

“ Bench and Bar of Freeborn County ”

By

HENRY A. MORGAN

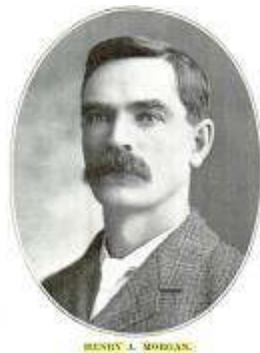
FOREWORD

By

DOUGLAS A. HEDIN
EDITOR, MLHP

The entry on Henry A. Morgan in *History of the Great Northwest and Its Men of Progress*, published in 1901, reads:

MORGAN, Henry A., was born at Jackson, Page county, Iowa, March 14, 1863. His father's name was Harley Morgan. His mother's maiden name was Ruth Dupray. Young Henry began his educational career in the graded schools of Hesper, Iowa. He came to Minnesota June 12, 1880, and attended the high school at Albert Lea, where he has since resided. He accepted a position as clerk and stenographer in the law office of Lovely & Morgan, and took up the study of law. On May 19, 1886, he was admitted



HENRY A. MORGAN.

to the bar, and in July of that same year he was admitted to the partnership, when the style of the firm became Lovely, Morgan & Morgan—the other members being John A.

Lovely, now associate justice of the supreme court of Minnesota, and D. F. Morgan, now of Minneapolis. In 1891 the firm was dissolved. Since then Mr. Henry Morgan has practiced alone, and has secured a large and lucrative business. In 1889-90 he was the city attorney of Albert Lea. In 1891 he was elected county attorney of Freeborn county, and, by re-elections, served until 1899. He has thus become one of the most prominent and successful lawyers in the southern part of the state. In politics, he is a Republican, stalwart and active, serving as a member of county, congressional and judicial committees from time to time, where his influence has been potent in all the affairs of interest to his party. He has also rendered very efficient service as a public speaker in all political campaigns, and ranks high on the forum. He is a member of the Knights of Pythias and of the Royal Arcanum. In religion he affiliates with the Presbyterians, which is the denomination of his family. He was married to Helen A. Hall, of Albert Lea, September 1, 1886. They have had two children: Philip III., born August 29, 1887, and died in July, 1894. Barbara, the surviving child, was born July 30, 1890.¹

The middle “Morgan” of the firm Lovely, Morgan & Morgan was Darius F, Morgan, the older brother of Henry. Here is a sketch of the elder Morgan from Henry Morgan’s chapter on the bar and bench that was published in a history of Freeborn County in 1911:

D. F. Morgan was admitted to the bar in 1878 and immediately entered into partnership with John A. Lovely, which partnership continued until July 1885, when the name was changed to Lovely, Morgan & Morgan, by reason of Henry A. Morgan becoming a member of the firm. Under this firm name the partnership continued until 1891, when the firm was dissolved and D. F. Morgan moved to Mankato, and from there to Minneapolis, where he

¹ “Henry A. Morgan” in Cornelius W. G. Hyde, William Stoddard & Hugh J. McGrath supervisors and editors, *History of the Great Northwest and Its Men of Progress. A Select List of Biographical Sketches and Portraits of the Leaders in Business, Professional, and Official Life* 431-2 (Minneapolis Journal, 1901).

continued to practice law up to the time of his death in April, 1903. He was regarded as one of the ablest lawyers in the state; was a member of the house of representatives from Freeborn county in 1889 and of the state Senate from Hennepin county from 1895 to 1897.²

Holding a stronger attachment to Freeborn County, Henry Morgan never left, and built a considerable practice and reputation. For an account of the county bar and bench for the 1911 history, he produced not only a chapter but also an appendix of famous cases. The results so pleased the book's editors that they published Morgan's glowing self-portrait immediately after his chapter on the bench and bar.³

Morgan's chapter "Bench and Bar" appeared on pages 504-14 of *History of Freeborn County, Minnesota*, his self-portrait appeared on pages 514-5, and the Appendix of "Famous Law Cases" appeared on pages 859-64. Though reformatted, all are complete. The original spelling and punctuation are unchanged. Page breaks have been added.

For a profile of his older brother, see "Darius F. Morgan" (MLHP, 2014).

² Franklyn Curtiss-Wedge, ed., *History of Freeborn County, Minnesota* 509 (H.C. Cooper Jr., & Co, 1911).

³ It is not known when Henry Morgan died; thus an obituary or tribute from the local newspaper has not been posted.

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IN

HISTORY OF

**FREEBORN COUNTY
MINNESOTA**

COMPILED BY

FRANKLYN CURTISS-WEDGE

ASSISTED BY

**Martin V. Kellar, Victor Gillrup, Curtis B. Kellar, Henry A. Morgan,
Albert Clark Wedge, M. D., Thomas Elwood Noble, Emil Nelson,
Joseph P. Hurley, Mrs. Alice I. Todd, Harold Dahlen, Dor
K. Stacy, John F. D. Meighen, Vegger Gulbrandson,
William A. Morin, Lesley S. Whitcomb, Harwood
G. Day, Clarence Wedge and many others.**

ILLUSTRATED

H. C. COOPER, JR., & CO.

CHICAGO, ILL.

1911

CHAPTER XXXV.

BENCH AND BAR.

