

“ Bench and Bar of LeSueur County ” *

in

HISTORY

OF

**Nicollet and LeSueur Counties
Minnesota**

THEIR PEOPLE, INDUSTRIES AND INSTITUTIONS

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Editor-in-Chief

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Genealogical Records of Many of the Old Families**

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CHAPTER XIV.

BENCH AND BAR OF LESUEUR COUNTY.

The early settlement of every country first has immediate use for physicians and surgeons and for retail merchants, saw-mills, grist-mills and shops of various kinds, and a little later, after the newcomers begin to deal one with the other, in a strict business capacity, then difficulties arise and the attorney-at-law is needed to settle controversies in the courts of justice. This profession is among the most useful and honorable calling among men everywhere. It is the lawyers who, as a general rule have framed the laws and helped to formulate state and national constitutions. The good lawyer, like the good physician, is of much real value to any community. Men in a business way do not always see things alike and it is the duty and province of the lawyer to unravel and make plain to their clients their rights in courts of justice. These courts are usually presided over by able lawyers—those who have at one time in life practiced the profession and hence are the best able to judge as between one party at suit and another. Not all early lawyers, or judges, were able men or even strictly honest men. The profession is today on a much higher, scientific plane than fifty or sixty years ago, and most attorneys have the good will and confidence of the community in which they are practicing.

Judge Chatfield was about the first man in this section of Minnesota to practice law and preside over courts. He is mentioned in the list of judges in this chapter.

Perhaps the pioneer attorney in this community was A. W. Bangs, of LeSueur, who came in 1861, possibly a year earlier. He was a good lawyer for his times and in about 1882 removed to Grand Forks, North Dakota, where he remained in practice a number of years, then moved to Rapid City, South Dakota; was elected to the Senate of that state, serving in the first Legislature there after the state was admitted to the Union. He died about

1900, aged about seventy-five years. He was the father of the now quite celebrated attorneys, Tracy R. and George A. Bangs, of Grand Forks. The senior Bangs was a native of Pennsylvania.

Judson Jones was next to enter the bar of this county, at LeSueur. One [498] account is that he came prior to Mr. Bangs, and this is probably true, but they were practicing here early in the history of the county, neither one being far behind the other. He died at the village of Cleveland. He was odd in a way; he fixed the date of his own death twenty years from a certain time, but lived only half that period. He erected his own monument at Cleveland, and had dates attached in his life time. From LeSueur he moved to Blue Earth county and was elected county attorney in 1868; resigned to publish a spelling book for use in schools in which he introduced the phonetic system in spelling. He engaged a St. Paul firm to print his books and never realized sufficient money from the sale and introduction of his books to even pay the printers for their work. He was ahead of his times, and the public did not take kindly to such innovations in spelling. He also printed a part of the New Testament in this style of spelling.

Joseph H. Swan located in LeSueur (that being the first county seat). He was admitted to the bar here in Civil War times and moved in 1871 to Sioux City Iowa, where he was attorney for the old St Paul & Sioux City Railroad Company, later for the Omaha line which really took the old company over. He died holding such position before 1900—dropped dead on the streets of Sioux City, where he resided. He was a man of great ability.

Hon Martin J. Severance came to LeSueur in 1866 in the month of August. He came from Henderson, this state, to which place he moved in 1855 from Massachusetts, where he had been admitted and practiced law successfully. He enlisted in the Tenth Regiment, Minnesota Volunteer Infantry, in Civil War days as a private soldier, and aided in organizing a company of men and was beaten out of the command of the company by a questionable method but was promoted to lieutenant and made a brave soldier. It has been stated that he was the best lawyer and judge, in many ways, that Minnesota ever had. He remained in LeSueur until 1870, when Governor Pillsbury appointed him district judge; in 1881 he formed a law partnership in St. Paul. He came back to southern Minnesota and was judge, residing at

Mankato, where he was appointed and elected as judge, serving from 1892 to 1900. He was a staunch Democrat.

AN ATTORNEY OF REVOLUTIONARY ANCESTRY.

Next came Hon. Francis Cadwell, who is still practicing law at LeSueur. He was born in Ohio and moved in childhood to Noble county, Indiana. He was the son of Edward Cadwell, of Vermont, whose grandfather was a soldier [498] in the Revolutionary struggle, as was also Francis Cadwell's maternal great-grandfather—both serving seven years in that conflict. They were both with General Washington when he crossed the Delaware river at Trenton. The Cadwells were of English ancestry, while the judge's mother's people (Demon) were from Holland. In 1864 Mr. Cadwell left Indiana for Minnesota and located at LeSueur, where he has ever since practiced law successfully and served as judge of his district. He studied law in Indiana three years and was admitted to the bar of Minnesota by Hon. Horace Austin, then presiding judge. He has held many public positions, including county and city attorney, county school superintendent, member of the local school board and county commissioner, each for several terms. He was appointed district judge by Governor Merriam, February, 1891, serving until January 1, 1905. He made a most excellent judge and was fearless and just in all his decisions upon the bench. No matter how poor and obscure a person was, who might appear before Judge Cadwell, he was never turned away, but received the court's best attention. Indeed he is a man of the people and for the people.

