

“Bench and Bar of Norman County” *

IN

HISTORY

OF

Clay and Norman Counties

Minnesota

THEIR PEOPLE, INDUSTRIES AND INSTITUTIONS

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AND

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CHAPTER VII.

THE BENCH AND BAR.

Norman county has never been much given to litigation. However, in common with all parts of the country, there has been a field here for a certain number of lawyers, whose services have been useful in the settlement of such matters as the citizens of the county have been unable to adjust among themselves. The well-schooled, diligent lawyer has a place in all parts of the world where civilization and commerce obtain. Men do not always obey the law and sometimes have a wrong conception of it, hence in such instances it is the province of the lawyer to make clear the meaning of the law and thus harmonize difficulties which arise in the community. It is the duty of our representatives to enact laws for the government of the people, and then it devolves upon the lawyer to aid the citizens of a given community in explaining the law, as between men who may disregard the rights of one another in personal and business relations.

The lawyer, the minister and the physician are usually found in the vanguard of settlements in almost every country. The one seems to be as much needed as the other. They each and all have an honorable place in the community. The first lawyers located at Ada and, generally speaking, most of the attorneys have lived in the county seat. There are, however, at this time, two in outside villages—A. O. Ueland, at Halstad, and O. J. Ostensoe, at Twin Valley.

The first county attorney, Gib A. Lane, was doubtless the first man in this county to practice law. D. H. Fisk was here at the time of the organization of the county and for a number of years thereafter. He removed to the state of Washington and practiced law there nearly twenty years. Later he returned to Minnesota, located in Bemidji, where he engaged in the practice of his profession.

Gabriel Bjornson was an early settler in Ada, and besides officiating as judge of probate, a position which he held until his death, he also

engaged in the practice of law. He was not a man in robust health, and confined his practice mostly to that of counselor. He was a man of keen intellect and studious habits, and with his large law library was well fitted to give counsel. [350] His judgment was said to be sound and reliable. After his death, his law library was sold to attorney Eli B. Larson, and these old volumes may now be found in the law office of Attorney M. A. Brattland.

EARLY LAWYERS.

Prior to 1892, the lawyers of the county were: D. H. Fisk, Gib Lane, H. H. Phelps, John M. Martin, John O’Gorman, Andrew P. Havrevold, Eli B. Larson and W. W. Calkins.

Gib Lane practiced law at Ada in the eighties and about 1885 went to the far west where he died.

John O’Gorman practiced law at Ada from about 1885 to 1887. He was law partner of John M. Martin, above mentioned. Mr. O’Gorman removed to either St. Paul or Minneapolis and there resumed his legal practice.

W. W. Calkins was well established in his law practice in 1890, and remained in Ada until about 1903 when he removed to Eugene, Oregon, where he is now engaged in the banking business. In 1903, he sold his law business to the Gray brothers, who came from Fillmore county, Minnesota. Mr. Calkins was probate judge of Norman county from 1890 to 1894. He had for a law partner at one time H. H. Phelps, under whom he had studied law. Later Calkins was associated with Peter Sharpe.

The Gray brothers dissolved partnership, Archey Gray returning to Fillmore county, his old home, and is now clerk of the district court in that county. The other brother, Andrew D. Gray, went to Spokane, Washington, in 1906, where he still practices law.

Frank Calkins, brother of W. W. Calkins, was a partner of this brother at

Ada, from 1896 to 1900. At that time he moved to Ashland, Oregon, practiced there for a time, was appointed court reporter and later appointed district judge, to take the place of the judge under whom he had served as court reporter. He was then elected judge and reelected to the same bench in the fall of 1916 for another six-year term.

John M. Martin was numbered among the early attorneys of Norman county. In 1890, he moved to the city of West Duluth, practiced there a while and finally located in the Iron Range country, and died at Virginia, St. Louis county, Minnesota. He was elected mayor of West Duluth on the Labor ticket in 1893. He was interested in many of the early law cases in Norman county, as is well remembered by the pioneers, some of whom are still residing in the county. [351]

H. H. Phelps, brother-in-law of the present county auditor, D. E. Fulton, was among the prominent early-day lawyers. He held the office of county attorney for several years and in the autumn of 1890 became established in a lucrative practice at Duluth, where he still resides and is engaged in a successful law practice. In Ada, he was a partner of D. H. Fisk, and later of W. W. Calkins.

Eli B. Larson came to Ada about 1886, and was then a practicing lawyer. He was a graduate of the University of Minnesota, in the liberal arts department, and later graduated from the law department of St. Louis University. He is remembered by the citizens of the county as a strong prohibitionist, and, the Prohibition party not being strong in the county, he was unable to get elected to office. In 1890, however, he was elected county attorney by the combined Prohibition and Farmers Alliance vote of the county. He was a very conscientious man and died in the prime of his life, his death occurring in 1893, during his first term as county attorney. His law library and business was sold to M. A. Brattland, also a graduate of the law department of the University of Minnesota. After graduating in 1889, Brattland practiced his profession in McIntosh, Minnesota, until he removed to Ada, in 1893. He is still a member of the Ada bar.

Mr. Brattland has acquired an extensive practice in the law, and is rated a very able attorney. He has served at various times as judge of probate and as county attorney, and was elected to the latter office in 1906, running on the Socialist ticket, though the balance of the ticket drew but few votes. He is considered one of the most prominent men in the Socialist party in the state.