Henry A. Morgan Writes of Those Who Have Constituted the Courts and Legal Profession of Freeborn County—Judges Who Have Administered Equity and Justice in This County—Members of the Bar—Legal and Judicial Minds Whose Eloquence Have Been at the Disposal of Freeborn County Litigants—Other Matters.

By an act of congress passed February 26, 1857, the people of the territory of Minnesota were authorized to form a constitution and state government, preparatory to admission into the Union. A constitution was formed August 29, 1857, and submitted to a vote of the people October 13, 1857, and adopted. This constitution divided the state into six judicial districts until the legislature should otherwise provide. The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower and Freeborn were made to constitute the fifth judicial district.

At the first election Hon. N M. Donaldson, of Owatonna, was elected judge of the fifth judicial district and continued to preside until he was succeeded by Hon. Samuel Lord, of Mantorville, Dodge county, Minnesota, January 1, 1872. Judge Donaldson was regarded as a fair, candid and dignified judge and highly esteemed by all who knew him or came in contact with him. He died at Owatonna a few years after his retirement from the bench. His successor, Hon. Samuel Lord, was a fair, impartial and able judge and gave general satisfaction, but presided in this county only for a short time for the reason that in 1872 a new district was created composed of the counties of Freeborn, Mower, Fillmore and Houston, which became and has ever since remained the tenth judicial district. Judge Lord, however, continued as judge of the district, by successive elections, up to the time of his death in 1880.

At the fall election in 1872 Hon. Sherman Page, of Austin, was elected judge of the tenth judicial district and served as such during the full term of six years. He was an able man, a lawyer, lacking, perhaps, judicial temperament, but his absolute honesty and integrity was never called in question. He was always bent on dispatching business and had no patience with dilatory tactics [505] or delay and seemed to have no

comprehension between dilatory tactics and good faith grounds for delay. His idea or motto seems to have been: "The case is called—you should and must ready—no delay will be tolerated." At any rate, his methods were called in question on the twenty-eighth of February, 1878, when impeachment proceedings were instituted against him in the legislature of Minnesota, which resulted in a trial which is part of the history of this state, and justifies no further comment in this article than the fact that he was acquitted. The charges were preferred as state, and in June the result was declared in his favor. A fair verdict, perhaps, would read that an able lawyer proved to be a failure as a judge. However, after the impeachment trial and at the following election, he was a candidate for re-election with Hon. John Q. Farmer, of Spring Valley, Fillmore county, as opponent. The election was characterized by partisanship and many personal animosities engendered by the taking of sides in the impeachment trial, but it must be said to the everlasting credit of the partisans that with very few and remote exceptions the hatchet was soon buried and has never since been resurrected in the judicial history of this county or district.

Judge Farmer was elected and served with credit to himself and supreme satisfaction to all the people of the district, until he voluntarily retired at the end of his second term, in spite of the urgent and practically unanimous request of the bar of the district and all of the people without respect to party. It has been said that Judge Farmer was not a student. He was. He was a student of human nature; he possessed good common sense; had a good grasp of the law; he was well equipped by experience, precept and example to perform the work imposed upon a judge on the bench and take off his coat and do the work on the farm and not only tell others how it should be done, but show them how to do it. This was Judge Farmer. He was an admirable man, loved and admired by everyone. What he did not know in the technical sense—and it must not be said with or by any certain authority that he did not possess all the technical knowledge essential to the station which he so highly adorned—he made up the exercise of common sense and trying to reach and usually reaching the conclusion and result that what is law is justice, and what is not justice is not law, and his decisions were generally sustained by the appellate courts.

Hon. John Whytock, of Albert Lea, Minn., was elected to succeed Judge Farmer and served up to the time of his death. He was elected to succeed

himself, but died before his new term office was appointed to begin. He was in every sense a fair-minded judge and well equipped for the position in a legal and [506] intellectual sense, but owing to his imperfect hearing he always seemed to work at a disadvantage.

Hon. Nathan Kingsley, of Austin, Minn., was appointed by Governor Clough to succeed Judge Whytock, and by successive elections has held the position ever since. He is possessed of a keen and discriminating mind, a judicial temperament and that degree of impartiality essential to the position and the making an ideal judge. He has served to the entire satisfaction of the bar and people of the district and has at all times been commended for his diligence and prompt disposition of all cases and matters presented to him or coming before him for action.

THE BAR.

In fairness to all and “lest we forget” we present at the out-start the names of all the attorneys of Freeborn county, from the earliest days to the present time. This list is as complete as the records and available information can make it. No effort has been spared to make it perfect. The list follows:

A. B. Webber, J. U. Perry, A. P. Swineford, D. G. Parker, E. C. Stacy, John A. Lovely, W. T. Rambush, Augustus Armstrong, James H. Parker, A. M. Tyrer, A. G. Wedge, Thomas H. Armstrong, John Whytock, John Anderson, D. R. P. Hibbs, D. F. Morgan, O. Mosness, Ira A. Town, Heman Blackmer, R. M. Palmer, W. C. McAdam, L. E. Dunn, E. A. Twitchell, W. E. Todd Henry A. Morgan, Walter J. Trask, H. G. Day, W. M. Crane, R. S. Clements, H. C. Carlson, R. S. Farnsworth, Edwin A. Church, H. H. Dunn, John F. D. Meighen, John G. Skinner, C. E. Southwick, Clement S. Edwards, A. U. Mayland, N. E. Peterson, Augustus Armstrong, T. V. Knatvold, J. O. Peterson, E. S. Gjellum, J. C. McNerny, Wm. F. Schoregge, W. F. Stevens (all of Albert Lea) and A. H. Bartlett, Glenville, and H. B. Collins, H. G. Latourell and P. C. Cornish, Alden.

