

Judge Ozro B. Gould

(1840 -1907)



HON. O. B. GOULD.

(ca. 1895)

Ozro Barnes Gould

(April 17, 1840 – January 16, 1907)

Ozro Barnes Gould arrived in Winona in 1867 and began practicing law. Ten years later he formed a partnership with Arthur H. Snow, the firm being known as Gould & Snow. It was dissolved in January 1895, when Gould received a gubernatorial appointment to fill a vacancy on the Third Judicial District. The reasons for his appointment are obvious: he was a respected lawyer and long-time resident of Winona, a Republican who had served in the legislature and a Civil War veteran.

Some months after his appointment, a volume of biographical sketches of prominent Winona County residents was published. It included his portrait:

HON. OZRO B. GOULD, lawyer, came to Winona in the autumn of 1867, and began practice in January following. His legal studies had been pursued in the office of Lee A. Brewer, of Tiffin, Ohio, and at the University of Michigan, where he graduated with the law class of '67. He was of New England parentage, his father, Ozro A. Gould, being a native of Rutland County, Vt., from where in early life he emigrated with the family to Genesee County, N. Y. In that state the greater part of his life was passed, and there in 1832 he married Mary A. Barnes, daughter of Elisha Barnes, of Middletown, Conn. In 1837, having purchased a considerable amount of notes and commercial paper which had been given to people in Canada, he removed there to look after his investments. Owing to the disturbed condition of affairs incident to the panic of that year and the Canadian rebellion, returns came in slowly or not at all, and Mr. Gould engaged in other lines of business to help out, remaining in her Majesty's dominions until his death, which occurred at Toronto, December 15, 1845.

The subject of this sketch, the only child of his parents, was born in Canada, April 17, 1840. Upon his father's death his mother returned with him to the States, where she died three years later, at Attica, N.Y. In 1849 Ozro was taken by an uncle, Isaac N. Howe, to live upon a farm in Sandusky County, Ohio. The uncle dying soon after, the boy at the age of fifteen struck out for himself. Having no fortune but good health and a strong constitution, he labored at such employment as he could find, attending school at odd times when opportunity offered. In 1861 he enlisted as a private soldier in Company G, Fifty-fifth Ohio Infantry, and served during the war, being discharged as Captain of the company in July, 1865. He was wounded and taken prisoner at the battle of Chancellorsville, Va., May 2, 1865. Released on parole, he commanded a division of the Parole Camp near Washington during the summer of 1863. Joining his regiment in northern Alabama in the fall of that year, he participated in the battles of Lookout Mountain and Missionary Ridge under Grant, and the following year was in Sherman's campaign against Atlanta and on the march to the sea.

Mr. Gould was largely instrumental in securing the establishment of a home for the care of soldiers' orphans, which was located at Winona. He served as a member of the State Board by appointment of the Governor and acted as the local Director. In 1880 he was elected to the lower house of the State Legislature, serving for the regular and special sessions of 1881. At the special session impeachment proceedings were begun against one of the District Judges, and Mr. Gould was selected as one of the managers on the part of the House. The trial before the Senate lasted until March, 1882, and resulted in the removal of the accused officer.

Mr. Gould takes an active interest in public and business affairs, having been a promoter and director in several manufacturing and other corporations. In politics he has always been an earnest Republican, and in religious matters claims for himself and allows to others the utmost latitude of opinion.

In July, 1865, he was married at Chicago, Ill., to Miss Mary E. Couse, a graduate of Butler University, Ind., and of the Cook County Normal School, and teacher in the State Normal School at Winona. She was a daughter of Andrew Couse, of Woodstock, Ill. Mrs. Gould died at Winona, April 9, 1892, leaving three children: Ozro C., Mary and Ralph Fulton.

The following extracts from a recent number of the *St. Paul Pioneer Press* in reference to the latest honor conferred upon Mr. Gould will doubtless be of interest to his many friends:

"Governor Nelson yesterday appointed O. B. Gould, of Winona, to succeed Chief Justice Start as Judge of the District Court of the Third Judicial District. Mr. Gould's appointment is said to be highly satisfactory to the Bar of the district. He is about fifty years of age, and has been a resident of Winona over twenty years. He has been a member of the State Legislature, and served in an Ohio regiment during the Civil War."

