

“ BENCH AND BAR OF WRIGHT COUNTY ” *

IN

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WRIGHT COUNTY
MINNESOTA

BY

FRANKLYN CURTISS-WEDGE

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* MLHP editor: This chapter appeared on pages 578 to 608 in the second volume of this history of Wright County. It has been reformatted. Page breaks have been added. A photo of Frank H. Lindsley has been omitted; otherwise the chapter is complete. The author's spelling and punctuation have not been changed.

CHAPTER XVIII.

BENCH AND BAR.

Territorial Courts Organized—First Wright County Jurors—Districts Which Have Included Wright County—Judges Who Have Sat on the Wright County Bench—The Bar—Biography—Murder Trials—Court Officers—Civil Cases—Edited by Senator John T. Alley.

The Territorial Supreme Court appointed by President Zachary Taylor, consisted of Aaron Goodrich, chief justice, and David Cooper and Bradley M. Meeker, associate justices. Aside from sitting on the supreme bench, these gentlemen were also to act as district judges. Judge Meeker was assigned to the second district. It embraced all the territory north of the Minnesota and west of the Mississippi. Judge Meeker opened his court on the third Monday in August, 1849, at St. Anthony Falls, using the old and dilapidated government mill for a court room.

After the territory was divided into counties on Oct. 27, 1849, the area that is now Wright county still remained in the second district. Chief Justice Goodrich was assigned to the second district. The seat of justice was to be St. Paul. Judge Goodrich held his first term as judge of the second district in 1850, at St. Paul, in a room adjoining the barroom of the American Hotel, at the corner of Third and Exchange streets.

When the apportionment of 1851 was made, that part of Wright county lying south of the North fork of the Crow river still remained in Dakota county, and as such was still attached to Ramsey county for judicial purposes. Sibley county, which, when organized on March 5, 1853, included this same tract south of the north fork of the Crow river, was attached to Hennepin county for judicial purposes until March 2, 1854, when it was fully organized. Nicollet county, which may have taken in a small portion of the southwestern part of Wright county, was fully organized for judicial purposes when created, March 5, 1853.

By the apportionment of 1851, which placed in Cass county that portion of Wright county north of the north fork of the Crow river, Cass county was attached to Benton county for judicial purposes and so remained until Wright county was created, Feb. 20, 1855. The seat of justice of Benton county was at Sauk Rapids.

In January, 1852, Jerome Fuller, of New York, was appointed to succeed Judge Goodrich as chief justice. February 16, 1853, Henry L. Hayner, of New York, succeeded Judge Fuller.

In the spring of 1853, President Franklin Pierce appointed William H. Welch, who had taken up his residence at Red Wing, [579] as chief justice, and Moses Sherburne, of Maine, and Andrew O. Chatfield, of New York, as associates.

April 23, 1857, President Pierce appointed Judge Welch to succeed himself, while the successors of Judges Chatfield and Sherburne were: Rensselaer R. Nelson and Charles E. Flandrau.

So far as is known, no records exist of territorial courts held within the limits of Wright county.

The first list of grand jurors, selected by the county commissioners, July 23, 1855, has been preserved, and is as follows:

Jonah B. Locke, Frederick Barker, E. W. Merrill, Joseph Brooks, Samuel Wilder, Frederick Emory, Row Brasie, Nathan Fletcher, Abraham Wood, Joseph Brown, J. C. Beekman, Caleb Chase, James Phillips, Samuel Carrick, Charles W. Lambert, Perish T. Record, Ezra Tubbs, O. Barnes, D. L. Ingersoll, C. S. Boyd, J. W. Voorhees, George M. Bertram, David Worthing, B. F. Bursley, William McDonald, John C. Dow, John Oakes, Selah Markham, J. Franklin Palmer, William Corey, A. Bartlett, William Munn, A. J. Hubbard, H. Bradley, L. S. Carpenter, William Barnard, D. B. Sutton, Henry Chambers.

The following petit jurors were selected: William Elliott, William Murch, John B. Rich, Hiram Nickerson, William G. McCrory, Herbert W. McCrory,

Joseph Perkins, Harrison Perkins, George Brown, Ira Hoar, O. W. Slafter, R. Voorhees, —Baker, L. D. Flanders, J. W. Hanaford, John McDonald, of Clear River, Oscar E. Dow, John S. Lowell, W. W. Sears, Robert Ford, C. B. Jordan, Dudley P. Chase, David McPherson, Calvin Blanchard, John Mallet, William Caseley, John Peppin, Israel Record, Luther Tubbs, T. Ham, William M. Radcliffe, Charles La Plant, Philip Boyden, Charles Kelley, L. Dimick, Henry Heap, Henry Perkins, —Wamsley, John McDonald, Jr., —Downer, Augustus Michell, F. M. Cadwell.

The fourth judicial district having been created, the first district court under state jurisdiction was held at Monticello, October 4, 1858. Edward O. Hamlin was on the bench, and in the absence of Thomas Chambers, the clerk, James Chambers acted as deputy. A grand jury was empaneled, and a summons issued for the jurors that were missing. The petit jurors were called and dismissed until 9 o'clock the next day. The case of John Carrick and Samuel Carrick vs. John Depew, George E. H. Day for plaintiffs and James R. Lawrence for defendant, was called but postponed until the next day. Edward Hartley was admitted to the bar.

At the session held the following day, Charles King and Willis G. Butler, upon motion of District Attorney James R. Lawrence, were appointed a committee to examine applicants to the bar. The Carrick vs. Depew case was stricken from the calendar, the plaintiffs being given permission to move to amend on proper [580] notice. A number of the jurors summoned having failed to make their appearance, a fine of \$5 each was ordered levied against the following: L. Demick, J. W. Patterson, A. F. Barker, G. W. M. Drake, A. J. Hubbard, Daniel Bradbury, Lyman Case, David Cook, John A. Mallet, H. H. Helm, David Hanaford, H. W. Fuller, Caleb Case, H. Lillibridge, C. W. Clarey and James Stevenson. Samuel Whiting, Jr., and Benjamin F. Thomas were admitted to the bar. The case of Abigail King vs. Augustus G. Morgan, Charles King for the plaintiff and James R. Lawrence for the defendant, was called. The motion for judgment notwithstanding the reply was overruled, and the plaintiff allowed to amend his reply forthwith without costs. The case of H. M. Weed vs. William Chandler, James B. Lawrence for the plaintiff and Charles King for the defendant, came up on an appeal, was dismissed, and judgment entered for plaintiff by consent of both parties. On this same day, on an appeal filed April 22, 1858, came up the first case heard in Wright county under state laws. It was entitled Barnabus Smith vs. James

B. Atkinson, Edward Hartley for the plaintiff and George E. H. Day for the defendant. The jury consisted of Horace Webster, A. J. Hubbard, H. L. Lillibridge, Thomas Steele, John O. Haven, H. H. Helm, Jackson Taylor, Charles W. Lambert, W. H. Fisk, I. N. Barber, James Stevenson and H. W. Fuller. The plaintiff was awarded \$50.67.

William S. Moore, of Morrison county, was admitted to the bar, October 6.

On this and the succeeding days, various other civil cases came up, including one of James Griffin vs. Oscar F. Jackson, George E. H. Day for the plaintiff and Charles King for the defendant. This case was an issue of law, and was discontinued by consent of the parties upon payment of costs by the plaintiff, October 6, 1858.

Oscar F. Jackson was indicted October 6, 1858, for the murder of Henry A. Wallace. He pleaded not guilty and was committed to Ft. Ripley to await trial.

Casper Oehrlein was indicted October 6, 1858, for the murder of Michael Oehrlein. He pleaded not guilty and was committed to Ft. Ripley to await trial.

The state constitution provided that the state should be divided by legislative enactment into judicial districts, to have one or more judges to be elected for a term of six years. The constitution also provided that there should be six original judicial districts. The fourth district consisted of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lacs, Itasca, Pembina, Todd and Cass. At various times parts of this vast area were set off and new districts created. From 1875 to 1897 the fourth judicial district consisted of Hennepin, Wright, Isanti and Anoka counties. Until 1885, the fourth district judges held regular courts in Wright county in April and October. Beginning with 1885, Wright county courts were held in June and December. By an act approved April 21, 1897, the eighteenth district was created. Anoka, Isanti and Wright were detached from the fourth district and Sherburne from the seventh district, and the four counties made to constitute the new eighteenth district. Court was to be held in Wright county on the first Monday in June and the first Monday in December of each year, with such special terms as the judge might designate. Thus

Wright county was in the fourth judicial district from May 11, 1858, the date of the admission of the state, until April 21, 1897, since which time it has been in the eighteenth district.

THE BENCH.

Men of unusual character and learning have presided over the courts of Wright county. James Hall, of Little Falls, was the first judge of the fourth district under the new constitution. The state was admitted May 11, 1858. He never held any general terms and resigned in September, 1858. E. O. Hamlin, of Sauk Rapids, was appointed by Governor Henry H. Sibley, and took office October 1, 1858. In the April term of 1859, Judge Hamlin presided at the trial of the case of the State vs. Jackson, at which the acquittal of the prisoner was followed by a lynching and the "Wright County War."