No pretense is here made of sketching biographically each member of the bar, and indeed the utter futility of such attempt must be apparent. In the first place accurate information is not available, and in the second place if it were the space required would extend this article

beyond all reasonable limits. Such sketches as are here made are considered by the writer as substantially accurate.

Augustus Armstrong, D. G. Parker, A. B. Webber, J. U. Perry and A. P. Swineford appear as the first practitioners in this county, and their active career as such appears to have commenced at the September term, 1858. Law business was apparently slack, cases few and business light. While “waiting for [507] something to turn up” these gentlemen naturally, if not necessarily, sought other means of livelihood, and it does not appear that any one of them thereafter depended for existence upon the practice of law. Mr. Armstrong in form maintained a law office up to the time of his death, which occurred in August, 1873, but he was in no sense an active practitioner. He devoted his time and energies to real estate and to politics as a side line, and apparently made a success of both. He served terms in both branches of the legislature and left an estate that would seem to indicate that he was always “glancing ahead,” instead of “looking backward,” and had full faith in the future and stability of community in which he lived.

Mr. Parker was chief prosecutor in the Kreigler case, of which more extended mention is made in this history. J. U. Perry was appointed as assistant. The case was tried at Owatonna, Steele county, on change of venue, the then district attorney, Perkins, of Faribault, and D. G. Parker and J. U. Perry acting for the state. Mr. Parker was the first county attorney, but soon after the expiration of his term retired from practice and engaged in other business and by frugality and industry accumulated a large estate, but unfortunately lost the bulk of it in later years by improvident investments in remote sections of the country, and died in Port Arthur, Texas, in 1908.

A. B. Webber does not appear of record in any case of importance, but distinguished himself notably so as the proprietor of the old “Webber House,” one of the landmarks of the city of Albert Lea, situated on the corner now occupied by the Nelson Bros. store, the remains of the old structure having been removed to give way to this modern building. J. U. Perry does not appear to have continued in practice any great length of time, and the only important case in which he was engaged was the Kreigler case. So far as the court records are concerned, it does not appear that he practiced law here later than 1861.

A. P. Swineford was admitted to practice at the September term, 1858, but his name does not appear in any litigation of public importance, and he soon engaged in other work and sought other environments, and became a national figure, serving as governor of Alaska for years and in many ways distinguished himself and made a commendable record which is a matter of state and national history.

E. C. Stacy was admitted to practice in 1859. He was a member of the constitutional convention and the first auditor of the county. He belonged to the old school of practitioners and continued for years as one of the leading lawyers of this section of the country, but quit the active court work about 1877. He was city justice of the city of Albert Lea continuously for upwards of twenty years and held that position at the time of his [508] death.

John A. Lovely was admitted to the bar in Milwaukee, Wis., in 1864, came to Albert Lea in 1867. He was in partnership successively with W. T. Rambush as Lovely & Rambush and James H. Parker as Lovely & Parker, D. F. Morgan as Lovely & Morgan, D. F. Morgan and Henry A. Morgan as Lovely, Morgan & Morgan, and with Walter J. Trask as Lovely & Trask, at St. Paul, Minn., for about a year, and again with W. H. Merrick as Lovely & Merrick, at Portland, Ore., for some months, and with C. S. Edwards, as Lovely & Edwards, at Albert Lea, before going upon the supreme bench after his election in 1898. After serving on the supreme bench for the term for which he was elected he returned to Albert Lea and entered into partnership with H. H. Dunn as Lovely & Dunn, and continued the practice of law up to the time of his last illness, which resulted in his death on the 28th of January, 1908. He was connected with many notable cases. He was in every sense a trial lawyer, an advocate of the first class, and one of the most successful practitioners in the state.

W. T. Rambush was not a trial lawyer, but an expert abstractor, but retired from the practice of law and removed from the state about 1874 and did not resume the practice in this state thereafter. James H. Parker came to Albert Lea from Red Wing and entered the practice of law in 1871, and continued in the practice until the fall of 1887, when he removed to the Pacific Coast. He was recognized as one of the able lawyers of this section and commanded a lucrative practice at all times. He died at Hoquiam, Wash., in October, 1907.

A. M. Tyrer came to Albert Lea from New York in the early seventies and entered into partnership with E. C. Stacy in the name of Stacy & Tyrer, which partnership continued until his death in June, 1880, the firm of Stacy & Tyrer being one of the well known and recognized law firms of southern Minnesota and Tyrer being one of the actual trial lawyers of this section.

A. G. Wedge entered the arena in the late seventies and was at one time county attorney, but he was not regarded as a trial lawyer, but chiefly as a safe counsellor. He was city justice of the city for some time, but removed to Becker county several years ago and now resides in Minneapolis, where he is still engaged in the practice of his profession.

