others.

MR. BRIN: The Court asked a few moments ago if there was anyone else who had anything to add to the memorial, a memorial so well done that I don't know that there is anything I can add except that I wouldn't feel satisfied if I didn't say a few words because of my association with some of these folks, and I feel that I would like to say just a few words. I wasn't acquainted with Mr. Bartle except that I had met him, but I had heard many good things about this young man, a very able young lawyer, and a very fine character, and we were very sorry to lose him from the membership of our bar. Mr. White I merely had a speaking acquaintance with but I have heard from other lawyers the same thing that Brother Frogner said today, that his memory will live on; he was liked and loved and admired.

I had known Sam Pattridge all my life. I have been associated with Sam in trying cases and we have been on the opposite sides. Sam was a good lawyer. Sam fought in the interest of his clients, and it didn't make any difference whether it was a ten dollar case or a thousand dollar case, Sam took care of his clients to the best of his ability. I just want to say this, that after coming to Spring Valley, Sam extended to me every courtesy that a lawyer could extend a new lawyer coming to town, always ready to accommodate me when he could, and we never had to put anything in writing. We got along just fine, and I had spent many happy hours with Sam, and I just want to mention the fact that I appreciate Sam's help.

I knew Senator Larson quite well. To know him was to love him. Senator Larson was held in the highest respect and esteem for his able manners and lovable traits by not only his clients but by the lawyers. I always felt that I could go to Senator Larson and talk with him about different problems, and when you came away from the presence of Senator Larson you always felt a little better too. We are going to miss him but his influence is going to live on in the future.

The COURT: Thank you. Anyone else? If not, this will conclude our memorial services. This will be filed with Clerk of Court, a transcript made of the proceedings, and that will also include the late Clerk of the District Court.

Just let me introduce Judge Gates from Rochester. I know he has held court here before.

JUDGE GATES: I just would like to say that I knew Sam Pattridge and Henry Larson very well. They appeared before me many times at Rochester, at Preston, and at Caledonia. Sam didn't get over to Caledonia very much but the old firm of Hopp & Larson were there quite often in the old days. I was always glad to see those men come in. They were always prepared; they knew what they were doing, knew where they were going, and when they got through they finished and quit. We were glad to see them because they were good lawyers.

The heaviest burden that a Judge has to bear is to have one side well represented and the other poorly represented because then he isn't sure that justice can prevail but when a lawyer comes in who really works and represents his client the way he should, the courts are always glad to see them come. While both sides can't win, nevertheless you aren't sure that you are doing justice unless both sides are adequately represented then you are sure, as sure as human beings can

be that are on the right track, and so it was that the courts were always glad to see Henry Larson, and see Sam Pattridge come to court. The courts are going to miss those two men as well as you people here.

THE COURT: Thank you, Judge Gates, and your remarks will constitute a part of the proceedings here today.

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