"O. B. Gould, of Winona, who was appointed District Judge yesterday to take Judge Start's place, will now be glad that he was not nominated for Clerk of the Supreme Court. Judge Gould is a loyal Republican worker, who has never received much from the party, and the honor is doubly

merited and doubly acceptable on this account. " ¹

But Gould's service on the bench was, contrary to the expectations of the *Pioneer Press*, not satisfactory to the local bar, or at least some members, or the Democratic Party. Under state law, he was required to run in for a full term the following year. Unexpectedly if not shockingly, he was opposed by Arthur Snow, his former partner. The election on November 3, 1896, was not close:²

Arthur H. Snow.....8,549
Ozro B. Gould.....5,438

The following year, another history of Winona was published, this one "written for and under the auspices of the Winona County Old Settlers' Association." Its author, Lafayette H. Bunnell, lamented the outcome of the recent election and placed blame on its alleged "non-partisan" nature. In a profile of Judge Gould, Bunnell repeats bar gossip, notes that Snow is a Democrat, but omits mentioning that they practiced together for almost eighteen years:

Col. O. B. Gould, though not a very "old settler," is entitled by his merits and his work in behalf of the people of Winona county and of the State, to a high eulogium. He has been a faithful and upright officer and representative, and for a time a judge of our District court. Judge Gould came to Winona in the fall of 1867, and in January, 1868 commenced the practice of law, a profession he had fitted himself for by study in Ohio and at the University of

¹ *Portrait and Biographical Record of Winona County, Minnesota: Sketches of Prominent and representative Citizens of the County* 167-68 (1895) (the photograph on the first page is taken from this book).

² 1897 *Blue Book*, at 492. The Third Judicial District included the counties of Olmsted, Wabasha and Winona. Snow carried each county.

For more on Snow, see "Arthur H. Snow (1841-1915)" (MLHP, 2010-2011), and Snow's "Bench and Bar of Winona County" (MLHP 2010).

Michigan, where he graduated in the class of '67.

Although by birth a Canadian, having been born in Canada April 17, 1840, his father was a native of Vermont, and his mother of Connecticut, and when the war of the rebellion was inaugurated, young Gould, then but 21, felt that he was by inheritance an American, and must fight for the country of his parents and for freedom. Having gone to Ohio, he enlisted in 1861 in Company G, 55th Ohio Infantry, as a private soldier, and in July, 1865, was mustered out as captain of the same company, after serving through the war. At Chancellorsville, Va., on May 2, 1863, he was wounded and taken prisoner. Released on parole, he commanded a division of the parole camp near Washington during the summer of 1863. Joining his regiment in northern Alabama in the fall of that year, he participated in the battles of Lookout Mountain and Missionary Ridge under Grant, and the following year was in Sherman's campaign against Atlanta and on the march to the sea.

Col. Gould was commissioned to an important position on the staff of the governor, having the rank of colonel, and was largely instrumental in securing the establishment of a home for the care of soldiers' orphans, which was located for some years in Winona. He served as a member of the State board by appointment of the governor, and acted as the local director. In 1880 he was elected to the lower house of the State Legislature, serving for the regular and special sessions of 1881. At the special session impeachment proceedings were begun against one of the district judges, and Mr. Gould was selected as one of the managers on the part of the House. The trial before the Senate lasted until March, 1882, and resulted in the removal of the accused officer.

Col. Gould takes an active interest in public and business affairs, having been a promoter and director in several manufacturing and other corporations.

In politics he has always been an earnest and unswerving Republican, though while a judge of the District court he maintained his dignity and independence without being offensively partisan.

Most of the foregoing has been taken from a biographical record, with some amendments and additions, but there are a few lines added to round out the completeness of this sketch.

Gov. Nelson, a staunch Republican, would have none but a well-known Republican to succeed Chief Justice Start as Judge of the District court of the Third judicial district. Colonel Gould's well-known devotion to his party in the past, and his legal knowledge and ability were sufficient recommendation, and unsolicited and even unexpectedly, he was appointed as Judge Start's successor. It is always a difficult matter for any one outside of the circle of management of party politics, or *even of railroads*, for they are often related, to judge of what might or might not have occurred if Judge Gould had not been appointed as he was, but it is an open secret with several members of the bar that in his appointment the office was saved from being diverted to another person in another county.