Thomas H. Armstrong came to Albert Lea from High Forest in 1874. He was admitted to the bar in Ohio in 1855. He served two terms in the lower house before coming to Albert Lea, once being speaker and one term as lieutenant governor. After removing to Albert Lea he was twice chosen to represent Freeborn county in the state senate and was a member of that body at the time of the Page impeachment trial. He never engaged in the [509] practice of law in this county, but entered the banking business, and followed that occupation continuously up to the time of his death in December, 1891.

John Whytock came to Albert Lea in 1878 and was actively engaged in the practice of law up to the time he was elected judge of the district court, which position he occupied at the time of his death in 1898. John Anderson located in Albert Lea in 1878 and continued to practice law in this city until 1906, when he moved to Devils Lake, N. D. During the time he resided in Albert Lea he was city attorney and held other responsible positions.

D. R. P. Hibbs was admitted to the bar in 1874 and practiced until 1876, when he entered into partnership with H. D. Brown in the banking business and thereafter made the banking business his chief occupation and seldom appeared in court in contested cases, although he handled, in an advisory capacity the legal interests of H. D. Brown & Co., and the different banks with which he became thereafter associated, including the Albert Lea National Bank and the Albert Lea State Bank. He died August 24, 1911. D. F. Morgan was admitted to the bar in 1878 and immediately entered into partnership with John A. Lovely, which

partnership continued until July 1885, when the name was changed to Lovely, Morgan & Morgan, by reason of Henry A. Morgan becoming a member of the firm. Under this firm name the partnership continued until 1891, when the firm was dissolved and D. F. Morgan moved to Mankato, and from there to Minneapolis, where he continued to practice law up to the time of his death in April, 1903. He was regarded as one of the ablest lawyers in the state; was a member of the house representatives from Freeborn county in 1889 and of the state senate from Hennepin county from 1895 to 1897.

O. Mosness located in Albert Lea in 1879 and remained here about three years, when he removed to Moorhead and never afterward resumed the practice of law in this county.

Ira A. Town was a product of Freeborn county and opened a law office in Albert Lea about 1878; was elected judge of probate and served one term, and shortly thereafter removed to Tacoma, Wash., where he succeed abundantly, both as a lawyer and as an investor, but met with misfortunes resulting from the financial panic of 1892-3, but we understand always was able to make good.

Herman Blackmer was admitted to the bar in 1873, was elected judge of probate in 1882, and served continuously as such judge until he was succeeded by A. U. Mayland in 1909, except that W. C. McAdam was elected judge of probate and served about a year of his term, expired term. During the time mentioned he has been engaged when he resigned and Judge Blackmer was appointed for the un in the active practice so far as his other duties would permit; [510] and has been connected with many cases of local importance.

R. M. Palmer located in Albert Lea in the late seventies and was one of the recognized and promising attorneys of this section of the country and commanded a large and lucrative practice and had every promise of a successful career when he was accidentally shot in 1883 by a companion while duck hunting at Bear Lake, and died from loss of blood before medical aid was obtainable. He was at one time a member of the firm of Palmer & McAdam, W. C. McAdam being the junior member of the firm.

W. C. McAdam came to Albert Lea from New York about 1881 and shortly afterwards entered into partnership with R. M Palmer, which partnership continued for about a year. McAdam was a literary individual and possessed of a great deal of political ambition, but never demonstrated any marked ability as a lawyer, but was more of an essayist than lawyer. He remained here for four or five years and was elected judge of probate, but resigned before the expiration of his term and removed from the city and state and never returned to resume the practice of his profession.

Herman Blackmer was appointed to fill the unexpired term, and by successive elections held the office up to the time that he was succeeded by A. U. Mayland, as before stated.

L. E. Dunn, E. A. Twitchell, E. S. Gjellum, J. F. McNerney, William Schoregge, W. F Stevens and H. G. Day are entitled to be listed among, and their several names appear among the reputable lawyers of the county, but it does not appear that any of them engaged in the trial of any cases in court, but on the contrary Mr. Dunn and Mr. Twitchell were engaged exclusively in the real estate, insurance and loan business, and Mr. Gjellum and Mr. McNerney opened an office in 1883 and retired from the business as silently as they came, and Mr. Schoregge and Mr. Stevens were engaged exclusively in the collection business and no records are available upon which to base further remark or comment. Mr. Day purchased the "Freeborn County Standard" in 1883 and has been engaged exclusively in the newspaper business ever since, although he is a recognized member of the bar of this county.

W. E. Todd was a graduate of the University of Wisconsin; admitted to the bar in July, 1881, and located in Albert Lea in August of the same year, when he entered into partnership with E. C. Stacy under the firm name of Stacy & Todd. This partnership lasted but a few months, when he engaged in practice as an individual and shortly afterwards entered into partnership John Whytock, under the firm name of Whytock & Todd. This partnership continued but a short time, and after its dissolution Mr. Todd practiced alone until the fall of 1897, when he entered into partnership with H. C. Carlson, under the firm name of Todd [511] & Carlson, which partnership continued until his death in November, 1899.