Peter Sharpe came to Ada in 1892, and has been in the city since that year. He is a graduate of the University of North Dakota. He then entered the University of Michigan and graduated from its law department. After locating in Ada in 1892, he soon became a law partner of W. W. Calkins. On the death of Larson, in 1893, Sharpe was appointed county attorney to fill out the unexpired term. Mackel succeeded Sharpe as county attorney in 1895, and Sharpe again became county attorney in 1897. He served until 1901. In 1904, Sharpe was elected judge of probate and filled this office until 1909. Since that year he has divided his attention between his law practice and his extensive farming interests. He is a member of the State Tuberculosis Hospital board, and is secretary of the Light and Water commission of the city.

N. T. Moen, a graduate of the Minnesota University law college, came to Norman county in 1893, and was principal of the Halstad schools. He [352] practiced law at that place until in 1897, when he removed to Ada, where he remained until 1908. He was judge of probate, 1899-1905; and county attorney, 1905-07. He is now in Fergus Falls, Minnesota.

Alexander Mackel returned to Ada after graduating from the Minnesota, University law college in 1894. He was elected the same year to the office of county attorney, an office which he held one term. In 1897, Mr. Mackel practiced law at El Campo, Texas, and in 1898 removed to Butte, Montana, where he is still practicing.

Peter Matson, the present probate judge, studied law in the office of N. T. Moen, at Ada, and passed the state bar examination in 1900. He is extensively engaged in the automobile business.

John M. Hetland graduated from the Highland Park College of Law, Des Moines, Iowa, and passed the Minnesota state bar examination in 1900. Mr. Hetland is the present county attorney of Norman county. He was register of deeds from 1891 to 1897.

Mr. Hetland is well remembered for his early activities in the Farmers Alliance party. It was due in large measure to his letters printed in newspapers of the county and to his activities among the farmers in the western part of the county that the party took root and grew. He represented this senatorial district as house member in 1905 and 1906.

Lambert F. Prigge graduated from the University of Minnesota law college in 1910 and practiced law in Ada from 1911 to 1915. He then engaged in life insurance business. He died at Minneapolis in the early part of 1918.

Lloyd Hetland graduated from the College of Law at St. Paul, Minnesota, in 1915, and was admitted to practice in Minnesota the same year. He is now practicing with his father, John M. Hetland, in Ada.

Frank C. Stern and Frank Strom graduated from the College of Law at St. Paul, Minnesota, in 1915 and both were admitted to the Minnesota bar the same year. They are now conducting a law partnership in Ada. Strom enlisted in the ordnance department of the army, in January, 1918.

LAWYERS OF OTHER VILLAGES.

Several lawyers have practiced in the various villages situated in Norman county.

Andreas O. Ueland graduated from the law college of Minnesota University in 1896, since which time he has been actively engaged in law practice in Halstad. He comes from the noted Ueland family in Norway, his [353] grandfather being the leader of the farmers' movement in Norway which led to that country's present liberal form of

government. He is a nephew of Judge A. Ueland, of Minneapolis.

Theodore B. Torkelson, a graduate of the Wisconsin University law college, practiced law in Halstad from 1900 to 1902. He was later engaged in banking at Middle River, Minnesota, and Bowman, North Dakota.

Oliver Aygarn, who graduated from the University of Minnesota law college in 1902, practiced law in Halstad from that year until 1907. He removed to Hettinger, North Dakota, where he is still engaged in his profession.

C. K. Semling graduated from the University of Minnesota law college in 1905 and practiced law in Halstad from that year until May, 1906, when he accepted the appointment to the office of clerk of the district court of Norman county. He is still serving in that capacity.

E. M. Niles, a graduate of the University of Minnesota law college, practiced law at Twin Valley from 1897 to 1905. He removed to Livingston, Montana, where he is engaged in his legal practice. He was county attorney from 1901 to 1905.

Andrew Engeseth, a graduate of the University of Minnesota law college, came to Twin Valley in 1904, and formed a partnership with E. M. Niles. Later, he succeeded to the firm's business and took in with him Mr. Beum, the latter remaining in Twin Valley a short time, and later removed from there to Mahnomon, Minnesota. Mr. Engeseth practiced law in Twin Valley until 1910, when he removed to Bellingham, Washington.

Oliver J. Ostensoe is a graduate of the University of Minnesota law college and is now the only resident practicing attorney in Twin Valley. He has been located there since 1910.

PRESENT NORMAN COUNTY BAR.

The following constitute the bar of Norman county: Peter Sharpe, Peter Matson, John M, Hetland, Lloyd Hetland, his son, who is a partner with his father; M. A. Brattland, who commenced practice here in 1893; Frank Sterns and Frank Strom (partners), C. K. Semling (present clerk of the district court), O. J. Ostensoe, since about 1910, at Twin Valley, and A. O. Ueland, of Halstad, who has been engaged in practice there twenty-two years. [354]

COUNTY ATTORNEYS.

The first county attorney was Gib A. Lane, who was appointed by Governor Hubbard in the fall of 1881. His successors have served in the following order: D. H. Fisk, 1883-1885; H. H. Phelps, 1885-1891; E. B. Larson, 1891-93; Peter Sharpe, appointed to fill the vacancy caused by the death of Larson, 1893-1895; Alexander Mackel, 1895-1897; Peter Sharpe, 1897- 1901; E. M. Niles, 1901-1905; N. T. Moen, 1905-1907; M. A. Brattland, 1907-1913; John Hetland, since 1913.

JUDGE OF PROBATE.

The first judge of probate was John M. Martin, who was appointed by Governor Hubbard in 1881. He was succeeded by Gabriel Bjornson, the first elective judge of the county. Bjornson died in office, and D. C. Lightbourn was appointed to fill out his unexpired term. Lightbourn was later elected. W. W. Calkins succeeded Lightbourn and held the office until 1895. The succession since 1895 has been as follows: M. A. Brattland, 1895-1899; Nels T. Moen, 1899-1905; Peter Sharpe, 1905-1909; Peter Matson, since 1909.



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