For many years past it had been the custom of the bar of the district to recommend some one of their number to be voted for by the people as a non-partisan candidate to fill the office of district judge at an election preceding the expiration of a term of the office. In accordance with that custom Mr. Gould was chosen by a large number of his

associates of the bar, and he was announced on the ticket as a *non-partisan* candidate for the office. It may not be very creditable to the intelligence of many Republican voters who did not vote for him, but it is a fact, nevertheless, that to the word *non-partisan*, distorted into a hoodoo is principally due the defeat of Judge Gould at that election. His competitor for the office, a Democrat, Hon. A. H. Snow, had been in practice in Winona for many years, had been mayor of the city, and was widely known as a man of studious habits and liberal learning, having graduated from the University of Michigan, his native State. Since his election to the office of judge of the Third judicial district, Judge Snow seems to have sustained his reputation for cautious manipulation of the law, and his ambition seems to be to maintain the dignity of his office, and guard against having his decisions reversed.

The moral to be drawn from the last exciting political campaign is that politicians, in church or state, had better follow the banners of their party.

In July, 1885, Mr. Gould was married at Chicago, Ill., to Miss Mary E. Couse, a graduate of the Butler University, Ind., and of the Cook county Normal School, and teacher in the State Normal School at Winona. She was a daughter of Andrew Couse, of Woodstock, Ill. Mrs. Gould died at Winona April 9, 1892, leaving three children, Ozro C, Mary and Ralph Fulton.³

Arthur Snow was re-elected in 1902, 1908 and 1914. He died on May 14, 1915, at age seventy-three. Gould did not live as long. He died on January 16, 1907, at age sixty-six. On March 30th, the Winona County Bar Association presented the following memorial to him in district

³ Lafayette H. Bunnell, *Winona (We-no-hah) and Its Environs on the Mississippi in Ancient and Modern Days* 542-43 (1897) (emphasis in original).

court, the honorable Arthur Snow presiding:

Ozro B. Gould was a native of Ohio and of New England parentage, though born at Brantford, Canada. He was educated in the common schools of his native state and was preparing for college at an academy at Republic, Ohio, when the outbreak of the Civil War put an abrupt end to his school work. He enlisted Sept. 15, 1861, in the 55th Regiment of Ohio volunteers. His first army service was in West Virginia. Later he was on duty in the Valley of the Shenandoah, and finally with the Army of the Potomac. At the battle of Chancellorsville he was wounded and taken as a prisoner. Upon his release he rejoined his regiment and was made Second Lieutenant. He fought through the Chattanooga campaign, marched with Sherman to relieve Burnside at Nashville, and later to the sea. At the close of the war he participated in the grand review at Washington. Returning to Ohio he read law in the office of Lee & Brewer at Tiffin, and then took the law course at the University of Michigan. He was admitted to the bar in 1867 and located at Winona in the fall of that year.

His first official position in Minnesota was that of Local Director of the Soldiers Orphans Home at Winona. In 1880 he was elected to the legislature, and subsequently served as a member of Governor Hubbard's staff. He was appointed judge of the district court for the third judicial district and served during the years 1895 and 1896.

July 1st, 1901 he was appointed a member of the State Board of Control and there continued to serve the state until he died on the 16th day of January, 1907.

He was married July 1st, 1885 to Miss Mary Couse who died in 1892. July 1, 1899, he was married to Miss Etta Thomp-

son who survives him, as also three children Ozro C. Gould, Mary Gould and Ralph Gould.

He practiced at this bar for many years and from 1877 until he went upon the bench in January, 1895, was a partner of the present judge of this court — the firm name being Gould & Snow.

In addition to his law practice he had a number of commercial interests in Winona. At one time he was largely interested in real estate ventures, being one of the proprietors of Cummings-Vila & Gould's addition at the west end of the city. He was one of the incorporators of the old Winona Building & Loan Association, and for many years was president of the Winona Wagon Company.