Henry A. Morgan was admitted to the bar in May, 1885; entered into partnership with John A. Lovely and D. F. Morgan as the firm of Lovely, Morgan & Morgan in July of the same year and continued as such until 1891, when the firm was dissolved and he continued to practice alone, except for a few months in 1892 when he was in partnership with Walter J. Trask under the firm name of Morgan & Trask, until July, 1901, when the partnership of Morgan & Meighen was formed, composed of Henry A. Morgan and John F. D. Meighen, which partnership still exists.

Walter J. Trask came to Albert Lea from St. Paul and entered into partnership with Henry A. Morgan under the firm name of Morgan & Trask, which partnership continued for six months, when Mr. Trask moved to Becker county and from there to Los Angeles, Cal., where he continued the practice of his profession with marked success and ability until he was suddenly stricken while at work and died almost instantly in May, 1911.

W. N. Crane was a product of Freeborn county and practiced to a limited extent in the city, but never opened an individual office. He was city attorney for a term or two, but finally moved to Minot, N. D., where he successfully engaged in the practice of law. He died in the prime of life in the year 1909.

R. S. Clements came to Albert Lea from Wisconsin in the early nineties and was admitted to practice, and by close attention to business built up a very promising business. He was elected county attorney in 1898 and held the office for one term, and at the expiration of the term and on account of failing health moved west and located in Idaho, where he has met with complete success.

H. C. Carlson is another product of Freeborn county. He graduated from the George Washington University, of Washington, D. C., in October, 1897, and immediately entered into partnership with W. E. Todd under the firm name of Todd & Carlson, and continued accordingly until the death of Mr. Todd, which occurred in November, 1899. Afterwards he continued to practice alone until a partnership was formed with H. H. Dunn in 1908 under the firm name of Dunn & Carlson, which partnership now exists. He has long since been

recognized as one of the able attorneys of the state and has earned and well deserves the title of a first class trial lawyer.

R. S. Farnsworth practiced law in Albert Lea for about five years and in 1901 moved to Ogden, Utah, where he resumed the practice of law and is now located.

Edwin A. Church came to Albert Lea from Cresco, Iowa, and entered into partnership with Warren Buel in the real estate business under the firm name of Church & Buel. His business was practically confined to real estate, and obtaining no law [512] practice he returned to Cresco, Iowa, within a short time.

H. H. Dunn located in Albert Lea in January, 1899, succeeding to the law practice of John A. Lovely, who was elected justice of the supreme court in the fall of the previous year. After the retirement of Judge Lovely from the supreme bench he entered into partnership with him and the firm name was Lovely & Dunn. The business was carried on up to the time of the last illness of Judge Lovely, which resulted in his death in January, 1908. Dunn came to Albert Lea From Fairmont, Minn., where he had gained an enviable reputation and made an enviable record as a practitioner. He has always commanded an extensive and lucrative practice and is listed among the ablest attorneys of the state. He served in the senate from Watonwan and Martin counties in the session of 1907; was elected mayor of Albert Lea in 1900, and was elected to the lower branch of the legislature from Freeborn county in 1910, and elected and served as of the house during the succeeding session.

John F. D. Meighen graduated from the University of Michigan in 1900 and was admitted to the bar in Michigan the same year. In February, 1901, he located in Albert Lea and after gaining the required residence was admitted to practice in Minnesota, and in July of the same year entered into partnership with Henry A. Morgan under the firm name of Morgan & Meighen, which partnership has continued to the present time. He is recognized as one of the able attorneys of the state and one of the most prudent, studious and careful lawyers to be found anywhere, and as a counsellor his opinions are regarded as safe, sound and reliable wherever he is known.

John G. Skinner is another Freeborn county boy and made his way and launched into the practice of law in the city of Albert Lea in 1900; was elected city attorney and served for a term or two, also serving a term as county attorney. He engaged in general practice and was connected with numerous cases of importance until he obtained an appointment as special counsel for the government in regard to land fraud cases, and as a result of such employment, requiring his attention in large sections of the west, he finally located at Helena, Mont., where he enjoys the benefit of a well earned practice.

C. E. Southwick located in Albert Lea several years ago, but made real estate his chief business. He was city attorney for a term or two, but soon apparently abandoned the law business here and returned to his former home and has not maintained an office here for several years.

A. U. Mayland was admitted to practice in 1895 and located in Albert Lea in 1896 and immediately entered upon the active practice of his profession and by close application, industry and honesty and demonstrated [513] ability has built up a lucrative practice and established an enviable reputation. He served two terms as county attorney from 1901 to 1905. He was elected judge of probate in 1908, which position he now holds and has filled with marked credit to himself and general satisfaction of everybody. In January, 1909, the partnership of Mayland & Peterson was formed, consisting of A. U. Mayland and J. O. Peterson, which firm is doing a prosperous business.

N. E. Peterson is a graduate of the George Washington University of Washington, D. C., and is another Freeborn county product. He was admitted to practice in 1903 and elected county attorney in 1906 and by successive elections has held the office and is the present county attorney of this county. He has served the county with credit to himself and distinguished ability. He is regarded as imminently fair and enjoys the confidence and respect of all who know him.

Augustus Armstrong, a son of the pioneer attorney of Freeborn county, was admitted to practice in 1900 and maintained an office and practiced law in this county for some time, but concluded to locate in the west and accordingly established himself in Seattle, Wash., where he has been engaged in the practice of his profession and now commands a prosperous and successful business in his chosen profession and calling.