Judge Hamlin was an able man and although he served but a short time he made an enviable record. The country was new. There were few precedents and it was often necessary to make law at first hand. Bishop Henry D. Whipple, in a paper read at the fiftieth anniversary of the Minnesota Historical Society, St. Paul, November 15, 1899, on "Recollections of Persons and Events in the History of Minnesota," narrated the following incident:

"I could call over a long roll of the legal profession of our state, the peers of their brethren of the most favored cities of the East. Let me mention one name, that of Edward O. Hamlin, of St. Cloud, the honored judge of that circuit. A murder had been committed, and the exasperated citizens judged the legally acquitted suspect by mob law and hanged him. Some of the most prominent citizens of Wright county notified Judge Hamlin that he must not charge the grand jury with reference to this deed, and that if he did he could never again be elected. Judge Hamlin paid no attention to the threat, but charged the jury in one of the most manly appeals which ever came from a judicial bench. When I read it, I said to my friend, 'Hamlin, I would rather have made that charge of yours than to be President of the United States.' "

Judge Hamlin resigned after the [582] fall term in 1859 and entered private practice in St. Cloud. He remained one of the leading practitioners until

some years after the Civil War. In common with many of the lawyers of the county he took a lively interest in public affairs and was the first mayor of St. Cloud upon its organization as a city in 1862.

Judge Hamlin was succeeded by Judge Charles E. Vanderburgh. Judge Vanderburgh was a Yale graduate, taught school, studied law, was admitted in New York, came to Minnesota in 1856, and was made judge in 1859 at the age of 29 years. Notwithstanding his youth he made good and was the first judge who sat upon the Wright county district bench to ascend to the supreme bench of the state. When the seventh judicial district was established by the legislature of 1866, Judge Vanderburgh remained judge of the fourth district until 1881, when he went to the supreme court and served as a justice of that court until 1894.

The other judges of the fourth district while Wright county was a part of it were: Austin H. Young, January, 1877; John M. Shaw, January 13, 1882; M. B. Koon, January 8, 1884; John P. Rea, May 1, 1886; William Lochren, November 19, 1881; Henry G. Hicks, March 15, 1887; Frederick Hooker, March 5, 1889; Seagrave Smith, March 5, 1889; Charles M. Pond, November 18, 1890; Thomas Canty, January 5, 1891; Robert D. Russell, May 8, 1893; Robert Jamison, September 19, 1893; Charles B. Elliott, January 3, 1894; Henry C. Belden, January, 1895; David F. Simpson, January 5, 1897.

James C. Tarbox was appointed the first judge of the eighteenth judicial district by Governor David M. Clough. In the fall of 1898 the republican delegates of the district met at Elk River to nominate a candidate for the office. The names before the convention were James C. Tarbox and J. J. Woolley, of Wright county; Frank T. White, of Elk River, and A. E. Giddings, of Anoka. After the thirty-sixth ballot, Mr. Woolley released his delegates, and A. E. Giddings was given the nomination on the thirty-seventh ballot. Judge Tarbox ran as an independent candidate, endorsed by the Democrats, but Judge Giddings was elected. He took office January 2, 1899.

Edward O. Hamlin held his first Wright county term of court in October, 1858, and his last in October, 1859.

Charles E. Vanderburgh held his first Wright county term of court in March, 1860, and his last in April, 1881.

In the meantime, Wescott Wilkin, of the second district, had held special terms of court, and beginning in April, 1877, Austin H. Young had relieved Judge Vanderburgh by holding a Wright county term once each year. S. J. P. McMillan, of the first district, presided over the trial of the townsite cases during the March term of 1863. With these exceptions, Judge Vanderburgh [583] presided over every term of the district court of Wright county for some twenty-one years.

Austin H. Young held his first Wright county court in April, 1877, and his last in June, 1890. In detail, his courts here were as follows: April, 1877; October, 1878; October, 1879; October, 1880; October, 1881; April, 1884; December, 1885; June, 1887, and June, 1890.

William Lochren held his first Wright county court in April, 1882, and his last in June, 1888. His courts here were as follows: April, 1882; October, 1883; June, 1885; December, 1886; June, 1888.

John M. Shaw held his only Wright county court in October, 1882.

M. B. Koon held his first Wright county term of court in April, 1883, and his last in October, 1884. These are the only terms which he held here.

John P. Rea held his first Wright county term of court in June, 1886, and his last in December, 1888. These were the only terms he held here except the special term held in February and April, 1887.

Henry G. Hicks held his first Wright county term of court in December, 1887, and his last in June, 1892. These were the only two terms he held here.

Frederick Hooker held his first Wright county term of court in June, 1889, and his last term in December, 1891. These are the only two terms he held here.

Seagrave Smith held his first Wright county court in December, 1889, and his last in June, 1896. These were all the terms of court he held here except the June term of 1893.

Charles M. Pond held his first Wright county court in December, 1890. The only other term of court he held here was his last term, June, 1895.

Thomas Canty held court here in June, 1891, and in December, 1892.

Robert D. Russell held court here in December, 1893, and December, 1896.

Charles B. Elliott held court here in June, 1894, and in December, 1895.

Robert Jamison held court here in December, 1894.

Henry C. Belden and David F. Simpson became judges of the fourth district while Wright county was still a part of that district, but they did not preside over the court in this county.

James C. Tarbox, appointed judge of the new eighteenth district, held his first term of the Wright county court in June, 1897. Judge L. L. Baxter, from the seventh district, heard some of the cases in this term of court. Judge Tarbox also held the term of December, 1897, and of June and December, 1898. [584]

A. E. Giddings started his services here with the special term of January, 1899.

THE BAR.

Until April 21, 1891, attorneys were admitted to the bar by the district court. Since then they have been admitted by the superior court after examination by the State Board of Examiners.

The first lawyer to be admitted in this county after Minnesota became a state was Edward Hartley, October 5, 1858. In admitting him, the old legal phrase, "Attorney and counsellor at law and solicitor in chancery" was used.

Those admitted since his day were designated as “Attorney and counsellor at law.”

The records contain the names of the following who have been admitted to the bar in Wright county:

October 4, 1858, Edward Hartley; October 5, 1858, Samuel Whiting, Jr.; October 5, 1858, Benjamin F. Thomas; October 6, 1858, William S. Moore; April 2, 1859, Beach I. Hinman; March 25, 1861, H. L. Gordon; September 10, 1861, James F. Bradley; March 25, 1862, Samuel E. Adams; June 1, 1869, C. B. Sleeper; July 10, 1871, Daniel Fish; June 4, 1872, E. H. Farnham; March 5, 1873, Thomas R. Briggs; March 3, 1875, William L. Van Eman; April 5, 1877, Daniel Cochran; October 9, 1877, Samuel Porter; October 9, 1878, J. E. Warren; October 9, 1878, John T. Alley; 1880, Allen O. Sexton; April 2, 1880, Frank E. Latham; October 13, 1880, Thomas F. O’Hair; October 13, 1880, A. Y. Eaton; October 11, 1881, Arnold R. Holston; April 4, 1882, W. E. Culkin; October 3, 1883, William H. Smith; October 6, 1884, Michael A. O’Hair; October 6, 1884, F. H. Lindsley; December 11, 1885, Henry E. Carter; December 11, 1885, J. W. Bennett; June 1, 1886, William J. McLeod; December 8, 1886, John F. Collins; June 7, 1887, W. H. Cutting; June 7, 1887, J. J. Woolley; June 7, 1887, C. A. Pidgeon; June 18, 1889, W. H. Crowell; June 18, 1889, John F. Reardon; June 18, 1889, Cyrus M. King.

Whiting practiced at Clearwater. Thomas, Moore and Hinman practiced in Monticello. Gordon practiced in Clearwater and Monticello. Bradley and Adams practiced in Monticello. The location of the others was as follows: Sleeper, Old Waverly; Fish, Delano; Farnham, Cokato and Delano; Briggs, Howard Lake; Van Eman, Delano; Cochran, Waverly and Buffalo; Porter, Delano; Warren, Howard Lake; Alley, Howard Lake and Buffalo; Sexton, Annandale, Buffalo and Cokato; Latham, Howard Lake; the O’Hairs, Delano; Eaton, Delano and Buffalo; Holston, Delano and Cokato; Culkin, Waverly and Buffalo; Smith, Howard Lake (never entered into active practice in this county to any important extent); Lindsley, Delano; Carter,—; McLeod, near Watertown (never entered into active practice in this county to [585] any extent); Collins, Delano, Cokato and Smith Lake; Cutting, Clearwater and Buffalo; Woolley, Howard Lake and Buffalo; Pidgeon,

Buffalo; Crowell,—; Reardon,—; King, Annandale, South Haven and Fair Haven.