This in brief is a sketch of the events in the life of Judge Gould which may be known to all the world for the asking. But the bald enumeration of these events in the life of a man, gives no hint of his character, and it is by his character more than by anything else, that a man should be remembered by his friends and judged by the world. What manner of man was he of whom this memorial speaks? Those who knew him best agree in pronouncing him a man of independence and strength of purpose. As a youth he was bent on getting an education. By teaching school for a short time he earned a small sum of money with which he went to Chicago to engage in study there, but his money gave out sooner than he had expected and rather than ask for aid from anyone, he tramped his way back to Ohio. While in the army he studied whenever he had an opportunity and managed to take a course in algebra, studying by himself.

As a young man he saw much of men. Early thrown upon

his own resources he got from his contact with the world the kind of knowledge that is not taught in books or schools. The hard knocks that a boy gets living among the hardy pioneers of a new state, and then doing duty as a soldier, had much to do with shaping his character. By nature he was quick tempered and impulsive, and like most men of that type he was also generous and sympathetic. His early environment and the hard discipline of army life, taught him patience and self-control. Courage too was his, and his integrity was never doubted. In his earlier years his warm blood made him apt to become a partisan. He was likely to see one side of a question and to override all objections to it, but as he grew older this characteristic yielded to the influence of greater tolerance for the opinions of others, and he became more and more open-minded and considerate. He himself felt that the last years of his life were the best, because of the continual widening of his horizon. He formed his own opinions and was no respecter of authority. In all of the vital beliefs of a man, he relied largely upon his own intelligence. Frank and open as respects his convictions, he was not often diplomatic in expressing them or giving them effect.

He took a genuine pleasure in work that he believed to be useful to the public. He was enthusiastic and tireless in his work for the Soldiers Orphans Home and one of the great satisfactions of his life was the knowledge that he had there done something of value for the orphan children of fellow soldiers. Again in the Board of Control, while at first he found the work distasteful, he finally came to delight in it, because he felt that the unfortunate wards of the state could be helped by him, and that his position gave him an opportunity such as comes to few men of helping those who most need help.

As a lawyer he was always fair and honorable in all his

dealings. We who practiced with him can all testify that his word was absolutely good, and that he would fight in the open and above board. He had no patience with subterfuges, justly regarding them as a sign of weakness of character. He admired stamina and persistence and was for meeting men full, front and then letting the best man win.

Of his family life, we who know so little can only speak in general terms. If it be true that after all, the real test of a man's life is found in his family relations, we should say of him that in this respect his life had no flaw. He was a devoted husband and father. He was happiest and at his best in the domestic circle. His companionship with his children was quite unusual. Always a nature lover, he delighted in their company in long walks in the country, and taught them to see the beauties of the out-door world in a way they can never forget. We cannot appreciate, we can only deplore, the loss his widow and children have suffered in his untimely death, for as years count he was not yet an old man. He lived and died bravely, meeting death as he had met the misfortunes and afflictions that came to him in life with firmness and courage. His life was an honorable and useful one. He played the part of a man, faithfully and well. He leaves to those who most deeply mourn him the priceless heritage of a good name.

/S/ Edward Lees

/s/ H. L. Buck

/s/ W. D. Abbott

C O M M I T T E E

On January 17, 1907, the House of Representatives passed the following resolutions in honor of Gould:

MOTIONS AND RESOLUTIONS

...

Mr. Nolan, W. A., offered the following resolution:

WHEREAS, It has pleased a Divine Providence to remove from this sphere to that of the realms beyond the grave, Major O. B. Gould of Winona County, a member of the state board of control for many years a member of the judicial bench in the southwestern portion of Minnesota, and for several terms an honored member of the Minnesota Legislature; therefore, be it

Resolved by the House of Representatives that in the death of Judge Gould, the state has lost an honest and upright citizen ever careful and watchful of the interests of the state, a noble soldier, a distinguished jurist, and an able legislator.

Resolved further, That a copy of these resolutions be properly engrossed and prepared and sent to the near relatives of the deceased.

Resolved further, That the Speaker of this House be and is hereby authorized to appoint a committee of nine members from this House to represent the same at the funeral services of the deceased

Which was unanimously adopted by a rising vote on motion of Mr. Nolan, W. A.⁴

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Posted MLHP: October 30, 2011;
Expanded April 3, 2013; House resolution added,
November 12, 2015.

⁴ Journal of the House of Representatives, Thursday, January 17, 1907, at 74.