T. V. Knatvold was admitted to the bar in about 1904, and afterwards was in partnership with H. H. Dunn under the firm name of Dunn & Knatvold for some time and has since been and now is actively engaged in practice of his profession in the city of Albert Lea and enjoys the respect and confidence of everyone. He represented Freeborn county in the state senate in the sessions of 1895-7-9 and 1901, and served with distinguished ability in that capacity.

J. O. Peterson, present city attorney, was admitted to the bar in 1907 and located in Albert Lea in January, 1909, and entered into partnership with A. U. Mayland under the firm name Mayland & Peterson. This firm is recognized as one of the reliable law firms of the county and Mr. Peterson is considered one of the promising attorneys of the county and regarded as trustworthy in every respect.

A. H. Bartlett, of Glenville, and H. B. Collins, of Alden, were both practitioners of the old school, but seldom, if ever, appeared in district court in contested cases. They were counsellors and advisors but not trial lawyers. They neither encouraged nor discouraged strife among neighbors and friends.

H. G. Latourell maintained an office at Alden for two or three years in the early nineties, but moved to Jackson county and has never returned to Freeborn county to resume the practice.

P. C. Cornish maintained a law office at Alden and practiced in the county and for a number of years and engaged in the [514] trial of cases of local importance and demonstrated considerable ability. In 1906 he removed to Jackson county and has not since engaged in the practice of law in this county.

The editors feel especially fortunate in having secured as the writer of this article, one who is not only recognized as the leading attorney of Freeborn county, but one who since 1880 has been prominently identified with practically every important litigation in this part of southern Minnesota. In order that a more extended biography than he

has given himself, be here preserved, the editors have secured the following sketch of his career

Henry A. Morgan came to Albert Lea in 1880 as a clerk and stenographer in the law offices of Lovely & Morgan (John A. Lovely and D. F. Morgan), and studied law in that office. He was admitted to the bar in May, 1885, and in July became a member of the firm. Ever since that time he has been continuously engaged in active practice as a lawyer at Albert Lea. During 1889-1890 he was city attorney at Albert Lea and from 1891 to 1899 the county attorney of Freeborn county. An excellent memory, an alert mind and an aggressive and essentially masculine make-up rendered him unusually successful as a prosecutor. From 1901 to the present time he has been in partnership with John F. D. Meighen, under the firm name of Morgan & Meighen. His practice has been general, ranging from the inferior courts to the United States Supreme Court, but its heavy and exacting requirements have never marred his companionable disposition, deadened the ringing tones of his powerful voice or injured his ability to tell an apt story. He is an active member of the State Bar Association, and also a member of the National Bar Association. Few present day lawyers have had more part in forming the statute law of Minnesota. Not only during his term as state senator (1903-1907), but ever since first entering the profession, he has taken active part in formulating measures that have been incorporated into the settled law of the state. Matters of game legislation, drainage legislation and court procedure have received his especial attention. In 1889, when city attorney, he drafted a city charter for the city of Albert Lea, known by lawyers as Chapter 10 of the Special Laws of Minnesota, 1889. This directed his attention to the question of municipal charters and local self government. As soon as the constitutional amendment permitting home rule charters in Minnesota was adopted, in 1898, Mr. Morgan commenced urging appointment of a charter commission to draft a home rule char-[515]-ter for the city of Albert Lea. This was done and he became an active and efficient member of the commission which drafted the charter adopted in 1902 by the voters and still in force. The provisions therein with reference to local improvements and franchises were nearly all prepared by him. At the time of its adoption he was mayor of the city of Albert Lea and his official certificate as such appears attached to the original duplicate copies of the charter filed as required by the state constitution in the office of the secretary of state and in the office of the city clerk. Ever

since that time he has taken an active interest in the amendments that have been made and is now president of the charter commission. Henry Augustus Morgan was born in Clarinde, Page county, Iowa, March 14, 1863, son of Harley Morgan and Ruth Dupray Morgan, his wife, both of Vermont, and descended from original Welch and Huguenot stock. He received his early education in the graded schools of Hesper, Iowa, and in the Albert Lea high school, from which he graduated in 1882. As already related he has devoted his life to the practice of law. He has been a director in the Albert Lea State Bank since its organization. Fraternally he was a charter member of the local Knights of Pythias Lodge, and he also belongs to the Blue Lodge, Chapter and Commandery of the Masonic body, as well as to the Royal Arcanum. For the past twenty-five years he has been a leading spirit in all organizations for the betterment of civic and business conditions, being at present a member of the Business Men's League. September 1, 1886, he married Helen A. Hall, daughter of Albert and Anna P. (Parker) Hall, natives of Maine, and this union has been blessed with two children Philip, who died when 7 years of age and Barbara J. □

CHAPTER XLII.

APPENDIX.