Many lawyers who were admitted to the bar in other counties and in other states, or in recent years upon examination before the state board, have practiced in Wright county. Among them may be mentioned:

W. E. Hale, Buffalo, in the sixties; R. H. McClelland, Howard Lake, late seventies; Josephus Alley, Howard Lake, late seventies; Joseph H. Wendell, Buffalo, from the early seventies until about 1910; John F. Dilley, Buffalo, in the seventies; P. A. Defour, Buffalo, late seventies and early eighties; James C. Tarbox, Monticello, early eighties until his death, with the exception of a period on the bench; —Preble, Monticello, in the eighties; W. H. Spath, Waverly, the nineties and later;—Brown, Cokato,—; A. T. Larson, Buffalo, Cokato and Monticello, middle nineties; John Casey, Waverly, early nineties until entering the government service; E. S. Oakley, Buffalo.

In addition to these, the names of several attorneys will be found in the list of the early district attorneys. Possibly some of them had law offices in Wright county.

The bar of Wright county is now represented by the following talent: Buffalo, W. H. Cutting, C. S. Hawker, J. T. Alley, H. C. West, Stephen A. Johnson, J. J. Woolley. Monticello, H. S. Whipple, J. M. Woodworth. Delano, F. H. Lindsley. Maple Lake, J. E. Madigan. Howard Lake, F. E. Latham.

BIOGRAPHY.

James C. Tarbox was born in Philips, Maine, April 10, 1857, son of Benjamin and Sarah W. (Cushman) Tarbox. On the father's side the family was Scotch, on the mother's side, English. An ancestor, Robert Cushman, was one of the diplomats who negotiated with King George for a charter for the Pilgrims. James C. Tarbox spent his boyhood days working on his father's farm and clerking in his father's store in Maine. At the age of sixteen he was teaching school. He took his college preparatory course in the Nichols Latin school in Lewiston, Maine. In the spring of 1875 he entered Bowdoin College. After his graduation he studied law in his native town,

and later in the Columbia Law School in Washington, D. C. After finishing his law course he was employed for a time as a department clerk for the government. In the fall of 1881 he removed to Monticello and opened a law office there. In the fall of 1896 he was elected county attorney of Wright county. In the winter of 1897 the state legislature created the new eighteenth judicial district, Mr. Tarbox received the endorsement of the attorneys of the district, and [586] on May 4, 1897, was appointed by the governor to be the first judge of the eighteenth district. He discharged the duties of his high judicial office with great fairness and ability. In January, 1899, he again took up the practice of law. In all his dealings he was able, fair and honorable. He died suddenly in the railroad station at Minneapolis, May 14, 1908.

Stephen A. Johnson, county attorney, was born in Austin, Minn., July 2, 1870, of Norwegian ancestry, his grandparents on his father's side having come to America in 1854 and his grandparents on his mother's side in 1848. He passed through the common schools and attended high school for one year, leaving at the age of seventeen, after which he was engaged principally in mercantile pursuits until the Spanish-American war. Then he enlisted in Co. C, First District of Columbia, U. S. V., and saw active service at the siege of Santiago de Cuba. Upon his return to Minnesota he studied law with Ed. Huebner, at Winthrop, Minn., and was admitted to the bar in 1901. In 1905 he commenced practice in Buffalo. From 1907 to 1912 he was assistant county attorney, and then became county attorney. In the fall of 1914 he was re-elected without opposition, and is still serving. Attorney Johnson was married in 1908 to Rose A. Herberger, and of their four children, three are living.

Charles S. Hawker was born on a farm in Delano, this county, October 24, 1868. His father, William Hawker, was born in Cornwall, England. His mother was born in Winslow, Maine, and her parents were of English descent. He attended the Delano public school, graduated from Hamline University, June, 1895, and was superintendent of the Delano high and graded schools for three years from 1895 to 1898. He graduated from the St. Paul College of Law, June, 1902, and practiced law in Colfax, Wis., for two years, from 1903 to 1905. He moved to Buffalo, Minn., in the fall of 1905 and has practiced law in that place ever since. Mr. Hawker has been a member of the Buffalo board of education for five years and at the present time is serving as clerk. He has been a member of the Buffalo library board

since the public library has been established in Buffalo and has been a justice of the peace for five years, which office he now holds. He was married, September 22, 1898, to Jessie M. Gray and has one son, William O. Hawker, born August 6, 1899.

William Henry Cutting was born at Bakerfield, Franklin county, Vt., November 20, 1848, son of Henry P. Cutting, minister, and Lucina (Rexford) Cutting. He attended the common schools, Williston (Vt.) Academy, the Dutchess County Academy, Poughkeepsie, N. Y., and Rhinebeck Academy, Rhinebeck, N. Y. He entered the army during the Civil War as a private, Co. K, Ninth N. Y. Cavalry, and was discharged at close of war. He came to Winona, Minn., December, 1865, and attended the state normal [587] school there for a short time. He was married in Winona, May 2, 1866, to Mary Gates, and they have three children, Arthur Eugene Cutting, now of Sandpoint, Idaho; daughter, Nina G. Ridley, of the same place, and Oscar S. Cutting, Glasgow, Mont. Mr. Cutting was admitted to the bar in June, 1887; practiced at Clearwater and Buffalo; was elected county attorney for Wright county in 1890 and served two years; was appointed county attorney in 1903 and elected afterward and served two years. At this writing he is still in the active practice of the law at Buffalo.

J. T. Alley, man-of-affairs, statesman and attorney at law, is one of the most widely known men in Wright county. His long residence here, his friendly spirit, his genial temperament, and his unquestioned ability have won for him a most admirable place in the community, and few men are more highly honored or deeply respected than he. He was born in Wetzel county, then a part of Virginia, but now in West Virginia, January 1, 1850, son of Hezekiah and Nancy (Milburn) Alley, natives of what is now West Virginia, who came to Wright county and located in Woodland township in 1865. Mrs. Nancy Alley died in that township in 1872. After her death, Hezekiah Alley remained on the farm until 1874, when he moved to Howard Lake for a while. His declining years were spent with his children. From his earliest boyhood he was troubled with weak eyes, and his sight gradually failed until his last twenty-five years were spent in total blindness. He died in 1896, sincerely mourned and beloved. He had borne his affliction with patience, and had made the most of life under the most serious handicap. The children in the family were: Josephus (deceased); J. T., of Buffalo; Amos (deceased); Elijah (died at seven years); Hannah. William and Ida A. J. T. Alley lived in

his native state until fifteen years of age, and there attended the common schools. After he arrived in Wright county he attended the district schools of Woodland township and the graded schools of Watertown. Then he took up the study of law under the preceptorship of his brother, Josephus Alley, who was then practicing law at Howard Lake. In October, 1878, he was admitted to the bar, and opened an office at Grove City, Minn. Some three years later he returned to Howard Lake, and took up practice there. During the years that he was in practice there he ably demonstrated his work as one of the leading lawyers in that vicinity. Learned in the law, a quick thinker, possessing a cool head and sound judgment, he established himself as a force to be reckoned with. His advice was always on the side of moderation, and many were the cases in which he persuaded the contestants to come to terms between themselves instead of involving long and expensive litigation. In the fall of 1896 his worth as an attorney and as a man had so commended themselves to the people that he was [588] elected judge of probate, a position he held for eight years, taking office January 1, 1897. In the fall of 1894 he was elected county attorney, and served with much credit for two years. In addition to this, however, he has served in many public offices outside the range of his immediate profession. In 1874 he was elected county surveyor and served two years. In the fall of 1900 he was elected to the lower house of the Minnesota state legislature, and served in the session of 1901 and the special session of 1902. In the fall of 1902 he was elected to the upper house of the legislature and served for four years. He was again elected in the fall of 1914. He moved to Buffalo when he took office as judge of probate and has since continued to reside here. He has been a member of the city council and of the board of education, has been a delegate to many conventions, and has served on different committees of various kinds. Judge Alley is a past master of Nelson lodge, No. 135, A. F. & A. M., at Buffalo. He is also a member of the Eastern Star and of the A. O. U. W. J. T. Alley was married November 5, 1879, to Albina C. Lewis, of Watertown, Minn., and their children are: Albert G., Gertrude, Lewis and Raymond C. Albert G. graduated from the academic and medical departments of the University of Minnesota, and is now a practicing physician at Granger, Wash. Gertrude attended the normal schools at Winona and St. Cloud. She is now wife of Clinton A. Nelson, of Granger, Wash. Lewis died in infancy. Raymond C. is studying law at the University of Minnesota.