M. R. Everett came to Minnesota, locating at LeSueur in 1868, was county superintendent of public schools many years; he commenced law practice at LeSueur in 1872, continuing until 1881, then removed to Waterville, this county, where he still resides. He was county attorney of LeSueur county many years, and then engaged in banking, but in that role was not highly successful, owing to land and realty speculations, it is believed.

James F Watts practiced in this county for two or three years back in the seventies. He was a partner of Attorney Bangs already mentioned. Later he moved to Henderson and still later to Kansas or some place in the far Southwest.

George D. Emery came to LeSueur about 1875 or possibly a year later. In 1878 he was elected county attorney. He came from Rice county and removed to Henderson in 1881. After three years there he went to Minneapolis and was there made municipal judge, resigned before his term expired really at the request of the Republican leaders who had placed him in office. His rulings concerning the labor troubles there seemed to not suit the party, hence he resigned, and was given a private position with some syndicate which paid him far better than the judgeship. No stain was ever attached, however, to his position and he as well as his friends always claimed his rulings were fair and just, but possibly not good policy—for the party in power at that time. He was a bright, able trial lawyer. He moved to Seattle, Washington, and in February of this year (1916) he was run down by an automobile and killed. [499]

Thomas Hessian, still a member of the LeSueur county bar, came here about 1866; was elected county attorney three times; served as member of the school board many years and does yet. He was born in Maine, but came here from Kentucky in 1866 and was admitted to the bar in 1877.

O. J. Parker, a present member of the local bar in this county, practicing at LeSueur, was admitted to the bar in 1884 or about that date. In 1886 he was elected county attorney and made good in that office. He is methodical and a well-read attorney, doing a good law business at this time.

Charles C. Kolars was admitted to the practice here in either 1886 or 1887, and has always practiced at the present county seat—LeSueur Center, where he has a large, lucrative business. He, too, has held the office of county attorney one term.

P. J. Kirwin, of Waterville, came to the county in about 1894, from Randall county. He was born in Fillmore county, Minnesota; was appointed assistant attorney-general of Minnesota, served four months, resigned and moved to Oklahoma and subsequently moved to Vancouver, Washington, where he is still in law practice.

John M. Cochrane, born in 1859, in Franklin county, Pennsylvania, came to Minnesota when ten years of age; graduated at the State University of

Minnesota and at Ann Arbor, Michigan; was admitted to the bar in 1881; came to LeSueur in May, of that year, and took up the active practice of the law.

George F. Dullan, at one time an attorney at Waterville, came there about 1890, remained about three years and moved to Bismarck, North Dakota, where he is still in practice.

A. J. Edgerton, of New Prague, located there and was elected county attorney in 1902; held the office three terms; moved to St. Paul and was appointed assistant attorney-general, serving until his death in the autumn of 1915. He was a good trial lawyer.

M. D. Halrahan, now of Rochester, Minnesota, and John C. Hession also practiced law at LeSueur at one time.

L. W. Prendegast came to LeSueur Center about 1901, having lived at LeSueur prior to that and was a native of the county, but the family moved to St. Paul and then back here; he was also at Mankato a short time. He is the present county attorney for LeSueur county.

F. J. Hanzel, of Montgomery, was born in Scott county, locating at Montgomery about 1906 and has served three terms as county attorney.

C. W. McCarty, of Montgomery, also practices and is connected with the Citizens State Bank of that city. [500]

J. H. Lebens is another young attorney of Montgomery.

At New Prague are W. T. Hanzal and E. W. Komerek, who have practiced more or less there for twenty years.

PRESENT BAR OF THE COUNTY.

The following constitute the present (1916) bar of LeSueur county: Francis Cadwell, Thomas Hessian, Ora J. Parker, LeSueur; M. R. Everett, Waterville; C. C. Kolars, C. D. McCarty, L. W. Prendegast, E. W. Komerek, W. T. Hanzal.

DISTRICT JUDGES.

These have served as judges in the two districts in which LeSueur county has been situated at different dates: Judge Chatfield was appointed territorial judge by President Franklin Pierce in April, 1853, serving until 1857. He was elected as district judge in 1870 and died in October, 1875. From 1853 to 1857 he was territorial judge and had to do with the organization of the county and of the entering lands for the townsite company at St. Peter. The next to serve as district judge was Hon. Lewis Branson, from 1858 to 1865. Following him came Hon. Horace Austin, from January, 1865, to October, 1869. Hon. M. G. Hanscome was judge from October I, 1869, to January I, 1870. Franklin H. Waite was judge in the sixth district from January 1, 1870, to March 11, 1870, when judicial district No. 8 was made. The next judges to serve in LeSueur county in the last named district were Hon. L. M. Brown, who assumed, office in 1870; A. G. Chatfield, 1871; L. M. Brown, 1875; J. L. McDonald, 1877; James C. Edson, 1886; Francis Cadwell, 1891; P. W. Morrison, 1905.



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