Famous Law Cases — The Kreigler, Carbury and Wing Homicides — Ruble's Alleged Claim to the "Court Square"

As an appendix to his able article on the Bench and Bar of Freeborn county, Hon. Henry A. Morgan, has prepared a statement of some of the famous court cases in Freeborn county as follows:

Kreigler Trial and Execution. On May 6, 1859, occurred the first deliberate murder in the county, when Henry Kreigler, a half-demented German, deliberately and "with malice aforethought" took the life of his highly respected and kind-hearted neighbor, Nelson Boughton, in the presence of his family at the latter's home two and one-half miles east of

the present village of Emmons. Kreigler has married a German widow who had a son about ten years of age whom he so shamefully abused that they left him, and Boughton's only offense was that he kindly let them stay at his home. On this fateful day Boughton had just arrived at his gate with a load of hay when Kreigler came along. Boughton called his attention to threats he had heard Kreigler had made that he would kill Boughton, and asked if then was not a good time. Kreigler at once drew a large dirk knife and proceeded to unwrap a string from around its blade. Boughton doubtless thought it a bluff and began lightly rapping his murderer over the hands with his pitchfork handle. As soon as the knife was ready Boughton was instantly stabbed three times and died in a few moments. Kreigler was at once arrested, brought to Albert Lea and indicted at the September term for murder in the first degree. A change of venue was taken to Steele county, where he was tried before Judge N. M. Donaldson, found guilty and sentenced to be hung March 1, 1861, and was executed accordingly.

The day of the execution was a lovely one. The deep snows of the previous winter were nearly gone, although a sleigh was used to convey the condemned man to the scaffold and to convey the remains to their final resting place a mile east of the Milwaukee depot. It was many years before Albert Lea again saw [860] so large a crowd. People flocked to the scene of execution from Mankato, Faribault, Winona, and nearly all the Minnesota towns to the east, and it was conservatively estimated that over four thousand people witnessed the event. It was a sober, quiet throng, as the two saloons had closed their doors the night before and liquor could not be obtained until after the close of this sad drama.

The gibbet was erected in Broadway on a low knoll at the foot of court house hill, nature forming a perfect amphitheater around which nearly every family in the county had gathered. When Sheriff James Robson and assistants entered his cell Kreigler showed no fear, and assisted in donning his white shroud and combed his hair in perfect composure. Though he had repeatedly been told that he must die, he did not seem to realize it until he reached the brow of the hill west of the court house, where he came in sight of the scaffold and assembled people, when his pale face, covered with great beads of perspiration, silently told his mental anguish. The exercises at the gibbet were very brief, not lasting more than fifteen minutes. Rev. A. Matson, pastor of the Methodist

Episcopal church, offered a most fervent prayer and talked to the condemned man in the most kindly spirit, commending him to a merciful Saviour; but his remarks fell on deaf ears, the only response being "Me a poor man, me got no money." His crying could have been heard a half mile away, but was quickly silenced by the fateful rope.

The first trial occurred in Albert Lea, and the district attorney, O. F. Perkins, of Faribault, and J. U. Perry, of Albert Lea, prosecuted; while Charles McClure, of Red Wing, and Augustus Armstrong, of Albert Lea, were appointed to defend him. The jury was illegally drawn and a new trial was ordered. In March, 1860, a change of venue was taken to Steele county, where the accused was first tried as to his sanity, Attorney General Gordon E. Cole and J. U. Perry appearing for the state and O. F. Perkins and Augustus Armstrong for the defense. A jury pronounced him sane, and in May, 1860, he was again tried and the jury this time failing to agree, another trial was necessary, in December of the same year. This time, D. G. Parket appeared in place of J. U. Perry. Kreigler was again tried for his sanity and being again proven sane, was tried, found guilty and sentenced to be hanged.

Carbury Case. About six o'clock in the evening of August 17, 1895, at a time when Clark street was thronged with citizens, a man rushed into the street from the rear of Staunch's saloon pursued by another who overtook him in the middle of the street where the fatal assault was witnessed by a large number of passersby. Thomas Carbury was the assailant and John Gillen the victim. [861]

They were both comparative strangers in the city, although Carbury had a family and had lived here a short time, while Gillen had never made his home here and was a mere transient visitor. Carbury and Gillen in company with two or three others had been drinking beer under the Staunch shed during the afternoon and a quarrel ensued in which it is believed that others took a hand and that Carbury was not the only assailant of Gillen. But, in spite of the most rigid investigation, and owing either to the reluctance or intoxication of those who might have cleared up the mystery and revealed the whole tragedy, the state was never able to secure any satisfactory history or explanation of just what did occur in the hidden interior of the saloon shed. It appeared conclusively that but one blow was struck in the street, and that with the naked fist, and that no weapon of any kind was used by Carbury in this

assault; but, in spite of the absence of a weapon, eye-witnesses testified that Gillen, when struck, involuntarily doubled up like a jack knife and was unconscious when picked up and lived but a short time. The autopsy showed that the skull was fractured so that the whole top of the cranium was displaced, which could not have been the result of a single blow of a clenched fist by such a man as Carbury who was small and physically weak from army service and dissipation. The theory of the writer always has been that Gillen was struck with a weapon and his skull fractured before he left the shed, and that the blow administered in the street caused the displacement and consequent paralysis, and that had not a previous fracture been made the street blow could not have resulted so disastrously.

Carbury was indicted at the December term 1895, and tried in January, 1896, the trial lasting three days and resulting in a verdict of guilty of manslaughter in the second degree, for which he received a sentence of five years in the penitentiary. The case was tried before Judge John Whytock.⁴ Hon. H. W. Childs, attorney general; Henry A. Morgan, county attorney, and R. S. Clements, assistant county attorney, conducted the prosecution; while the defense was ably handled by W. E. Todd. This tragedy had much to do with Albert Lea voting “dry” at the following election.