J. J. Woolley, a leading attorney of Wright county, now practicing at Buffalo, was born in McDonough county, Illinois, March 12, 1853, son of Slocum and Maranda (Lyon) Woolley. He attended the public schools of McDonough county, Illinois, and came with his parents in 1864 to McLeod county, this state. He attended district school, passed through the Hutchinson high school, and then taught school for fourteen years in various parts of the state. In the meantime he pursued the study of law. In 1887 he was admitted to the bar at Buffalo, and at once opened an office at Howard Lake, where he continued in practice until elected judge of probate in the fall of 1894. He took office January 1, 1895, and served for ten years. His popularity grew, and his work on many cases attracted wide attention. Consequently he was elected county attorney in the fall of 1904, taking office January 1, 1905. He served until January 1, 1913, winning high praise for the manner in which he maintained the majesty of the law throughout the county. While he was still in office it was said of him: "No man without persistency, tenacity of purpose and grim determination could creditably fill this office. Mr. Woolley prepares his cases with scrupulous care, is thorough in every preparation, searches for the law, examines it most minutely, and selects that which has a direct and forceful bearing [589] upon the case. With all this labor expended, when the case is called he is fully and ably equipped for the legal contest. Possessing a striking familiarity with the law, and an excellent and retentive memory, he is every ready to meet his opponent. In the capacity of county attorney he is all that the citizens of a county could desire." When Mr. Woolley retired from office at the close of 1912, he resumed his private practice in Buffalo. Mr. Woolley was married August 7, 1889, to Emma A. Hiatt, of Howard Lake, born in Ohio, March 30, 1865. There are two children in the family. Jaroldine M. was born September 11, 1901, and attends the Buffalo high school. Margaret Ethel was born May 27, 1911. Mr. Woolley belongs to Nelson lodge, No. 135, A. F. & A. M., the Order of the Eastern Star, and the Modern Woodmen of America, all at Buffalo. Mrs. Woolley is also a member of the Eastern Star.

A. V. Eaton, one of Wright county's most distinguished citizens, now deceased, was born in Columbus county, Ohio, July 3, 1842, and was there reared. He received his classical education in the Mt. Union Academy, Mt. Union, Ohio, from which he graduated in 1862. In 1870 he graduated from the Cleveland College of Law. For a time he taught Greek and Latin in the Wyoming Academy, Delaware. In 1879 he came to Wright county and

located in Delano, where he took up the practice of law. Later he moved to Buffalo, where he edited the Buffalo "Journal." He was county attorney five years, state senator eight years, president of the village of Buffalo nine terms, and also served in other positions of trust and responsibility. He died October 8, 1898. Senator Eaton was married in 1885 to Narcissa Walker, the daughter of Henry T. and Betsy Ann (Merrill) Walker.

Frank H. Lindsley was born at Cherry Valley, Ashtabula county, Ohio, on January 28, 1855, being the seventh child of Horace Lindsley and Elizabeth A. J. Lindsley, whose maiden name was Giddings, and who was a niece of Hon. Joshua R. Giddings, who was one of the foremost Abolitionists during that stormy movement in which that part of Ohio played an important part in our country's history. The ancestors of both of his parents were from New England, the descendants of the people from the British Isles, and possessed that rugged morality and spirit of liberty which distinguished the children born at and shortly after the Colonial period of our country. At the time of the birth of the subject of this sketch, his parents owned a beautiful farm of 216 acres, with a large dwelling and other buildings, and by economy and hard work they were striving to make the path of their children less toilsome than that of their own had been. Both parents had early in life been identified with a conventional church of that day and both had changed their views so that the mother adopted the philosophy of the Unitarians and the father [590] became an agnostic. The largest religious freedom prevailed in the family and newspapers and monthly magazines were in abundance about the home, and a generous library offered an opportunity for culture and refinement. His mother was a clear reasoner, quick in debate, so there was no lack of discussion on the issues of the day, political or religious, and woman suffrage and religious freedom were questions on which she was ever ready to battle, to give and to take. By listening to the conversations with eminent speakers that were entertained at his father's home from time to time were laid the foundations of the education that the subject of this sketch was later to acquire.

In his twelfth year, Frank H. Lindsley met with an accident that left its effect ever afterward on his life. Of somewhat frail physical body, he struck the knee of his left leg and at the same time bruised and scraped from the knee downward the front of the tibia bone, but not enough to cause concern to any one. About two weeks later he ran with half a dozen other boys a quarter of a

mile to the Pymatuning creek and plunged into the cold water and swam for a few minutes. It was on the seventeenth day of May, 1866, and a sharp, cold wind was blowing, although the bright sunshine was cheerful. After the swim with the rest of the boys, he went back to the schoolhouse for the afternoon session. In the morning he went back to school. He could not study; a terrible headache had seized him, and at noon the teacher allowed him to start for home. In going the distance of a quarter of a mile he had to sit down many times by the wayside; his head ached so he could not see. When he reached home he was put to bed, and a raging fever set in and periostitis of the tibia of his left leg developed where he had injured it two weeks before. A fight for life was commenced. The injury to the leg, coupled with the violent shock to his entire system caused by swimming in the creek on that May day, left permanent effects of violated law. When that boy was first able to be lifted into the carriage, braced up with pillows, for a short ride, the grain had been cut and the corn was tasseled out. Somewhat later, he could walk on crutches, and years went by, and sometimes he walked with crutches and sometimes without. Having learned to read, and having acquired a knowledge of the rudiments of arithmetic and geography before that accident, and not being able to do much work on the farm, the subject of this sketch went to school, had much time for study, and being of an investigating turn of mind, read poetry, history, politics, religious and medical works between times. For months at a time he has climbed the high school stairs on crutches.

Before his twentieth year, he was prepared to enter college, and in the year 1880 he graduated at Thiel College of the Evangelical Lutheran Church, at Greenville, Pa., in the classical course, and received the degree of Bachelor of Arts. On commencement [591] day he was given an oration with the salutatory, that being the second place of honor. A few years later that same institution conferred upon him the degree of Master of Arts. After graduation, he went back to his old home on the farm. He had overcome his physical disabilities to such an extent that he could walk without artificial aid; however, that weak limb has always been a handicap to him, the bar that has kept him from work that requires much walking. Realizing that there is no place in the world for a mere college graduate, he set out to make one for himself. The winter of 1880-81 found him teaching school, a term of three months, in the district adjoining that wherein he had attended in his boyhood days, and so well did he do his work that the recommendations given him

opened better positions for him in the future. Early spring found him reading law with Hon. W. P. Howland at Jefferson, Ashtabula county, Ohio. Then teaching school to earn money to pay expenses, denying himself all luxuries, and studying with a determination to master the principles of law, October, 1883, found him among the candidates in the supreme court room at Columbus, Ohio, taking the statutory examination to become an attorney-at-law. The next morning at ten o'clock found him with his right hand uplifted with the other successful candidates, when he was sworn in as an attorney-at-law, entitled to practice in all of the courts of the state of Ohio. In May, 1884, Frank H. Lindsley opened a law office in Delano, Wright county, Minn., and with the exception of three years that village has since been and now is his home. After the statutory period of residence had expired, he was admitted to practice law in all of the courts of Minnesota and the federal courts, and the practice of law has been his chief work and now is that by which he maintains himself.

On September 24, 1885, he and Anna M. Smith, of Greenville, Pa., were united in marriage; she and her husband had been schoolmates, both having graduated in the classical course at the same college, and that culture rendered her an able assistant and adviser of her husband, who owes to her a debt of gratitude for her devotion to him and for the courage with which she met the privations that both underwent at times as they journeyed along life's pathway. However, the roses along that pathway greatly outnumbered the thorns, and neither regretted the experiment that they made in choosing one another. She was naturally frail of body, and death claimed her on May 12, 1910, at the age of fifty years. Of that union two children were born that lived to grow up: Laura E. (wife of W. L. Quigley), born June 12, 1889, died November 1, 1913, after a married life of only two years. She was gifted and refined, and to know her was only to love her. Mark Gerald Lindsley was born on January 23, 1898, and is now a student in Delano high school. [592]

In January, 1889, Frank H. Lindsley entered upon the duties of superintendent of schools of Wright county, which office he held for three successive terms. During his administration many improvements and reforms were introduced into the schools of Wright county. Notably the introduction of the four weeks' summer training school for teachers, then optional with the county superintendent; the introduction of the free text book system and the founding of school libraries, better equipment, better

grounds and better buildings. On July 27, 1897, Frank H. Lindsley was appointed postmaster at Delano and shortly thereafter entered upon his official duties and continued in that office for five and one-half years, holding the position until a new crop of political servants of the Republican party found it necessary to reform him out that their friends might be rewarded, which is the fate of all appointive officers, however well they may serve the public. At the commencement exercises of Delano state high school, in June, 1894, Frank H. Lindsley delivered the baccalaureate address. That year was the first that the Delano state high school graduated a class, and Prof. R. C. Dewey was the superintendent and through Mr. Lindsley's efforts the school board instituted commencement exercises. Those exercises had not then come into general use in that class of schools, and although the term "baccalaureate address" is not strictly appropriate, it has since come into general use. The class that year was composed of Vernon Wilder, Emery Cunningham, Roy Wilder and Edward A. Freeman, all of whom have made good and who now hold honorable place in life. After leaving the office of superintendent of schools, for three years the subject of this sketch was president of the Delano school board, for many years vice president of the Wright County Bank, and at all times deeply interested in all those questions which pertain to the well being of the community wherein he lives. In the spring of 1905, he went to live at Oakdale, Dunn county, N. D., and for three years he made that his home. During which time he helped organize that county and helped to organize the first school district therein, practiced law and farmed and mingled with the settlers who were transforming that region from a grazing country into one of agriculture and dairying. Schoolhouses, churches and comfortable homes now dot that rolling prairie where then one could ride for miles without meeting or seeing anything human or any work done by man, except a place here and there in the beaten roadway over which he passed.

