

**“The Bar Examination of Stewart Harvey” \***

BY

WILLIAM LOCHREN

IN

HISTORY

OF THE CITY OF

MINNEAPOLIS

MINNESOTA

PART I.

ISAAC ATWATER,  
EDITOR.

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\* MLHP Editor: This anecdote is taken from William Lochren’s “Interesting Reminiscences of Early Practice and Practitioners” that appeared first on pages 479-483 of the first volume of Isaac Atwater’s history of Minneapolis. It has been reformatted. The title has been added by the MLHP. Judge Lochren’s spelling and punctuation have not been changed. Stewart Harvey’s exam occurred in 1859 or 1860.

## **“The Bar Examination of Stewart Harvey”**

Money was scarce, and the chances of the younger lawyers for fees not very promising, but good feeling and love of fun prevailed generally. One Stewart Harvey had a cause for trial, and being without money quarreled with his attorney, so that he was apparently helpless when his cause was called. But a half dozen of the younger attorneys took hold, without asking, and helped him through the case, resulting in disagreement of the jury. Harvey was a man of phenomenal vanity, and could be imposed upon to any extent, if the imposition included flattery. At the close of his trial he inquired of one of his young assistants if he might not himself be admitted to the bar, and was informed that nothing would be easier, that the examining committee had a routine set of questions, which a little study would enable him to master, and he would pass triumphantly.

Harvey begged him to write out for him this list of questions with the answers, which he consented to; and nearly the entire bar participated in preparing about 50 questions with ludicrous answers to each. Harvey committed the whole to memory in a few days and applied for examination, which was had one evening in the Nicollet House parlor, before a crowded audience, including Judge Hamlin. Two young men volunteered as candidates to keep up the deception; the examiner having a list of Harvey's questions to ask as his turn came, and to which the prompt answers kept the audience in a roar of merriment, while the examiner by running comment on the answers of the other candidates kept Harvey in the belief that all the laughter was at their expense. Two or three questions and answers will serve as samples of Harvey's examination:

Question. What is an escrow? Answer. An escrow is an incorporated hereditament. It is the right which a man hath to set up a scarecrow up on another man's land to scare the crows from his own corn.

Question. What is a mandamus? Answer. A mandamus is an oath administered by the sheriff to a convict when passing him through the inner door of the state prison, and is in these words:

“Damn you, stay there, till you have undergone the penalty of the law, or are legally discharged.

Question. What is the first action of ejection of which we have any record? Answer. That in which the seven devils were cast out of Mary Magdalen.

Harvey went through the whole list without a break and with evident elation at his apparent success, softened by some commiseration for the other two candidates, whose failure had, as he thought, caused such uproarious mirth. He ordered the landlord to bring liquid refreshment for all present, and left with the certainty that the next morning he would be admitted a member of the bar. The committee, however, delayed, and evaded his importunities, and after awhile, by the counsel and with the aid of his young advisers, he prepared and presented to the judge a petition stating the fact of his examination and having supplied the committee with the potables to which by custom they were entitled, and charging that, through the instigation of the devil and of their own mere malice, they would not report. And he prayed that a guillotine might issue forthwith to compel performance of their duty.

Poor Harvey was long in finding out that he had been victimized. When he did, he began the study of law in earnest, and after a very creditable examination was admitted by the Supreme Court two or three years later, and soon after went East.

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