Wing Case. In the fall of 1899, Albert Lea suffered from an epidemic of smallpox, and naturally many were opposed to going to the pest-house even when afflicted. The statute then gave the board of health authority by proper proceedings to remove any afflicted one to the pest-house if such person was without proper food or accommodations, or housed in a room occupied by more than one family, or in hotel, inn or boarding house, etc. Fred Wing was isolated in his own bed room upstairs in his own [862] home, which was duly quarantined, and where he was being cared for by his parents and was in no sense “without proper food or accommodation,” nor did he come within any of the provisions of the statute authorizing his removal against his will or against the wishes and without the consent of his parents. His father, Charles B. Wing, and the whole family strictly observed the quarantine regulations, and Wing Sr. notified the board of health and public authorities that his son

⁴ MLHP: A profile of Judge Whytock will be posted on the MLHP in the near future.

should not be removed to the pest-house, and forbid the officers to enter his house for that purpose. In face of this warning a number of police and health officers with an exaggerated idea of their authority, and in defiance of the rights of the members of the Wing household, forcibly entered the house for the purpose of forcibly removing the young man to the pest-house, which attempt was forcibly opposed by Charles B. Wing, the father. Among the officers engaged was Judson H. Randall, a special quarantine policeman, and in the struggle that ensued. Mr. Wing used a small stove lifter and also a small section of a broom handle, the latter being broken and the former being the weapon with which the fatal blow was evidently struck. The officers finally abandoned the attempt and Mr. Randall returned with the other officers up town and on the way stated that Wing gave him an awful blow, but further than this seemed to suffer no more than would naturally result from a stinging blow of the kind with a light weapon. This was in the forenoon of November 4, and about noon Mr. Randall took to his bed where he soon lapsed into unconsciousness and died November 6, without regaining consciousness. The autopsy revealed the fact that the blow, evidently from the stove lifter had caused a fracture of the thin temple bone and a fragment so pressed against the brain as to cause the paralysis that resulted in death as stated, although a very simple operation would have relieved the pressure and insured a complete recovery. Such an operation was timely and urgently advised by physicians, but the family would not permit it and the unfortunate man's life was thus sacrificed. Mr. Wing was indicted February 8, 1900, charged with murder in the second degree, and tried at the same term. On the seventeenth of February, after a trial that lasted several days, he was acquitted. Judge Nathan Kingsley presided at the trial, and the prosecution was conducted by Hon. Wallace B. Douglas, attorney general, and R. S. Clements, county attorney, while the defense was handled by Lafayette French⁵ and Henry A. Morgan.

The foregoing constitute a complete list of the homicide cases with which the records of the county have in the past been encumbered.

⁵ MLHP: For profiles of Lafayette French, see my "Foreword" to French's "Bench and Bar of Mower County (1911)" (MLHP, 2010), and "Lafayette French Sr., and Lafayette French, Jr." (MLHP, 2010).

Ruble Case. Many notable civil cases have been tried in this [863] county, but to make special reference to them would immediately be considered discriminating. The fact is, that owing to the central location of Albert Lea, and exceptional railroad and business opportunities in the city since the settlement of the county, Freeborn county has been the field for a great deal of important litigation, and on several occasions in recent years the number of days of court held in a single year in this county has equalled, and in some years exceeded, the aggregate number of days of court held in the other three counties of the district. We feel not only justified, however, but consider it a part of our duty to briefly refer to the case of George S. Ruble against Freeborn county, which was tried and finally disposed of in the month of August, 1883. This case was important in all of its features and directly concerned every inhabitant of the county for the simple reason that it challenged and brought in question the title of the county to "Court Square," where the county buildings, consisting of the jail, sheriff's residence and the court house, were then situated. The town site of Albert Lea was located and platted before the county seat was definitely located.

George S. Ruble was one of the original town site proprietors and owned all the land embraced in the town site east of Broadway street, and platted it into blocks and lots, except "Court Square," and the streets and alleys designated on the plat which was made by C. C. Colby, engineer, and filed at Mantorville, where such records were then required to be kept. Court Square was clearly designated on the plat. This was in 1856, and thereafter the county built a jail and sheriff's residence and court house on the property, and continued to use it for counter purposes. In 1881 George S. Ruble challenged the title and brought suit to recover court square from the county, claiming that the county had never purchased the property and that he had never dedicated it to the county. This suit was brought by Sherman Page, formerly judge of the district court, as attorney for Mr. Ruble, but shortly after the commencement of the suit Mr. Page gave up the practice of law and moved to Pasadena, Calif., and James H. Parker, of Albert Lea, and William Ely Bramhall, of St. Paul, conducted the case for Mr. Ruble. The interests of the county were in the hands of John A. Lovely, county attorney, and his law partner, D. F. Morgan. Judge Farmer, of this district, invited Hon. Thomas Buckman of Faribault to preside at the trial and the case was tried before him and a decision rendered in favor of the county confirming the title in the county and

forever setting at rest any adverse claims. The title of the county rested upon the dedication by Ruble as evidenced by his plat and by his oral statements from time to time, which were [864] reproduced and related by a host of witnesses, most of whom have since crossed the “Great Divide.” ■



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