The most of the time that the subject of this sketch has lived in Minnesota he has held some public office to which when called upon to exercise his official duties, the public has been given his best efforts in an endeavor to make his life useful to others. In accordance with that desire there has been given him a new duty [593] to perform in the Church of Eternal Hope, wherein he was given the office of High Priest, and the following comprises some of the chief doctrines and practices taught by that church:

1. The Church of Eternal Hope recognizes Eternal God, the Father of Us All, creator, governor and preserver of the Universe
2. It recognizes the Trinity of God, composed of the Father, God the Spirit or Holy Ghost, and God the Son, embracing in the latter term the human race, male and female
3. It recognizes the Trinity of Man (including in that term both male and female), composed as follows: The soul or the immortal part of man, the physical body or that part of man cast aside by the change called death, man-magnetical or that body that permeates and surrounds the physical body to a depth of from four and one half inches to eight inches that enables the soul to inhabit the body of flesh
4. It recognizes the Law of Revelation and teaches that God has revealed himself unto man in every age and clime with light and truth fitted to his condition and state of mind That there is perfect harmony with Revelation and scientific truth That science is only translating the unwritten laws of God into human language and utilizing those laws as they are unfolded to the human race pursuant to the plans of God, the Father.
5. The Church of Eternal Hope is founded upon the teachings of the prophet Eshra, who lived in Babylon 3,617 years B. C., and on that philosophy as retaught by Christ, the Nazarene, whom it recognizes as the last of the great prophets.
6. It recognizes the gifts of prophecy, revelations, visions, and teaches that those powers are still possessed by the human race.
7. It also teaches that scarcely not one enters ethereal life perfectly well. That nearly all need healing, and all need instruction at and after entering ethereal life.
8. It also imparts to its student disciples a complete system of healing without the use of medicine on the condition that they live a life of such purity as is required in order to obtain help from the ethereal side of life.

9. On the above-state condition it teaches its student disciples how to communicate directly with those in ethereal life.

10. It teaches that effect follows causes set in operation. That nothing happens by chance. That man reaps as he sows. That he must forgive and extend the helping hand to those he has pulled down before he, himself, can rise.

11. It requires its members to be baptized according to the ritual of the Church, in order to distinguish them from others and to assure them of the attention of the best in ethereal life while in the physical body, and at and after entering ethereal life.

12. It teaches that Eternal Hope and Infinite Progression is the heritage of each individual of the human race and that reformation is never denied the individual in this life or in the life to come.

13. That conditions were re-established and this religion began to be successfully re-given, on January 12, A. D. 1907, at Anaconda, Mont., by and through the Prophet, Arthur R. Maeser, and continuously since that day the work has advanced, and in due time it will be given to the public. Date July 12, 1913. F. H. Lindsley, High Priest.

Frank E. Latham, senior member of the firm of Latham & Pidgeon, with offices in Howard Lake, and at 425 New York Life building, Minneapolis, is one of the county's most distinguished barristers. With all the substantial qualities which go to make up successful manhood, he combines a genial temperament and an unusually well equipped legal mind, and his influence and life have stood for much of real importance in the community. Mr. Latham is of eastern birth, having first seen the light of day in New Jersey, September 7, 1851, son of Alanson W. and Charlotte (White) Latham, who brought him to Milwaukee. At the age of thirteen he entered the Federal service as drummer boy with Co. C, Fifty-first Wis. Vol. Inf., being assigned to the drum corps of the Sixteenth Army Corps. He served throughout the war, and after the conflict was over joined his parents, who in the meantime had moved to Minneapolis. For a time he was principal of the Shakopee high school. He studied law in Wright county, was admitted to the bar, and started practice at Howard Lake. In 1887 he was a member of the lower house of the Minnesota State legislature. He is a member of Howard Lake

lodge, No. 197, I. O. O. F., of the M. B. A. and of the Modern Woodmen of America.

A recent publication has said of Mr. Latham: "Because of the analytical and inductive trend of his mind, which enables him to readily understand the difficult problems which engage his attention, and on matters of vital interest to express himself with a clearness which is the result of thorough and comprehensive reading and understanding of his subjects, Mr. Latham is one of the most eminent and widely sought lawyers in Wright county. Twenty-seven years ago he located at Howard Lake, where he has enjoyed a lucrative practice. His services are marked by distinguished ability and substantial effort. A more public-spirited man, or one who will take a more active interest in the various efforts to promote the general good of the community, cannot be found."

J. E. Madigan was born in Maple Lake, November 3, 1868, and has lived there all his life. He attended the public schools at Maple Lake and Monticello, graduated from the University of Minnesota in 1892 and from the University Law School in 1894. In the fall of 1914 he was elected to the lower house of the [595] Minnesota legislature. Attorney Madigan is married and is one of the prominent citizens of the county.

Harry C. West was born in Clearwater, this county, November 29, 1871, son of William P. and Martha J. (Moore) West. He passed through the schools of his neighborhood, taught school for a while, and in 1897 graduated from the advanced course of the St. Cloud state normal school. With this preparation he entered the University of Minnesota, and graduated from the law department in 1902 with the degree of LL.B. In the meantime, in 1900, he had been principal of the high school at Carver, in this state. At once upon being admitted to the bar he located in Mora, Minn., and started the practice of his profession. In 1903 he went to Washington, D. C., and for two years was employed in the United States land office there. In 1905 he went to Stuart, Iowa, and practiced law in partnership with F. O. Hinkson. Since 1907 he has been in practice in Buffalo. Attorney West was married December 24, 1899, to Ruth Ludemann, daughter of Frederick Ludemann, a pioneer of Wright county. Attorney and Mrs. West have three children: William Frederick, born March 6, 1906, at Stuart, Iowa; John Henry, born November 20, 1908, and James Robert, born July 14, 1910.

Carl A. Pidgeon was born in Guilford county, North Carolina, July 11, 1861. His parents shortly afterward moved to Ohio. He was a teacher in the common schools in Ohio in 1877, '78 and '79, and thereafter attended Lebanon normal school and the Ohio Wesleyan University. He came to Minnesota and was principal of the Rockford school in 1884-85, and of the Howard Lake high school in 1885-86 and 1886-87. He studied law while teaching, and was admitted to practice June 8, 1887. Then he formed a partnership with J. H. Wendell under the firm name of Wendell & Pidgeon, which continued for some ten years. He served as county attorney of Wright county four years, and was associated in civil practice with E. S. Oakley under the firm name of Pidgeon & Oakley. In 1902 he was elected clerk of the supreme court.

N. J. Nelson, now of Eureka, Cal., was until recently a lawyer in Cokato. He was born in Sweden, August 15, 1878, and in 1887 at the age of nine years was brought to America by his parents, who located in Union Grove township, Meeker county, this state. The only child in the family, he remained on the home farm until December, 1908. His father died December 25, 1907, and his mother January 17, 1910. Until he was fifteen years of age he attended the common schools of Meeker county, and in 1903 he graduated from the Willmar Seminary at Willmar, Minn. From December 18, 1908, to March, 1912, he studied law in the office of L. K. Sexton, of Litchfield, at that time county attorney of Meeker county. In February, 1912, he took the state bar examination, and March 21, 1912, was admitted to the bar. From [596] April 9, 1912, until he left Minnesota on September 24, 1914, he practiced law in Mankato. In 1914 he was non-partisan candidate for judge of probate of Wright county, but was defeated at the primaries. February 27, 1913, he married Alexandra Neva Anderson.

William Sullivan was one of the earliest lawyers in Wright county. He came to Chatham township with Benjamin Ambler in August, 1857, took a claim in section 34, and practiced law in Rockford and Monticello. He moved to Hennepin county in 1865 and died in 1868.

Arthur E. Giddings was born in Anoka, October 2, 1866. He graduated from the University of Minnesota, and took a full course in the law school. He has served as city attorney of Anoka, and county attorney of Anoka

county, and is now judge of the Eighteenth judicial district. Judge Giddings is married and lives in Anoka.

Samuel Emery Adams was born in Reading, Vt., December 1, 1828; came to Minnesota in 1856, settling in Monticello; was state senator, 1857-60; was paymaster in the Civil War, and was breveted lieutenant-colonel; has resided in Minneapolis since 1883, being in the real estate business, and was an alderman many years; is a prominent Free Mason.

Joseph H. Wendell, born in Oakland county, Michigan, January 25, 1841; was graduated in law at the University of Michigan, 1873; settled in Buffalo in 1874; was attorney of Wright county 1875-81.

Allen G. Sexton, born in Chenango county, New York, July 20, 1835; came to Minnesota in 1853; settled in Wright county in 1856; served in the Second Minn. Vol. Inf. in the Civil war; was admitted to the bar in 1880, and afterward resided in Buffalo.

Arnold R. Holston, lawyer, born in Illinois March 21, 1858; came to Minnesota in 1881; was admitted to the bar the same year; practiced law in Delano and Cokato three years, in Moorhead 1884-87, and Red Lake Falls 1887-91; then settled in Crookston; was county attorney of Polk county 1899-1900.

Daniel Fish, born at Cherry Valley, Ill., January 31, 1848; served in the Forty-fifth Illinois Vol. Inf., 1864-65; was admitted to the bar in 1871; came to Minnesota the same year; settled at Delano; removed to Minneapolis in 1880. He revised and codified the general laws of Minnesota, this condensed code being adopted by the state legislature in 1895. Compiler of "Lincoln Bibliography; a List of Books and Pamphlets Relating to Abraham Lincoln."

Edwin H. Farnham, born in Massachusetts, December 7, 1839; served in Elsworth's Zouaves and in the Seventeenth Mass. Regt. in the Civil war; settled in Delano in 1868; was admitted to the bar in 1871; removed to Cokato in 1874. [597]

William E. Culkin, born in Oswego, N. M., in 1861; came to Minnesota in 1880; was admitted to the bar in 1882; resided at Buffalo; was attorney of Wright county several years and state senator, 1895-97.

Ashley C. Riggs was born in Allegany county, N. Y., September 14, 1828; came to Minnesota in 1852; engaged in trade with the Indians at Big Lake, Sherburne county; established a ferry at Monticello in 1854; afterward practiced law, and owned a farm.

Thomas R. Briggs was born in Kent county, R. I., December 30, 1826; died at Howard Lake, Minn., January 18, 1904. He came to Minnesota in 1855; served in Hatch's Battalion, 1863-66; settled at Howard Lake in 1872, and the next year was admitted to the bar.

WRIGHT COUNTY MURDER TRIALS.

Andreas Marx, aged 22 years, was shot by John Brenner, May 1, 1857, and died the next day. Marx and his relatives had taken claims in sections 25 and 35, at the west end of Winnishiek prairie. A dispute arose with John Brenner over claim matters. On May 1, when some of the men of the Marx family, and others, were on the way to their cabins when they encountered Brenner, and brought up the subject of their dispute. The argument became heated, and Brenner raised his gun and shot Andreas Marx through the body. Marx lived several hours. Brenner went to St. Paul, there sold his Rockford claim for a small sum, and disappeared. O. H. Kelley of Northwood, a justice of the peace, issued the warrant, but Brenner had disappeared permanently.

The first criminal case tried in Wright county was that of Oscar F. Jackson charged with murder. He was indicted by the grand jury; and on October 6, 1858, was arraigned, pleaded not guilty, and committed to Ft. Ripley. He was tried at the March term, 1859, and was acquitted. The details are given in this history in the chapter on the Wright County War, so called.

The Jackson trial, with its fateful results, overshadowed the Oehrlein trial which was heard at the same term of court. Casper Oehrlein was arraigned October 6, 1858, before the district court at Monticello, Judge Edward O. Hamlin, charged with the murder of Michael Oehrlein. He pleaded not guilty, and was committed to Ft. Ripley. He was tried at the March term,

1859. April 29, upon motion of the prosecuting attorney the case was dismissed, the state being “satisfied that the gun-wad placed in evidence was not taken from the paper found in possession of the defendant.”

Thomas J. Shippey was one of the only two men who have been sentenced to be hanged in Wright county. On March 3, 1863, in the town of Rockford, he shot and killed Frederick M. Raymond. He was arrested the same day. He was duly indicted, [598] was convicted at the September term of court, the supreme court refused to set aside the verdict, and on December 15, 1865, he was sentenced to be hanged. The governor commuted the sentence to life imprisonment.

Shippey was a recluse and somewhat eccentric in his ways. On March 3, 1863, four men of his neighborhood, Frederick M. Raymond, Edward Morse, David Kridler and David Beattle, had been in Rockford for a few hours. In approaching Shippey’s place on their return, Raymond and Morse declared that they were thirsty. Shippey came out of the house, and they asked him for some water. He said nothing and they entered the yard and followed him around a shed toward the well. Then he ordered them away. They told him that he should not treat them in that manner. Again he ordered them away, and after a few jests they complied. Shippey then went in the house, and came out with a rifle. By that time the men were in the highway. Raymond threw a stick over the fence onto Shippey’s land, and remarked that he was now on the highway and that if Shippey had anything to settle with him he should come out there and settle it like a man. Shippey aimed his gun at Kridler, a youth of eighteen, who with David Beattle had been waiting on the highway. Then he turned it on Raymond. Raymond dodged behind a tree, and Shippey still kept his gun pointed toward him. Raymond then stepped from his shelter and called “If you want to shoot me, shoot.” Shippey, who was only a few rods distant, fired at him point blank. Raymond gave a surprised laugh, walked a step or two, and fell dead. Shippey started to load the gun again, and Raymond’s companions went for help. The highest courts of the state determined that Shippey had been guilty of wilful murder, but the governor took into consideration the fact that Shippey had long brooded over other annoyances real or imaginary on the part of persons passing his place, and commuted the sentence.

A somewhat unusual affair was that of the arrest of Robert N. Damouth and his son, Myron, for causing the death of George W. Stone, the son of Joel Stone, in Albion, on November 20, 1867. The hearing before the justice was several times postponed, and on May 30, 1867, when the case was finally called, it was found that the prisoners had been released earlier in the day by virtue of a habeas corpus act issued by Sam. E. Adams, court commissioner. According to the testimony given at the coroner's inquest, Joel Stone was the brother of Mrs. Robert N. Damouth. While friendly relations were maintained between the families, the Damouths had more or less trouble with Joel's son, George W., a young man about twenty-three years of age. On November 13, 1867, the two Damouths went to the Stone home to take a coat which Mrs. Damouth had made for James M. Stone, a young son of Joel's. In the house the Damouths found George W. Stone [599] just drawing a ramrod from a gun. They upbraided George for threats, which they claimed he had made, and talked over the question of some money which he claimed they owed him for work. Then, according to the allegations, both Damouths attacked him. After a few minutes they left him, taking with them the two guns which were in the house. These they gave to George's father, saying that George was an unsafe person to have them. The next day George and his father walked to the home of Robert L. Phillips, a justice of the peace, and swore out a warrant against the Damouths, charging them with attacking George W. Stone and hitting him about the head with a gun. For several days George did his usual work. November 30 he was found dead in bed. Dr. R. O. Cady testified that he had died from the effects of opium. But the Damouths were arrested charged with murder. The action ended with the release under the habeas corpus proceedings.

The death of an unwelcome baby, a bitter neighborhood quarrel, two trials, various charges of misconduct on the part of the jurors, and finally a pardon by the governor were elements in a case which occupied the attention of the people of Albion township, and other parts of Wright county, for several years. Mary Parrant, the wife of Eusebe Parrant gave birth to a child in Albion township, May 9, 1869. Parrant disowned the infant and told his wife that if she did not get someone else to take care of the baby he would leave her. According to Parrant, the baby died, and he buried it. The neighbors became suspicious, a coroner's jury was summoned, and the body was exhumed. It had been wrapped in a blanket, and laid in the bottom of the grave, a box placed over it upside down, and the grave filled up with earth.

The ground was wet and the body when found was covered with mud and water. Marks were found on the throat. There was at that time a neighborhood quarrel, and a neighbor, who was alleged to be one of Parrant's enemies, gave testimony that Parrant had made to him some incriminating admissions to the effect that he had strangled the child to get rid of it. Parrant's wife testified that she was half dazed when the baby was taken from her side and could not tell whether the baby had died in bed. Medical testimony was introduced to show that the marks on the throat were merely the result of decomposition. An indictment was found by the grand jury June 2, 1869. At the June term of court, Parrant was tried, found guilty of murder in the first degree and sentenced to state's prison for life. An appeal was taken on various grounds. It was granted on the ground that the jury had been allowed to separate and go at large during the trial, and that they had been allowed to go at large between the time they were charged and the time they retired for deliberation. One juror, it was said, had spent his nights [600] carousing and gambling in a saloon. The second trial was held and the same sentence again imposed July 20, 1871. In the meantime, Parrant had suffered imprisonment for over two years. May 2, 1874 the pardon was granted, on the request of the attorney general, who appeared for the state and the judge who presided over the trial, both making representations to the executive that the evidence of Parrant's guilt was not conclusive. The wife Mary Rahome Parrant, who was a half niece to her husband, was arraigned before a justice May 29, 1869, under the name of Mary Perron, charged with being an accessory. She was never indicted.

Narcisse Shallifoo killed Lewis Osier on the night of July 26, 1870, at the Osier residence, in Otsego township. He was indicted June 7, 1871, and on July 20, 1871, after being found guilty of second degree murder, was sentenced to the state's prison for life. June 17, 1873, he was pardoned by Governor Horace Austin upon the recommendation of many of the leading citizens of the state and county. Shallifoo was a veteran of the Civil war and had lost an arm in the service of his country. His sister was the wife of Lewis Osier. Family trouble arose, and the two men became enemies. On the night of July 26, 1870, Shallifoo went to the Osier residence and asked for some supper. The family had gone to bed, but Mrs. Osier arose and prepared supper for her brother. Osier also partly dressed and took a seat at the table. Mrs. Osier tried to smooth over matters between her husband and her brother, but a serious altercation arose, Osier hit Shallifoo with a chair, and

then Shallifoo stabbed him so that he died almost immediately. Prejudice against Shallifoo in his own neighborhood ran high, and he was convicted of murder. A few years later the governor concurred in the belief of the leading citizens of the state that the circumstances of the killing were such that Shallifoo had already been more than sufficiently punished, and he was released.

Halvor Gustafson (Langreen) was indicted for murder October 15, 1873. No further records appear in the case.

A fatal quarrel between brothers brought direful results to the Laughton family of Clearwater township in 1875. The actual events of the fatal night will never be known. Nathan L. Laugh-ton was a bachelor living with his parents. Nathan's story of the affair was that he had taken the gun to frighten his brother Orrin away from the home, that there was a struggle, and in the struggle the gun was discharged. The brother was killed instantly. The trial was held in March, 1876, and so intense was the feeling engendered over the matter that two special venires were called before a jury was finally chosen. On March 24, 1876, Nathan was found guilty of murder in the second degree and was sentenced to the state's prison where he ended his life. [601]

Andrew Olson Northomme was killed January 10, 1878, at Cokato, and his son Ingebrit Anderson Northomme, also known as Ole Anderson, was held under \$500 bonds to await the action of the grand jury. He was indicted in April, 1878, pleaded guilty of murder, and was sent to state's prison for life.

In an insane effort to protect her reputation and maintain her home, Jane Townsend, of Corinna, on July 22, 1878, killed William Dunham who it was claimed had slandered her. She was tried in the October term of 1878 and on October 19, 1879, was found not guilty on the ground of insanity and sent to the state hospital for the insane. Jane Hallett Townsend came from an old New York family tainted with insanity in both branches. June, 1877, she married John Townsend, of Corinna. Into the home at Corinna came William Dunham as an assistant on the farm. After a while, Mrs. Townsend began to object to his presence in the home and urged her husband to discharge him. On the morning of July 22, 1878, Mrs. Townsend asked her husband to walk with her to the lake in order that they might be alone. While walking she told him that Dunham had threatened to blacken her reputation if she persisted in

her efforts to oust him from the home. Townsend informed her that Dunham had already told him that she was an unfaithful wife. The woman groveled in the sand and swore that she had been faithful, that Dunham was trying to ruin her to avenge himself on her for having threatened to tell of improper relations between him and another member of the household. The husband would not believe her, repeatedly upbraided her for her conduct, and ordered her to leave his home forever. After a mad scene in which she begged her husband not to cast her aside and threatened to kill herself. Mrs. Townsend ran back toward the house. On the way she met Dunham. In an insane rage she picked up an axe and killed him. Then after rowing on the lake for a while, she gave herself up. It was proven at the trial that she was a raving maniac at the time the killing took place.

The town of Stockholm was stirred by a poisoning case in the latter part of 1879. In the early winter of that year, Julia, the wife of Erick Olson Lind, gave birth to a child. About a week later her husband absented himself from home for several weeks, and the neighborhood gossip had it that he had found a new mate. In the latter part of November, Lind purchased some arsenic. On December 2, in the presence of some of her friends, and against her desire, he prepared for her some medicinal tea which he had purchased. At once after drinking the tea she was taken violently ill, and on December 3, 1879, she died. The stomach was examined, and traces of arsenic were found. Lind was arrested, and on October 22, 1880, was found guilty of homicide and sent to state's prison for life. [602]

As a tragic culmination of a long series of annoyances from various sources to which a widow and her fatherless son was subjected, Charles Seig, a young boy living in Albion township near the Middleville line, shot William Buckman, July 5, 1879, the wounds resulting in death two days later. The boy and his mother, Anna Seig, were duly indicted for murder. The defendants asked for a separate trial. At the first trial of Mrs. Seig the jury reported on November 10, 1879, that they had failed to agree, and were accordingly discharged. Another trial was held and on November 10, a verdict of manslaughter in the fourth degree was rendered. Mrs. Seig was sentenced to the state's prison for two years. The son pleaded guilty and was sent to the state training school. The annoyances which led up to the event need not be detailed here. The testimony showed that on the fatal morning, William Buckman, Albert Buckman, Robert Wolf and Albert Wolf, who were going

to a neighbor's to hoe corn, started across the Seig property. Some of them had hoes and one at least carried a stick. There was a path through the Buckman property, but it was overgrown with weeds which were heavy with dew, so the Seig route was taken. While they were crossing the Seig property, the four were confronted by Mrs. Seig and her son. The son carried a double barrel gun. Mrs. Seig ordered the trespassers off her property. Then she told her son to shoot. He did not obey. William Buckman threw up his hand, and Mrs. Seig again ordered Charles to shoot. This time he fired wounding William Buckman in the head. The wounded man came at the boy with a stick. Again the boy was ordered by his mother to fire and once more he fired, wounding Buckman in the side. Suffering though Buckman was, he took hold of the boy and beat him several times with his stick, the lad defending himself with the barrels of his gun. Then they parted, and two days later Buckman died.

An altercation in Otsego township over a calf in 1881, resulted in the death of one citizen, and in a life sentence for another. Phillip Hoffman was the victim. Herman Trauch was accused by the coroner's jury, May 8, 1881, was tried before the district court in October, 1881, was found guilty and sentenced to state's prison for life. The trouble arose over a calf owned by Hoffman. The calf got into Trauch's meadow and Trauch started to lead it away. Hoffman climbed the fence and told Trauch that he would lead the calf back to the pasture. Trauch refused to give up the animal, and Hoffman thereupon grabbed hold of the rope. Trauch then struck at Hoffman four times with a butcher knife. The man died almost instantly and Trauch started toward his own home.

Another neighborhood quarrel resulting in the death of a well-known citizen took place in the south-eastern part of the county in 1882. According to the testimony given at the trial there had [603] been some previous trouble, when John Oehrlein and his wife, and his father and mother, Mr. and Mrs. Andreas Oehrlein, in driving along the road, passed Mathias Ross and his son Theodore. Mathias spoke to John and remarked "You have got a nice father, John." The two Oehrlein men then got down from the wagon, a fight started, Mathias Ross was hit over the head with a stick, and then the fight stopped. The wounded man died the next day. The trial opened June 12, 1882, and the jury brought in a verdict of manslaughter in the second degree

with a recommendation for mercy. The two men were sent to state prison for four years.

There has never been a hanging in Wright county. Two have been sentenced to be hanged, but in one case the judgment was vacated, and in the other the sentence was commuted by the governor. Granville L. Spaulding of Monticello, after having considerable domestic trouble, was alleged to have made several threats, as the result of which a warrant was issued for his arrest. Charles A. Washburn, a constable, was given the warrant to serve. October 19, 1884, he went to the Konkler home, where Spaulding was stopping, three miles below Monticello, toward Otsego, and secreted himself outside awaiting the appearance of Spaulding. When Spaulding came to the door, Washburn shouted to him that he was under arrest. Shots were exchanged and Washburn was wounded. He died October 29. There was some conflict of testimony as to the exact circumstances of the exchange of shots. The case was duly tried, and on June 15, Spaulding was sentenced to be kept in solitary confinement in the Wright county jail for five months and then hanged. On December 15, 1885, judgment was vacated by the supreme court (34 Minn. 361), several women's organizations interested themselves in the matter in the belief that Spaulding was of weak mind, a new trial was held in Hennepin county, and the prisoner sentenced to two years in state's prison.

As the result of an altercation in Cokato, John Anderson was killed on October 6, 1888. James Erickson who was in the melee was indicted for murder in the third degree on December 4, 1888. He was tried, convicted of assault in the third degree, and fined \$100.

An alley row in Delano on December 8, 1894, resulted in abdominal injuries to Frank Davis from which he died December 23, 1894. There was an inquest and several of the members of the party were held for the grand jury. August Berneck was indicted of manslaughter in the first degree June 4, 1895. He was tried at that term of court, was found guilty of assault in the third degree and was fined \$300.

One of the most revolting murders in the history of Wright county was the killing of Sarah Kier and her new-born baby by [604] her husband, Frederick T. Kier, in the town of Middleville. Kier had been released from an asylum,

and for some time had terrorized his neighbors by promiscuous shooting. As to the events of March 9, 1899, no one will ever be fully aware, but the trial showed that sometime during the night Kier had killed his wife and newborn baby, and had horribly mutilated at least one of the bodies. He was indicted for murder in the first degree, and pleaded guilty to murder in the third degree, and on June 19, 1897, was sentenced to the full term of thirty years in the state's prison. He is still confined, but spends a considerable part of his time in the asylum for the criminal insane. His act was that of a frenzied mad man, and he was not responsible.

The murder of William T. Boxwell and his young wife, Lydia M. Oliver, on the night of May 15, 1899, at their home in Middleville, a mile west of Howard Lake, caused a turmoil throughout Wright county which did not subside for several years. On the night in question, the two young sons, George and Robert Boxwell, went fishing. Upon their return at midnight they found the house dark and the doors locked. Frightened, they went to the home of their brother, Joseph Boxwell, who lived three-quarters of a mile away. Two other neighbors, Henry Gorman and David Worpman, were also aroused. In making their way to the Boxwell home on horseback, the three men found the body of William T. Boxwell a few rods from the house lying in the road, clad only in a shirt, and with his head cleaven with an axe. In the bedroom of the house they found the dead body of the young wife, who had also been killed with an axe. Walls and floors were spattered with blood and there were signs of a terrific struggle. The theory was that Boxwell had been stunned and left for dead in the house, but that upon regaining consciousness he had staggered down the road and had been overtaken and killed. Word was at once sent to Howard Lake. The Mason lodge was still in session and the members went to the place of the crime in a body. There were many suspicions and several arrests. George Taylor, a son-in-law, and two sons, Joseph and John Boxwell, were indicted. The trial of Joseph Boxwell extended with recesses over a month, beginning late in June, 1899. Nineteen days were actually spent in court. He was acquitted, and the cases against the other two were dismissed. Feeling ran high throughout the county and much bitterness resulted. A discussion of the evidence is beyond the scope of this work.

Thomas May shot and killed his uncle, Martin May, on the morning of September 12, 1903, was indicted for first degree murder December 7, 1903,

pleaded guilty to second degree murder December 12, 1903, and was sentenced to life imprisonment in the state's prison. The tragedy took place in Marysville, between Waverly and Montrose. Thomas May was engaged to be married. [605] The marriage was broken off by rumors said to have been circulated by the uncle, Martin May, which reflected on the birth of Thomas. Thomas brooded over the matter for a long time, became morose and sullen, and finally on the morning of September 12, 1903, went to the home of his uncle, Martin, found him in the barn, raised his gun and shot him dead.

One of the most important captures of criminals ever made in the northwest was the result of a pitched battle between a band of bandits and officials and citizens of Wright county near South Haven, in June, 1895. Word reached the court house that a band of men were selling goods from a box car in South Haven, and County Attorney W. H. Cutting, Sheriff William Young, and Deputy Sheriff John C. Nugent, Jr., went there to investigate. One of the gang was on the platform and started to run toward the box car. Young and Nugent followed him. They were overpowered by the superior number of the gang and were forced at the muzzle of the revolver to stand against the elevator shed while the men made their escape. A posse was at once organized, help being summoned from Annandale, Fair Haven and Kimball. The gang was surrounded on an elevated tract of land in the midst of a thicket of trees. In the battle which followed, one of the gang, Thomas Shannon, was mortally wounded and died shortly afterward. All the other five, Thomas Burns, James Martin, Ed. Rice, James Desmond and Frank Moran were wounded. While waiting trial in the Hennepin county jail, they made several plans to escape, but all were frustrated by the officials. The men were brought to trial and each served eight and a half years in state's prison.

The disappearance of Annie Brunder, eight years of age, and the subsequent finding of her dead body at a spot near the line between Woodland and Marysville, a short distance from the track running from Montrose to Waverly, caused much excitement in that neighborhood in June, 1891. John Mazue was arrested and tried but was acquitted.

One of the most bitterly fought trials in Wright county was that of John J. Mooney charged with the murder of his wife, Adelaide. Mooney, a man of

powerful build and great strength, was one of the well-known men of Waverly. As constable and marshal he had shown unusual courage in subduing even the roughest elements, and as a real estate man he had made many friends throughout the county. His wife had been a domestic in hotels and private homes in Buffalo and elsewhere. Their home life was an unhappy one, irritated by the wife's many peculiarities, and her unpleasant temperament, and complicated by a breach of promise suit brought against Mooney by a former sweetheart. It was also claimed that the marriage had been [606] brought about by various deceits on the part of the murdered woman, among which was her representation that she was heiress of a large estate. On the morning of June 28, 1907, the couple were engaged in a quarrel in front of the stove, when the woman, acting as she had on several previous occasions, started for her husband with a butcher knife. The quick tempered husband, goaded beyond endurance, picked up a piece of firewood, and struck her over the head. In his anger he had underestimated his great strength, and the woman fell dead at his feet. Mooney at once surrendered to the authorities. On December 3, 1907, he was indicted by the grand jury for murder in the first degree. J. J. Woolley was then county attorney. Charles S. Jelley, assistant attorney general, and S. A. Johnson, were appointed assistant county attorneys. An effort was made to quash the indictment on the ground that the presence of these attorneys in the jury room caused the jury to indict the prisoner for a higher degree of murder than they would otherwise have done. The effort failed and the trial went forward. On April 24, 1908, Mooney was found guilty of murder in the second degree, and was sentenced to state's prison for life. A stay was ordered until May 4, 1908, and the sentence then went into effect.

Fritz Kasheimer, of Delano, died on December 6, 1907, and on July 6, 1908, the grand jury indicted his wife, Thresia, for causing his death by administering strychnine. She was tried for murder in the first degree and on July 21, 1908, was acquitted. It was shown at the trial that there had been domestic trouble of various kinds, and that several members of the family desired to sell out and move to the Dakotas, while the father desired to remain in Delano. On July 5, 1908, Mrs. Kasheimer according to the testimony drove to Watertown and bought some strychnine, saying, it is alleged, that she wished to kill the rats with which her house was infested. Mr. Kasheimer arose the following morning, and as was his custom prepared some coffee, and drank it from his own particular bowl. A few minutes later

he was taken ill and in about half an hour he was dead. The stomach was examined by the state chemist, C. F. Sidener, and two grains of strychnine discovered. Mrs. Kasheimer was arrested, and a long trial followed. The evidence was circumstantial, many persons had had access to the bowl in which the strychnine had been placed and the woman was acquitted.

In a frenzy of remorse and grief, Mary Linderholm, of Middleville, on May 31, 1907, killed her new-born child by strangling. There were several sensational incidents in connection with the case. She was indicted for murder in the second degree, June 4, 1907, was arraigned June 20, 1907, pleaded guilty to manslaughter in the second degree, and on July 22, was sentenced to the state reformatory. [607]

A double murder and suicide took place in Otsego township, January 15, 1906. William E. Brandt killed his wife, Mary E. Brandt, and Justin R. Adams, and then made way with himself.

John Zorb murdered his wife and her two daughters at his home in Silver Creek, in October, 1914. After an argument with his wife at the barn, he followed her to the house, where she braced herself against the dining room door to keep him out. He held the muzzle of a shot gun close to the door and shot her in the back through the panel, then shot her two daughters by a former marriage. His little daughter six years old persuaded him to spare her life, and said she would get him a nice breakfast. After eating Zorb drove with his daughter to St. Bonifacious, arriving there late at night, and the girl told what had happened. Later the girl was sent to the relatives of her mother. While confined in the Hennepin county jail awaiting trial, Zorb was believed to have been concerned both in an effort to escape and in an attempt to secure the means to commit suicide.

In regard to his trial before the January, 1915, term of the district court, the Buffalo "Journal" said: "J. Zorb, charged with murder in the first degree, pleaded guilty to murder in the second degree, which plea was accepted by the court. The county attorney had made a thorough investigation of the whole case and due to the fact that the punishment for murder in the first degree and second degree is the same, and a long and tedious trial would mean a large expense to the county, he recommended to the court the

acceptance of the plea and Zorb was sent to the state's prison for the rest of his natural life."

Paul Gatzovke, a middle-aged man living alone on his farm, a in Franklin township, four miles west of Delano, was found dead in his home on the morning of January 18, 1915. In recording the affair the Buffalo "Journal" said: "The man was quite well to do, owning a quarter section of land. He has several brothers living near his place and it is not known that he had an enemy on earth. He was a well built, good natured man, who harmed no a one, in fact he was rather popular in the neighborhood and on Friday night he had some of the boys over at his bachelor quarters visiting and playing cards. It is reported that his company left him in the evening about eleven o'clock in the best of spirits and that nothing was known or suspected till the next morning when one of the boys entered the house and found his body. A pair of tennis shoes, cap, and a mask were found outside one of the windows and a bullet hole in the glass. In the cap, which it would seem was too large for the wearer was found parts of a Minneapolis daily, extra edition, of the previous day. Mr. Gatzovke's only horse had been stolen, but this was found about two miles from the scene of the murder, at a farm house. It was a blind horse and probably did not answer the intended purpose. The [608] sheriff and county attorney went over Monday and investigated before the coroner's jury, no tangible clue leading up to the murder. It was very evident that the man had been killed by a well planned shot fired after knocking on the door and opened by a peaceful citizen from within."

COURT OFFICERS.

The names of the judges who have presided over the district court in Wright county have already been given in this article. The county attorneys, court clerks, sheriffs and court commissioners appear in another part of this work in the chapter entitled "County Government."

IMPORTANT CIVIL CASES.

The justice, the probate and the district courts of Wright county have been called upon to hear many important cases. Many have gone to the supreme court for final decision and several vital points of the law have been

involved. The history of the more important of these cases appears in the Minnesota Reports, where they are always available for ready reference. They will not therefore be treated in detail in this present work.



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